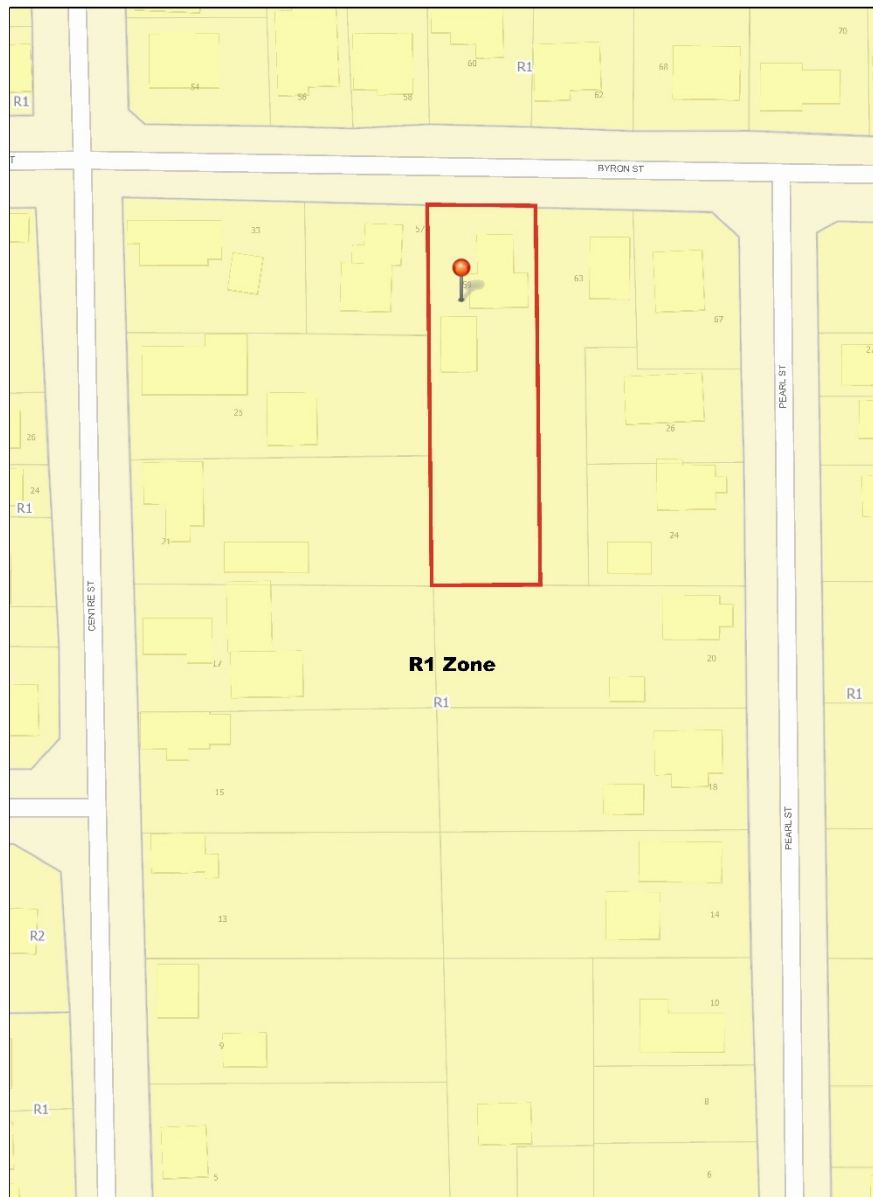


## 59 Byron Street Consent Application

In support of an application for a consent submitted to the City of Belleville for the property municipally known as 59 Byron Street, the following Planning Justification Report has been prepared on behalf of the Applicant Mark Vreugdenhil.

The subject property is located on the south side of Byron Street between Centre Street and Pearl Street, as shown on **Figure 1** below.



**Figure 1:** Location Map – Subject Property is outlined in red

Currently on the subject property is a smaller one-unit detached dwelling with detached garage, as shown on **Figure 2** below.



**Figure 2:** Street View of Subject Property

### **PROPERTY STATISTICS**

The subject property currently has a lot area of 1,404m<sup>2</sup> with a frontage on the south side of Byron Street of 20.5m and a lot depth of 68.5m.

This property is rectangular in shape and is an extremely large lot for one dwelling.

When subdivided the retained and severed parcels each would have a lot area of approximately 702m<sup>2</sup> with a frontage on the south side of Byron Street of 10.25m and a lot depth of 68.5m.

