

Public Meeting Under the Planning Act Agenda

PCOW-02/2020

Monday, March 9, 2020

5:30 PM

Town of Pelham Municipal Office - Council Chambers


20 Pelham Town Square, Fonthill

If you require any accommodations for a disability in order to attend and participate in meetings or events, please contact the Office of the Clerk at 905-892-2607 ext. 315 or 320. Taping and/or recording of meetings shall only be permitted in accordance with the Procedure By-law. Rules of Decorum apply to observers.

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5. Adjournment

	WHAT:	Public Meeting for a Zoning By-law Amendment in accordance with Section 34 of the Planning Act, R.S.O. 1990, as amended
	WHEN:	Monday March 9, 2020 at 5:30 PM
	WHERE:	Town Hall Council Chambers 20 Pelham Town Square, Fonthill
	FILE No.:	AM-01-20

Please refer to the location of the subject parcel on the reverse side

An application to amend the Zoning By-law was received for the property known locally as **1084 Quaker Road** (see reverse).

The applicant seeks approval to rezone the property from R1 (Residential 1) to a site-specific R1 zone to allow a duplex dwelling. The requested zoning change will recognize an existing dwelling unit within the basement of the existing single detached dwelling.

YOUR INPUT IS ENCOURAGED! WE ARE LISTENING!

Information



Please provide input by speaking at the public meeting or by making a written submission to the Town of Pelham. Unless indicated otherwise, personal information and all comments will become part of the public record and may be publicly released. To provide input in writing for inclusion on the agenda or to request personal notice if the proposed amendments are adopted, please send all correspondence by **noon on February 24, 2020** package c/o Town Clerk, Nancy J. Bozzato, PO Box 400, 20 Pelham Town Square, Fonthill, Ontario, L0S 1E0. Comments and requests received after this date will still be received by Council, however they may not be published as part of the public meeting agenda.

NEED MORE INFORMATION? CONTACT US!



For more information, please contact Ms. Shannon Larocque, MCIP, RPP, Senior Planner, at 905-892-2607, ext. 319, or email at slarocque@pelham.ca. A copy of the Information Report regarding the proposed amendments may be obtained on the Town's website at <http://calendar.pelham.ca/council> or at the Community Planning and Development Department (2nd Floor) after 12:00 pm on Friday March 6, 2020.

IMPORTANT INFORMATION!



If a person or public body does not make oral submissions at a public meeting or make a written submission to the Town of Pelham on the Planning Act matters before the proposed Zoning By-law amendment is adopted, the person or public body is not entitled to appeal the decision to the Local Planning Appeal Tribunal. Further, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there is reasonable grounds to do so.

If you wish to be notified of the decision regarding the proposed Zoning By-law amendment, you must make a written request to the Clerk of the Town of Pelham and such request must include the name and address to which such notice should be sent.

Dated at the Town of Pelham, this 14th day of February, 2020.
 Nancy J. Bozzato

[illegible]

NOTICE REQUIREMENTS

**Town of Pelham Application for
Zoning By-law Amendment
1084 Quaker Road
File No AM-01-20**

A Zoning By-law Amendment to permit the use of the property for a duplex dwelling

The Planning Act requires under Section 34 that Council must hold at least one public meeting for the purpose of informing the public in respect of the proposed zoning by-law amendment.

This public meeting has been called to satisfy this requirement. Notice of this meeting was provided by prepaid first class mail to all persons, who are listed as owners in the last revised assessment roll, within 120 metres of the subject property on February 14, 2020. The notice provided information on the property and the proposed zoning by-law amendment.

In addition to providing information, we will also receive any comments which any member of the public may wish to offer.

There is an attendance list on the table which we would ask all present to print their name and complete mailing address if they wish to be notified of the decision by Council.

If a person or public body would otherwise have an ability to appeal the decision of the Town of Pelham to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Pelham before the by-law is passed, the person public body is not entitled to appeal the decision.

In closing, we stress that at this point no decision has been made on the proposed Zoning By-law amendment and therefore any comments received will be taken into account by Council in their consideration.

