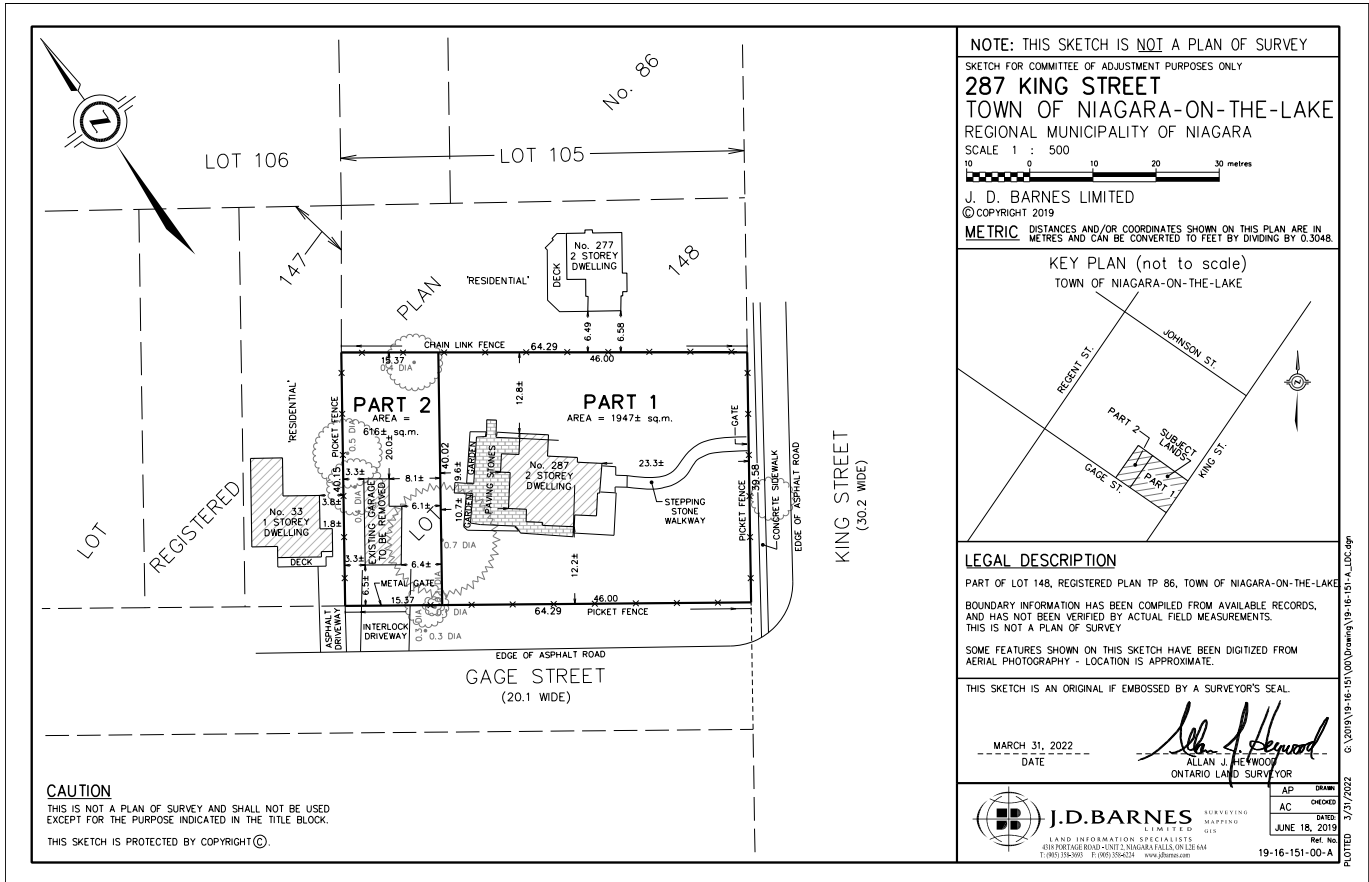


PROPOSED DEVELOPMENT

287 KING STREET

TOWN OF NIAGARA-ON-THE-LAKE



PLANNING JUSTIFICATION STUDY

PROFESSIONAL PLANNING SERVICES INC
May 2022

INTRODUCTION

The subject property shown as Part 2 on the cover page to this document is located in the Old Town of Niagara at the north west corner of Gage Street and King Street. The property is municipally addressed as 287 King Street. The property is regular in shape. Part 2 is the new lot to be created and Part 1 is the lot to be retained. The lands are designated in the Town's Official Plan as "Established Residential" and zoned "Established Residential" in the Town's Zoning By-law. Both the Official Plan and Zoning By-law permit single detached dwellings.

