

**Community Planning and Development Department
Committee of Adjustment**

Monday, October 07, 2024

Minor Variance Application: A31-A33-2024P

Municipal Address: 9, 11, and 13 Accursi Crescent

Legal Description: Lots 17, 18, 19, Plan 59M-527

Roll number: Not assigned

Nature and Extent of Relief/ Permission Applied for:

The subject properties are located west of Haist Street, lying north of Welland Road, being Lots 17, 18, and 19 on Plan 59M-527 in the Town of Pelham in the development known as Emerald Trail, municipally known as 9, 11, and 13 Accursi Crescent. The subject property is located on a portion of the former Pelham arena lands west of the Town owned park. Please refer to Figure 1 and Figure 2 for the location of the site, as well as the Draft Plan of Subdivision showing which units are requesting relief.

Figure 1. Location of Site

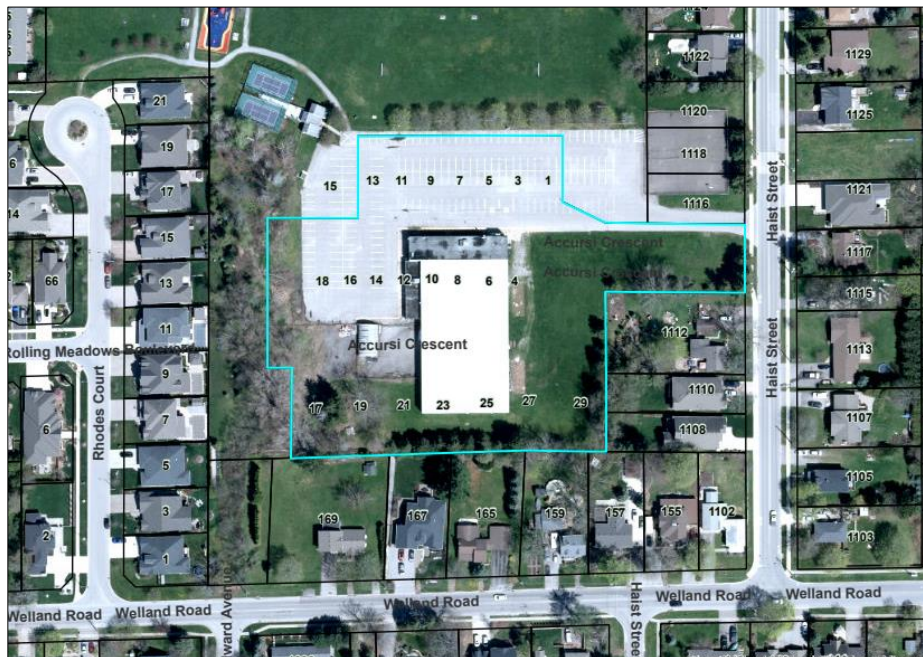
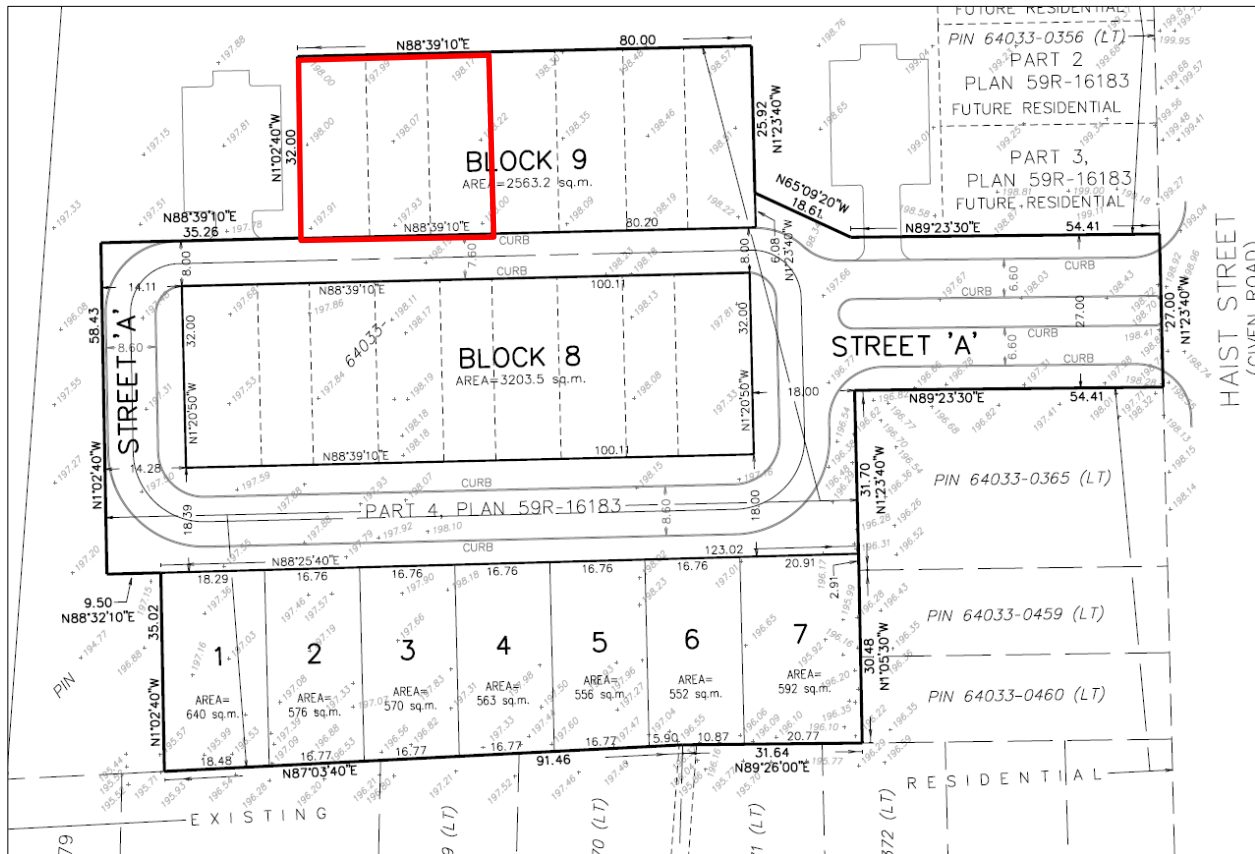