## **SURROUNDING USES**

The site and surrounding land uses are depicted in the photos provided in **APPENDIX 1**.

In general, the subject property is located in a low density residential area with modest dwellings.

The subject property consists of a large, under-utilized residential lot with a lot of open space and a couple of trees.

The land is essentially flat.

The surrounding land uses are indicated below:

To the north: 1-unit dwellings;

To the east: 1-unit dwellings;

To the south: back yards of houses on Centre St. and Pearl St.;

To the west: 1-unit dwelling.

## **CONSENT REQUESTED**

The consent being requested is to sever off the easterly 10.25 metres of the subject property to create a new lot with a lot area of 702m<sup>2</sup> as shown in **APPENDIX 2** attached.

The retained parcel would have a lot frontage of 10.25 metres on the south side of Byron Street with a lot area of 702m<sup>2</sup>.

The existing 1-unit dwelling and detached garage on this parcel would be demolished and replaced with two (2) new one-unit semi-detached dwellings.

Outlined in **Figure 4: Zoning Matrix for Subject Lands** is a zoning matrix showing how the retained and severed parcels would meet all the zoning standards for the R1 Zone for a one-unit semi-detached dwelling.

## **PROVINCIAL POLICY STATEMENT**

The 2024 Provincial Policy Statement (PPS) came into effect on October 20, 2024 and replaced an earlier version of the PPS. The Planning Act requires that decisions affecting planning matters shall be consistent with the PPS.

This application for a consent for the subject lands is consistent with the PPS.

Specifically, Policy 2.2 - General Policies for Settlement Areas, subsection 1:

- "1. *Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:*
- a) *establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate income households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;*
  - b) *permitting and facilitating:*
    - 1. *all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and*
    - 2. *all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;*
  - c) *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and"*

The severance of the subject property and the creation of a new infill residential lot assists in promoting increased density and residential intensification and in doing so provides for an appropriate range and mix

of housing options to meet the social, health, economic and well-being requirements of current and future residents of Belleville.

In Policy 2.3.1 - General Policies for Settlement Areas, subsection 1:

*"1. Settlement areas shall be the focus of growth and development."*

The subject property is located within the Urban Serviced Area of the municipality as indicated on Schedule "B" of the Official Plan and will contribute to a mix of land uses for the surrounding area. This site is serviced by existing municipal infrastructure including roads, water and sanitary sewer.

In Policy 2.9 - Energy Conservation, Air Quality and Climate Change, subsection 1:

*"1. Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that:*

- a) support the achievement of compact, transit-supportive, and complete communities"*

The location of the proposed infill residential lot on the subject property is in close walking distance of an outdoor recreational area (Hillcrest Park), the City's major recreational centre, nearby residential areas and a block away from a bus route (Route 6) thereby reducing the need for the use of a motor vehicle and provides a more compact and complete community.

### **SECTION 51(24) OF THE PLANNING ACT, RSO 1990, CHAPTER P.13**

In Section 51(24) of the Planning Act, the Province sets out the policies to consider when reviewing a plan of subdivision or a consent.

Specifically, "A council in determining whether a provisional consent is to be given shall have regard to the matters under subsection 51 (24)...."

Set out below is a review of Section 51(24) with an indication of how the criteria listed there will be met.

Section 51 (24):

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in Section 2;

- 
- Section 2 lists a wide range of interests including the orderly development of safe and healthy communities, the adequate provision of a full range of housing, including affordable housing and the appropriate location of growth and development. This proposal conforms to these interests.*
- (b) whether the proposed subdivision is premature or in the public interest;  
*The subdividing of the subject lands is not premature but reflects residential intensification as promoted by the Province and the City of Belleville and is in the public interest to provide additional housing.*
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;  
*The proposed severances conform to the City of Belleville Official Plan.*
- (d) the suitability of the land for the purposes for which it is to be subdivided;  
(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;  
*The subject land is suitable for residential development and through this process two dwellings can be constructed and sold in place of the one dwelling currently provided.*
- (d) 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;  
*No new road construction is required and Byron Street can accommodate the traffic that will be generated.*
- (f) the dimensions and shapes of the proposed lots;  
*The two new regularly shaped lots (severed and retained) being proposed, are similar to many of the lots found in the surrounding area and will meet the zoning standards set out in the municipality's Zoning By-law.*
- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;  
*Not applicable.*
- (h) conservation of natural resources and flood control;  
*Not applicable.*
- (i) the adequacy of utilities and municipal services;  
*All necessary utilities are available.*
- (j) the adequacy of school sites;  
*Not required.*

- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;  
*Not required.*
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and  
*All of the proposed dwellings on the subject lands will have rear exposures that are south facing with the ability to incorporate energy conservation measures in the dwelling construction and the ability to incorporate a range of energy generating measures.*
- (m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act.  
*Not applicable.*

### **CITY OF BELLEVILLE OFFICIAL PLAN**

The subject property is designated Residential Land Use on Schedule "B" – Land Use Plan – Urban Serviced Area of the City of Belleville Official Plan as shown on **APPENDIX 3** attached.

Specifically, Policy 2.2.12 - Housing states:

*"The Municipality will accommodate a range of housing choices to meet the growing and changing needs of the City. This will include one unit dwellings, townhouse dwellings, multi-unit dwellings and condominiums. The provision of these housing types will be varied, with some stock being provided on greenfield lands and others in strategic infill locations."*

*The Municipality supports intensification as a means of achieving an efficient use of land and infrastructure, curbing urban sprawl, and creating more walkable neighbourhoods, while also meeting the projected needs of the City."*

This consent application is intensification in a strategic infill location that will help provide an increased range of housing.

### Section 3.10 – Residential Land Use

#### *"3.10.1 Permitted Uses*

*Residential development will be permitted at low, medium and high densities with forms ranging from one unit dwellings to various types multiple unit dwellings, under various forms of tenure (freehold, rental, cooperative,*

*condominium). Specialized housing such as group homes and long-term care homes will also be permitted."*

The proposed use of the severed and retained parcels is in conformity with the uses permitted by the Official Plan.

#### Section - 7.16 Residential and Non-Residential Intensification

"This Plan supports compatible housing intensification and infill development, such as:

- accessory dwelling units or conversions of large residential structures to mixed use in appropriate areas;
- infilling on existing lots of record and maximizing use of underutilized lots;
- subdivision of oversized residential lots;"

The subject property is a prime example of an existing oversized residential lot that can be subdivided.

Section 7.2.1 - Policies Respecting Subdivision of Land Applicable to All Land Use Designations states:

"a) *When any application to subdivide land is considered, the approval authority should employ the following policies and principles:*

- i. No subdivision of land should be approved which would contravene the policies of this Plan.*
- ii. The approval authority should be satisfied all development parcels would be appropriate (i.e. sufficient frontage and area, configuration, alignment) for their intended uses.*
- iii. No subdivision of land should be granted which would result in any landlocked parcel being created.*
- iv. New development parcels should not be created where an entrance permit cannot be issued due to site deficiencies or traffic safety concerns.*
- v. New development parcels that require new private level crossings should be discouraged. [not applicable]*
- vi. Development parcels should have direct access to an open municipal road (excluding individual units within condominium developments).*
- vii. New development parcels should not be created without access to services adequate to meet the needs of the use anticipated for the lot, including access to fire and police services, hydro, telephone and other utilities.*

