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# HALDIMAND COUNTY

## Report PDD-10-2019 Zoning By-law Amendment to Permit Year-Round Residential Use–Pedro and Shouwstra



For Consideration by Council in Committee on March 26, 2019

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### OBJECTIVE:

To amend the Town of Dunnville Zoning By-law 1-DU 80 to permit year-round residency on lands zoned only to permit seasonal residency.

### RECOMMENDATIONS:

1. THAT Report PDD-10-2019 Zoning By-law Amendment to Permit Year-Round Residential Use–Pedro and Shouwstra be received;
2. AND THAT application PLZ-HA-2018-193 to amend the Zoning By-law 1-DU 80 to establish a special provision to permit year-round residential use and to recognize an existing frontage deficiency be approved for reasons outlined in Report PDD-10-2019;
3. AND THAT the By-law attached to Report PDD-10-2019 be presented for enactment;
4. AND THAT the Holding (H) provision removal By-law attached to Report PDD-10-2019 be presented for enactment and the General Manager of Community and Development Services be granted authority to remove the holding provision when the conditions relating to the matter are satisfactorily addressed;
5. AND THAT the proposal is deemed to be consistent with the Provincial Policy Statement (2014), and the Growth Plan for the Greater Golden Horseshoe be received.

**Prepared by:** Benjamin Kissner, Planner

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

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

**Approved:** Donald G. Boyle, Chief Administrative Officer

### EXECUTIVE SUMMARY:

The applicant is seeking to establish a special provision to the Town of Dunnville Zoning By-law 1-DU 80 to permit year-round residency, where seasonal residency is permitted as-of-right, for a property zoned 'Seasonal Residential (RS)' and to recognize a frontage deficiency. Currently, the RS zone requires 30 metres of frontage, but the existing lot fabric in the area only has 5 metres of frontage (Attachment 2). In addition to the special provision, a Holding (H) provision is proposed to ensure that a final detailed design for a septic system is completed for the lot. For other applications that are similar in nature, staff have recommended that the Holding provision require a lot grading and drainage plan be completed and approved by the County, however, this requirement was addressed previously through the severance review process (application PLB-2016-133), which the Committee of Adjustment approved on April 11, 2017. Other site features such as the reduced

frontage for the lot and grading and drainage details were also reviewed during the severance process and deemed acceptable to support development at the site. In the case of the reduced frontage, a minor variance application was approved to formally recognize the reduction in frontage. 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 permits limited conversion of seasonal residential properties to year-round residency. This application meets the criteria set out in the Plan, including the general character of the area, municipal road access and servicing capabilities. For the reasons summarized above, Planning staff recommend approval of the proposal.

## **BACKGROUND:**

An application has been received to consider an amendment to the Town of Dunnville Zoning By-law 1-DU 80 to re-zone lands such that a special provision will be established to permit year-round residency for the subject lands and to recognize an existing frontage deficiency. The subject lands are currently vacant and are zoned "Seasonal Residential". The applicant would like to amend the zoning of the subject lands in order to construct a dwelling on the property with permission for residency on a full time year-round basis.

The subject lands are located on the north side of Horseshoe Bay Road, west of Aikens Road (Attachment 1) and are generally surrounded by agriculture (north) and seasonal residences (south, west and east). The subject lands are currently vacant and are described as Concession 4 South of Dover Road, Part Lot 6 RP 18R7513 Part 3, Geographic Township of Dunn, known municipally as 36 Horseshoe Bay Road.

## **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 sets out that municipalities shall provide for an appropriate range of housing types to meet the projected requirements of current and future residents, in part, by directing development of new housing to locations where appropriate levels of infrastructure and public service facilities are or will be available. To that extent, the subject lands and surrounding area is such that there is a suitable level of services available in the neighbourhood (municipal road, waste collection, emergency response, etc.), and therefore, Planning staff is satisfied that this proposal is deemed to be consistent with the PPS.

## ***Provincial Growth Plan, 2017***

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 current proposal to allow year-round residential use conforms to this policy intent, as 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 services. Further, there is sufficient room for private water and sanitary systems on-site. 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 'Resort Residential Node' within Haldimand County's Official Plan. The Official Plan (OP) sets out that seasonal residential uses shall be the predominant type of land use along the Lakeshore, although a limited amount of conversion and new infilling for year-round use may also be permitted within appropriately designated areas. Amendments such as the subject application are dealt with on a site by site basis to satisfy OP policy that limits conversions of lands and sets out that the County is to retain a suitable and adequate seasonal (cottage) housing stock. Site specific applications allow this monitoring and management to take place. The Official Plan has established a number of criteria to determine the suitability of a proposal for conversion to year-round use. In general, if these criteria are met, conversion to year-round occupancy is permissible. The criteria and the evaluation relevant to this application is presented below:

- i. Suitability of the area relative to Hazard Lands, Regulatory Shoreline, Industrial Influence Area, and other land uses:

#### **Planning Comment:**

The subject lands are located completely within the 'Resort Residential Node' designation of the Official Plan, are not subject to any Lake Erie hazards and are not regulated by a Conservation Authority. The subject lands are also located well outside of the industrial influence areas and are generally surrounded by similar residential uses.

