

January 26, 2022

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

**Re: Consent Application B2-2022P**

**147 Port Robinson Road, Pelham**

Part of Lot 166, Formerly Part of Thorold Township now Pelham, Being Part 1 on Plan 59R-2675 (Part 2 on Sketch)

**Roll No. 2732 030 020 04401**

The subject parcel, shown as Part 2 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 109 square metres of land (Part 2), to be dedicated to the Town of Pelham as a public laneway. 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 B1/2022P 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;
- 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;
- 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;
- h) Conservation of natural resources and flood control;
- i) The adequacy of utilities and municipal services;
- j) The adequacy of school sites
- k) The area of land, if any, exclusive of highways, to be dedicated for public use.
- l) The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy.
- 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.

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 facilitating in the creation of a lot within the settlement area, and in 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 public laneway extension is consistent with existing laneway road width.

#### 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.

This consent application is an acceptable form of development which should not adversely impact the provincial interests, public health, safety or the quality of the human environment. In Planning staff's opinion, the proposed consent is consistent with the PPS.

#### 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*.

The proposed consent to dedicate the parcel to the Town of Pelham as a public laneway will ensure enhanced north-south mobility is maintained and that rear laneway design is consistent

with the planned lot fabric and accessibility to the River Estate Phase 2 subdivision. Planning staff are of the opinion the proposed development conforms to the Growth Plan.

#### 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 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 severance would facilitate the extension of the currently unnamed public laneway and provide direct access to part 3, which will also be dedicated to the Town for the extension of Moody Street. The application largely follows the existing Neighbourhood Master and 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 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;
  - ✓ Not applicable as the parcel will be dedicated as a public laneway.
- b) Will not cause a traffic hazard;
  - ✓ The public laneway will provide for alternative access to the proposed lot which will merge with the partial to the east and no traffic hazard was identified.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
  - ✓ Any zoning deficiency resulting from the consent applications will be addressed through a Zoning By-law Amendment application.
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
  - ✓ Not applicable as the parcel will be dedicated as a public laneway.
- 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 continuation of the public laneway should have no effect to 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.

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 address any zoning regulation deficiency resulting from this application.

#### **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)
  - No comment.

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 109 square metres of land (Part 2), to be dedicated to the Town of Pelham as a public laneway. 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 B2-2022P **be approved** subject to the following conditions:

**THAT** the applicant

- Merge Part 2 with lands to the north, identified as Block 59 in Registered Plan 59M-471.
- Receive Final Certification of consent files B1/2022P 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,



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Planner

Approved by,



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Director of Community Planning and  
Development