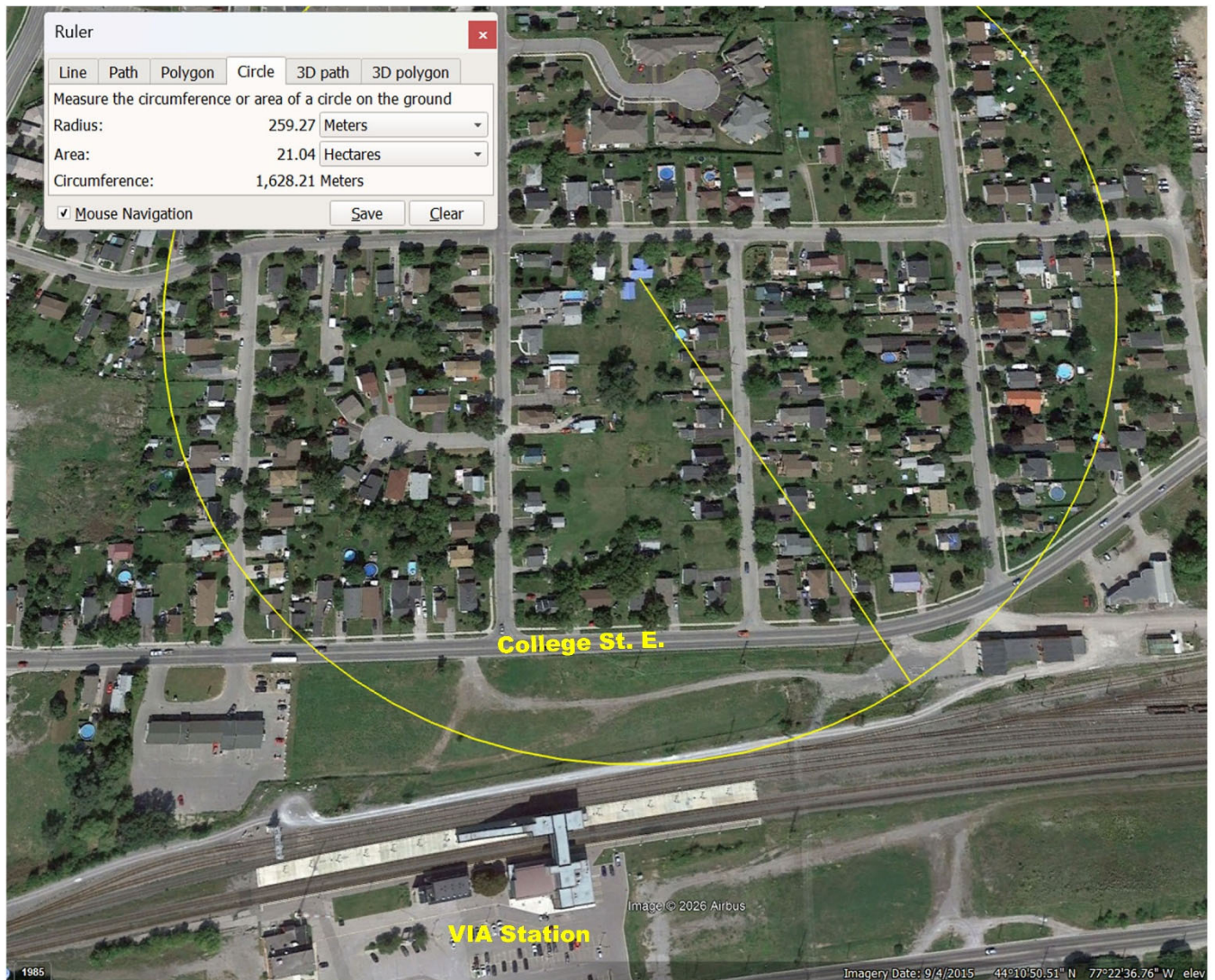
- viii. *New development parcels should not be created in residential neighbourhoods where the proposed lot size and/or configuration is not similar in scale to its surroundings and the proposed architectural design is not in keeping with the character of the area.*
- ix. *There should be no significant negative impact upon the environment, either directly or through the cumulative impact of development in the area; where private services are proposed (i.e. septic system and well), the adequacy of natural systems to provide required services should be confirmed. The means by which cumulative impacts are to be assessed should be addressed.*
- x. *No development parcel should be created such that buildings, structures or private services would have to be located in very close proximity to or within areas of natural heritage or hazard; where any lot includes lands designated Environmental Protection, there should be sufficient area outside such areas to accommodate buildings, sewage disposal systems and accessory uses with appropriate setbacks. [not applicable]*
- xi. *Development parcels for residential uses should be located an appropriate distance from designated aggregate resource areas. [not applicable]*
- xii. *No development parcel should be created which would create a hazard to any person using the lot, adjoining lands, or an abutting road.*
- xiii. *Where approvals or certificates are required from other agencies or government departments (i.e. access permit from the Ministry of Transportation), no subdivision of land should be granted unless such approvals or certificates are first obtained or otherwise assured.*
- xiv. *Subdivision of land adjacent to a provincial highway should be designed such that the lots back onto the provincial highway and front onto a local internal street. [not applicable]”*

The proposed severance of the severed and retained parcels is in conformity with the policies for subdividing land set out by the City of Belleville Official Plan.

As shown on an air photo of the subject lands in **Figure 3** on the following page, the subject property is located within 300 metres of the VIA train station and the limits of the CN railway line.

As a result, strictly speaking, the current consent application is subject to Section 7.7 of the City’s Official Plan.

However, it is argued that in practical terms, rail noise and vibration is not a significant factor when considering this current consent application. The existing dwelling on the subject property is approximately 260 metres from the closest railway line.



