

December 5, 2017

Mrs. Nancy J. Bozzato, Secretary Treasurer  
Committee of Adjustment  
Town of Pelham  
Fonthill, ON L0S 1E0

**Re: Minor Variance Application A34/2017P (Niagara Pines)**  
**2 Longspur Circle, Pelham**  
**Lot 12, Plan M11**  
**Roll No. 2732 030 011 11312**

The subject land is located on the northwest corner of Longspur Circle and Cross Hill Road, being Lot 12 in Plan M11 and known municipally as 2 Longspur Circle in the Town of Pelham.

The subject land is zoned 'Residential 1' (R1) in accordance with Pelham Zoning By-law 1136 (1987), as amended. The minor variance application requests relief from:

- **Section 13.2 (e) "Minimum Interior Side Yard"** seeking 1.2m whereas 1.8m is required.
- **Section 13.2 (f) "Minimum Exterior Side Yard"** seeking 3m whereas 5m is required.

Proposal is to rebuild a 2-storey single detached residential dwelling with an attached garage.

### **Applicable Planning Policies**

#### Provincial Policy Statement (PPS), 2014

The subject parcel is located in a 'Settlement Area' according to the Provincial Policy Statement (PPS).

Policy 1.1.3.1 states that settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

#### Growth Plan for the Greater Golden Horseshoe, 2017

This Plan informs decision-making regarding growth management and environmental protection in the Greater Golden Horseshoe. The subject parcel is located within a 'Settlement Area' according to the Growth Plan. The proposed redevelopment is not creating any new dwelling units or new lots and therefore is not considered *intensification*.

#### Niagara Region Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject land as 'Built-up Area' within the Urban Area Boundary.

Pelham Official Plan, 2014

The local Official Plan designates the subject land as 'Urban Living Area' / Built Boundary. Single detached residential dwelling units are permitted.

Town of Pelham Zoning By-law Number 1136 (1987)

Section 13.2 Regulations for dwellings permitted in the R1 zone

- |                               |      |                |
|-------------------------------|------|----------------|
| e) Minimum Interior Side Yard | 1.8m | Request = 1.2m |
| f) Minimum Exterior Side Yard | 5m   | Request = 3m   |

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. Is the variance minor in nature?	<p>e) The reduction of the interior side yard setback is minor overall given the neighbourhood context and consistency with the Ontario Building Code, no adverse impacts are anticipated.</p> <p>f) The reduction of the exterior side yard setback is minor overall (subject to conditions) because the dwelling helps to frame &amp; define the street edge and contributes positively to the public realm. If the design of the south façade is not altered, then the variance would have an adverse impact on the public realm and cannot be supported. See Planning comments below.</p>
2. Is the variance desirable for the development or use of the land?	<p>e) The reduction of the interior side yard is desirable for the property because it allows for more design flexibility while preserving rear yard open space for recreational or private amenity purposes.</p> <p>f) Likewise, (subject to conditions) reducing the exterior side yard setback is desirable for the property because of design options to improve the south façade (e.g. wrap around porches) and the preservation of rear yard amenity space. If the elevation plan is not altered to provide a more active south façade then the variance is not desirable for the development of the land. See Planning comments below.</p>
3. Does the variance maintain the general intent and purpose of the Official Plan?	<p>e) The variance of the interior side yard setback maintains the intent of the Official Plan because the neighbourhood character of the area is not compromised by inappropriate building orientation and siting.</p> <p>f) The reduction of the exterior side yard setback (subject to conditions) does not compromise the general intent of the Official Plan because the community character is enhanced, the use is permitted, and no adverse impacts will be felt by neighbours.</p>

From the Department of



**Community Planning  
& Development**

	The variances are appropriate given the site's urban residential context and meet the general intent of the Official Plan policies.
4. Does the variance maintain the general intent and purpose of the Zoning By-law?	<p>e) The variance of the interior side yard setback maintains the intent of the Zoning By-law because the deviation of 60cm leaves adequate spatial separation for drainage purposes / maintenance of the exterior walls.</p> <p>f) The reduction of the exterior side yard setback maintains the intent of the Zoning By-law (subject to conditions) because the built form will not pose any proximate dangers to vehicle traffic while also providing an opportunity to positively reinforce the public realm by framing the streetscape with an active building façade.</p>

On October 19<sup>th</sup> 2017, a notice was circulated to agencies directly affected by the proposed application including internal Town departments (i.e. Public Works, Building, etc.) and all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Public Works Department (November 24, 2017)
  - That no hard surface be permitted along the north side of the property, adjacent to the garage, as to allow for proper drainage of the property.
- Building Department (October 23, 2017)
  - All necessary permits are required prior to construction commencing, including the demolition permit for the existing dwelling.
- Fire & By-law Services Department (October 18, 2017)
  - No comments.

