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January 14, 2020

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

**Re: Consent Application B12/2019P**  
**686-690 Quaker Road, Pelham**  
Part of Lot 177, RP 59R-3067, Part 1  
**Roll No. 2732 030 019 04100 – 2732 030 019 04200**

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The subject parcel, shown as Part 1 on the attached sketch, has 22.56 m of frontage on the northwest corner of Quaker Road and Clare Avenue, legally described above, and known locally as 690 Quaker Road in the Town of Pelham.

Application is made for consent to partial discharge of mortgage and to convey 907 m<sup>2</sup> of land (Part 1) for future development, undetermined at this time. 1382 m<sup>2</sup> of land (Part 2) is to be retained for continued commercial use known as 686 Quaker Road.

Note: The severance is intended to divide the parcel along the pre-existing lot line which formerly separated the two parcels before they inadvertently merged in title under the same ownership.

### **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 severance seeks to (re-)create a separate building lot and will allow the current owner to dispose of this land which is surplus to their needs. The proposed consent application on its own does not facilitate any direct or specific *intensification* which is a result of the zone category in effect. The lot geometry is traditional and will not cause any adverse impacts as a result of its re-creation.

#### 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 creation of this lot will not hinder, nor facilitate future redevelopment and intensification as the separate lot is not required for new real estate development or *Planning Act* applications. Instead, approving the proposed lot to re-exist will allow the current owner to sell Part 1 to a prospective buyer who may have the capacity to undertake future development projects on the under-utilized *urban land*.

#### Growth Plan for the Greater Golden Horseshoe (GGH) (2019)

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 2.2.7 Designated greenfield areas – states that new development in *designated greenfield areas* will be planned, designated, zoned and designed in a manner that:

- a) Supports the achievement of *complete communities*;
- b) Supports *active transportation*; and
- c) Encourages the integration and sustained viability of transit services.

The minimum density target applicable to the *designated greenfield areas* of Niagara Region is not less than 50 residents and jobs combined per hectare.

The proposed severance will help to (re-)create a separate building lot and will allow the current owner to

dispose of this land which is surplus to their needs. The proposed consent application on its own does not facilitate any direct or specific *intensification* which is a result of the zone category in effect. The lot geometry is rudimentary and will not cause any adverse impacts as a result of its re-creation as the lot is large enough for several future development options.

#### Regional Official Plan (Consolidated August 2014)

The Regional Official Plan designates the subject land as 'Designated Greenfield Area' within the Urban Area Boundary.

Policy 4.C.5.1 states *Designated Greenfield Areas* will be planned as compact, complete communities by, where limited by scale or configuration, making a significant contribution to the growth of the respective *urban area* and providing integrated, mixed land uses.

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

The proposed severance conforms to the Regional Official Plan because the lands will continue to be appropriately suited for several future development scenarios, forms and scales while still being able to satisfy the minimum gross density target of 50 people & jobs per hectare.

#### Pelham Official Plan (2014)

The local Official Plan designates the subject land as 'Urban Living Area / Built Boundary' with a *Greenfield Overlay*.

Policy B1.1.1 recognizes the existing urban area of Fonthill and the role the Town will need to accommodate various forms of residential intensifications, where appropriate.

Policy B1.8.4 states that for other *Greenfield Overlay* lands in Fonthill, the policies and land use permissions of the applicable land use designation shall apply provided that any application for development shall demonstrate that these sites can achieve the required population and / or employment density (50 PJ/H).

The subject lands (Part 1) is large enough that a variety of development options are available and present the ability to easily satisfy the 50 PJ/H policy requirement on a 907 m<sup>2</sup> parcel under future development applications.

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;
  - ✓ Yes.
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
  - ✓ Yes.
- e) Will not have a negative impact on the drainage patterns in the area;
  - ✓ Grading Plan required as a 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 *designated greenfield area* lands to the north were recently built upon as a compact townhouse development while the abutting lands to the east and west continue

- to remain viable with large road frontages and access available.
- 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 1) for future undetermined development use. Granting the proposed lot will allow the current owner to dispose of lands which are surplus to their needs and help facilitate a future development scenario with a new owner.

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

The subject land is currently zoned 'Neighbourhood Commercial' (NC) according to the Zoning By-law. The permitted uses (among others) include:

- a) Banks, barber shops, beauty salons;
- b) Offices;
- c) Convenience retail stores;
- d) Restaurants;
- e) Studios;
- f) Dwelling units above ground floor; and
- g) Accessory uses.