The property is currently occupied by an existing dwelling (287 King Street) and a detached garage. The proposal is to separate Part 1 (the existing dwelling) from Part 2 (the detached garage). If approved the existing garage may be demolished and a new dwelling constructed or the garage may be converted to a dwelling unit on Part 2.

To facilitate the proposal an application to amend the Zoning By-law is required followed by a consent to separate Part 1 from Part 2.

The Zoning By-law amendment will not change the existing zoning. The Established Residential Zone limits lot frontage and lot depth to the "*as existing*" situation. The amendment will recognize the lot frontage for Part 2 and the new lot depth for Part 1 of 46m

Part 1 has 39.58m (129.8ft) of frontage on King Street and will have 46m (150ft) of flankage along Gage Street. Part 1 will have an area of 1947m² (20958ft²).

Part 2 will have 15.37m (50.42ft) of frontage on Gage Street, a lot depth of 40.02m (131ft) and a lot area of 616m² (6630ft²)

The owner has retained Professional Planning Services Inc to prepare the Zoning By-law Amendment application and required Planning Impact Assessment for submission to the municipality.

If approved Professional Planning Service Inc will then prepare and submit the consent application to divide the property.

SITE AND SITUATION

The subject land is flat and occupied by a two storey dwelling and a two storey detached garage. There are some trees on the property and some town owned boulevard trees.

The surrounding land uses are:

North: single detached dwellings

East: single detached dwellings

South: A Public School

West: Single detached dwellings

POLICY DOCUMENTS

Provincial Policy Statement (2020)

Planning in Ontario is regulated by the Ontario Planning Act. Subsection 3(5) of the Act requires that a decision of the council of a municipality in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (PPS).

The subject property (Part 1 & Part 2) are within an approved urban area and within the Built Boundary in the Places to Grow Plan.

“Policy 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns. Policy 1.1.1 Healthy, liveable and safe communities are sustained by:

- a) Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes) recreation, park and open space, and other uses to meet long-term needs”*

The proposal is to create a new building lot for a single detached dwelling. This is a more efficient use of an existing property.

“Policy 1.1.2 states that: within Settlement areas sufficient land shall be made available through intensification and redevelopment and if necessary designated growth areas”

The Provincial Policy Statement 2020 defines Intensification as: *“means the development of a property site or area at a higher density than currently exists”*

The Town’s Zoning By-law zones the subject land “Established Residential” the required lot frontage and lot depth is “as existing”. There is no required minimum lot size. The lands within the Established Residential Zone contain a variety of lot sizes many of which are smaller than the proposed lot.

The provisions of the zoning by-law establishes the density for the area. Since there is no minimum lot size and no minimum lot frontage the number of dwelling units in the Established Residential Zone and the area of the Zone would establish the existing density of the area.

The proposal is consistent with the Provincial Policy Statement

Provincial Plans

The Provincial Places to Grow Plan (GGH) – office consolidation 2020 applies to all of southern Ontario. The Places to Grow Plan – Built Boundary shows the subject lands as being within the Built Boundary where urban development on municipal services is encouraged.

Policy 2.2.1 Managing Growth, subpolicy 2.2.1, subsection 2 d states that: *“development will be directed to settlement areas, except where the policies of this Plan permit otherwise”*

The proposed application is consistent with the Places to Grow Plan in proposing an infill lot which represents a more efficient use of land within the Built Boundary.

Regional Planning Objectives

Schedule A to the Regional Policy Plan shows the subject property (Part 1 & 2) as being within the Built-up Area of the Old Town of Niagara. Urban land uses are promoted

Local Planning Objectives

Official Plan:

Schedule B – Land Use Plan – Niagara/Old Town designates the subject land as “Established Residential”. The main uses permitted include single detached dwellings.