Public Meeting for 1084 Quaker Road

Zoning By-law Amendment Application AM-01-20

March 9, 2020

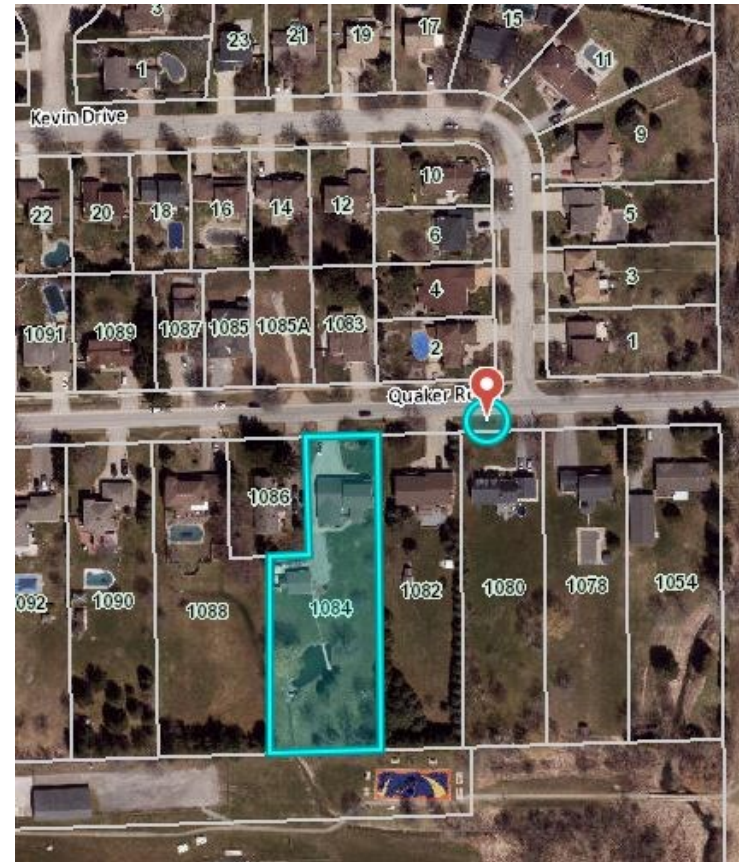
Location & Purpose

Location:

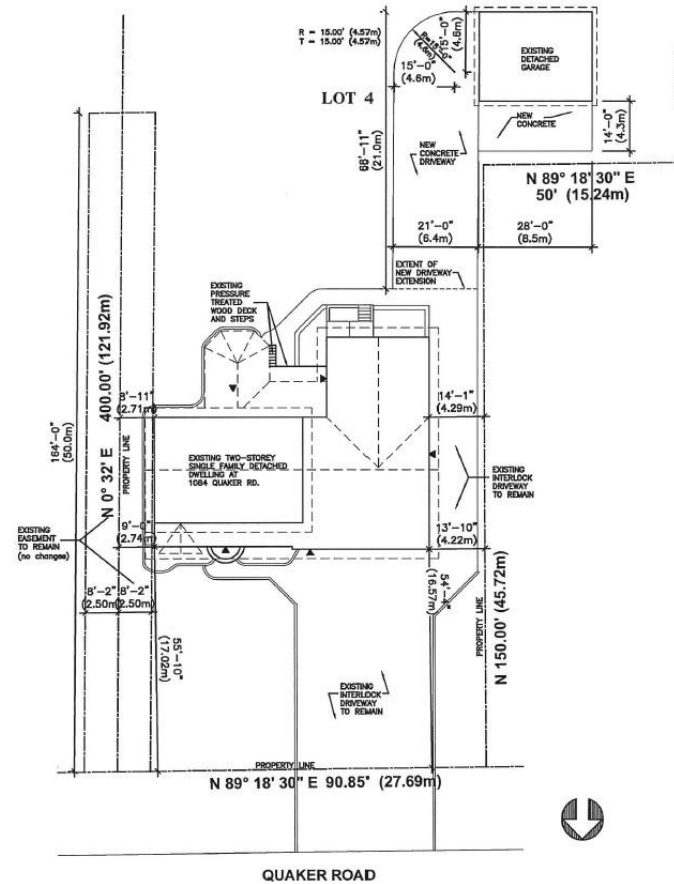
South side of Quaker Road west
of Kevin Drive

Purpose:

