
HALDIMAND COUNTY

Report PED-PD-33-2018 Zoning By-law Amendment from Hamlet Commercial to Hamlet Residential-Otterman



For Consideration by Council in Committee on August 28, 2018

OBJECTIVE:

To amend the Town of Haldimand Zoning By-law 1-H 86 from 'Hamlet Commercial' (CHA) to 'Hamlet Residential' (RH) and to add a special provision to recognize an existing rear-yard deficiency to facilitate residential development.

RECOMMENDATIONS:

1. THAT Report PED-PD-33-2018 Zoning By-law Amendment from Hamlet Commercial to Hamlet Residential-Otterman be received;
2. AND THAT application PLZ-HA-2018-096 to amend the Zoning By-law 1-H 86 to rezone lands to 'Hamlet Residential (RH)' be approved for reasons outlined in Report PED-PD-33-2018;
3. AND THAT application PLZ-HA-2018-096 to amend the Zoning By-law 1-H 86 to add a special provision to recognize an existing rear-yard deficiency in the 'Hamlet Residential (RH)' zone be approved for reasons outlined in Report PED-PD-33-2018;
4. AND THAT the proposal is deemed to be consistent with the Provincial Policy Statement (2014), and the Growth Plan for the Greater Golden Horseshoe;
5. AND THAT the By-law attached to Report PED-PD-33-2018 be presented for enactment.

Prepared by: Justin Miller, Planner

Reviewed by: Mike Evers, MCIP, RPP, BES, Manager, Planning and Development

Respectfully submitted: Craig Manley, MCIP, RPP, General Manager of Planning and Economic Development

Approved: Donald G. Boyle, Chief Administrative Officer

EXECUTIVE SUMMARY:

The applicant is seeking to rezone an existing lot from 'Hamlet Commercial' to 'Hamlet Residential' and to recognize an existing rear-yard deficiency to permit conversion of an existing commercial structure for residential use. Specific zoning for a reduced rear-yard setback is required to recognize the location of the existing structure relative to the lot line and the standard setbacks of the 'Hamlet Residential' zone. The external changes to the site will be minimal with the majority of alterations taking place internal to the structure to convert it to a dwelling. It is planning staff's opinion that the subject proposal is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), conforms to the Haldimand County Official Plan, and does not offend the intent and purpose of the Town of Haldimand Zoning By-law 1-86. As such, Planning staff recommends approval of the subject application.

BACKGROUND:

An application has been received to consider an amendment to the Town of Haldimand Zoning By-law 1-H 86 to permit the conversion of a former commercially used building to a residential dwelling by rezoning the subject lands from Hamlet Commercial to Hamlet Residential (Attachments 1 and 2). The subject lands have a frontage of 50.29 metres (165 feet) and the existing property has an area of 0.5 hectares (1.25 acres). The property was previously used as a small engine repair business, and the applicant has submitted a record of site condition with the application, demonstrating that there is no contamination that may conflict with the proposed residential use. Alternations to the site and exterior of the building are anticipated to be minimal and the majority of work will be focused on the interior to facilitate the conversion to functional, legal living space. The existing cistern will service the proposed dwelling, and a new septic system is to be installed—septic plans have already been provided to the County.

The subject lands are located on the north side of Main Avenue West and are generally surrounded by residential and institutional uses (Fisherville Community Center). The subject lands are described as Part Lot 6, Concession 5, Geographic Township of Rainham, 12 Main Avenue West.

ANALYSIS:

Through the review of this proposal, Planning Staff have identified the following key planning issues:

Provincial Policy:

Provincial Policy Statement, 2014

The Provincial Policy Statement (PPS) 2014 directs growth and development to settlement areas and promotes the vitality and regeneration of those areas. The PPS specifically directs growth to and promotes growth in settlement areas, which include hamlets like Fisherville. The proposal generally complies with the PPS.

Provincial Growth Plan, 2017

Places to Grow was also reviewed in relation to the subject application. The Growth Plan, to protect prime agricultural lands, directs growth to existing settlement areas and encourages intensification to promote complete communities that are compact, vibrant and optimize infrastructure. This proposal represents redevelopment of a former commercial use within an existing settlement area. Planning staff are confident that the application does not conflict with the Growth Plan and that the proposal is consistent with the general intent of the Growth Plan.

County Policy:

Haldimand County Official Plan

The subject lands are designated 'Hamlet' within the Haldimand County Official Plan (OP). The intent of the Hamlet designation is to provide an environment that is conducive to rural residential living while permitting appropriately scaled and located commercial, industrial and institutional development in a manner that will minimize land use conflicts.

The proposed rezoning will allow an existing former small engine repair business to be converted to a single detached dwelling. The structure to be converted from a former small engine repair business to a dwelling is located between two other existing structures; the structure to the west is to remain as an accessory structure to the future-dwelling, and the structure to the east is to be removed. Immediately east and north of the subject lands is the Fisherville Community Centre and Ball Park. West of the subject lands is the entrance to the Community Centre, and north of

the subject lands is an area of park space just beyond a fenced baseball diamond. The subject lands are generally surrounded by hamlet residential uses (south and east).

