

January 26, 2022

Ms. Holly Willford, Secretary Treasurer
Committee of Adjustment
Town of Pelham
Fonthill, ON L0S 1E0

Re: Consent Application B1-2022P

147 Port Robinson Road, Pelham

Part of Lot 166, Formerly Part of Thorold Township now Pelham, Being Part 1 on Plan 59R-2675 (Part 1 on Sketch)

Roll No. 2732 030 020 04401

The subject parcel, shown as Part 1 on the submitted sketch, is an interior parcel of land situated 92.09 metres north of Port Robinson Road lying west of Moody Street, legally described above, in the Town of Pelham.

Application is made for consent to partial discharge of mortgage and consent to convey 414 square metres of land (Part 1), to be merged with the partial lot to the east in the future. Part 4 is to be retained for continued residential use of the dwelling known municipally as 147 Port Robinson Road.

Note: This application is being considered concurrently with Consent Files B2/2022P and B3/2022P.

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;
 - See PPS and Growth Plan analyses below.
- b) Whether the proposed subdivision is premature or in the public interest;
 - The lot creation is not premature and is able to uphold public interest as it is within Urban Area Boundary and is seen as an appropriate form of gentle intensification.
- c) Whether the plan conforms to the Official Plan and adjacent plans of subdivisions, if any
 - See Official Plan analysis below. The proposed lot should not compromise the

existing subdivision parcel fabric as the severed part will be merged with a partial lot within River Estates (Phase 2) in the future to form a complete single-detached lot fronting onto Susan Drive.

- d) The suitability of the land for such purposes;
 - The lands (and neighbourhood) are predominantly lower to medium density residential dwellings with mostly ground-oriented development. The proposed consent would facilitate the construction of one additional single detached residential dwelling in the new lot.
- e) The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
 - The consent applications will dedicate Parts 2 and 3 as shown on the Severance Sketch, to the Town as public rights of way. Part 2 is to be used as an extension of a local collector road (rear laneway) and is 7.50 meters in width, 15.55 meters in depth and 109 square meters in area. Part 3 is to be dedicated as an extension of the Moody Street road allowance and is 18 meters in width, 30.58 meters in depth and 659 square meters in area. The dedication of these lands will facilitate the connection of the laneway to Moody Street and the extension of Moody Street itself.
- f) The dimensions and shapes of the proposed lots;
 - The proposed lot which will be merged with a partial lot in the adjacent subdivision will have comparable dimensions and shape to the existing neighbourhood development patterns and can comfortably site a new dwelling. It is noted however, any zoning deficiency and required land use changes must be addressed in the future Zoning By-law Amendment.
- h) Conservation of natural resources and flood control;
 - No natural resources or flood concerns are identified to be impacted because of this redevelopment.
- i) The adequacy of utilities and municipal services;
 - The retained parcel is connected to municipal infrastructure and has access to the full range of public services. Utilities and municipal services are available to service the severed parcel.
- j) The adequacy of school sites
 - Available nearby.
- k) The area of land, if any, exclusive of highways, to be dedicated for public use.
 - Part 2 and 3 as shown from the consent sketch will be conveyed to the Town of Pelham for public highway use.
- l) The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy.
 - The lots resulting from this development will be able to take advantage of the

existing natural gas mains, hydro services, and municipal water and sanitary services available for domestic use providing for improved efficiencies of the existing means of supply. The proposed new dwelling must also be constructed to meet current energy efficient requirements under the Ontario Building Code.

- m) The interrelationship between the design of the plan of subdivision and site plan control matters relating to any development on the land, if the land is also located in within a site plan control area.
- While the proposed lot is in an area designated for site plan control, the Town Site Plan Control By-law No. 1118 (1987) exempts single detached dwellings from site plan control.

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 development supports provincial interest by making more efficient use of finite urban land and increasing housing supply upon existing linear municipal infrastructure meant to serve the public. The severance is not premature, and does not compromise any future land use redevelopment considerations on adjacent lands or the remnant parcel. The proposed lot geometry is consistent with existing neighbourhood development practice considering the community at large. Neighbourhood commercial uses and public schools are also nearby.

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 located in a ‘Settlement Area’ according to the PPS. Policy 1.1.3.1 states that settlement areas shall be the focus of growth and development.

The Niagara Region Official Plan prescribes an annual residential intensification rate of at least

15% for all lands within Pelham's Urban Settlement Areas, this policy target is also reflected in the Pelham Official Plan.

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.

Policy 2.6.2 states that development and site alteration shall not be permitted on lands containing archaeological resources or archaeological potential unless the resources have been conserved. The Town's Heritage Master Plan also identifies this area as having composite archaeological resource potential. Therefore, a Stage 1 and 2 Archaeological Assessment and Ministry Clearance are required as a condition of approval.

The proposal will facilitate the construction of one new single detached dwelling that helps reduce the amount of under-utilized urban land within the Village of Fonthill, making more efficient use of existing infrastructure and helping to protect the agricultural and ecological resources of the Province. The subject lands are also within walking distance to local shopping, parkland, public service facilities and institutional uses in proximate locations.