To change the zoning to add a duplex dwelling as a permitted use



Existing Site Layout



Provincial Policies & Plans

Provincial Policy Statement, 2014

- Settlement Area

Growth Plan for the Greater Golden Horseshoe, 2019

- Delineated Built-up Area

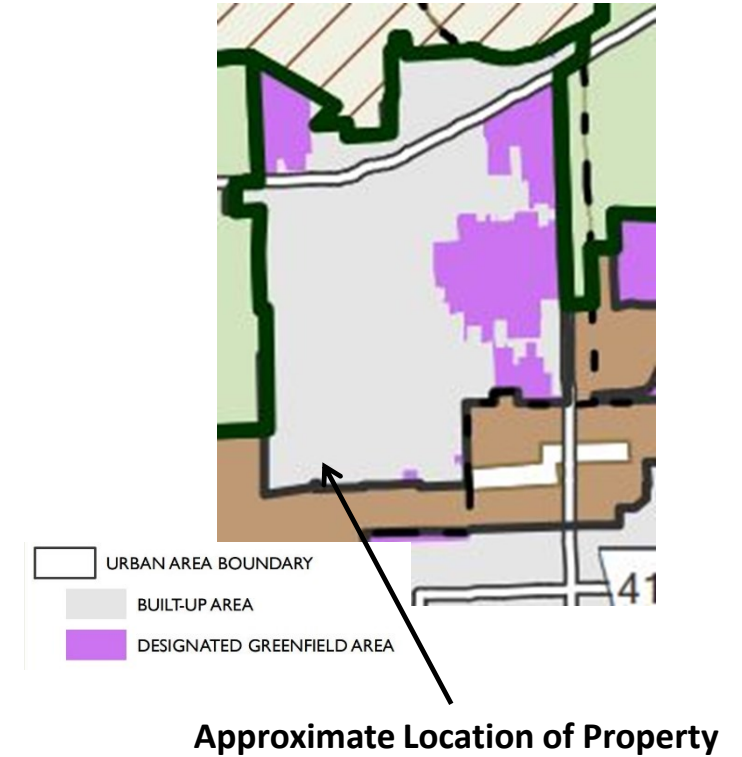
2014 Provincial
Policy
Statement



Niagara Region Official Plan

Urban Built-up Area

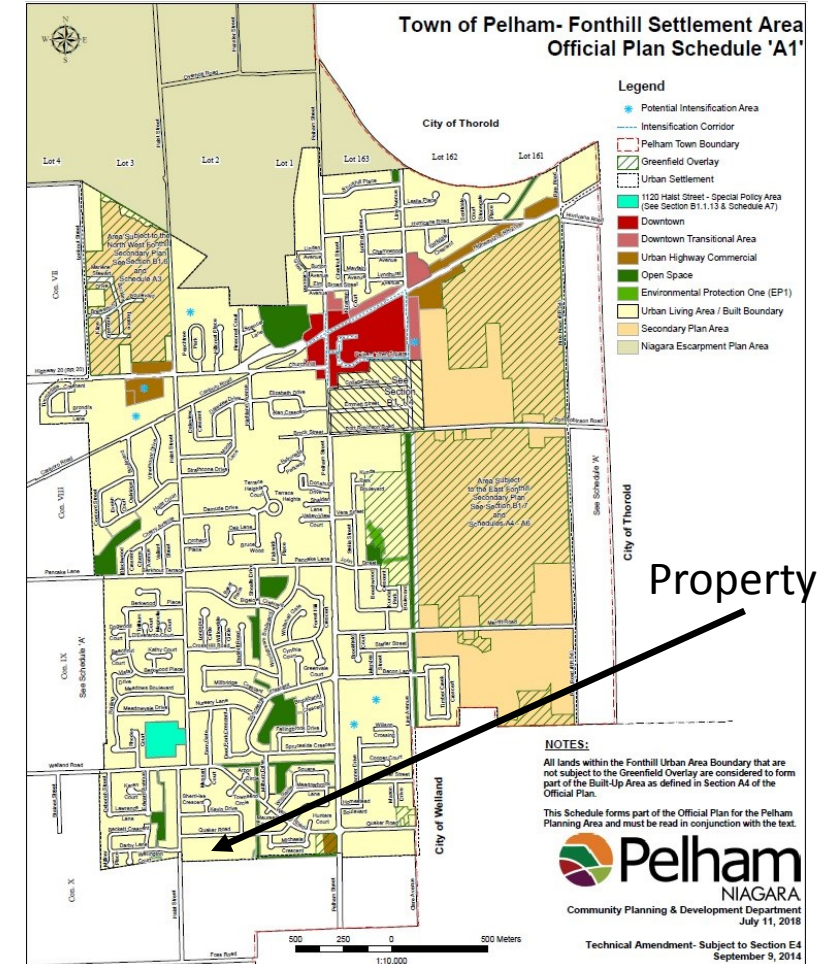
- Full range of residential, commercial and industrial uses permitted subject to available services and infrastructure.
- Policies promote higher density development and growth that contributes to a range of employment and housing types.
- 15% intensification target for new development.