Figure 2. Draft Plan of Subdivision and Units Requesting Relief



The surrounding neighbourhood is comprised of residential uses, predominantly made up of single detached dwellings with some block townhouse dwellings, and open space/recreational uses being the Haist Street park, Steve Bauer Trail south of Welland Road and Harold Black Park further to the south. A storm water management facility is also located on the south side of Meadowvale Drive.

The subject properties are zoned Residential Multiple 1-88 (RM1-88) in accordance with Town of Pelham Comprehensive Zoning By-law 4481(2022), as amended.

Application for relief is made, to facilitate the construction of street townhouse dwellings. The applicant seeks relief from the following section(s) of the Zoning By-law:

1. A31-2024P – 13 Accursi Cres (Lot 17) - Section 6.4.4 – Requesting a maximum lot coverage of 51.38% whereas a maximum lot coverage of 50% is permitted.
2. A32-2024P – 11 Accursi Cres (Lot 18) - Section 6.4.4 – Requesting a maximum lot coverage of 56.48% whereas a maximum lot coverage of 50% is permitted.
3. A33-2024P – 9 Accursi Cres (Lot 19) - Section 6.4.4 – Requesting a maximum lot coverage of 52.98% whereas a maximum lot coverage of 50% is permitted.

Please note this report considers three concurrent applications for minor variance,

being applications A31 through A33-2024P. Staff note 11 applications for other lots within the subdivision were considered at the September 2024 hearing of the Committee of Adjustment.

The Emerald Trail subdivision has received final approval and been registered. Servicing has taken place and construction is ready to begin.

Applicable Planning Policies:

Planning Act

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 (the "Four Tests"). A discussion of the four tests is included below.

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.

Staff are of the opinion that the proposed variance is consistent with the Provincial Policy Statement as residential uses, intensification and redevelopment are supported in the Settlement Area.

Growth Plan for the Greater Golden Horseshoe (2020)

The subject parcel is identified as being within a Delineated Built-up Area according to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan policies aim to build stronger, prosperous communities by directing growth to built-up areas, promoting transit-supportive densities and a healthy mix of residential and

employment land uses, preserving employment areas, planning for community infrastructure, and supporting the conservation and protection of natural systems, prime agricultural areas, and cultural heritage.

It is Planning staff's opinion that the applications are consistent with the policies of the Growth Plan for the Greater Golden Horseshoe as residential uses are supported in the Delineated Built-up Area.

Niagara Region Official Plan (2022)

The Niagara Region Official Plan (2022) provides the policy guidance for future development across the Region. The Plan designates the subject lands as 'Delineated Built-Up Area' within the Urban Area Boundary.

Section 2.3 provides policies to promote a variety of housing types composing complete communities. The policy base encourages a range of housing options to address current and future needs within the community.

It is Planning staff's opinion that the applications confirm with the policies of the Niagara Region Official Plan as residential uses and various housing types are supported in the Delineated Built-Up Area.

Town of 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.

Schedule A7 1120 Haist Street – Special Policy Area of the Town of Pelham Official Plan designates the property as Urban Living Area. The Urban Living Area designation allows for all types of residential uses.

Policy B1.1.2 outlines the public realm and private realm urban design criteria for the property in this designation. These elements have been reviewed as part of the subdivision approval and the minor variance applications do not propose to change the built form or negatively impact the public realm. As a result, there is no conflict with the policies contained in B1.1.2.

Section E1.5 of the Official Plan states in part:

... applicants who request a minor variance 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 submitted a cover letter with the application. The letter indicates the owner purchased the lots with complete designs for the townhouse dwellings that

exceed the maximum 50% lot coverage. The proposed townhouse dwelling units are one storey in height, with an attached garage and driveway access to the rear. Covered porches are provided in both the front and rear yards.

