
HALDIMAND COUNTY

Report PDD-24-2020 Zoning By-law Amendment to Permit a Single Detached Dwelling – LeBlanc and Bearfoot



For Consideration by Council in Committee on August 25, 2020

OBJECTIVE:

To present the details and recommendations relating to a proposal to rezone lands to facilitate the development of a single detached dwelling in Dunnville.

RECOMMENDATIONS:

1. THAT Report PDD-24-2020 Zoning By-law Amendment to Permit a Single Detached Dwelling – LeBlanc and Bearfoot be received;
2. AND THAT Application PLZ-HA-2020-077, to amend the Town of Dunnville Zoning By-law 1-DU 80 to rezone the subject lands to “Rural Commercial” with a special provision, be approved for reasons outlined in Report PDD-24-2020;
3. AND THAT the by-laws attached to Report PDD-24-2020 be presented for enactment;
4. AND THAT the proposal is deemed to be consistent with the Provincial Policy Statement 2020, Provincial Growth Plan 2019, and other matters of Provincial interest.

Prepared by: Alicia West, Planner

Reviewed by: Shannon VanDalen, MCIP, RPP, CMMI, Manager of Planning and Development

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

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

EXECUTIVE SUMMARY:

The proposed zoning by-law amendment has been brought forward to amend the Town of Dunnville Zoning By-law 1-DU 80 to rezone the subject lands from Rural Commercial (CR) to Rural Commercial (CR) with a special provision, to facilitate the development of a single detached dwelling. Should this proposal be approved, it will represent a more efficient use of appropriately designated lands by allowing an increased use of the lands, road and service infrastructure, and be of scale and type that fits the neighbourhood.

BACKGROUND:

The purpose of this application is to rezone lands from Rural Commercial (CR) to Rural Commercial (CR) with a special provision to facilitate the development of a single family dwelling house. The lands to be rezoned are located north east of the urban boundary of Dunnville and are located on the west side of Highway 3, south of Bird Road and are municipally known as 1393 Highway 3. The site is a vacant existing lot of record measuring approximately 105 metres (345 feet) by 150 metres (489 feet),

which is identified as the 'Subject Lands' in Attachment 1. The applicant has provided a concept plan for the single detached dwelling as seen in Attachment 2. The proponent purchased the parcel for possible development opportunities. Adjacent to the site are rural residential lots to the north, south and east, while agricultural uses are located to the west of the property. Upon inspection of the site, an entrance has already been installed and the proponent confirmed that the entrance permit was previously obtained.

ANALYSIS:

Provincial Policy Statement (2020)

The Provincial Policy Statement, 2020 (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 Provincial Policy Statement supports residential development in locations where there is no need to expand the provision of municipal services. The subject lands are located north of the urban boundary of Dunnville, is large enough to accommodate private servicing, and has access to a municipal road that is maintained year round. These factors represent consistency with the PPS.

Further, the PPS directs that development occurs in accordance with the policies that restrict development in relation to natural hazards. The hazards outlined within this section pertain to those found in relation to the Great Lakes and St. Lawrence Seaway, specifically flooding, erosion and dynamic beach. The hazard that is present on the subject lands is related to the floodplain. As such, the Grand River Conservation Authority (GRCA) has applied development restrictions to regulate where development can occur in this general area in accordance with the policies set out in the PPS.

The GRCA has delegated authority by the province to regulate matters relating to natural hazards within Haldimand County however, the dwelling is proposed outside of the designated hazard lands and will have no negative affect of those lands. Planning staff are of the opinion that this proposal maintains the intent of these policies; therefore, the proposal is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe, 2019

The Growth Plan for the Greater Golden Horseshoe, 2019 similarly supports development in situations where the works would result in intensification in terms of density, and use of existing infrastructure. The subject property would be serviced by private water and wastewater systems, but would benefit from the existing road network. Planning staff is of the opinion that the subject proposal is not in conflict with and maintains the overall intent of the Provincial Growth Plan.

Haldimand County Official Plan

The Haldimand County Official Plan directs policies for the conservation and preservation of agricultural lands and hazard lands throughout the county. Furthermore, the Haldimand County Official Plan guides residential development to occur within appropriate locations such as the residential, hamlet, and resort residential nodes of Haldimand County. The subject lands are designated Agricultural and Riverine Hazard Lands within the Haldimand County Official Plan. Although the property is not located within a designated residential, hamlet or node area, the site is an existing lot of record where single family dwellings are permitted as of right.