Policy 3 states that: *“Within the Established Residential Designation applications for consent to sever will be accompanied by a detailed site plan and area analysis demonstrating that there will be minimal impact on surrounding residential uses, streetscapes and the character of the area.”*

The following policies apply to all lands within the Established Residential (ER, ER2 and ER3 and relevant site-specific) Zones in Old Town:

- A) Changes to lot frontage and/or lot depth may be permitted subject to a Zoning By-law Amendment*
- B) The required Zoning By-law Amendment shall be processed prior to acceptance of an Application for Consent to Sever Land*
- C) In the analysis of any application to amend the Zoning By-law proposing changes to lot frontage and/or lot depth the following shall be considered:*

The average lot frontage and lot depth of the existing parcels on the block face;

In the case of corner lots average lot frontages and lot depths shall be calculated on both block faces;

Response: The lot average lot frontage and lot depth along the King Street block face is:

| Address | Lot Frontage | Lot Depth |
|-----------------|--------------|-----------|
| 277 King Street | 24.30m | 63.19m |
| 269 King Street | 19.01m | 46.53m |
| 261 King Street | 23.93m | 46.53m |
| 255 King Street | 19.38m | 46.53m |

| | | |
|---------|--------|--------|
| Average | 21.65m | 50.69m |
|---------|--------|--------|

The subject property has 39.58m of frontage on King Street and if the consent is approved will have a lot depth of 46m. The subject property has the largest frontage on the King Street block face and the lot depth is only slightly less than the average but it should be noted that three of the properties on the block face have a depth of just slightly more than 46m.

The lot average lot frontage and lot depth along the Gage Street block face is:

| Address | Lot Frontage | Lot Depth |
|----------------|--------------|-----------|
| 33 Gage Street | 15.86m | 64.03m |
| 39 Gage Street | 15.41m | 64.03m |
| Average | 15.63m | 64.03m |

The subject is a corner lot that fronts onto King Street. Similarly 294 Regent Street fronts onto Regent Street and is part of that block face. The proposed frontage of the lot to be created is 18.29m and is close to the average of 15.63m

The lot depth of the proposed lot, Part 2 on the survey sketch is 40.15m which is less than the average of 64.03m. The lots at 33 & 39 Gage Street are very deep and can be attributed to the original survey plan for the Old Town done in 1910. That plan recognized the lot configuration along Queen Street and the dock area and divided the rest of the Old Town into four acre lots on a grid pattern. Over time the four acre lots were divided and re-divided into more lots but given the size of the block it was not possible to redivide the land into equal sized lots.

Overall the variation in lot frontage and lot depth is not significant and each 4 acre block in the original grid plan now have a variety of lot sizes and shapes.

The relevant Intensification policies of the Official Plan;

Response: The Town's Zoning By-law zones the subject land "Established Residential" the required lot frontage and lot depth is "as existing". There is no required minimum lot size. The lands within the Established Residential Zone contain a variety of lot sizes many of which are smaller than the proposed lot.

Given that smaller lot sizes exist in the area the proposed lot cannot be considered as intensification

A streetscape study:

Response: A Streetscape Assessment section is included in this report.

A Planning Justification study;

Response: This document is the Planning Justification Study

An Arborist report which shall consider the potential impacts on all trees and addresses Carolinian Canada species;

Response: An Arborist report has been prepared and will be submitted with the planning application

Estate Lots and relevant policies

Response: The Town's Official Plan policy 6.9 ESTATE LOTS indicates that: "*Estate lots are those properties in an urban area containing a dwelling of historical or architectural significance which makes a contribution to the streetscape or character of the municipality and have the potential of being subdivided into additional lots. 287 King Street would qualify as an estate lot. The policy goes on to say that: "Prior to any application for a plan of subdivision or consent the proponent shall submit to the municipality the following:*

- a) A streetscape study prepared by a qualified professional planner or other appropriate professional and approved by the Town demonstrating that the creation of a lot(s) will not negatively affect the character of the street or nearby homes*
- b) The proponent demonstrates that there is no negative impact on vegetation or drainage in the area*
- c) The proponent demonstrates that the ambience, character, setting and historic value of the existing home will be retained*
- d) Both the severed and retained parcel should have a frontage, lot area and proposed setbacks that complement the character and historic home and surrounding homes".*

Existing and proposed land uses on the subject lands and surrounding lands

D) Any Zoning By-law application proposing changes to lot frontage and/or lot depth may be approved if the above-noted considerations in Section C adequately demonstrate that the proposed new lot(s) will maintain or improve the character of the block face.