**Figure 3:** Location of Subject Property and CN railway lines

### Section 7.7 - Sensitive Land Uses

"e) *Development applications including Official Plan amendments, Zoning By-law amendments, Plans of Subdivision, and Consents, proposing residential or other noise sensitive land uses between 300 metres and 1000 metres from the limits of the CN Belleville Rail Yard or within 300 metres of the limits of a railway line shall include a noise feasibility study and such study shall be to the satisfaction of the Municipality and the appropriate railway company. The Municipality may also require, in addition to a noise feasibility study, a detailed noise study and if such is required it shall be to the satisfaction of the Municipality and the appropriate railway company. Residential and other sensitive land uses are prohibited within 300 metres of the limits of the CN Belleville Rail Yard.*

- i) *Where a noise study completed to the satisfaction of the Municipality identifies and recommends appropriate mitigation measures, the recommendations shall be implemented as a condition of approval. Measures may include:*
- *sound isolation or sound reduction measures, construction techniques, and materials including the acoustical performance of exterior walls, windows and doors;*
  - *layout and design of the structure including the size and location of windows and doors, or outdoor living areas and the location of non-habitable space within the structure to further mitigate noise impacts;*
  - *spatial separation from the source, including the insertion of permitted sound-insensitive uses between the source and receivers; and/or,*
  - *acoustical barriers such as berms, sound barrier versions of living walls, walls, favourable topographic features, or other intervening structures, where appropriate and according to all other policies of this Plan.”*

As shown on **Figure 3**, there is in excess of 250 metres from where a new dwelling will be constructed on the subject property and the closest railway line. This in itself provides a significant protection against rail noise and vibration.

However, it also has to be noted that there are a significant number of existing residential structures between the subject property and the railway line thereby providing a type of acoustical barrier to “knock-down” the rail noise impacting the subject property.

Lastly, College Street East which is situated between the subject property and the railway lines is the major access route into, and out of the City’s northeast industrial park. Consequently, in itself this street generates a degree of truck and traffic noise which will “compete” with any rail noise being generated further to the south.

As a result, it is our opinion that the owners/residents of the new dwellings built on the subject property will not be adversely impacted by rail noise particularly in relationship to other dwellings in the surrounding area.

And to be overly cautious, construction techniques, and materials including the acoustical performance of exterior walls, windows and doors can be incorporated into the design of the new dwellings, if necessary.

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**CITY OF BELLEVILLE ZONING BY-LAW 2024-100**

The subject property is zoned R1 - Residential Type 1 on an extract of Map 154 of City of Belleville Zoning By-law 2024-100 as shown on **APPENDIX 4** attached.

The R1 zoning permits a range of uses including a one-unit semi-detached dwelling.

As shown on a Zoning Matrix for the subject lands in **Figure 4** below, the proposed severance creates a proposed severed and retained lot that are both in conformity with the R1 Zone of the City Of Belleville Zoning By-Law 2024-100.

<b>59 BYRON STREET</b>		
<b>ZONING: R1 Residential (Zoning By-Law 2024-100)</b>		
<b>Zoning Standards</b>	<b>Required</b>	<b>Provided</b>
Lot Area (Min.)	300 m <sup>2</sup>	702 m <sup>2</sup>
Lot Frontage (Min)	9.0m	10.25m
Front line (Min)	10.6m	10.25m
Front Yard (Min)	6.0m	12.7m
Rear Yard (Min)	7.5m	32.6m
Interior Side Yard (Min)	1.2m	4.09m
Lot Coverage (Max)	45.0%	20.3%(143 m <sup>2</sup> )
Landscaped (Front Yard)	40%	65% (457 m <sup>2</sup> )
Building Height (Max)	11m	<10.6m

**Figure 4:** Zoning Matrix for Subject Lands

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## PLANNING OPINION AND CONCLUSION

In support of an application for a consent submitted to the City of Belleville for the property municipally known as 59 Byron Street, the following Planning Justification Report has been prepared on behalf of the Applicant Mark Vreugdenhil.

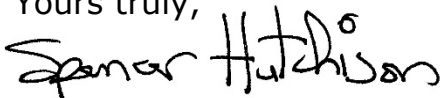
If approved, this application will allow for additional infill residential development of the subject property by allowing two properties to be created in place of the current one.