Town Official Plan

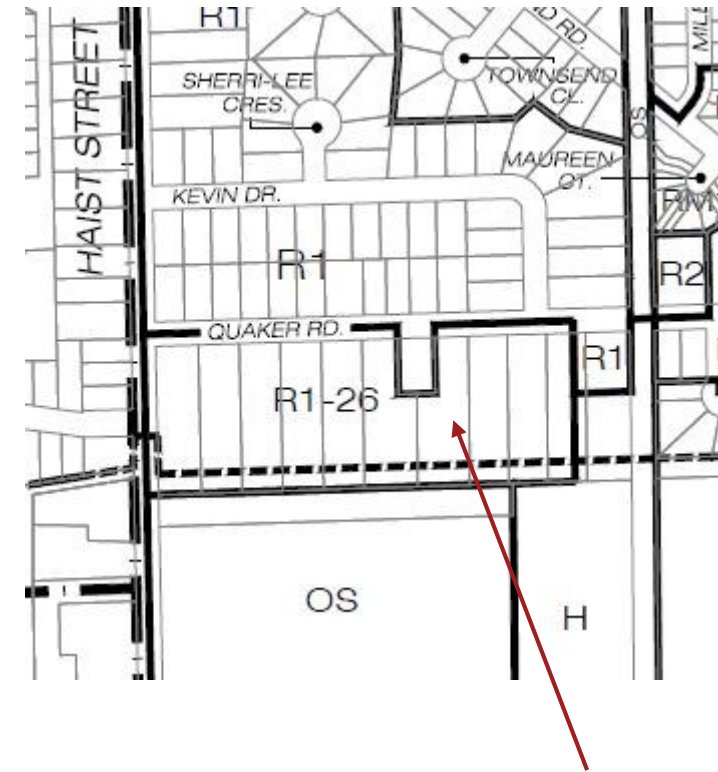
Urban Living Area / Built Boundary

Permits single-detached, accessory apartments, semi-detached, townhouses, multiple and apartment dwellings, bed and breakfast, home occupations, institutional and neighbourhood commercial uses



Zoning By-law 1136 (1987)

- R1-26 (Residential One) zone
- requesting site specific (R1) Residential 1 zone to add a duplex dwelling as a permitted use



Property Location

Comments

Enbridge Gas Inc.

No objection.

Niagara Peninsula Energy

Property is outside of the service area.

Canada Post Corporation

No comments or conditions.

Building Division

A building permit will be required for the basement dwelling unit. Proper drawings will be required in accordance with the *Ontario Building Code*.

Normand Mailhot

Opposed to the application.

Concerned about neighbourhood property values, parking, traffic, garbage.

Wants only single detached dwellings in the existing neighbourhood.

Conclusion

No decisions or recommendations concerning this application have been or will be made at this meeting.

Following review of comments received, a recommendation report will be prepared for Council's decision at a later date.

Please ensure you provide your contact information through written comments or the sign-in sheet if you wish to receive future notices.

Questions & Comments

Shannon Larocque, Senior Planner

905-892-2607 x319

slarocque@pelham.ca

COMMITTEE REPORT
COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT
Monday, March 09, 2020

Subject: Information Report – Application for Zoning By-law Amendment – 1084 Quaker Road

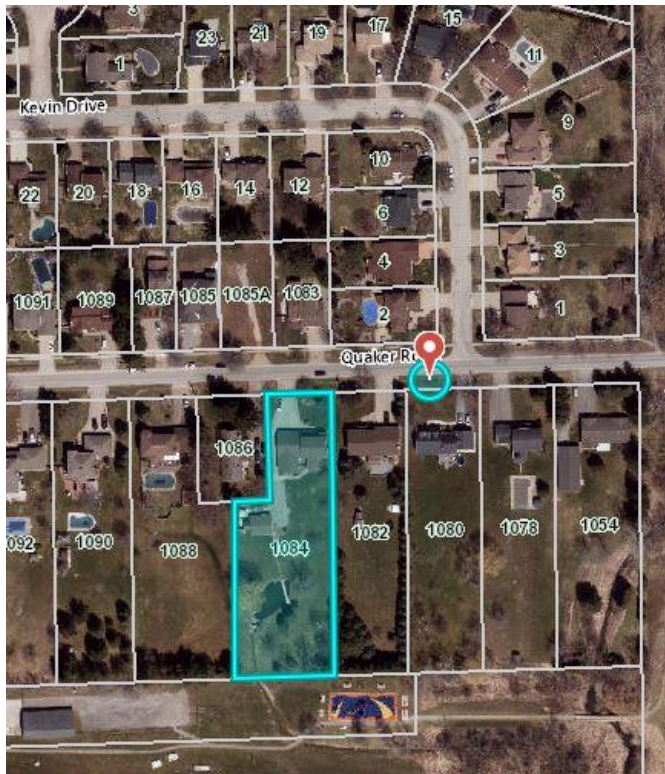
Recommendation:

THAT Committee receive Report #2020-35 for information as it pertains to 1084 Quaker Road (File no. AM-01-20) and recommend to Council:

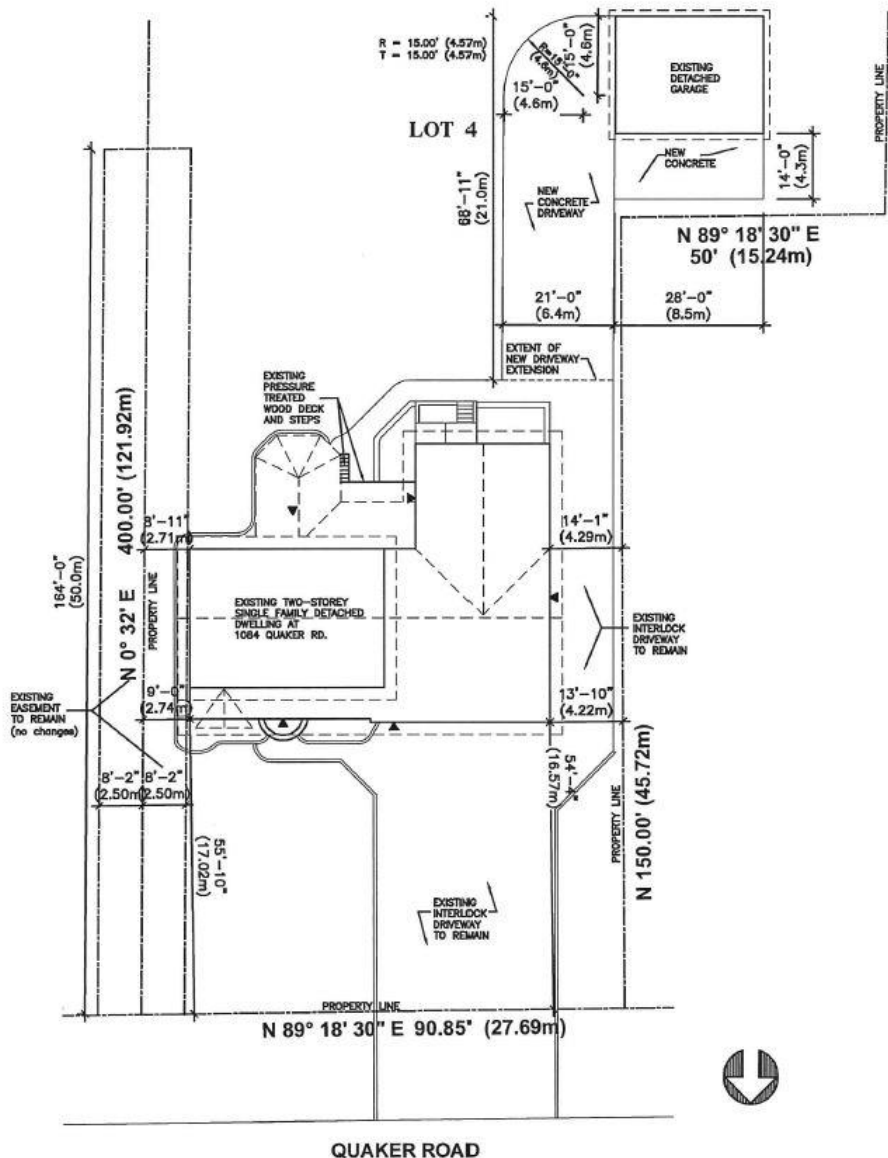
THAT Council direct Planning staff to prepare the Recommendation Report on this application for consideration.

Background:

The subject property is located on the south side of Quaker Road, west of Kevin Drive (see aerial image below).



The applicant seeks approval to rezone the property from R1-26 (Residential One) to a site specific R1 zone to permit the use of the property for a duplex dwelling. The requested zoning change will recognize an existing dwelling unit within the basement of the existing single detached dwelling. No additions are proposed to the existing dwelling or location of structures on the property as a result of the proposed zoning change (see existing site layout below).



Analysis:

Planning Act

Section 3 of the *Planning Act* requires that, in exercising any authority that affects a planning matter, the decision of planning authorities "shall be consistent with the

policy statements” issued under the Act and “shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be”.