(4) Any construction of additions or new structures within this designation shall complement existing adjacent development in terms of its scale, character, height, design and mass.

Zoning By-law:

The subject property is zoned Established Residential (ER) Zone pursuant to Comprehensive Zoning By-law 4316-09. The amending By-law will only change subsection 7.1.2 Zone Requirements subsection (a) from:

The amendment will recognize the lot frontage for Part 2 and the new lot depth for Part 1 of 46m

Part 1 has 39.58m (129.8ft) of frontage on King Street and will have 46m (150ft) of flankage along Gage Street. Part 1 will have an area of 1947m² (20958ft²).

Part 2 will have 15.37m (50.42ft) of frontage on Gage Street, a lot depth of 40.02m (131ft) and a lot area of 616m² (6630ft²)

STREETSCAPE ASSESSMENT

The proposal is to demolish or convert the existing garage at the rear of the property at 287 King Street as a new dwelling unit. The house will be visible to the neighbouring properties at 33 & 39 Gage Street and from the rear yard at 294 Regent Street. The new home will also be visible from the Public School at 325 King Street and from the properties at 308 King Street and 14 & 19 Castlereagh Street. The view of the proposed home from other properties in the area is blocked by other homes in the area.

The view of the new home from the Public School is across the sports field.

The existing home at 287 King Street has a flanking yard setback of 11.95m. The abutting home at 33 Gage Street has a front yard setback of 8.83m. The front yard setback for 39 Gage Street is 7.15m and the flanking yard setback for the home at 294 Regent Street is 2.54m. The Zoning By-law in the Established Residential Zone (ER) has a minimum front yard setback of 7.5m. It is suggested that to give the impression of gradual increase in setbacks that the proposed home have a minimum front yard setback of 8m. If the existing garage is converted to a dwelling unit then the setback should remain as existing at 5.6m

The existing home at 287 King Street is a two storey building with a standard pitched roof about 9m (29ft) in height. A rectangular turret is located just behind the front porch and has a steep roof resulting in a building height of about 10m (32ft). The home at 33 Gage is a one storey dwelling with a low pitched roof. The home at 39 Gage Street is also a one storey home with a low pitched roof. The home at 294 Regent Street is a two storey dwelling about 9m (29ft) in height with a low pitched roof. The flanking yard and the exterior side yard of the home faces Gage Street. To provide for a gradual increase in building height it is suggested that the proposed home be limited to 9m (29ft) in with a standard pitched roof and that if the garage is converted the garage building height should not be increased

A review of the Town's Municipal Register of Properties of Cultural Heritage Value or Interest shows three properties in the area of Cultural Value:

- 43 Castlereagh Street – Memorial Hall & Niagara High School – designated under Part IV of the Heritage Act. Under the reasons for designation it states that the existing building built in 1875 was the first high school in Niagara-on-the-Lake and operated from 1875 to 1947. The building and property were transferred to the Niagara Historical Society in 1949. 43 Castlereagh Street is 203m (666ft) from the site of the proposed dwelling at 287 King Street and is not visible from the subject property. The new proposed home will have no impact on the property and buildings at 43 Castlereagh. Memorial Hall
- 266 King Street – is 113m (370ft) from the existing garage at 287 King Street and a view between the two buildings is blocked by other homes. The property is designated under the Ontario Heritage Act (By-law 4205-08). The Statement of Cultural Heritage Value or Interest states that: *“The Eedson-Fyfe House’s cultural heritage value consists of the fact that it was one of the earlier houses constructed in the New Survey deeded to James Crooks in the 1820’s and also in the relatively untouched condition of the exterior as illustrated in a photograph of the property taken in 1861”*. The garage at 287 King Street

whether it is converted to a dwelling unit or demolished and a new home constructed will not have any impact of the building or property at 266 King Street

