

## Committee of Adjustment AGENDA

10(b)-2018

October 30, 2018

4:00 pm

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

Pages

1. Attendance
2. Call to Order, Declaration of Quorum and Introduction of Committee and Staff
3. Disclosure of Pecuniary Interest and General Nature Thereof
4. Requests for Withdrawal or Adjournment
5. Applications for Minor Variance
6. Applications for Consent
  - 6.1 B5/2018P - Brian V. Sullivan 1
    1. Town of Pelham Planning Department
    2. Town of Pelham Building Department
    3. Town of Pelham Public Works & Engineering
    5. Upper Canada Consultants
7. Minutes for Approval
8. Adjournment

October 30, 2018

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

**Re: Consent Application B5/2018P (Brian Sullivan)**  
**1423 Station Street, Pelham**  
**Lot 7 and Lot 8, Registered Plan 717**  
**Roll No. 2732 030 004 02300**

The subject parcel, shown as Part 2 on the attached sketch, is an interior parcel of land situated 61m east of Station Street, lying south of Highway 20 East (Regional Road 20), being Part of Lot 7, Registered Plan 717, in the Town of Pelham.

Application is made for consent to partial discharge of mortgage and to convey 2826m<sup>2</sup> of land (Part 2) to merge with the abutting property to the south (Part 3 – 1419 Station Street), for continued residential use. Part 1 (1423 Station Street) is to be retained for continued residential use of the single detached dwelling.

Note: The boundary adjustment is intended to facilitate rear yard land consolidation for a future draft plan of subdivision in East Fonthill.

### **Applicable Planning Policies**

#### Planning Act (Consolidated July 2016)

Section 51 (24) 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 things to,

- 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.

The proposed boundary adjustment seeks to set the stage for future subdivision development by

consolidated large, underutilized rear yard open space into more productive urban development in an area designated for intensification.

Provincial Policy Statement (2014)

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

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

Policy 1.1.3.3 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.

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.

The reassembly of land in this area will facilitate future redevelopment and intensification in a more compact form that minimizes the waste of under-utilized *urban land*.

Growth Plan for the Greater Golden Horseshoe (GGH) (2017)

This Plan informs decision-making regarding growth management and environmental protection in the GGH. The subject parcel is located within a 'Settlement Area' according to the Growth Plan. Guiding principles regarding how land is developed:

- Support the achievement of *complete communities* to meet people's needs through an entire lifetime.
- Prioritize *intensification* and higher densities to make efficient use of land and *infrastructure*.
- Support a range and mix of housing options, including second units and *affordable* housing, to serve all sizes, incomes, and ages of households.
- Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.
- Integrate climate change considerations into planning and managing growth.

Policy 2.2.1 Managing Growth – 2. Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) the vast majority of growth will be directed to *settlement areas* that:
  - i. have a *delineated built boundary*;
  - ii. have existing municipal water / wastewater systems; and
  - iii. can support the achievement of complete communities.

The proposed boundary adjustment will facilitate future development within a *settlement area* where existing services are available and allow the opportunity for a mix of housing options that contribute to a more *complete community*.

### Regional Official Plan (Consolidated August 2014)

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

Policy 4.G.6.2 indicates 'Urban Areas' will be the focus for accommodating the Region's growth and development.

Policy 4.G.8.1 states *Built-Up Areas* will be the focus of residential intensification and redevelopment.

The proposed boundary adjustment conforms to the Regional Official Plan because the lands will be more appropriately suited to accommodate a future draft plan of subdivision.

### Pelham Official Plan (2014)

The subject land is located in both the 'Downtown Transitional Area' (to the west) and the 'East Fonthill Secondary Plan Area' (to the east) and also inside the Built Boundary in the Official Plan. According to Schedule A4 (Urban Structure Plan) of the East Fonthill Secondary Plan, the subject land is located within 'Neighbourhood 1' and within the 'Built Boundary'. According to 'Appendix A' (Demonstration Plan) & Schedule A5 (Land Use Plan), the subject land is designated 'EF – Low Density Residential' (to the east).

It should be noted that Policy B1.7.2 distinguishes between the intensification targets of the 'greenfield' areas and lands within the 'built boundary'. The development proposal will be subject to the appropriate intensification target which will be revisited at the draft plan of subdivision stage.

