

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

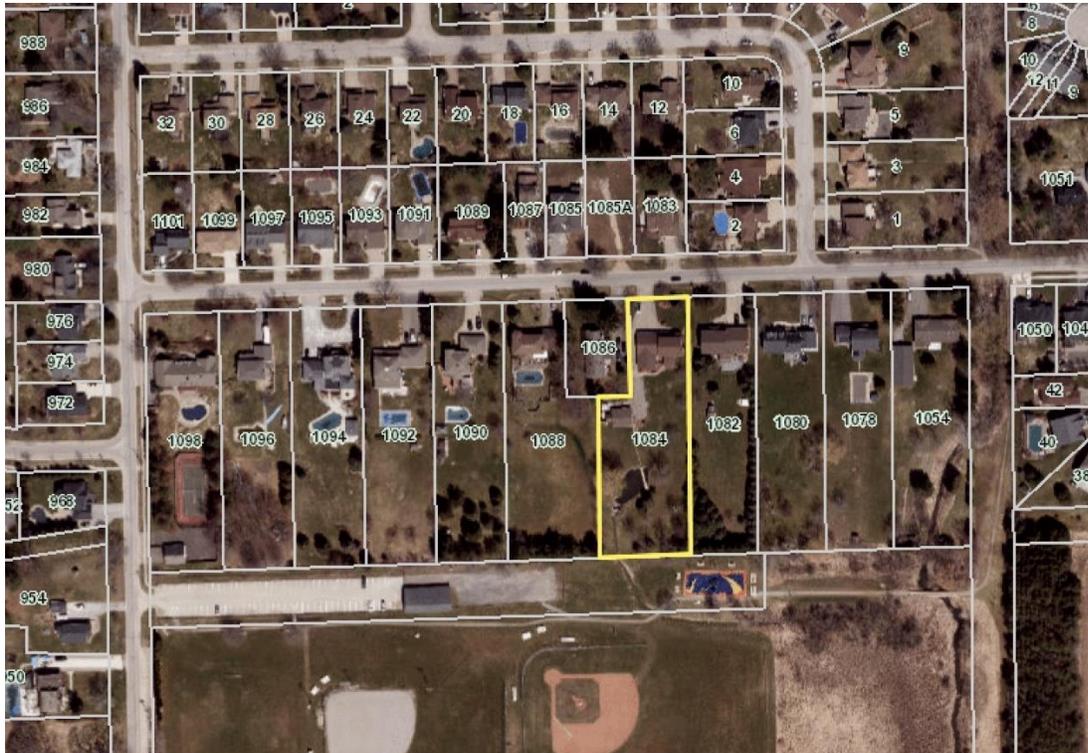
**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2020-46 as it pertains to 1084 Quaker Road (File no. AM-01-20);**

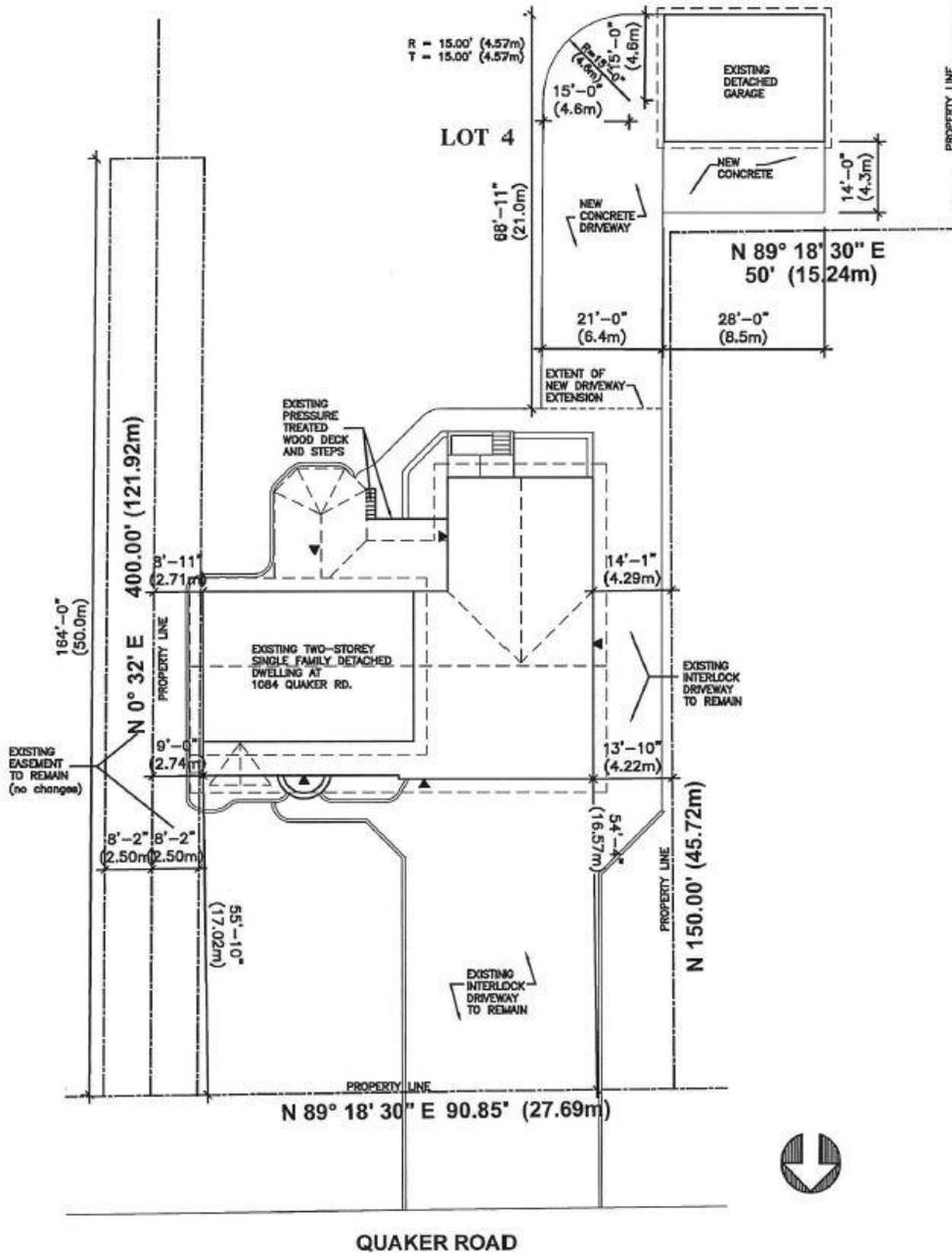
**AND THAT Council approve the By-law, attached hereto as Appendix D, amending the zoning of the subject property from the Site Specific Residential 1-26 (R1-26) zone to the site specific Residential 1 (R1-298) zone.**

