

Consent Application: B15-2024P

Municipal Address: 6 Elizabeth Drive
Legal Description: PLAN 29 LOT 8
Roll number: 2732 030 005 11400

Location of Lands and Purpose of Application:

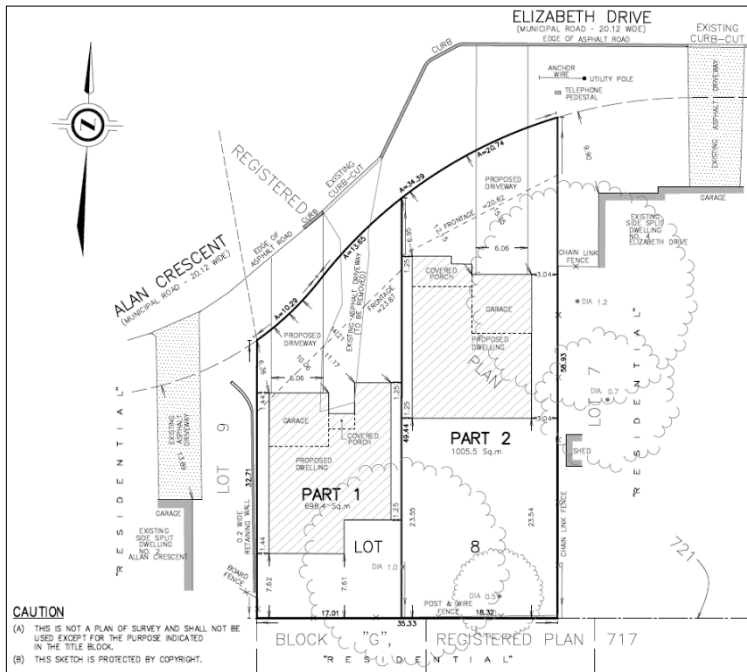
The subject parcel, shown as Parts 1 and 2 on Figure 2, has a frontage of approximately 45 metres on the south side of Elizabeth Drive, lying west of Pelham Street, being Lot 8, on Plan 29 in the Town of Pelham. Please see Figure 1.

Figure 1. Subject Lands



Application is made for consent to convey 698.4 square metres of land (Part 1), for the future construction of a single detached dwelling. Part 2 is to be retained for the future construction of a new single detached dwelling. Please refer to Figure 2 to review the severance sketch.

Figure 2. Severance Sketch



The parcel is located on south side of Elizabeth Drive, lying west of Pelham Street. The parcel generally rectangular in shape, however, it has an irregular front lot line, being located along a curve in the street. The lot is 1,703.9 square metres in area and has approximately 45.0 metres of frontage along Elizabeth Drive.

According to Zoning By-law 4481(2022), where the front lot line is not a straight line, frontage is determined from the lot centre line to a point 6.0m back from the front lot line measured horizontally at 90 degrees from the lot centre line between the side lot lines.

The lands slope from east to west with a grade differential of approximately 3 metres and are currently vacant. The lot is sparsely vegetated with two large deciduous trees to the rear and two mature Town owned street trees along the frontage of Part 2. There are various shrubs along the westerly property line and two mature trees on the neighbouring lot to the west located approximately 2.3 – 3.5 metres west of the property line. The canopy of the larger tree extends approximately 10.6 metres easterly into Part 2. See Figure 3.

Figure 3. Boundary Trees facing Southeast



At the current time it is unknown if the street trees are to be retained as house designs and a site servicing/grading plan has not yet been prepared. The lands previously contained a single detached dwelling that was demolished in 2023.

The surrounding land uses include:

North: Residential uses comprised of single detached dwellings along Elizabeth Drive and a condominium townhouse development.

East: Residential uses along Alan Crescent.

South: Residential uses along Brock Street.

West: Residential uses and Pelham Street.

Applicable Planning Policies:

Planning Act

Section 53 (1) states a landowner 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 (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 in a ‘Settlement Area’ according to the PPS. Policy 1.1.3.1 states that settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

Policy 1.1.3.2 states that land use patterns within settlement areas shall be based on a range of densities and mix of land uses that efficiently use land and resources, are appropriate for and efficiently use infrastructure and public service facilities, minimize negative impacts to air quality and climate change and promote energy efficiency, prepare for the impacts of a changing climate, support active transportation and are transit and freight supportive.