In Planning staff's opinion, there is very little possibility of impact from park usage to the new dwelling despite the reduced rear yard (9 metres required; 1.2 metres proposed). This is based on the following:

- There is a park located between the ball diamond and the property line—the ball fence is located approximately 24 metres from the dwelling and 98 metres from home plate;
- Additionally, the park and subject lands are further separated by a property line fence.

At the request of Planning staff, the applicant has submitted an environmental assessment completed by Hallex Environmental Ltd. (dated July 24, 2018). The purpose of the requested assessment is to ensure that there are no compatibility issues associated with the former small engine repair business and the proposed residential use. Hallex found that “the subject site was considered suitable for residential land use within the definition of O. Reg.153/04 and 511/09 as of July 18th, 2018. No further environmental site assessment work is considered necessary and the findings justify a change in land use from commercial to residential”.

This application involves a re-adaptation of an existing lot, as such, many of the OP's development criteria have been previously satisfied. The following criteria are generally considered for development within designated hamlets:

- a) The traditional form of servicing in the Hamlet areas has been individual water services and on-site sanitary sewage systems;

Planning Comment:

The existing structure to be converted to a dwelling is currently serviced by a cistern and septic system. The applicant has received confirmation from a licensed septic installer that new service will be required and can be located on the subject lands.

- b) The availability and provision of adequate stormwater management facilities and legal and adequate drainage outlets;

Planning Comment:

The subject lands are located in the ‘heart’ of Fisherville within an area serviced by existing stormwater infrastructure, including roadside open ditches. The property currently outlets to this system and will continue to do so with no significant site alternations.

- c) New development should be a logical extension of the existing built-up area;

Planning Comment:

The proposed development is a re-adaptation of an existing structure within the hamlet of Fisherville.

- d) In-depth development rather than linear development along roads is the preferred form development in hamlets;

Planning Comment:

The proposed development is a re-adaptation of an existing structure within the hamlet of Fisherville.

- e) Provision shall be made at appropriate locations to permit access from main roads to second or third tiers of lots behind existing development;

Planning Comment:

The proposed development is a re-adaptation of an existing structure within the hamlet of Fisherville. The existing access will remain as it is with no significant modifications proposed.

- f) Proximity to, and the potential impact on Natural Environmental Areas, Hazard Lands and cultural heritage resources should be addressed; and

Planning Comment:

The proposed development is a re-adaptation of an existing structure within the hamlet of Fisherville and is not regulated by a Conservation Authority.

- g) The standards for separating residential uses from existing, new or expanding livestock facilities shall be the minimum distance separation formulae.

Planning Comment:

No livestock operations were observed on-site, declared by the owner or observed in the general area.

Town of Haldimand Zoning By-law 1-H 86

The subject lands are zoned 'Hamlet Commercial' (CHA) Zone in the Town of Haldimand Zoning By-law 1-H 86. The 'CHA' zone does not permit stand alone residential uses, and the intended rezoning to 'Hamlet Residential' (RH) is required to permit residential uses. The 'RH' Zone permits a one family dwelling and is consistent with the zoning of many other rural residential properties. The subject lands have a frontage of 50.29 metres (165 feet) and an area of 0.5 hectares (1.25 acres). Due to the location of the existing structure to be converted to a dwelling, a rear-yard deficiency must also be addressed; the existing structure has a rear-yard setback of 1.2 metres (Attachments 1 and 2) whereas 9 metres is required. Despite the significantly reduced rear-yard setback, there is ample amenity and private servicing space in the front yard; additionally, the limited rear yard is further mitigated by the park space and baseball diamond of the Fisherville Community Centre. As no physical change is taking place, the long standing setback will remain 'as is' and established compatibility will be maintained. A complete zoning review chart is included as Attachment 4.

Planning Opinion:

Planning staff has reviewed the proposed zoning amendment on the subject lands relative to both Provincial and County policy frameworks and the principle of land use is consistent with each. The proposed zoning amendment (Attachment 3) is consistent with the Provincial Policy Statement 2014 and conforms to the policies in the Haldimand County Official Plan. The proposed change in zoning and use also is a better fit for the wider community in terms of compatibility.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Building Controls and By-law Enforcement—No objections.

Hydro One—No objections.

Long Point Region Conservation Authority—Not regulated.

Roads Operations–No objections.

Planning and Development (Development & Design Technologist)–No objections.

Emergency Services–No objections.

Municipal Property Assessment Corporation–No objections.

No comments were received from the public or the Mississaugas of New Credit Council, Six Nations Council, and Union Gas. The applicant had committed to speaking to adjacent and identified neighbours and received no concerns from those neighbours.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Location Map.
2. Owner's Sketch.
3. Draft Amendment to Zoning By-law.
4. Zoning Review Chart.