**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 or alterations 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).

The proposed zoning change will allow the creation of a new dwelling unit within the existing form of development and help to create more housing options that will use existing municipal infrastructure while helping to meet intensification targets. The development is located in close proximity to commercial and public service facilities and can be served by existing available facilities and schools. It is Planning staff's opinion that the proposed zoning by-law amendment is consistent with the Provincial Policy Statement.

### ***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.

The proposed zoning by-law amendment will facilitate residential development and intensification within the delineated built-up area. The second dwelling unit will contribute to a mix of residential land uses and provides for a degree of housing choice and an affordable housing unit. Based on this, the application is consistent with the Growth Plan for the Greater Golden Horseshoe.

## ***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).

The requested zoning by-law amendment will facilitate a residential use within the Built-up Area while contributing to the intensification rate. The application conforms to the Niagara Region Official Plan.

## ***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.

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.

The appearance and character of the existing dwelling on the property will not change as a result of the change in use; which will maintain the character of the existing neighbourhood. The impact of one additional dwelling unit on the property is virtually nil.

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 and represents the most gentlest form of 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.

The requested zoning by-law amendment proposes to add one additional unit within the existing single detached dwelling resulting in a duplex dwelling. Policies B1.1.3 and B1.1.4 supports the addition of apartments within residential neighbourhoods and in single detached dwellings subject to the appearance of a detached dwelling being maintained from the streetscape, adequate parking and compliance with the Ontario Building and Fire Codes. As indicated earlier, the appearance of the existing dwelling will not change from the street as a result of the application. Sufficient parking is provided within the existing driveway and garage. The property owner will be required to obtain a building permit for the second dwelling unit to ensure compliance with the Ontario Building and Fire Codes.

As discussed above, it is Planning staff's opinion that the application conforms to the Town of Pelham Official Plan.

### ***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."

The existing neighbourhood is primarily comprised of single detached dwellings. However, other types of residential uses also exist in the vicinity including a converted dwelling which is a triplex immediately adjacent to the subject lands to the west, and townhouse dwellings do exist within walking distance of the property. A mix of housing types can contribute to a thriving neighbourhood as well as provide housing options and inclusivity for people of various income levels and life stages.

The application is consistent with Provincial policies and conforms to Regional and Town of Pelham Official Plan policies. Further, the application represents good planning principles and provides for the most modest and gentlest form of intensification.

### **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:**

Though not recommended, Council could refuse the application. The property owner would then have to make alterations to the existing dwelling to remove the second dwelling unit in order to comply with the existing zoning. Alternatively, the applicant could appeal Council's refusal to the LPAT.

### **Strategic Plan Relationship: Build Strong Communities and Cultural Assets**

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 Act*."

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. In addition, public 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.

*James Shannon*

- Opposed to the application.
- Indicates that the street has been single family residences since its inception.

*Nigel and Pamela Shelton*

- Concerned about negative impacts to property values and the change to the dynamic of the neighbourhood.
- Feel that single family neighbourhood is at risk.

A public meeting took place on March 9, 2020 (Draft Minutes in Appendix C). Two members of the public spoke at the meeting, including the son of the property owners. Clarifying questions were asked and information was provided, however no further public comments were received.

While the few public comments received were in opposition and feel that the street is comprised of single detached residences, a triplex does exist immediately adjacent to the subject land and there has been no indication of any issues with this triplex. Further the subject lands have had the second dwelling for a number of years and there has been no indication of any issues or concerns with this second dwelling or with regards to parking, traffic or garbage. There is also no evidence that a second dwelling adversely impacts on property values. Often, homes with a second dwelling have a higher resale value and contribute positively to property values. In addition, neighbourhoods have a variety or mix of housing units provide for a more inclusive community and are desirable.

Overall, the application is to provide for one additional dwelling unit and it represents a very gentle form of intensification that will have virtually no impact. The application is consistent with Provincial policies and conforms to Provincial, Regional and Town of Pelham Official Plan policies. Further, the application represents good land use planning. Based on this analysis, it is Planning staff's recommendation that the application be approved.

**Other Pertinent Reports/Attachments:**

- Appendix A Agency Comments
- Appendix B Public Comments

Appendix C Draft Minutes of Public Meeting  
Appendix D Draft Zoning By-law Amendment

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