Policy 1.1.3.3 provides for the promotion of intensification and redevelopment accommodating a significant supply and range of housing options where it can be accommodated considering the building stock, availability of existing and planned infrastructure and public service facilities required to accommodate the needs of the development.

Section 2.6 of the PPS requires that significant built-heritage resources and significant cultural heritage landscapes be conserved. The Town’s Cultural Heritage Master Plan identifies the subject lands as having composite potential for deeply buried archaeological resources. Accordingly, staff requested an archaeological assessment be prepared and submitted in support of the application.

Infill development is an acceptable form of intensification so long as new development is compatible in nature, is compact, and avoids adverse impacts to provincial interest, public health, safety, and the quality of the human environment. Planning staff are of the opinion the proposed consent is consistent with the PPS and promotes appropriate development standards that help facilitate compact form and intensification.

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

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.

Policy 2.2.2.1(a) requires a minimum of 50 percent of all new residential development to occur within the delineated built-up area.

Policy 2.2.2.3(b) encourages intensification generally throughout the built-up area and investment in services that will support intensification.

The proposed residential lot will help the Town to meet its delineated built boundary intensification targets. The existing water and sanitary sewer mains already extend along the frontage of the proposed lot but would be better utilized with additional building connections. As a result, the consent satisfies the policies of the Growth Plan.

Niagara Region Official Plan, 2022

The Niagara Region Official Plan, 2022 provides the policy guidance for future development across the Region.

The lands are designated Built-Up Area in the Niagara Region Official Plan. Policy 2.2.2.5 requires 60% of all residential units occurring annually to be in the Built-Up Areas and in Pelham, this translates into an annual intensification rate of 25% of new residential units within the Built-Up Area.

Policy 2.2.1.1 indicates that development in urban areas will integrate land use planning and infrastructure planning for a compact built form, diverse range and mix of housing types, unit sizes, a vibrant public realm, and a mix of land uses, range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs, convenient access to public and active transportation, parks, trails and open spaces. Opportunities for the integration of gentle density that considers the character of established residential neighbourhoods is also supported.

As the consent will contribute to the intensification rate, be served by existing infrastructure and introduce additional housing units which are in keeping with the character of the established neighbourhood, staff are of the opinion that the proposed consent conforms with the Regional Official Plan.

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. 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.

Section A2.3.2 Urban Character sets out the objectives for the urban character of the Town. Objectives include to respect the character of existing development and ensure that all applications for development are physically compatible with the character of the surrounding neighbourhood, and 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. The proposal is supported by the Town Official Plan policies that encourage infill within existing built-up areas.

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 B1.1.3 states that in considering residential intensification proposals, the following criteria are applicable:

- a) Schedules A1 and A2 to this Plan identify a number of areas that may be good candidates for residential intensification. This does not preclude consideration for other sites in the Urban Living Area designation provided these sites abut arterial or collector roads or are located on a local road on a site that is no further than 100 metres from an intersection with an arterial or collector road;
 - The site is located along Elizabeth Drive which is identified as a local road. The site is located approximately 95 metres from an intersection with Pelham Street which is an Arterial Road. As such, the site is a candidate for intensification.
- b) Intensification and redevelopment proposals are encouraged to achieve a unit density and housing type that is in keeping with the character of the density of the neighbourhood where it is proposed. Within the identified intensification areas identified on Schedules A1 and A2 the implementing Zoning By-law may establish minimum and maximum densities of between 10 and 25 units per hectare;
 - The surrounding neighbourhood is characterized by low to medium density residential dwellings, comprised of mainly one to two storey single detached dwellings. The proposed consent will facilitate the development of an additional lot which is in keeping with the character

of the surrounding neighbourhood. The lot sizes and dimensions comply with the zoning requirements.

