



**Community Planning and Development Department**  
**Committee of Adjustment**  
Monday, May 01, 2023

**Consent Application: B6/2023P**

**Municipal Address: 1553 Pelham Street**

**Legal Description: Lot 6 on Plan 716 (Part 2 on Sketch)**

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**Location of Lands and Purpose of Application:**

The subject parcel, shown as Part 2 on the attached sketch, has a frontage of 10.04m on the east side of Pelham Street, lying north of Broad Street, being Lot 6 on Plan 716 in the Town of Pelham. This property was previously subject to Zoning By-law Amendment (AM-09-2021).

Application is made for consent to partial discharge of mortgage and consent to convey 402.2m<sup>2</sup> of land (Part 2), to create a lot line and establish legal ownership of each individual unit. Part 1 is to be retained for continued residential use.

**Applicable Planning Policies:**

Planning Act (Consolidated April 2022)

Section 51(24) of the *Planning Act* 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 matters, including:

- a) The development's effect on provincial matters of interest;
- b) Whether the proposed subdivision is premature or in the public interest;
- c) Whether the plan conforms to the Official Plan and adjacent plans of subdivisions, if any;
- d) The suitability of the land for such purposes;
- f) The dimensions and shapes of the proposed lots;
- h) Conservation of natural resources and flood control;
- i) The adequacy of utilities and municipal services;
- j) The adequacy of school sites;

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.

### Provincial Policy Statement (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 lands are located in the “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.

Planning staff are of the opinion the requested application for consent is consistent with the PPS.

### Greenbelt Plan (2017)

The lands are located outside of the Greenbelt Plan and thus the policies of the Greenbelt Plan do not apply.

### 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 Growth Plan contains various guiding principles which are intended to guide decisions of how land is developed. The guiding principles include building compact, vibrant, and complete communities, managing and encouraging development in appropriate locations, and optimizing the use of existing infrastructure. The subject lands are designated ‘Delineated Built-Up Area’ according to the Growth Plan.

Section 2.2.1 of the Growth Plan directs growth to settlement areas that have a delineated built boundary, have existing municipal services, and can support the achievement of complete communities. The Growth Plan states municipalities will support the achievement of complete communities by planning to accommodate forecasted growth, planning to achievement the minimum intensification and density targets of the Plan, considering the range and mix of housing options and densities of existing housing stock, and planning diversify overall housing stock.

The additional residential lot will help the Town to meet or exceed its *delineated built boundary* intensification targets. The proposed lot will 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.

Planning staff are of the opinion the proposed application for consent conforms with the Growth Plan.

#### Region of Niagara Official Plan

The Region of Niagara adopted a new Official Plan on June 23, 2022. The Region of Niagara Official Plan provides the policy guidance for future development across the Region.

The lands continue to be designated as Built-Up Area in the new Official Plan, however the intensification rates have changed from and the policy 2.2.2.5 now requires that across the Region 60% of all residential units occurring annually are to be in the Build-Up Areas and in Pelham, this translates into an annual intensification rate of 25% of new residential units are to be within the Built-Up Area.

The lands are designated as Built-Up Area in the new Official Plan. Staff are of the opinion that the proposed variance conforms with the Regional Official Plan.

#### Town of Pelham Official Plan

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' on Schedule 'A1.'

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 D5.2.1 identifies criteria for any new lots to be created by consent for any purpose will require the Committee of Adjustment to be satisfied that (among others) the proposed lot:

- a) Will not cause a traffic hazard as a result of its location;
- b) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
- c) Can be serviced with an appropriate water supply and means of sewage disposal;
- d) Will not have a negative impact on the drainage patterns in the area; and
- e) Weill not have a negative impact on the features and functions of any environmentally sensitive feature in the area.

Staff is of the opinion that the proposed consent application is in keeping with the intent of the Official Plan by allowing for additional housing opportunities in an area where it is deemed appropriate.

#### Pelham Zoning By-law No. 4481(2022), as amended

The subject lands are zoned R3-127 in accordance with Zoning By-law No. 4481(2022). The property was subject to a Zoning By-law Amendment application (AM-09-2021) to allow for the construction of a two-storey semi-detached dwelling. The amendment was approved by Council and the semi-detached dwelling is currently under construction in accordance with the approved zone provisions.

It is noted that both the severed and retained lots will comply with the zone provisions outlined in the approved zoning amendment.

#### **Agency and Public Comments:**

On April 5, 2023 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
  - No comments or concerns
- Public Works Department
  - No comments or concerns

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

#### **Planning Staff Comments:**

The current application deals with the severance of 402.8m<sup>2</sup> of land (Part 1) from the existing 402.2m<sup>2</sup> of land (Part 2). The semi-detached dwelling currently under construction is being built on a single lot of record but each half is not able to be

legally conveyed separately until such a time as a Certificate of Consent is registered into the Land Registry System.

Planning Staff is of the opinion that the proposal is an ideal application of current planning and development goals. The redevelopment of this property for a semi-detached residential use is a great example of gentle form of residential intensification within an existing neighbourhood which will have virtually no impact on adjacent land uses. The proposed severance is not permitting more development under the current Zoning By-law as the semi-detached dwelling was constructed legally on an individual lot of record.

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

### **Planning Staff Recommendation:**

Planning staff recommend that consent file B6/2023P **be approved** subject to the following condition(s):

**THAT** the applicant

- 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 free of \$423, payable to the Treasurer, Town of Pelham, submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

### **Prepared and Submitted by:**

Lindsay Richardson, MCIP, RPP  
Policy Planner

### **Recommended by:**

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