- 272 King Street - is 109m (357ft) from the existing garage at 287 King Street and a view between the two buildings is blocked by other homes. The property is not designated under the Ontario Heritage Act but the Town has issued a Statement of Cultural Value or Interest. It states that: *“the cultural heritage value of 272 King St lies mainly in the historic connections it maintains with the notable Carnochan family and the local branch of the Royal Canadian Legion”* The garage at 287 King Street whether it is converted to a dwelling unit or demolished and a new home constructed will not have any impact of the building or property at 266 King Street
- 33 Gage Street is the abutting home to the west of the subject property and is a one storey home likely constructed in the 1930’s or 40’s. It has final siding and an uncovered front porch. It is setback at the same distance as the garage at 287 King Street. The exterior is currently being renovated and modernize.
- 39 Gage Street is next to 33 Gage Street and is a one storey home likely constructed in the 1930’s or 40’s and appears to have been renovated with a stucco exterior with block accents both 33 and 39 Gage Street have low pitched roofs
- 294 Regent Street is a two storey home facing Regent Street. The exterior of the building is wood siding. The property is not listed in the Town’s Municipal Register as having any cultural heritage importance.
- Within the block bounded by Platoff Street, King Street, Regent Street and Gage Street there are two other properties listed on the Municipal Register.

The homes and properties of any cultural heritage importance are not visible from the garage at 287 King Street and therefore the properties of cultural heritage importance are not impacted. The other homes in the area constructed in about the 1930’ to 1950’s are not impacted by the proposed development. The public school to the south is a large property and separated from the subject property by the school’s sports field. There is no negative impact on vegetation or drainage in the area and a tree protection plan has been prepared. The ambience, character, setting and historic value of the existing home at 287 King Street will be retained by limiting the building to 10m as required in the Zoning By-law.

Both the severed and retained parcel will have a frontage, lot area and proposed setbacks that complement the character of the surrounding area. No change in the existing setbacks of the main house at 287 King Street are proposed. It is suggested that to give the impression of gradual increase in setbacks along Gage Street that the proposed home have a minimum front yard setback of 8m. If the existing garage is converted to a dwelling unit then the setback should remain as existing at 5.6m

The existing home at 287 King Street is a two storey building with a standard pitched roof about 10m (32ft) in height. A rectangular turret is located just behind the front porch and has a steep roof resulting in a building height of about 11m (36ft). The home at 33 Gage is a one storey dwelling with a low pitched roof. The home at 39 Gage Street is also a one storey home with a low pitched roof. The home at 294 Regent Street is a two storey dwelling about 9m (29ft) in height with a low pitched roof. The flanking

yard and the exterior side yard of the home faces Gage Street. To provide for a gradual increase in building height it is suggested that the proposed home or converted garage be limited to 10m (32ft).

LAND USE PLANNING CONSIDERATIONS

A pre-consultation was held on February 6, 2020. The Town then passed an interim control by-law preventing the consideration of any planning applications with the Established Residential designation for two year.

The pre-consultation agreement required the following studies to be completed:

- A Planning Justification Report
- A Streetscape Study
- An Archaeological Assessment and Ministry letter
- A Cultural Heritage Impact Assessment
- An Arborist Report
- A Site Plan
- Building Elevations
- Lot Grading and Drainage Area Plan
- Consent Sketch

The studies listed above have been completed and will be submitted with the planning application. If the garage is to be converted to a dwelling unit then building elevations should not be required. An existing lot grading and drainage plan will be submitted with the application.

CONCLUSION

Throughout the studies required for the planning application no negative impacts were identified. The application to add another dwelling unit to the area is supported by Provincial Policy, the Places to Grow Plan, the Regional Plan and the Town's Official Plan. The construction of a new dwelling unit or the conversion of the existing garage to a dwelling unit will have no negative impact on vegetation or drainage in the area or on the ambience, character, setting and historic value of the existing home at 287 King Street and the surrounding area.

Respectfully,

A handwritten signature in black ink, appearing to be 'JP' or similar, written in a cursive style.

John Perry RPP