- c) Residential intensification and redevelopment proposals located on lands which abut local roads shall maintain the unit density and unit type of the surrounding neighbourhood, but may through a Zoning By-law Amendment, increase the unit density by up to 25% of the existing gross density of lands located within 300 metres of the site, provided the resultant development will be characterized by quality design and landscaping, suitable building setbacks, and further that parking areas and traffic movements will not negatively impact the surrounding neighbourhood from the perspectives of safety or neighbourhood character;
- Elizabeth Drive is a local road according to Schedule C of the Official Plan. The proposed lots meet the relevant sections of the R1 zone and is generally consistent with the built form of the surrounding area. The density of the development is approximately 11.76 units per hectare.
- d) Notwithstanding items (b) and (c), the creation of new freehold or vacant condominium infill lots through the consent process, for ground-oriented detached dwellings, may be permitted provided the proposed lot and unit type is similar to and compatible with the established character of the street or neighbourhood where it is proposed. The Zoning By-law shall establish minimum lot area and frontages and minimum and/or maximum densities which are considered appropriate within the Urban Living Area designation;
- The proposed use is similar to the surrounding neighbourhood, being mostly comprised of single detached dwellings and medium density residential uses. Both the severed and retained lots are proposed to contain a single detached dwelling fronting Elizabeth Drive, consistent with the existing residential uses in the surrounding area.
- e) The creation of accessory apartments and in-law suites within residential neighbourhoods is considered to be an appropriate form of residential intensification. The establishment of accessory apartments shall occur in accordance with Policy B1.1.4 and Council may reduce the application fee for such amendments under the Town's Tariff of Fees By-law;
- Second dwelling units are permitted in single detached dwellings and accessory buildings subject to meeting zoning requirements for such uses. The proposed application is for the creation of a building lot.
- f) The provision of affordable housing in intensification areas will be encouraged; and,
- The developer is proposing a single detached dwelling on the new lot. The Town's Zoning By-law permits second dwelling units in single

detached dwellings and accessory buildings which would allow for an affordable housing option.

- g) The Town will consider innovations for responsive processing of applications and amendments in the future including tools such as Conditional Zoning Amendments implementing a Development Permit system and the streamlining of processing concurrent development applications.
- Not applicable to the current application.

Section D4.2 sets forth the general policy basis for heritage and archaeological resources. It is noted that a nearby property, 8 Elizabeth Drive, was being considered for inclusion on a register of non-designated properties of cultural heritage value or interest. 8 Elizabeth Drive was a large farm parcel that was subdivided to create the existing established neighbourhood. However, the Town does not have a formal register of listed (non-designated) properties. The neighbourhood includes an eclectic mix of traditional and modern architectural styles that have emerged over the lifespan of the neighbourhood. Staff are of the opinion the proposed consent will not impact the heritage attributes of the nearby dwelling or established neighbourhood.

Section D4.3 sets forth the basis for the preservation of archaeological resources. The Town's Cultural Heritage Master Plan identifies the subject lands as having composite potential for deeply buried archaeological resources. Accordingly, staff requested an archaeological assessment be prepared and submitted in support of the application. The applicant submitted a Stage 1-2 archaeological assessment which found no archaeological resources. Given the results of the Stage 2 investigation and the identification and documentation of no archaeological resources, no further archaeological assessment of the Study Area was recommended. Staff will require the clearance letter from the Ministry of Citizenship and Multiculturalism prior to any site alteration.

Policy D5.2.1 states that for any consent application, the Committee of Adjustment shall be satisfied that (among other things) the proposed lot:

- a) Fronts on and will be directly accessed by a public road that is maintained on a year round basis;
- Access will be provided from Elizabeth Drive which is a public road.
- b) Will not cause a traffic hazard as a result of its location on a curve or a hill;
- No traffic hazards are anticipated from the proposed consent. Public Works did not identify any concerns in this regard. In addition, driveway and entrance permits will be required as a condition of consent to ensure driveways meet Town engineering standards.

- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
- The proposed lots meet or exceed the requirements of the R1 zone. No zoning relief is required to facilitate the development.
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
- Yes, municipal services exist and are available to be used. Site servicing will be required as a condition of consent.
- e) Will not have a negative impact on the drainage patterns in the area;
- A Lot Grading Plan will be required as a condition of approval demonstrating that drainage will be maintained on-site and not negatively impact adjacent properties.
- f) Will not affect the development ability of the remainder of the lands, if they are designated for development by this Plan;
- N/A. The retained lot will be retained for existing residential use.
- g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area;
- No environmentally sensitive features are located on or adjacent to the property.
- h) Conforms with Regional lot creation policy as articulated in the Regional Policy Plan; and,
- Yes. Generally speaking the Regional Official Plan encourages intensification within Settlement Areas within built-up areas where municipal services are available. Please refer to Regional Official Plan section of this Report.
- i) Complies with the appropriate provincial Minimum Distance Separation Formulae, where applicable.
- N/A.

Town Planning staff are of the opinion the proposed severance conforms to the local Official Plan as it helps enable intensification within an existing neighbourhood and does not conflict with any policies subject to satisfaction of the conditions of approval.

Zoning By-law 4481 (2022), as amended

The subject lands are zoned Residential 1 (R1) in accordance with Zoning By-law 4481 (2022). Both the lands to be severed and the lands to be retained comply with the standards of the Zoning By-law.

House designs have not yet been completed by the Owner. Any new construction on the property will be required to meet zoning requirements in terms of setbacks, height, and lot coverage.

Agency and Public Comments:

On September 11, 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
 - The Building Department has no comments or conditions at this time.
- Public Works Department
 - That the existing Curb cut to be restored in accordance with the Town Standards
 - Site Servicing Plan/Functional servicing report.
 - Submit a comprehensive Lot Grading & Drainage Plan for all parcels demonstrating that the drainage neither relies, nor negatively impacts neighboring properties, and that all drainage will be contained within the respective lots, to the satisfaction of the Director of Public Works, or designate. Please be advised that no sideyard walkways that impede sideyard swales shall be permitted.
 - Confirm that no existing utilities cross the proposed lot lines. Should any services cross these lot lines, the applicant shall be responsible for costs associated with their relocation and / or removal.
 - Obtain a Driveway Access and Culvert Permit from the Town for the construction of a new driveway or any modifications to existing driveways/entrance. Installation and/or modification of new entrances shall be completed in accordance with Town Standards.
 - Lots are to be individually serviced with its own sanitary and water connections and constructed in accordance with Town of Pelham Engineering Standards. Installation of any services will require a Temporary Works Permit obtained through the Public Works Department. These works are to be completed prior to consent and the applicant shall bear all costs associated with these works. Locate cards are to be provided to the Town once works are complete.
 - That the applicant provide a cash in lieu should the applicant remove Town owned tree per Town tree policy.

One (1) public comment was received and is summarized as follows:

- Vince and Carla Andronico

- Expressed concern with the higher elevation of the property and potential drainage issues for neighbouring properties; Concern about the removal of large, mature trees on the lot affecting neighbourhood character; Request as many trees as possible are retained; Concern about potential impact of construction on mature trees on adjacent lot.
- Ted Galotta
 - Phoned the Planner on September 26, 2024 to express concern with neighbourhood compatibility, overlook, and issues of height given the grade differential of the neighbourhood.

Planning Staff Comments:

A pre-consultation meeting was held with the applicant(s) for the property owner and staff from the Town, and Niagara Region Planning & Development Services on March 1, 2024, to discuss the subject application.

Planning staff have reviewed the Planning Justification Brief as well as all agency and public correspondence submitted to date and offer the following for the Committee's consideration.

With respect to concerns related to flooding and drainage, a lot grading and drainage plan is required. The plan will ensure that the stormwater from the proposed lot will be managed on site and not impact neighbouring properties. A condition is being recommended in this regard.

Staff understand the concerns related to potential tree loss. Trees provide valuable benefits such as shade, erosion control, noise and privacy buffering, wildlife habitat, and improved air quality. The Town encourages retaining street and private trees and to mitigate potential impacts where possible. As such, staff are recommending a condition of approval requiring the applicant to prepare a tree preservation plan and revise the grading plan to include the boulevard and boundary trees on the grading plan and outline any necessary tree protection measures (e.g. protective fencing, erosion and sediment control fencing, etc.). At the time of writing, the applicant indicated it is unclear whether the boulevard trees are to be retained.