Agricultural Policies

The Official Plan identifies strict guidelines and provisions to protect the integrity and preservation of farmlands within the County. As identified under the permitted uses for the agricultural designation, single detached dwellings are permitted on existing lots of record. The subject lands have previously been established, and therefore is an existing lot of record. The site is currently vacant with an area of approximately 1.5 hectares (3.82 acres). The area of the site renders the lands insufficient for a viable farm however, suitable for private services.

Hazard Lands

Haldimand County is committed to the protection of life and property by respecting natural and man-made hazards. As such, development shall generally be directed away from hazard lands. Despite this, it is recognized that there are certain areas of the County where extensive development has taken place within Hazard Lands. The subject lands are partially designated Riverine Hazard Lands in conjunction with the Agricultural designation. The Riverine Hazard has been identified towards the rear of the site and a small portion to the south east of the site. The concept plan (see attachment 2) demonstrates the location of the single detached dwelling, which is to be located to the north western portion of the property. The proposed location of the single detached dwelling is outside of the designated hazard lands and located on agriculturally designated lands in its entirety. Forestry has indicated that Woodlands are identified on the property that are small in nature and are not connected to any other woodland or vegetation corridor, and has no concerns with the application moving forward for approval. The applicant is to consider the existing woodlands and locate the building, driveway and utilities within the open areas on the site.

Through circulation of the application, the Grand River Conservation Authority, based upon their review, have no concerns that the structure will have a negative impact on the hazard lands and have identified the structure to be located outside of the floodplain.

Based on the foregoing, it is staff opinion that the application is consistent with the Haldimand County Official Plan.

Dunnville Zoning By-law 1-DU 80

The lands are zoned Rural Commercial (CR) within the Dunnville Zoning By-law. The purpose and intent of the zone is to permit uses that economically support rural areas and cater to farming needs such as farm supply outlet, country store, fruit and vegetable outlet, commercial greenhouse, farm implement and service establishment, automotive service station and body shop, restaurant, place of assembly and a one unit dwelling. Albeit one unit dwelling is permitted, the intent of the unit is in union as a secondary use to a permitted primary use. The proponent is requesting relief from the uses permitted within the Rural Commercial Zone to facilitate the construction of a single family dwelling house. The amendment to the Zoning By-law would be a site specific provision to permit the proposed use in addition to the already permitted uses within the Rural Commercial Zone. The proponent is proposing to maintain the current Rural Commercial zone as a way to maximize the potential of the site for any future development opportunities. Staff are of the opinion that rezoning the lands to agriculture to mimic the Official Plan would hinder any potential rural commercial uses, which have been established as of right and which would be suitable in this location given the range of uses present.

Upon review of the surrounding area, staff note there are some commercial uses south on Highway 3 as you approach the urban boundary of Dunnville. These commercial uses include a car service station and auto repair, office type uses, and areas for open storage of large vehicles. Immediately south of the site is a Highway Commercial (CH) zone. A one family dwelling house currently occupies the lands. Staff are of the opinion that the inclusion of the site specific use will allow for appropriate use of the lands since single detached dwellings are adjacent to and surrounding the lands. The inclusion of the

use is more compatible with the neighbouring properties in comparison to other uses that are permitted as of right.

Additionally, it is staff opinion that permitting the single detached dwelling house on the currently vacant lot will be in keeping with the character of the already established neighbourhood. It is being recommended that a special provision be added to the site as opposed to rezoning to the agricultural zone since altering the use to agricultural will provide hardships for future development if the opportunity arose. Based on the foregoing, it is staff opinion that the proposed single family dwelling will have minimal impact on adjacent properties, is an appropriate use of lands where no viable farm can be established, and will respect the hazard lands identified throughout the site.

Conclusion:

Planning Staff recommends that the Zoning By-law Amendment application be approved on the basis that the proposed use is consistent with the Provincial Policy Statement, 2020, conforms to the Provincial Growth Plan, 2019, and maintains the intent and purpose of the Haldimand County Official Plan.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Grand River Conservation Authority – No concerns.

Building & Municipal Enforcement Services – No objections.

Roads Operations – No objections; entrance and excavation permits will be required for any work in the County owned Right of Way.

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

Water and Wastewater Engineering & Compliance – No objections.

Emergency Services – No objections.

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

Forestry – There appears to be Woodlands regulated pursuant to the Haldimand County Forest Conservation By-law located on the property. The Woodlands are fairly small and not connected to any other Woodlands or vegetation corridors.

Forestry supports the Zoning By-law Amendment application and encourages the applicant to consider the existing Woodlands and locate the building, driveway and utilities within the open areas on the site when they are preparing their site plan.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Location Map.
2. Concept Drawing.
3. By-law Amendment.