
HALDIMAND COUNTY

Report PD-38-2018 Zoning By-law Amendment for an Assisted Living Group Home – Longarini



For Consideration by Council in Committee on December 11, 2018

OBJECTIVE:

To amend the Town of Dunnville Zoning By-law 1-DU 80 to permit a Group Home on lands zoned 'Urban Residential Type 2 (R2)'.

RECOMMENDATIONS:

1. THAT Report PD-38-2018 Zoning By-law Amendment for an Assisted Living Group Home – Longarini be received;
2. AND THAT application PLZ-HA-2018-161 to amend the Zoning By-law 1-DU 80 to add a group home to the permitted uses in the 'Urban Residential Type 2 (R2)' zone be approved for reasons outlined in Report PD-38-2018;
3. AND THAT the proposal is deemed to be consistent with the Provincial Policy Statement (2014), and the Growth Plan for the Greater Golden Horseshoe;
4. AND THAT the By-law attached to Report PD-38-2018 be presented for enactment.

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

Respectfully submitted: Craig Manley, MCIP, RPP, General Manager of Community & Development Services

Approved: Donald G. Boyle, Chief Administrative Officer

EXECUTIVE SUMMARY:

The applicant is seeking to create a Special Provision to the Town of Dunnville Zoning By-law 1-DU 80 to permit a six bedroom assisted living group home with potential occupancy for nine people. The zoning would also establish a customized parking standard of four (4) stalls which is supported by staff and based upon the type of occupancy. The subject lands are currently zoned 'Urban Residential Type 2 (R2)'. The subject lands are located within the urban area of Dunnville and contain a large existing dwelling and detached accessory structure (Attachments 1, 2, 3 and 4). No additions or major renovations to the dwelling are proposed at this time. Some upgrades, including a shower stall in the main bathroom and eventually a third bathroom downstairs are intended to take place in the future.

Staff has reviewed the proposed zoning amendment on the subject lands against Provincial and County policy frameworks and the principle of land use is consistent with each. The Haldimand County Official Plan supports group homes in Residential, Community Commercial, Agriculture and Hamlet designations (the subject lands are designated Residential).

Given the above, Planning staff recommends approval of this proposal for the reasons set out within this report.

BACKGROUND:

An application has been received to consider an amendment to the Town of Dunnville Zoning By-law 1-DU 80 to permit an assisted living group home for people living with mental illness. The property is currently zoned 'Urban Residential Type 2 (R2)' and would require the addition of a special provision to allow the additional use. Group homes are defined within the zoning by-law, but are not explicitly permitted in any zone; however, Haldimand County supports them through site specific zoning by-law amendments.

The Town of Dunnville Zoning By-law 1-DU 80 defines group homes as a dwelling house that is licensed or funded under an Act of the Parliament of Canada or the Province of Ontario for the accommodation of three to ten persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well being. The group home, proposed by True Experience, meets this definition. Among the services, True Experience offers is supportive housing for people living with mental illness. The proposed group home will accommodate up to nine individuals who will share common spaces and receive on-site support from staff for ten to twelve hours a day.

The proposed group home would be established within the large home that currently exists on the property. There is also a detached garage which would be used for parking and storage. The group home is to be run by True Experience whom operate another group home in Dunnville more than one kilometre away on Lock Street West. True Experience provides supportive housing, a community work program and social recreation to people living with mental illness. The Lock Street group home provides housing for up to seven individuals, and the proposed group home at 444 Broad Street West is intended to house up to nine people.

The existing group home operated by True Experience, and this proposed group home, are the only known group homes in Dunnville. The existing 'Opportunity House' (operated by True Experience) is at capacity and includes some long-term tenants. The subject lands are located on the south-east corner of Broad Street West and Helena Street in Dunnville. The subject lands are described as Plan 396, Part Lot J, and known municipally as 444 Broad Street West, Dunnville (Attachment 1).

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) provides overall policy direction on matters of provincial interest relating to land use planning and development. Decisions affecting planning matters "shall be consistent with" the policies of the PPS. Through the PPS, the Province determines that Building Strong Communities is a Provincial interest and is to be addressed, in part, through promoting efficient land use and development patterns that support strong, livable and healthy communities, protect the environment and public health and safety, and facilitate economic growth.

The PPS states that healthy, livable and safe communities are sustained, in part, by accommodating an appropriate range and mix of residential uses to meet long-term needs, as well as avoiding

development and land use patterns that may cause environmental or public health and safety concerns. In addition, the PPS expressly promotes healthy, liveable and safe communities by promoting improved access for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society. The subject application seeks to accomplish this through the conversion of the existing dwelling to a supportive group home for people living with mental illness. The location of the property at 444 Broad Street West provides much needed housing supply for people with additional needs within an existing built community that is also in close proximity to the Haldimand War Memorial Hospital, other institutional uses (parks, churches, etc.) and the commercial uses that make up Dunnville's downtown.