It is also intended that this condition will address the concerns from the adjacent property owners about the impact to the boundary tree. The tree preservation plan should include the boundary tree on the neighbouring property to the west. In terms of potential liability issues, this would be a civil matter between the neighbouring property owners. However, it is the intention that the tree preservation plan will identify any necessary measures to potential impacts to the boundary tree.

With respect to the concerns related to overlook and height, the applicant is required to meet the maximum height requirement of the R1 zone – which is 12 metres. This is the same permission for the adjacent residential uses and the applicant is not requesting an increase to this height. Staff recognize the topographical conditions of the neighbourhood, with the grade increasing to the west. It is noted the property is

located towards the bottom of the slope of Elizabeth Drive. As such, issues of overlook are partially mitigated naturally through the existing topography of the area.

Compatibility does not necessarily mean the same as, rather the ability to coexist harmoniously. The application is proposing two new single detached dwellings in a neighbourhood consisting of 1 to 2 storey single detached dwellings. The proposed dwelling type is similar to what exists in the surrounding neighbourhood. Notwithstanding house designs have not yet been completed, any new construction is required to comply with the Zoning By-law in terms of lot coverage, setbacks, and height. As such, staff are of the opinion the proposal is compatible with the surrounding area.

The proposal is generally supported by the Town Official Plan policies that encourage infill within existing built-up areas. This supports the long-term public interest by minimizing the impact of sprawl on agricultural lands while supporting re-investment in existing communities to maintain their stability and vibrancy, providing for an efficient use of infrastructure and land, and contributing to the development of compact communities that foster walkability and a sense of place.

The proposal, if approved would permit the creation of an additional residential lot in a neighbourhood comprised of primarily single detached dwellings. Planning staff do not anticipate land use compatibility issues with the surrounding residential uses. Adequate parking and private amenity areas are provided for both the retained and created lots.

Based on the analysis in the sections above, Planning staff are of the opinion that the proposed consent is consistent with the PPS and conforms with Provincial, Regional and Local Plans. The resulting parcel complies with applicable zoning regulations and upon satisfaction of the conditions of approval is not anticipated to negatively impact the surrounding neighbourhood with respect to traffic, privacy, and stormwater management.

Planning Staff Recommendation:

Planning staff recommend that minor variance file B15-2024P **be approved** subject to the following condition(s):

THAT the applicant:

- That the applicant prepare and submit a Site Servicing Plan/Functional servicing report, to the satisfaction of the Director of Public Works, or designate.
- Submit a comprehensive Lot Grading & Drainage Plan for all parcels demonstrating that the drainage neither relies, nor negatively impacts neighboring properties, and that all drainage will be contained within the respective lots, to the satisfaction of the Director of Public Works, or designate. Please be advised that no side yard walkways that impede side yard swales shall be permitted.

- Confirm that no existing utilities cross the proposed lot lines. Should any services cross these lot lines, the applicant shall be responsible for costs associated with their relocation and / or removal.
- Obtain a Driveway Access and Culvert Permit from the Town for the construction of a new driveway or any modifications to existing driveways/entrance. Installation and/or modification of new entrances shall be completed in accordance with Town Standards.
- Lots are to be individually serviced with its own sanitary and water connections and constructed in accordance with Town of Pelham Engineering Standards. Installation of any services will require a Temporary Works Permit obtained through the Public Works Department. These works are to be completed prior to consent and the applicant shall bear all costs associated with these works. Locate cards are to be provided to the Town once works are complete.
- That the applicant prepare a Tree Preservation and Protection Plan to the satisfaction of the Directors of Public Works and Director of Community Planning and Development.
- That the Owner conform with Town Tree Maintenance Policy S802-01.
- That the owner provide the Ministry of Citizenship and Multiculturalism clearance letter and acknowledge no demolition, grading or other soil disturbances shall take place on the subject land prior to the issuance of a Ministry letter confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.
- 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 fee of \$436, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.
- Sign the Town of Pelham's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit.

Prepared and Submitted by:

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Recommended by:

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