Section 34 of the Act allows for consideration of amendments to the zoning by-law.

Provincial Policy Statement, 2014

The subject parcel is designated as being within a Settlement Area according to the Provincial Policy Statement, 2014 (PPS).

The PPS provides policy direction on matters of provincial interest related to land use planning and development in Ontario.

It is recognized that the province’s long-term prosperity, environmental health, and social well-being depends on wisely managing change. Efficient land use and development patterns will achieve healthy, livable, and resilient communities that will protect the environment and public health and safety, and will facilitate economic growth.

Policy 1.1.1 outlines how healthy, livable and safe communities are sustained.

Settlement Areas shall be the focus of growth, and new development, in designated growth areas, should have a compact form and a mix of uses and densities that allow for the efficient use of land, infrastructure, and public service facilities (Policies 1.1.3.1, 1.1.3.2 (a), and 1.1.3.6). Development should provide for an appropriate range and mix of housing types and densities to minimize the cost of housing, and facilitate compact form; provide for efficient use of land, infrastructure and public service facilities; support the use of active transportation; while maintaining appropriate levels of public health and safety (Policy 1.4.3). Healthy, livable, active communities meet the needs of pedestrians by fostering and facilitating active transportation and ensuring community connectivity (Policy 1.5.1). In addition, development shall efficiently use and optimize existing municipal sewage and water services; and, stormwater management shall promote best practices and low impact development (Policies 1.6.6.1 and 1.6.6.7).

Greenbelt Plan, 2017

The subject parcel is located in an identified settlement area that is outside of the Greenbelt Plan Area; therefore, the policies of the Greenbelt Plan do not apply.

Niagara Escarpment Plan, 2017

The subject parcel is not located in the Niagara Escarpment Plan Area; therefore, the Niagara Escarpment Plan policies do not apply.

Growth Plan for the Greater Golden Horseshoe, 2019

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.

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.

Regional Official Plan, consolidated August 2015

The subject land is located within the Urban Area Boundary of the Town of Pelham and is designated Built-up Area in the Regional Official Plan. Built-up Areas will be the focus of residential and employment intensification and redevelopment within the Region over the long term (Policy 4.G.8.1). The minimum residential intensification rate for the Town of Pelham is 15% of total annual development (Policy 4.C.4.1).

Pelham Official Plan (2014)

The property is located within the Urban Settlement area of Fonthill and is designated Urban Living Area/Built Boundary in the Town of Pelham Official Plan. Permitted uses in the Urban Living Area are single detached residential dwelling units, accessory apartments in single detached dwellings, semi-detached, townhouse, multiple and apartment dwellings, home occupations, bed and breakfast establishments in single detached dwellings, private home day care and complementary uses such as residential care facilities, daycare centres, institutional uses and convenience commercial uses. Planning staff note that townhouses are supported in the Urban Living Area.

Further, Policy B1.1.3 (c) requires intensification and redevelopment proposals to achieve a unit density that is in keeping with the character of the density of the

neighbourhood.

Policy B.1.13 requires the Town to accommodate at least 15% of projected housing growth within the existing built boundaries of Fonthill and Fenwick. Policy B1.1.3 (e) indicates that the creation of accessory apartments and in-law suites within residential neighbourhoods is considered to be an appropriate form of residential intensification.

Policy B1.1.4 permits accessory apartments in single detached dwellings in the Urban Living Area designation provided the apartment will comply with the Ontario Building and Fire Codes as well as the Zoning By-law; adequate parking is available on the lot for both dwelling units; and the second dwelling unit is designed and located in the interest of maintaining the character of a detached dwelling as viewed from the streetscape.

Pelham Zoning By-law Number 1136 (1987)

The subject land is currently zoned 'Residential 1' (R1-26), the permitted uses include:

- One single detached dwelling
- Accessory buildings
- Home occupations

The R1-26 zone requires a minimum rear yard setback of 61 metres.

The requested zoning by-law amendment would create a site specific R1 zone that permits a duplex dwelling in addition to the uses permitted in the R1 zone. Section 5 of the Zoning By-law defines a duplex as "a dwelling other than a converted dwelling, which is divided horizontally into two dwelling units, each of which has an independent entrance either directly from a yard or from a common vestibule."

Financial Considerations:

There are no financial costs associated with the requested Zoning By-law amendment. The property owner has provided an application fee which is intended to cover staff time to process, review and comment on the application.

Alternatives Reviewed:

There are no alternatives at this time as this report is provided for information purposes only.