The resulting parcel configuration will continue to comply with all applicable zoning regulations. Any future development of a permitted use under Section 19 will require Site Plan Approval by Town Council. Any future development beyond that which is permitted under Section 19 would require a Zoning By-law Amendment.

#### **Agency & Public Comments**

On November 27, 2019 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 (Dec 2, 2019)
  - No comments.
- Public Works Department (Jan 2, 2019)
  - See conditions.
- Bell Canada (Dec 4, 2019)
  - No objections.

Comments were received from three (3) neighbouring residents which are summarized as follows.

1. Objects to the 'Neighbourhood Commercial' (NC) zoning as the proposed lot seems too small for the NC zone and the noise / activity likely to be generated from those permitted uses would be intrusive to the residential properties.
  - ✓ The subject land has been zoned 'NC' since at least 1987. The commercial zoning actually dates back to 1971 which pre-dates most of the surrounding residential subdivisions which were built over the last 3 decades.

2. Desire to know what the future undetermined development will be?
  - ✓ Unknown. The property is currently zoned 'Neighbourhood Commercial' (NC) which permits mixed use Residential-Commercial buildings.
3. The severance approval should be conditional upon rezoning to single detached residential use.
  - ✓ This is not an appropriate condition given the context and historic status of the 'NC' zoning. The mixed use 'NC' zone conforms with Provincial, Regional and Town policies and represents wise land use planning due to its geography and location along a collector road.

### Planning Staff Comments

The subject application deals with the severance of a westerly side yard to re-create a parcel which formerly was independent but had inadvertently merged as a result of title under one ownership. The current land owner wishes to convey Part 1 likely with the goal of selling to a new owner. The application for consent to partial discharge of mortgage and to convey 907 m<sup>2</sup> of land does not directly cause *intensification* via an increased density as a result of the new lot, but it is likely correlated with a pending proposal sometime in the future. This is because the separation (or conveyance) of a new lot does not induce more development since the current zoning regulations in effect do not stipulate any number of dwelling units / commercial gross floor area per lot, as would be the case in other zones like the R1 or R2 zones (i.e. one (1) house per lot). Any new mixed used or commercial building construction would require a Site Plan Approval, and perhaps further zoning or minor variance approval depending on the design. Instead, there are provisions such as a maximum gross floor area requirement which is based on a percentage (%) of the lot's area

A pre-consult was held with the applicant(s) of the property and staff from the Town on November 4, 2019 to discuss the subject application to re-create the formerly separate parcel. The applicant submitted a Planning Justification Brief which helps detail the purpose, nature of the application and applicable policies.

The subject lands are located on the northwest corner of Quaker Road and Line Avenue and are surrounded by:

- North – Multi-unit townhouse residential
- East – (1-storey) commercial building
- South – Single detached residential
- West – Single detached residential

Planning staff visited the site and reviewed aerial photography to better understand the local context. The neighbourhood is currently undergoing some construction and future projects are also imminent. This area of Quaker Road is characterized by sporadic commercial uses, large and small lot single detached residences as well as townhouses.

Planning staff is of the opinion that the proposal applies current planning and development goals dealing with appropriate lot creation principles such as traditional lot geometry and location without hindering future development opportunities on existing urban land. The severance will not impede the subject lands, or the neighbouring lands from any future development opportunities in any tangible way. 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 1-storey commercial building until such time as the land owner explores alternative development options, uses or alterations.

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 B12/2019P **be granted** subject to the following condition(s):

**THAT** the applicant

- Ensure the new lot is serviced with an individual 20 mm Ø water service and 125 mm Ø sanitary sewer lateral in accordance with Town standards. Installation of any service will require a Temporary Works Permit(s) to be obtained and approved by the Public Works Department. The applicant shall bear all costs associated with these works.
- Submit a drawing indicating the locations of the individual water service and sanitary laterals for all lots to confirm no existing service branches from, or through any proposed lot lines to other lands, and from or through the remnant parcel to other lands. Locate cards for all lots shall be required after the installation of new services.
- Submit a comprehensive overall lot grading & drainage plan demonstrating that the drainage neither relies upon nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective boundaries of the new parcel, to the satisfaction of the Director of Public Works.
- 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.
- 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 \$395, 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.

Prepared by,



Curtis Thompson, B.URPI  
Planner

Approved by,



Barb Wiens, MCIP, RPP  
Director of Community Planning & Development