In summary, it is our opinion that this application:

- makes appropriate use of the land and represents appropriate development which is not out of character with the existing building form along Byron Street;
- is consistent with the 2024 Provincial Policy;
- assists in achieving the Province's desire to promote and encourage the construction of new housing;
- has regard to the criteria for reviewing a Plan of Subdivision (or consent) as set out in Section 51(24) of the Planning Act;
- conforms to the general Residential Land Use policies and consent policies of the City of Belleville Official Plan by facilitating residential intensification;
- is in conformity with the intent of the City of Belleville Zoning By-law 2024-100 and in particular the R1 – Residential Type 1 Zone uses and regulations, and;
- represents good planning.

If you have any questions about this information, please do not hesitate to contact the undersigned.

Yours truly,



Spencer Hutchison, RPP



**APPENDIX 1: Surrounding Uses**



Air Photo of Surrounding Area

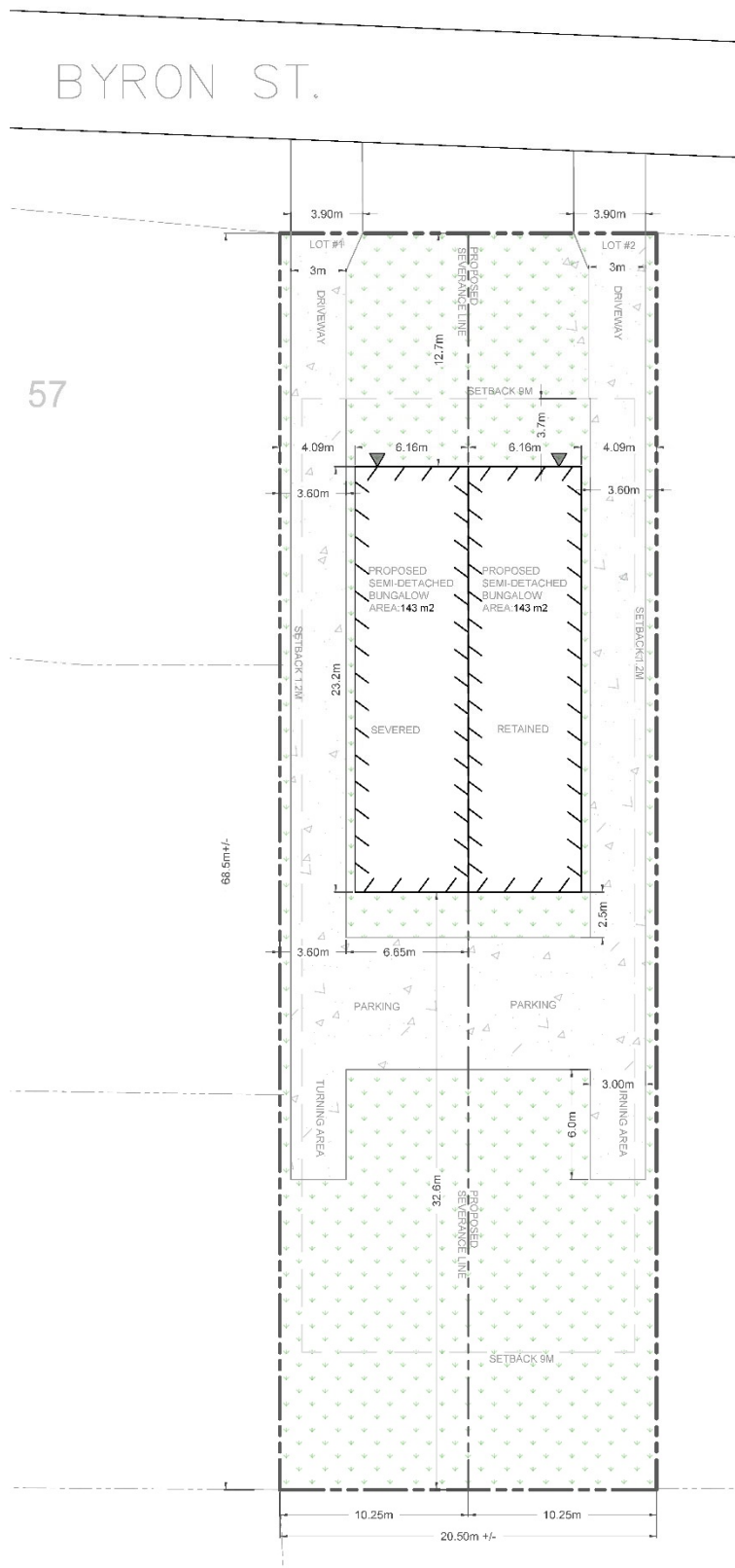


House to West (57 Byron Street)