Strategic Plan Relationship: Strong Organization

Council is obligated to make a decision with respect to the application by the Planning Act, R.S.O. 1990, C.P.13. While consideration of this request is not a specific action in the Strategic Plan, diversification of ownership options and housing types within the urban area of the Town can assist in building a stronger community.

Consultation:

Agencies were circulated for review and comment on the application prior to scheduling the public meeting. The following comments (Appendix A) were received:

Enbridge Gas Inc. "No objection."

Niagara Peninsula Energy "Property is outside of the service area."

Canada Post Corporation "No comments or conditions."

Building Division "A building permit will be required for the basement dwelling unit. Proper drawings will be required in accordance with the *Ontario Building Code*."

A notice of public meeting was circulated to property owners within 120 metres of the property and posted to the Town's website on February 14, 2020. Notice signs were posted to the property on February 19, 2020. The following public comments (Appendix B) have been received as of the date of writing of this report:

Normand Mailhot

- Opposed to the application.
- Concerned about neighbourhood property values, parking, traffic, garbage.
- Wants only single detached dwellings in the existing neighbourhood.

Other Pertinent Reports/Attachments:

Appendix A Agency Comments

Appendix B Public Comments

Prepared and Recommended by:

Shannon Larocque, MCIP, RPP
Senior Planner

Barbara Wiens, MCIP, RPP
Director of Community Planning and Development

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

Zoning By-law Amendment Comments

Date: February 27, 2020

Re: 1084 Quaker Road

The building department offers the following comments,

- A building permit will be required for the basement dwelling unit and compliance with the Ontario Building Code will be a requirement.
- Proper drawings depicting the basement unit must accompany the building permit application.

Respectfully,
Belinda Menard, Dipl., Const. Eng. Tech.
Building Intake/Plans Examiner

February 7, 2020

Planning & Development Services
The Corporation of the Town of Pelham
20 Pelham Town Square
P.O Box 44
Fonthill, Ontario, L0S 1E0

Re: Application for Zoning By-law Amendment - 1084 Quaker Road

Dear Shannon,

Canada Post Corporation has no comments or conditions regarding the proposed zoning by-law amendment. Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding this decision, I can be reached at 226-268-5914.

I appreciate the opportunity to comment on this project.

Regards,

A. Carrigan

Andrew Carrigan
Delivery Services Officer
Andrew.Carrigan@Canadapost.ca

Shannon Larocque

From: Municipal Planning <MunicipalPlanning@enbridge.com>
Sent: Monday, February 10, 2020 7:19 AM
To: Shannon Larocque
Subject: RE: Request for Comments - Application for Zoning By-law Amendment - 1084 Quaker Road

Thank you for your circulation.

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Regards,

Alice Coleman
Municipal Planning Analyst
Long Range Distribution Planning

ENBRIDGE GAS INC.
TEL: 416-495-5386
500 Consumers Road, North York, Ontario M2J 1P8

Enbridge.com
Safety. Integrity. Respect.

From: Shannon Larocque <SLarocque@pelham.ca>
Sent: Friday, February 7, 2020 2:45 PM
To: Niagara Peninsula Energy (info@npei.ca) <info@npei.ca>; jim.sorley@npei.com; andrew.carrigan@canadapost.ca; Bell Canada <circulations@mmm.ca>; Hydro One- Land Use Planning (landuseplanning@hydroone.com) <landuseplanning@hydroone.com>; Municipal Planning <MunicipalPlanning@enbridge.com>
Subject: [External] Request for Comments - Application for Zoning By-law Amendment - 1084 Quaker Road

EXTERNAL: PLEASE PROCEED WITH CAUTION.

This e-mail has originated from outside of the organization. Do not respond, click on links or open attachments unless you recognize the sender or know the content is safe.

Good Afternoon,

We are in receipt of an application to permit a duplex at the above property. The application is intended to legalize the existing dwelling unit that has been constructed in the basement.

A site plan has been attached for your reference.

Your comments would be appreciated by February 28th, 2020.

If you require any further information, please feel free to contact me.

Best Regards,

Shannon



Shannon Larocque, MCIP. RPP.

Senior Planner

Town of Pelham

T: 905-892-2607 x319 | E: slarocque@pelham.ca

20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

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Shannon Larocque

From: Jim Sorley <jim.sorley@npei.ca>
Sent: Monday, February 10, 2020 9:22 AM
To: Shannon Larocque
Subject: Request for Comments - Application for Zoning By-law Amendment - 1084 Quaker Road
Attachments: 1084 Quaker - (2019) Existing Site Plan.pdf; doc22564920200131160647.pdf

Hi Shannon,

This project is outside of the service area of NPEI. We only service the Fonthill area in the Town of Pelham.