- ii. Need to maintain a reserve of cottage properties for seasonal use:

#### **Planning Comment:**

The proposed conversion would not have a significantly adverse impact on the existing seasonal supply within the area; only a few lots within the node appear to have been converted to year-round residency. This application does not represent a conversion of an existing seasonal cottage to year-round, but permits the creation of one (1) purpose built year-round home. Any future conversion requests for other properties would be reviewed based on individual merit and the composition of the area at that time. Generally speaking, the conversion of a seasonal cottage for full time occupancy can only take place on publically maintained roads where services are already available. Cottages on private or seasonal roads will continue to provide the seasonal supply.

- iii. Need to maintain public access and usage of the Lakeshore:

#### **Planning Comment:**

The subject lands are located on Horseshoe Bay Road in an area that is central to the Blott Point. The proposed development does not have direct access to Lake Erie and does not impact existing access to the Lake.

- iv. Implications of assuming and/or upgrading existing private roads and rights-of-way:

**Planning Comment:**

The subject lands have frontage onto Horseshoe Bay Road, which is an open municipal road of a reasonable standard of construction. Furthermore, the reduced frontage for the subject lands has been recognized by the Committee of Adjustment through a minor variance application which was required as a condition of consent. Staff received comment from Emergency Services through the circulation of both this and the previous severance applications, which indicate that there are no concerns with the 5 metres provided for the access as it is suitable to allow emergency vehicles to enter the property from the County owned roadway. There are no concerns with year round accessibility given the suitability of the access construction (driveway) proposed.

- v. Need to provide services such as recreational facilities, schools and busing, parks, garbage collection, medical, fire and police services, etc.:

**Planning Comment:**

Soft services are already provided to this area (i.e. waste collection, school busing, emergency services, etc.), and in addition, the residents of this area benefit largely from community facilities available in nearby Dunnville and Cayuga. Due to the proximity of these communities, the residents of the subject property would be adequately served by the present level of community facilities.

- vi. Suitability of soils and lot sizes to support individual sewage disposal systems:

**Planning Comment:**

The subject lands are generally considered appropriately sized for private servicing (0.26 hectares/0.65 acres) and are above-average for what is common for many Haldimand County seasonal residential properties. Preliminary assessment of the site has demonstrated functionality, but a final detailed design is still required for the purposes of a building permit. The proposed Holding provision is intended to ensure the applicant's septic designer produces detailed design plans for a required septic system.

- vii. Potential demands for municipal servicing and major infrastructure improvements:

**Planning Comment:**

The extent and scale of the proposed development is not anticipated to result in an increased demand for municipal (hard) services such as water and wastewater or significant upgrades to any existing infrastructure (i.e. roads). Water and wastewater services are not anticipated or likely to be provided for this portion of the County.

- viii. Potential Negative Impacts on Natural Environment, areas such as wetlands, forested areas and fish habitat:

**Planning Comment:**

The subject lands are currently vacant; no negative environmental impacts are anticipated with this proposal.

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 'Seasonal Residential (RS)' in the Town of Dunnville Zoning By-law 1-DU 80. The 'RS' Zone permits a summer cottage and an existing one family dwelling house (i.e. year-round dwelling that has existed and has been used continuously as a year-round dwelling since the implementation of Zoning By-law 1-DU 80 in 1980). This zoning convention is very dated and is

something being assessed as part of the County's comprehensive zoning by-law project. The suitability of carrying on with this type of zoning for the majority of lakeshore properties needs to be examined and the scope potentially narrowed (e.g. to those lots on private roads only).

The subject property is vacant and has never been utilized for year-round occupancy. The proposed amendment (Attachment 3) seeks to expand the permitted uses on the site to include a year-round dwelling. The existing lot has a frontage of approximately 5 m (30 m required) and is proposed to be recognized as a minimum lot frontage in the proposed special provision. The deficiency is identified and dealt with in the attached draft zoning by-law (Attachment 3). This deficiency was previously addressed through a Minor Variance application that was approved by the Committee of Adjustment in 2017. While the reduced frontage is already legal/permitted, staff are recommending the existing exception be included in the draft amendment to provide a singular reference for all unique aspects of the site (year round residency, reduced frontage).

No other zoning deficiencies have been identified or are proposed with this application; a detailed zoning review chart has been included as Attachment 5.

A Holding Provision is proposed to ensure that a detailed septic design is completed. The Holding Provision may be removed once this has been addressed to the satisfaction of Haldimand County. A draft Holding Removal By-law 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. 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, and avoids the potential demand for increased municipal servicing and major infrastructure improvements. The Official Plan also permits limited year-round residential use within the Lakeshore Areas subject to certain criteria being satisfied. 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 and Municipal Enforcement Services—No objections.

Hydro One—No objections.

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.

No comments were received from the public or the Mississaugas of the Credit First Nation, Six Nations Council and Union Gas.

## **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. Draft Holding Removal By-law.
5. Zoning Review Chart.