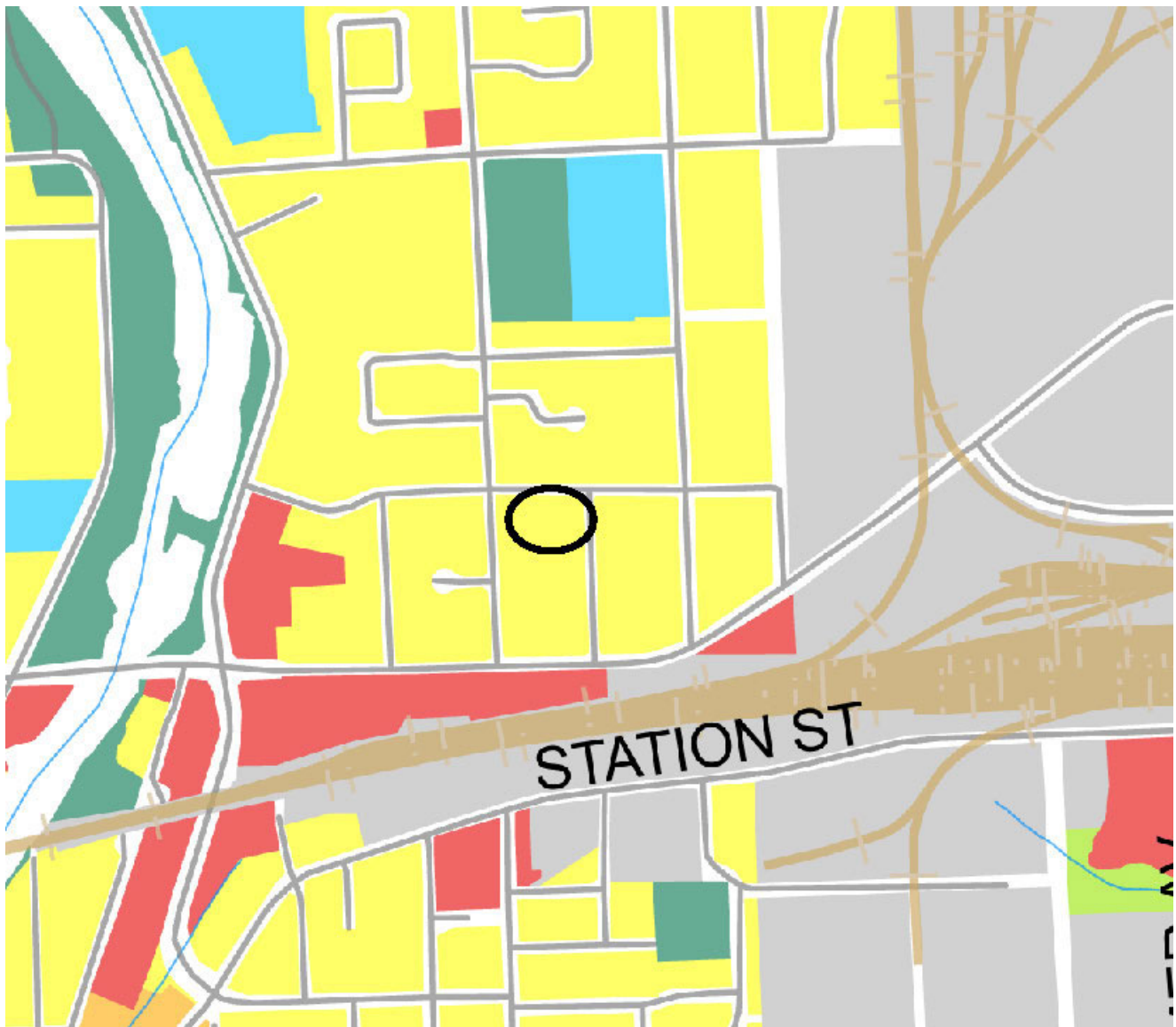


Houses Across Byron Street

**APPENDIX 2: Severance Plan**



**APPENDIX 3: Official Plan Designation for Subject Property**



### APPENDIX 4: Zoning By-law Mapping of Subject Property