Regards,



Jim Sorley | Director of Engineering Services, L.E.T., ME
Tel: (905) 356-2681 ext 6224 | Email: jim.sorley@npei.ca



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Sent to External Source

From: Shannon Larocque [<mailto:SLarocque@pelham.ca>]
Sent: Friday, February 07, 2020 2:45 PM
To: INFO; jim.sorley@npei.com; andrew.carrigan@canadapost.ca; Bell Canada; Hydro One- Land Use Planning (landuseplanning@hydroone.com); Municipal Planning
Subject: Request for Comments - Application for Zoning By-law Amendment - 1084 Quaker Road

Good Afternoon,

Feb 22, 2020

Town of Pelham
Town Clerk Nancy J. Bozzato
PO Box 400
20 Pelham Town Square
Fonthill, ON L0S1E0

Subject: File AM-01-20
1084 Quaker Rd Re-zoning

As a property owner near 1084 Quaker Rd, I am opposed to any amendments to the current zoning of the property. What is being asked here is a permanent change to the dynamics of our neighborhood. Zoning changes like this one should not happen after people have made significant investments in their homes.

By re-zoning this property I am afraid of the impact it will have on any future real estate values in the homes surrounding this property, and no one can say to me that it will be beneficial. I built here in 1987 under a certain set of known facts about the zoning and the future plans for the neighborhood and I made a decision based on that.

You can bet if this is allowed others will be asking for the same. There is an empty lot across the street from 1084 Quaker, and I don't want to see us revisiting the same issues with that one. Issues like parking, traffic flow, garbage etc. will all be stretched as the subdivisions were not built with that in mind.

But it's the future that scares me the most. How will future owners manage this property? My daughter lives in an area with a lot of rental houses and as we all know, when you don't own it you don't care so much about aesthetics, you're just in it for the income. This is a 3 unit dwelling (legal/ illegal) as it sits today. Someone could buy this and rent all three units. I am aware that one is supposed to be a granny suite but it would be so easy to change that (current case in point) without anyone knowing.

Changes like this should be made when new developments are done. Maybe create a new property category in that development that would allow such a dwelling to be built. At least people buying into that would know what they are getting into. Older existing developments should not allow owners to do this.

This is a quiet single family residential neighborhood, always was and always should stay that way. Considering this change will create a lot of bad blood amongst long time neighbors, it will no longer be the same as it has been. Don't change the rules in the middle of the game. Too many of us have made a purchase decision based on certain facts and by-laws. If rental income is what you're after then there are areas that are designed and zoned for you to do that without upsetting an entire neighborhood.

Thank you

Normand Mailhot



Feb 22, 2020

Town of Pelham
Town Clerk Nancy J. Bozzato
PO Box 400
20 Pelham Town Square
Fonthill, ON L0S1E0

Subject: File AM-01-20
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Thank you

Normand Mailhot
[REDACTED] Quaker Rd.

From: [Shannon Larocque](#)
To: [Holly Willford](#); [Nancy Bozzato](#)
Cc: [Sarah Leach](#)
Subject: FW: Proposed Zoning By-law Amendment File AM-01-20
Date: Monday, March 2, 2020 8:55:34 AM

FYI



Shannon Larocque, MCIP. RPP.

Senior Planner

Town of Pelham

T: 905-892-2607 x319 | E: slarocque@pelham.ca

20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

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From: Pamela Shelton [REDACTED]
Sent: Sunday, March 01, 2020 12:48 PM
To: Shannon Larocque <SLarocque@pelham.ca>
Cc: Nigel Shelton [REDACTED]
Subject: Proposed Zoning By-law Amendment File AM-01-20

Yesterday we received the subject notice dated February 14, 2020. As there is insufficient time to get this to The Town of Pelham by mail, please accept this electronic submission. We find the entire process to be time restrictive.

We take exception to this proposed amendment as it would negatively impact property values and change the dynamic of the neighbourhood. Had we wanted to live in a multi-family residential neighbourhood, we would have chosen to. Now our single family neighbourhood is at risk.

The notice says the information report will be available on March 06, one business day before the public meeting, which is hardly adequate time to understand the issues and submit a detailed response.

We believe if property owners wish to live in a multi-family neighbourhood, they already exist without compromising the dynamic of this lovely area.

We intend to be at the public meeting on March 09. Please keep us informed of any developments.

We respectfully request our personal contact information remain private.

Nigel and Pamela Shelton