The applicant wishes to maintain the existing layout of the units to avoid redesign to two storeys, or reducing the floor area of the unit/garage.

Planning staff are of the opinion the proposed variance conforms with the policies contained in the Town of Pelham Official Plan.

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

The subject lands are zoned Residential Multiple 1-88 (RM1-88) per the Town’s Comprehensive Zoning By-law. Under the regulations of the Zoning By-law, the minor variance applications request relief from:

- 1. Section 6.4.4** – a maximum lot coverage of 50% is permitted.

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	Test Response/Explanation
The variance is minor in nature.	<p>Yes, the variances are minor in nature.</p> <p>The increased coverage on the subject property and adjacent properties is minimal as setback and height requirements will be met.</p> <p>The increased coverage is relatively minor when considering the overall lot area of the parcel. The increased coverage will not significantly alter the built environment or impact neighbouring properties. The increased coverage will maintain a generous portion of the lots as open space, ensuring the property’s character remains consistent with the surrounding area.</p> <p>Staff are of the opinion the variances are minor in nature.</p>
The variance is desirable for the development or use of the land.	<p>Yes, the variances are desirable for the development or use of the land.</p> <p>The increase in lot coverage is desirable as it will permit design flexibility while maintaining adequate amenity area. The proposed bungalow townhome units are compatible with surrounding land uses, as dwellings of similar scale exist in the surrounding area. The variance will maintain the dwellings as bungalows, avoiding redesign of the units to include an additional storey in height.</p> <p>It is not expected the additional lot coverage will negatively impact the adjacent properties or surrounding area. A lot grading/drainage plan will be required to ensure the dwellings do not negatively impact drainage.</p> <p>As such, staff are of the opinion the variance is desirable for the development or use of the land.</p>

<p>The variance maintains the general intent and purpose of the Zoning By-law.</p>	<p>Yes, the variances maintain the general intent and purpose of the Zoning By-law.</p> <p>The intent of the maximum lot coverage provision of the By-law is to maintain adequate space for landscaping, leisure, drainage, and to maintain neighbourhood streetscapes and compatibility. Further, the intent of the provision is to ensure that the building footprint of the dwelling is appropriate relative to the size of the property.</p> <p>The proposed increase will maintain the scale and character of the surrounding area. The lot will provide ample open space for landscaping, and drainage. The increase in lot coverage is not anticipated to limit or detract from the provision of outdoor amenity area and open space. An updated stormwater management report is requested to ensure that drainage can be adequately managed on each individual lot. This is recommended as a condition of approval.</p> <p>Staff are of the opinion that the proposed variance maintains the general intent and purpose of the Zoning By-law.</p>
<p>The variance maintains the general intent and purpose of the Official Plan.</p>	<p>Yes, the variances maintain the general intent and purpose of the Official Plan.</p> <p>The general intent of the Urban Living Area designation is to allow for development of residential uses and accessory structures.</p> <p>Staff are of the opinion the variances will not compromise the objectives of the Official Plan, with respect to land use compatibility, storm water runoff and servicing capabilities. The subject land's use is within the permitted use of the Urban Living Area / Built Boundary designation. The variance will facilitate an appropriate development and does not conflict with any policies subject to fulfillment of the proposed conditions of approval, including a revised stormwater management report.</p> <p>As such, Staff are of the opinion the variance maintains the general intent and purpose of the Official Plan.</p>

Agency and Public Comments:

On August 22, 2024, 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
 - All necessary building permits shall be obtained prior to construction commencing, to the satisfaction of the Chief Building Official.
- Public Works Department
 - With the increase of lot coverage for each property, a revised stormwater management report indicating revised calculations with respect to surface run-offs due to increased impervious surfaces is required.

- Comprehensive Lot Grading and Drainage Plan will be required, demonstrating overland flow routes, identifying swales and roof leader discharge locations, and showing neither parcel relies on the other for drainage, to the satisfaction of the Director of Public Works.
- Please be advised that no sideyard walkways that impede sideyard swales shall be permitted.

Planning Staff Comments:

Based on the analysis given in above sections, staff is of the opinion the proposal:

- makes efficient use of the land;
- 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.

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 Recommendation:

Planning staff recommend that minor variance files A31-33/2024P **be approved** subject to the following condition(s):

THAT the applicant:

- That all necessary building permits be acquired prior to construction commencing, to the satisfaction of the Chief Building Official.
- That a revised stormwater management report indicating revised calculations with respect to surface run-off due to increased impervious surfaces be provided to the satisfaction of the Director of Public Works.
- That a Comprehensive Lot Grading and Drainage Plan be provided demonstrating overland flow routes, identifying swales and roof leader discharge locations, and showing neither parcel relies on the other for drainage, to the satisfaction of the Director of Public Works. Please be advised that no sideyard walkways that impede sideyard swales shall be permitted.

Prepared and Submitted by:

Andrew Edwards, BES
Planner

Recommended by:

Shannon Larocque, MCIP, RPP
Manager of Planning