No comments from the public were received.

### Planning Comments

The subject land is located on the northwest corner of Longspur Circle and Cross Hill Road, and is surrounded by single detached residential housing on all sides (Figure 1). Planning staff note that the corner lot is 1021m<sup>2</sup> (0.25 acres) in land area.

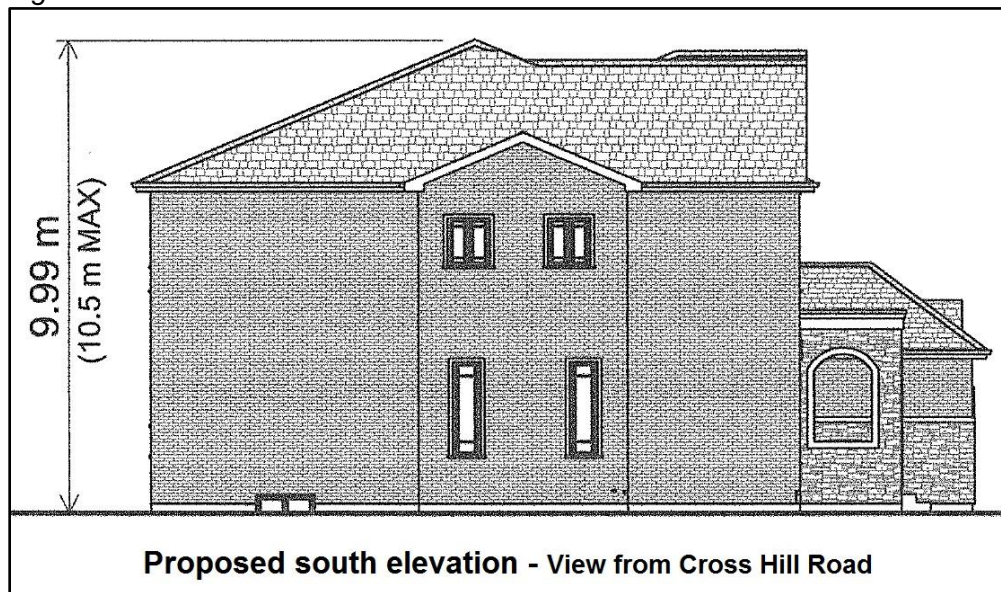
*Figure 1: 2 Longspur Circle (vacant site)*



Regarding the proposed reduction to the northerly interior side yard, adequate spatial separation is maintained between the neighbour for storm water runoff (subject to ground cover) and maintenance access.

Regarding the proposed reduction to the exterior side yard setback, Planning staff is prepared to recommend approval of this variance only if appropriate urban design treatments are integrated on the south façade. Given the location at this intersection and the proposed exposure onto the public realm, positively reinforcing the streetscape by means of an active building façade are even more critical. The Elevation Plan submitted by the applicant (Figure 2) depicts a two-storey dwelling with minimal design consideration given to the south façade. The predominantly solid brick wall offers two (2) slender windows centrally located along the south façade.

Figure 2:



Active building façades and friendly urban design is commonly achieved by providing any combination or all of the following building elements:

- Exterior doorway
  - Together with a porch / wraparound porch
- Windows / bay windows
  - Preferably with active living spaces (E.g. kitchen / living room)

- Architectural details
  - (E.g. dormers, balconies etc.)

Therefore, reducing the interior and exterior side yard setbacks will not negatively affect the neighbourhood as adequate spatial separation is maintained and if subject to appropriate urban design treatments on the south building façade, the development will enhance the streetscape.

Planning Staff is of the opinion that the application meets the four minor variance tests laid out by the *Planning Act*, only if there are changes made to the south building façade. If design changes are not addressed, the exterior side yard setback variance is not minor in nature, desirable for the land and does not meet the intent of the Official Plan or Zoning By-law and Planning staff do not recommend approval. Otherwise, the application is consistent with Provincial policies, the Regional Official Plan, and conforms to the general intent of the Town's Official Plan and Zoning By-law.

The authorization of the minor variance is not expected to generate negative impacts for adjacent uses or the community at large. Consequently, Planning Staff recommend that Application File Number A34/2017P **be approved**, subject to the following conditions:

**THAT** the applicant

- Redesign the south façade elevation to contribute more positively to the public realm via increased glazing as well as the introduction of architectural elements including but not limited to a porch, entrance door / dormers, bay window etc. to the satisfaction of the Director of Community Planning & Development.

Submitted by,



Curtis Thompson  
Planner, B.URPI

Reviewed by,

Barb Wiens, MCIP, RPP

Director/ Community Planning & Development