Growth Plan for the Greater Golden Horseshoe (2019)

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 with 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 subject parcel is designated 'Delineated Built-Up 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*.

Policy 2.2.6.2 Housing – states that notwithstanding policy 1.4.1 of the PPS (2014), in implementing policy 2.2.6.1, municipalities will support the achievement of *complete communities* by:

- a) planning to accommodate forecasted growth to this Plan’s horizon;
- b) planning to achieve the minimum intensification and density targets in this Plan;
- c) considering the range and mix of housing options and densities of the existing housing stock; and
- d) planning to diversify their overall housing stock across the municipality.

The proposed severance will facilitate the construction of one additional single detached dwelling on an urban lot. Ground-oriented residential dwellings are the predominant housing type in this Fonthill neighbourhood, being single detached, semi-detached and townhouse dwellings. Single detached dwellings are the only (principle) permitted use under the proposed R2 zoning.

The extra residential lot will help the Town to meet or exceed its *delineated built boundary* intensification targets. The proposed dwelling will help contribute towards the municipal property tax base which helps financially support the maintenance of linear infrastructure and *public service facilities*. The existing water and sanitary sewer mains already extend along the frontage of the subject lands but would be better utilized with additional building connections.

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 Regional Official Plan permits a full range of residential, commercial and industrial uses generally within the Urban Area, subject to the availability of adequate municipal services and infrastructure.

Regional staff did not object, nor request to be circulated the proposed applications as the development does not conflict with Provincial and Regional interests. The subject lands are also located within the *built-up* area which is the planned focus of residential intensification and redevelopment over the long term. The potential concern for deeply buried archaeological resources must be addressed as a condition of approval.

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 'East Fonthill Secondary Plan Area' according to Schedule 'A1'. The East Fonthill Land Use Plan (Schedule A5) more specifically designates the subject lands as 'EF-Medium Density Residential'.

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.

Policy A2.3.2 Urban Character – stated objectives of this Plan 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.
- To encourage the intensification and use of the lands within the Fonthill Downtown core and to make every effort to improve its economic health by encouraging redevelopment and broadest mix of compatible uses.
- To maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that redevelopment is compatible with the scale and density of existing development.
- To encourage the development of neighbourhoods which are compact, pedestrian-friendly and provide a mix of housing types.

The proposed severance would facilitate the construction of one new single detached dwelling fronting onto a Local road (Susan Drive). The neighbourhood is undergoing considerable transition and its character is shifting into becoming a residential neighbourhood with a mix of housing types, dense, compact and walkable urban village. The proposed lot is comparable in geometry, land use and orientation with the neighbourhood.

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 A2.7.2 Cultural Heritage – states it is the Plan’s objective to ensure that the nature and location of cultural heritage and archaeological resources are known and considered before land use decisions are made.

The subject lands have no existing designated heritage properties and an archaeological assessment and clearance from the Ministry is required as a condition of approval.

Policy B1.7.3.1 (East Fonthill Development Objectives) – states the following development objectives will be implemented by the mechanisms set out in this Plan.

- b. To ensure a well-designed, attractive, pedestrian & bicycle-friendly community;
- c. To create a sense of identity and continuity within the community through design treatments that residents and visitors can recognize as characteristic of the Secondary Plan Area;
- d. To create a *complete community* with a safe, healthy and functional environment;
- j. To design roads at a pedestrian scale that are also bicycle-friendly, with attractive public spaces;
- k. To develop a land use pattern and transportation system that supports vehicle traffic, transit, bicyclists and pedestrians.
- l. To provide a hierarchy of collector and local roads that is based on a connected modified grid network.

Policy B1.7.7.4.2 (EF-Medium Density Residential Development Policies) – states that development on the basis of public or private lanes is encouraged and may be required where dwelling units front onto a Collector Main Street.

The proposed lot will be able to realize the promoted development guideline of allowing a public laneway and the overall lot fabric is able to uphold development standards.

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

- a) Schedules A1 and A2 identify a number of areas that may be good candidates for residential intensification. This does not preclude consideration elsewhere in the *Urban Living Area* 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 a collector or arterial road;

- ✓ The subject lands front Port Robinson Road, which is a Collector road according to Schedule 'C'.
- b) Intensification and redevelopment proposals are encouraged to achieve a unit density and housing type that is in keeping with the character of the neighbourhood density;
 - ✓ Not applicable according to subsection d) below, however the proposed housing type is consistent with area.
- 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;
 - ✓ Not applicable according to subsection d) below.
- d) Notwithstanding items (b) and (c), the creation of new freehold 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 proximate neighbourhood, being mostly comprised of single detached dwelling and any other ground oriented residential development.
 - ✓ The proposed lot which will be merged in the future comply with most applicable R2 zone requirements except a minor corner lot frontage deficiency.
- e) The creation of accessory apartments and in-law suites within residential neighbourhoods is considered to be an appropriate form of residential intensification.
 - ✓ The Town recently adopted second dwelling unit by-law amendment which permits second dwelling unit on a lot in the Residential 2 (R2) zone, subject to applicable regulations.