Further, the PPS must be implemented in a manner that is consistent with the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms: this means that Haldimand County may not impose by-laws which discriminate against groups of people whom are protected by the Code, and must permit group homes in areas where residential uses are permitted. As such, zoning amendments for uses such as group homes need to be examined in a fair and balanced manner with land use planning issues focused on matters such as functionality and intensity of land use (parking, traffic) as opposed to user groups.

Planning staff is of the opinion that this proposal complies with the intent of the Provincial Policy Statement, 2014.

Provincial Growth Plan, 2006

The Provincial Growth Plan sets out policies that require the optimal use of the existing and new infrastructure to support growth in a compact and efficient form. The Provincial Growth Plan further directs municipalities to consider a range and mix of housing, and to plan to diversify their overall housing stock, largely to support a variety of housing needs. The current proposal to allow a dwelling to become a group home conforms to the intent of these policies: the use of existing services are proposed (existing municipal road, waste collection, etc.) without the need for expansion or significant upgrades to such existing infrastructure and service, and the existing housing stock will be diversified to allow for an increase in identified housing needs. Planning staff is of the opinion that this proposal complies with the intent of the Provincial Growth Plan.

County Policy

Haldimand County Official Plan

The subject lands are designated 'Residential' in Haldimand County's Official Plan. Consistent with the Official Plan, Assisted Living Group Homes, like the one proposed by True Experience, will be permitted in Residential, Community Commercial, Agricultural and Hamlet designations based on a number of criteria. The Official Plan currently provides the following criteria with respect to locating an Assisted Living Group Home. Given these are in effect, staff have assessed the application against them and provided comments:

- a) Such uses are to be integrated within the community and where possible, shall be located in close proximity to other community facilities and necessary support services;

Planning Comment:

The subject lands are located within an established residential area on a corner lot at the west end of Dunnville. The subject lands are in close proximity to the Haldimand War Memorial Hospital (~50 m), the Dunnville Lion's Park (~250 m), Dunnville's downtown commercial core (~700 m) and other community institutions like schools and churches.

- b) In order to encourage assisted living group home residents to live in mainstream residential neighbourhoods rather than in a cluster of other group homes, the Zoning By-law may establish a minimum separation distance between Assisted Living Group Home uses;

Planning Comment:

There is one known group home in Dunnville, and therefore, are no clusters of group homes. The nearest group home to the subject lands, which is also operated by True Experience, is approximately one half of a kilometre to the east at 213 Lock Street West. The Zoning By-law does not contain any minimum distance separation requirement.

- c) The use should be located in close proximity to an arterial or collector road;

Planning Comment:

The proposed group home is to be located in an existing dwelling at 444 Broad Street West, and Broad Street is considered an arterial road.

- d) Access to transportation support services should be available;

Planning Comment:

Haldimand County does not have a public transportation system; however, transportation services are offered through groups like Senior Support Services and local taxi services. Additionally, True Experience owns a van that is designated for transportation and support for medical appointments, etc.

- e) Adequate on-site parking must be provided, including provision for drop-off and pick-up facilities, where required;

Planning Comment:

As part of a complete application, the applicant has provided a site plan showing four parking spaces within the existing driveway at the west side of the property. There is adequate on-street parking to allow for drop-off and pick-up of tenants, should the on-site parking not be available. Along with this, the applicant has provided justification for the number of spaces. The applicant's parking justification provided examples of parking requirements from nearby municipalities, and the proposed on-site parking generally meets parking requirements for assisted living group homes established by other local municipalities. Please see a tabled analysis of parking for assisted living group homes in nearby municipalities in the zoning section of this report. The nature of the use and the experience of the Operator also demonstrates that parking for residents is typically not required and that these spaces are only required for support staff that periodically visit the home or for drop-off and pick-up of residents.

Planning staff are satisfied with the parking provided.

- f) The use, including buildings, is designed in a manner that reflects the character of the neighbourhood in which it is proposed, including the consideration of the nature, scale and density of existing development in the vicinity; and

Planning Comment:

The proposed group home is to be located within an existing large home and no exterior physical development that may impact the character of the neighbourhood is proposed.

- g) Screening and buffering may be implemented through site plan control to minimize potential land use conflicts.

Planning Comment:

The subject lands will continue to look like a single detached dwelling with only minimal interior renovations intended in the future. The exterior appearance of the dwelling is not anticipated to change. No screening or buffering is recommended by County staff.

In summary, the proposal conforms to the criteria in the Official Plan.

Town of Dunnville Zoning By-law 1-DU 80

The subject lands are zoned 'Urban Residential Type 2 (R2)' in the Town of Dunnville Zoning By-law 1-DU 80. The 'R2' zone permits a one or two family dwelling house. The proposed amendment seeks to add a special provision to permit an assisted living group home. Haldimand County does not have a zone that specifically permits assisted living group homes, and all group homes within the County are similarly recognized through special provisions applied via a site specific zoning by-law. It is important to note that as part of the County's on-going development of a comprehensive zoning by-law, this matter will be addressed through the creation of 'as of right' privileges in various residential zones. However, given the timing of this application, the subject process is required to be completed.