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;
  - ✓ Unchanged.
- b) Will not cause a traffic hazard;
  - ✓ Unchanged.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
  - ✓ Unchanged.
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
  - ✓ Unchanged.
- e) Will not have a negative impact on the drainage patterns in the area;
  - ✓ Confirmed as condition of approval.
- f) Will not affect the developability of the remainder of the lands, if they are designated for development by this Plan;
  - ✓ Conforms because the large rear yards will be maintained for an eventual draft plan of subdivision while the existing dwellings maintain a smaller lot area with direct frontage on Station Street.
- g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area;
  - ✓ No issue.
- h) Conforms with Regional lot creation policy as articulated in the Regional Official Plan.
  - ✓ No issue from Region in accordance with Memorandum of Understanding.

- i) Complies with the appropriate Provincial Minimum Distance Separation Formulae, where applicable.  
 ✓ Not applicable.

It is noted that the application is for consent to partial discharge of mortgage and to convey vacant land (Part 2) to be added to the abutting lot to the south (Part 3) for continued residential use. A new lot will not be created as a result of this consent. Part 1 will be retained for continued single detached residential use.

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

The subject land is currently zoned 'Residential 2' (R2) on Part 1 and the westerly segment of Part 3'. Part 2 and the easterly segment of Part 3 is zoned 'Agricultural' (A) according to the Zoning By-law. The permitted uses (among others) include:

- a) One single detached dwelling;
- b) Accessory uses;
- c) Home occupations.

The resulting parcel configuration will continue to comply with all applicable zoning regulations.

**Agency and Public Comments**

On July 12, 2018 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 Department (August 16, 2018)
  - No comments.
- Public Works Department (September 5, 2018)
  - {See conditions}
- Niagara Region Planning & Development Services (July 12, 2018)
  - No comments.

No comments were received from the public.

**Planning Staff Comments**

The subject application deals with the severance of a rear yard to consolidate with a neighbouring lot for the purposes of a forthcoming draft plan of subdivision. The application for consent to partial discharge of mortgage and to convey 2826m<sup>2</sup> of land will help facilitate the orderly development of future urban growth within the East Fonthill Secondary Plan area.

A pre-consult was held with the owner, applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on June 7, 2018 to discuss the subject application.



The subject lands are located on the east side of Station Street, in between Highway 20 East and Summersides Blvd and are surrounded by:

- North – Single detached residential
- East – Vacant / Agricultural
- South – Single detached residential
- West – Elementary school / hydro utility

Planning staff visited the site and reviewed aerial photography to better understand the local context (Figure 1). The neighbourhood is currently under significant construction to the east as the various developments continue. Summersides Boulevard to the south, has been constructed which now connects Station Street to Rice Road. This area of Station Street is characterized by many large lot single detached residences flanking the east side.

Planning staff is of the opinion that the proposal applies current planning and development goals dealing with appropriate infill development, making more efficient use of the existing urban lands, where suitable to do so. The severance will better position the lands for future subdivision development in a more efficient manner which will not negatively affect the developability of the balance of the lands. The proposed severance should not negatively impact the surrounding neighbourhood with regards to traffic, privacy and storm water runoff. The remnant lands will continue as a single detached residential use until such time as the land owner explores alternative development options.

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

Planning staff recommend that the consent known as file B5/2018P **be granted** subject to the following condition(s):

**THAT** the applicant

- Merge Part 2 with Part 3.
- Submits an overall comprehensive Lot Grading & Drainage Plan for both parcels demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective lots, to the satisfaction of the Director of Public Works, or designate.
- Confirm no existing utilities cross the proposed new lot line. Should any services cross the new lot line; the applicant will be responsible for costs associated with their relocation and / or removal.
- Provide a written acknowledgment that the Owner will be responsible for payment of the front-ending contribution, payable to the Town of Pelham, for the East Fonthill storm water management system oversizing.
- 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 \$380, 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.

Submitted by,



Curtis Thompson, B.URPI  
Planner

Reviewed by,



Shannon Larocque, MCIP, RPP  
Senior Planner

**File:** B5/2018P

August 16, 2018

**Address:** Part Lots 7 and 8  
1423 Station St., Pelham

**Owner:** Brian V. Sullivan

**Solicitor:** Jill Anthony

Nancy Bozzato  
Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- The Building Department has no comment.

Belinda Menard  
Building Intake/Plans Examiner  
Community Planning & Development



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## Memorandum

### Public Works Department - Engineering

DATE: October 9, 2018  
TO: Curtis Thompson, Planner  
CC: Nancy J. Bozzato, Clerk; Holly Willford, Deputy Clerk; Derek Young, Manager of Engineering  
FROM: Matthew Sferrazza, Engineering Technologist  
RE: File B5/2018P  
1423 Station Street

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We have completed the review of the consent application B5/2018P for consent to convey 2,826 square meters of land (Part 2) to be added to the abutting property to the south (Part 3), for residential use. Part 1 is to be retained for continued residential use of the dwelling known municipally as 1423 Station Street.