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;
 - ✓ Complies.
- b) Will not cause a traffic hazard;
 - ✓ The addition of one new driveway serving a single dwelling unit should not cause a traffic hazard considering the speed of traffic in proximity and overall traffic volume. No traffic concerns have been raised with regards to driveway apron,

traffic safety by commenting departments and agencies.

- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
 - ✓ Any zoning deficiency will be addressed through future Zoning By-law Amendment application.
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
 - ✓ Complies. Water and sanitary service available.
- e) Will not have a negative impact on the drainage patterns in the area;
 - ✓ Demonstration will be required in subsequent Planning Act application.
- f) Will not affect the developability of the remainder of the lands, if they are designated for development by this Plan;
 - ✓ The subject lands are surrounded by established residential development to the north, as well as approved condo townhouse developments to the east and South. Lands to the west will be further developed pending future Planning Act applications. The new lot created will not affect the developability of the adjacent lands.
- g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area;
 - ✓ No impact to features and functions of environmental feature in the area.
- h) Conforms with Regional lot creation policy as articulated in the Regional Official Plan.
 - ✓ No objection from Region provided archaeological potential is addressed.
- i) Complies with the appropriate Provincial Minimum Distance Separation Formulae, where applicable.
 - ✓ Not applicable.

In accordance with Provincial and Regional policy, the Town will accommodate a minimum of 15% of projected housing growth, or about 300 residential dwelling units, within the existing built boundaries of Fonthill and Fenwick.

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 the satisfaction of the conditions of approval.

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

The subject land is currently zoned 'Agricultural' (A) according to the Zoning By-law. The permitted uses include:

- a) Agricultural uses including greenhouses;
- b) Seasonal or permanent farm help houses on farms larger than 10 hectares;
- c) One single detached dwelling on one lot;

- d) Home occupations;
- e) Kennels;
- f) Animal hospitals;
- g) Uses, buildings and structures accessory to the foregoing permitted uses;
- h) Forestry and conservation uses.

A Zoning By-law Amendment will be required as a condition of approval to this consent, to amend the severed parcel's existing Agricultural (A) zoning into a site-specific Residential 2 (R2) zone, as well as to address any zoning regulation deficiency resulting from the lot creation for the retained lot.

Agency & Public Comments

On December 24, 2021, 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 (January 19, 2021)
 - No comment.
- Public Works Department (January 19, 2021)
 - Public Works Staff suggests the following condition:
 1. If a new driveway or alterations to an existing driveway is proposed, the Applicant shall obtain a Driveway Entrance and Culvert Permit from the Town. Installation and/or modification of new entrances shall be completed in accordance with Town Standards prior to consent and the Applicant shall bear all costs associated with the works.

No comments were received from the public at the time of this writing.

Planning Staff Comments

The subject application is made for consent to partial discharge of mortgage and consent to convey 414 square metres of land (Part 1), to be merged with the partial lot to the east in the future. Part 4 is to be retained for continued residential use of the dwelling known municipally as 147 Port Robinson Road.

A pre-consultation meeting was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on September 2, 2021 to discuss the

subject applications. In addition to the Consent Sketch, a Planning Justification Report was provided in support of the proposed development.

The subject lands are located on the north side of Port Robinson Road, between Rice Road and Station Street and are situated in a quickly evolving secondary plan growth area.

Based on the analysis in the sections above, Planning staff is of the opinion that the proposal applies current planning and development goals dealing with appropriate infill development. Specifically, making more efficient use of the Town's finite urban land supply and municipal infrastructure, where suitable to do so. The proposed lot creation complies with the Zoning By-law regulations and should not negatively impact the surrounding neighbourhood with regards to traffic, privacy and storm water runoff.

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

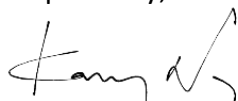
Given this analysis, Planning staff recommend that consent file B1-2022P **be approved** subject to the following conditions:

THAT the applicant

- Merge Part 1 with partial lot to the east within the River Estate Phase 2 Subdivision.
- Obtain approval for a site-specific Zoning By-law Amendment to rezone the merged lot, as well as to address any deficient Zoning By-law regulations resulting from the lot's creation to the satisfaction of the Director of Community Planning and Development.
- Provide lot priority plan to the Department of Community Planning and Development.
- Submit a Solicitor's Certificate of Ownership and a Surveyor's Certificate showing lot frontage and net lot area for the final merged lot to the Department of Community Planning and Development.
- Conduct a Stage 1-2 Archaeological Assessment and receive Clearance from the Ministry of Heritage, Sport, Tourism & Culture Industries.
- 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.
- Obtain a Driveway Entrance and Culvert Permit from the Town to construct a new access to serve Part 1. Installation and/or modification of new entrances shall be completed in accordance with Town Standards prior to consent and the Applicant shall bear all costs associated with the works.
- Receive Final Certification of consent files B1/2022P, B2/2022P and B3/2022P concurrently.

- 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 \$411, 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,



Kenny Ng, B.ES
Planner



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

Approved by,