The application will require a series of customized zoning provisions in addition to allowing the use. The first relates to parking. Since, at present, there is not a parking standard for assisted living group housing a customized parking standard is needed. Haldimand County asked the applicant to provide a parking justification for the number of required spaces. The applicant provided the County with group home parking requirements from nearby municipalities, and Haldimand County staff conducted its own research and assessed recent group home developments, including one in Simcoe (Norfolk County). The analysis completed shows that group homes in southern Ontario are consistently assigned a lower parking requirement when compared to other residential uses and this is due to the fact that few of the group home occupants tend to drive or have cars. Haldimand County staff finds the provision of 4 parking spaces for a 6 bedroom, maximum 9 person occupancy group home adequate based on this review:

Nearby municipalities require group homes to provide parking as described:

Municipality	Minimum Parking Standard	Equivalent Parking for this Application
Hamilton	1 for every 3 persons	3
Brant County	1 space for the first 3 residents; plus 1 space for each additional two residents; plus 1 visitor space for the first 4 residents	5
Brantford	2 spaces, plus 1 space per 3 residents	5
Niagara	Zone dependant (i.e. Haldimand's R2 zone may require 2 parking spaces)	2
Guelph	1 per building plus 1 per staff	3
Norfolk County**	(maximum number of tenants) x (average rate of car ownership – 12%) + 1 space per staff at busiest shift	3.08 (4)

**This is not a Norfolk County standard, but a calculation recently supported by Norfolk County in association with a recent group home application in their County. In this case, the applicant

created a formula based on average rate of car ownership by their tenants in similar assisted living homes.

Due to the location of the existing dwelling and accessory structures, there are some deficiencies associated with these structures. These represent long standing deficiencies which can be regularized through this application such that they do not pose any restrictions in the future for any building or site alterations. The deficiencies to be recognized are:

- The existing dwelling is located 0.6 metre from the interior left lot line where 3 metres is required; this is an existing deficiency that is not aggravated by this application.
- The existing detached garage structure is located on the rear property line where 1 metre is required; this is an existing deficiency that is not aggravated by this application.

Both variances identified are consistent with older built structures in the area and are in character with the neighbourhood.

A draft amending by-law is included as Attachment 5. No other zoning deficiencies have been identified or are proposed with this application; a detailed zoning review chart has been included as Attachment 6.

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. Both the Provincial Policy Statement and the Haldimand County Official Plan permit development that is appropriate in relation to the infrastructure which is planned or available. The Official Plan also permits group homes in the Residential designation subject to a series of criteria which, in the case of the subject application, have been met. The zoning amendment addresses both policy requirements and is therefore consistent with the Provincial Policy Statement 2014 and conforms to the policies in the Haldimand County Official Plan.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Building & Municipal Enforcement Services—Under 10 persons. Only smoke and CO detectors required.

Planning Comment: *Maximum 9 occupants proposed.*

Hydro One—No objections.

Grand River Conservation Authority—Not regulated.

Roads Operations—No objections.

Planning and Development (Development and Design Technologist)—No objections.

Emergency Services—No objections.

Municipal Property Assessment Corporation—No objections.

Six Nations—No objections.

Canada Post: This development will receive mail service through a centralized mail facility (lock box assembly) installed by the developer/owner providing that the units are self-contained and fully functional as their own unit.

The following conditions should be added for Canada Post Corporation's purposes:

- a) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail boxes at their own expense, will be in affect for buildings and complexes with a common lobby, common indoor or sheltered space with 3 or more units. The owner/developer will need to provide individual unit numbers for each unit.
- b) If this building is a nursing home, institution, assisted living home or group home with several units containing the basic essentials and a shared common area, then mail delivery will be 1 drop for all units.

Haldimand-Norfolk Health and Social Services commented the following:

- The proposed group home is well located to allow for residents to walk to amenities and recreation facilities in and around the downtown. Sidewalk infrastructure is already in place.
- Offering some form of secure bike parking would be beneficial for residents [long-term parking options] and visitors [short-term parking].
- The Haldimand-Norfolk Health Unit requests that the applicant contact the Health Unit's Infectious Disease Team (905-318-6623) prior to design and operation of the proposed development to discuss public health requirements. Failure to do so could result in costly renovations to meet public health requirements.
- Access to healthy food benefits the health of a community. We encourage developments that make it easier for people to access healthy food. This location is approximately 1km from a grocery store and less than 1km from the Thompson Creek Community Garden.
- Housing Services for Haldimand County has an acute need for safe, appropriate and affordable housing options, particularly rental housing. Currently, rental vacancy within Haldimand sits at or below 3% with few options for rental housing. The establishment of housing that meets the need of the community particularly that has the ability to incorporate supports or services to community members are in need within the County. Provided the proposed development meets the intent and purpose of the Official Plan conforms to applicable zoning and building code requirements, Housing Services has no additional comment at this time.

As part of the public consultation requirement, True Experience staff knocked on neighbouring property owner doors to explain the proposal, and hosted a community meeting on November 6; no objections or specific comments were received.

No comments were received from the Mississaugas of New Credit Council, Union Gas or the public.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

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