Upon this review, Public Works has the following proposed **conditions**:

1. That the applicant submits a comprehensive overall lot grading and drainage plan for all parcels to demonstrate that the drainage neither relies nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective lots, to the satisfaction of the Director of Public Works or designate.
2. That the applicant confirm that no existing utilities currently cross the proposed new property line. Should any services cross this new property line, the applicant will be responsible for costs associated with their relocation and/or removal
3. That the applicant provides written acknowledgement that the owner will be responsible for payment of the front-ending contribution, payable to the Town of Pelham, for the East Fonthill storm water management system oversizing. This apportionment will be in the amount of \$35,109.00 for 1423 Station Street (Parts 1 & 2) and \$35,061.00 for 1419 Station Street (Part 3), totaling

\$70,170.00 and further, that the owner will advise any future purchasers of the land of this requirement.

4. The existing outlet for the road cross-culvert that was previously filled in must be reinstated, free and clear of all encumbrances.



Date: Aug 31<sup>st</sup>, 2018

File: 1883

To: Town of Pelham  
20 Pelham Town Square  
Fonthill ON LOS 1E0

To: Nancy Bozzato, Secretary-Treasurer / Clerk

Project: 1419 & 1423 Station Consents (Parts 1 - 3 on Plan Consent Sketch)

Subject: Consent Application – Planning Brief

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In reference to the above noted project, please accept this planning analysis in regard to the applicable planning policies, including provincial, regional and local policy documents. This application for consent request's to convey Part 2 on the severance sketch to Part 3. The two parts will merge on title, this land assembly is being conducted to provide for future development applications. Part 1 the remnant parcel will be retained by the existing owner.

#### Policy Context

Under Section 53 of the Planning Act, consent applications are allowed to convey land from one property owner to another. The proposed conveyance supports the delegation of Town councils authority to the Committee of Adjustment.

The lands are currently within the urban boundary and within the settlement area of Fonthill, these lands have access to a number of community amenities and services. Under the Provincial Policy Statement (2014) the proposed consent compiles with its objective to provide for intensification within urban boundaries. This consent complies with many attributes of the plan. Section 1.1.3 regarding Settlement Areas preface promotes the vitality of settlement areas and the long term economic prosperity of these communities needs to be affirmed. The basis of this application speaks to Section 1.1.3.2 which describes what type of qualities of land use patterns are conducive for development. This includes an efficient use of land, infrastructure and public service facilities.

According to the Growth Plan for the Great Golden Horseshoe (2017), growth within these areas is promoted and these polices are supportive of intensified uses with more compact urban built form. This includes the efficient use of land. The current lots are 198m deep and very oversized. The proposed consent allows for continued use of Part 1, the lot may still be larger than the normal for what modern day development. However the parcels adjacent to development moving north, backing on to the Sobeys commercial property are similar in length. Ultimately this allows for continued land assembly and development potential for these lots.



The Town of Pelham's Official Plan speaks too many of the same attributes of the provincial policies. Specifically Section 5.4A speaks about intensification and developing land at a higher density than it currently does. This consent specifically will allowed the continuation of developments happening within the East Fonthill Secondary plan.

The Town's Official Plan Section B1.3.4.1 specifies that consents should be considered on the basis that they are keeping with the Downtown Transitional Areas vision and that it does not fragment the land base. This proposal clearly makes a logical arrangement of property lines to allow for the development of Parts 2&3 into a future plan of subdivision but it also allows for future development of Part 1 under its designation in the Downtown Transitional Area.

Overall the consent application compiles with the applicable policies on a Provincial and Local level. The consent applications will address future development in the area and set the stage for development in an efficient land use pattern, respecting the future development opportunities of the neighbouring properties which also have similar designations to the subject sites. This precedent of lot reconfiguration sets the stage for development within this transitional areas within the coming years as the East Fonthill Secondary Plan area continues to build out.

The proposed consent application has been submitted to address the future development of 1419 & 1423 Station street and will result in an improve land use pattern for future development.

If there are any further questions or concerns please do not hesitate to contact the undersigned. My client is anxious to move forward with the required process for consent approval.

Sincerely,

William Heikoop, B.U.R.Pl.  
Planner  
Upper Canada Consultants

cc. Stephen Kaiser