
HALDIMAND COUNTY

Report PDD-39-2019 Seasonal to Year Round Rezoning – Fess For Consideration by Council in Committee on October 29, 2019



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-39-2019 Seasonal to Year Round Rezoning – Fess be received;
2. AND THAT application PLZ-HA-2019-126 to amend the Zoning By-law 1-DU 80 to re-zone lands from “Seasonal Residential” to “Seasonal Residential” with a special provision to permit year-round residential use and to permit an oversized accessory structure, be approved for reasons outlined in Report PDD-39-2019;
3. AND THAT the By-law attached to Report PDD-39-2019 be presented for enactment;
4. AND THAT the proposal is deemed to be consistent with the Provincial Policy Statement (2014), and the Growth Plan (2019) for the Greater Golden Horseshoe.

Prepared by: Benjamin Kissner, Planner

Respectfully submitted: Mike Evers, MCIP, RPP, BES, General Manager of Community & Development Services

Approved: Craig Manley, MCIP, RPP, Chief Administrative Officer

EXECUTIVE SUMMARY:

The applicant is seeking to add a special provision to lands zoned “Seasonal Residential” to permit year-round residency (Owner’s Sketch, Attachment 2). The dwelling unit was constructed in 2016 on full private services, and the subject lands contain an accessory structure with an area and height that exceeds what is permitted in the Zoning By-law 1-DU 80. Staff have included provisions for the accessory structure, so that the relief can be reflected formally in the Zoning By-law which will be more effective than the existing minor variance. 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. This application meets the relevant criteria set out in the Official Plan, including the general character of the area, municipal road access and servicing capabilities.

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

BACKGROUND:

The subject lands are located at the intersection of Haldimand Road 49 and Horseshoe Bay Road, on the west side of Haldimand Road 49 within the Lakeshore Node of Horseshoe Bay Road (Attachment 1). The application received is to consider an amendment to the Town of Dunnville Zoning By-law 1-

DU 80 to add a special provision to the “Seasonal Residential” zone to permit year-round residency on the subject lands. The subject lands are approximately 31 m x 94 m (2,792.33 m²/0.69 acres) and currently contain a dwelling and accessory structure which are proposed to remain. The accessory structure exceeds the height provision of the By-law 1-DU 80, as it is 6.4 metres (21 feet) tall, where 4.5 metres (14.8 feet) is the maximum. As well, the structure has a floor area of 87 square metres (936.5 square feet) where 55 square metres (592 square feet) is permitted. Relief for these matters was granted by the Committee of Adjustment in 2016 in the form of a minor variance. Staff is recommending that provisions permitting this relief are recommended to be included in the amending by-law, as they will provide clearer regulatory options for the future use of the subject lands. The subject lands are generally surrounded by seasonal and year-round residential uses. The subject lands are described as Concession 4 South of Dover Road, Part Lot 6 DEP, Plan 49621 Parcels 10-13, Geographic Township of Dunn, now in Haldimand County, municipally known as 11 Haldimand Road 49.

ANALYSIS:

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, 2019

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 service. 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. New development identified for year-round use must have frontage on an open and improved road with adequate services (i.e. fire protection, waste collection, winter control, etc.). In general, if these criteria are met, conversion to year-round occupancy is permissible. Cottages on seasonal roads and lacking services will continue to be permitted on a seasonal basis. The portion of Haldimand Road 49 containing the subject lands is considered to be an open municipal road of reasonable construction and which receives year-round maintenance and municipal services. In addition to the Official Plan's requirement for year-round development to have frontage on an open and improved road, the following criteria must be, and have been, evaluated:

- 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 regulated by Grand River Conservation Authority (GRCA).

- 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; a limited number of lots within the node appear to have been converted to year-round residency. Any future conversion requests for other properties would be reviewed based on individual merit and the composition of the area at that time.

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

Planning Comment:

The subject lands are located on Haldimand Road 49, and are contained within the Resort Residential Node of Horseshoe Bay Road. 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 Haldimand Road 49, which, in this location, is an open municipal road of a reasonable standard of construction.

- 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. 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 considered appropriately sized for private servicing, the lot is approximately 0.28 hectares (0.69 acres) and is above-average for what is common for many Haldimand County seasonal residential properties. At the time of construction, a septic permit was issued for Class IV septic system, and the system is operational/Building Code compliant.

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

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 developed; no negative environmental impacts are anticipated with this proposal, nor is the property regulated by the Grand River Conservation Authority.

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' in the Town of Dunnville Zoning By-law 1-DU 80. The applicants intend to add a special provision to allow for year-round residency. As well, staff are recommending that provisions recognizing the relief that was granted by a Minor Variance in 2016 be included in the special provision. The accessory structure that is located on the site has been permitted to exceed the 4.5 metre (14.8 feet) height restriction, and is 6.4 metres (21 feet) tall. Additionally, the structure is larger than the 55 square metre (592 square foot) restriction in the by-law 1-DU 80, and has a floor area of 87 square metres (936.5 square feet). Relief for these matters was granted by the Committee of Adjustment at the August 9, 2016 meeting.

The applicant proposes to add a special provision to the 'RS' zone to allow year-round residency. 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 scope potentially narrowed (e.g. to those lots on private roads only, impacted by natural hazards, etc.).

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 (Attachment 3).

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Building & Municipal Enforcement Services – No objections.

Hydro One – No objections.

Conservation Authority – No objections.

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 the Credit First Nation, Six Nations Council and Union Gas.

Public – No comments received.

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.