
HALDIMAND COUNTY

Report PDD-37-2021 Removal of Holding By-law for 44 Johnson Road For Consideration by Council in Committee on June 22, 2021



OBJECTIVE:

To consider an amendment to Haldimand County's Zoning By-law HC 1-2020 to remove a 'Holding – "H"' provision from the lands in the Lakeshore Node of Johnson Road to facilitate the construction of a single detached dwelling.

RECOMMENDATIONS:

1. THAT Report PDD-37-2021 Removal of Holding By-law for 44 Johnson Road be received;
2. AND THAT the request to remove a 'Holding – "H"' provision from the zoning of the subject lands be approved for reasons outlined in Report PDD-37-2021;
3. AND THAT the removal of holding by-law attached to Report PDD-37-2021 be presented for enactment;
4. AND THAT the proposal shall be considered to be consistent with the Provincial Policy Statement 2020, Provincial Growth Plan and other matters of provincial interest.

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Reviewed by: Shannon VanDalen, MCIP, RPP, CMMI, Manager of Planning & 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 intent of this report is to obtain Council's approval to remove a Holding (H) Provision from the zoning that was affixed to 44 Johnson Road in 1988. The subject lands were placed under the Holding regulation to ensure that the County receives final septic, drainage and grading plans, enter into corresponding development agreement and collect parkland fees. As the technical and legal matters relating to the removal are now addressed or imminent, staff are recommending the removal of the Holding (H) provision which will allow for the issuance of a building permit for a dwelling.

BACKGROUND:

The subject lands are described as Dunnville Concession 5, South of Dover Road, Part Lot 19 DEP 72117 Parcel 46, Geographic Township of Dunn, now in Haldimand County, and known municipally as 44 Johnson Road.

The property is located within the Lakeshore Node of Johnson Road, which is an area comprised of approximately 58 lots, with the majority being vacant. The lots were created over 50 years ago by individuals that divided their property and registered the lots in different names, a process commonly

referred to as “checker-boarding”. During this period, there were few planning controls to insure that new lot creation proceeded in an appropriate and safe way. As a safeguard, staff and previous Councils of the Town of Dunnville and Region of Haldimand-Norfolk felt it was imperative that something be implemented to ensure development proceeded appropriately and safely; as such, a special provision was added to the zoning of the property which had the effect of preventing the land from being developed until such time as specific conditions were addressed.

In 1988, the zoning of the lands within the Johnson Road Lakeshore Node was amended from “Agricultural (A)” to “Seasonal Residential – Holding (RS-H)” and “Open Space – Holding (OS-H)”. The zoning amendment outlined that the “Holding – (H)” provision was to remain in place and restrict development until such time that a development agreement was entered into by the property owners which addressed concerns relating to providing parkland or cash-in-lieu of parkland, and drainage and grading issues. The property owners have initiated the development agreement and paid for the parkland dedication fee, and the County has approved the lot grading plan. For this reason, Planning staff are satisfied that the Holding can be lifted.

The purpose of this application is to remove the Holding “H” provision on the subject lands within the Lakeshore Node of Johnson Road (shown on Location Map of Attachment 1) to permit construction of a single detached residential dwelling.

ANALYSIS:

The proposal before Council is to remove the holding provision from the subject lands. The conditions of the Holding ‘H’ Provision include:

- 1) Cash-in-Lieu of Parkland Dedication
- 2) Development Agreement
- 3) Comprehensive Grading and Drainage Plan

Additionally, Haldimand County has often required these types of properties to show that private servicing can also be adequately provided. In this case, Haldimand County staff have also reviewed:

- 4) Septic Plans

The requirements of the provisions have been addressed as follows:

- Cash-in-lieu of Parkland Dedication

When new lots are created, developers and builders are required to either set aside a certain amount of land for parkland (parkland dedication) or pay cash-in-lieu of parkland dedication if it is determined that there are adequate parks and recreational facilities to service the area. Parkland, or cash-in-lieu of, is conveyed to the municipality for parkland or other public recreational purposes. Cash-in-lieu of parkland – which was identified as the preferred option in this scenario - was never collected for the lots in the Johnson Road Lakeshore Node when they were created (pre-1970), and as such, when the “Holding (H)” provision was applied to the lots in 1988, it stipulated that cash-in-lieu of parkland was to be collected prior to the development of the lands. The proponent submitted the \$350.00 cash-in-lieu of parkland payment, and as such, staff are of the opinion that the condition can be considered as being met.

- Development Agreement and County Approval of Grading Plan

The “Holding (H)” provision was also applied to the zoning of the subject lands to ensure that a Development Agreement was entered into and a proper plan of subdivision was created; since the Holding provision was placed on the subject lands, nobody has come forward with a plan of subdivision and comprehensive grading plan. In recent years, the County has entertained and supported a number of Holding removals where satisfactory grading can be accommodated on site.

The proponents have an accepted lot grading and drainage plan, and are entering into a development agreement to be registered on title. As such, Staff are of the opinion that the condition of the “Holding (H) provision” relating to the Development Agreement and the lot grading and drainage concerns will be satisfied.

- Septic Plans

For applications where grading and septic may be issues, Haldimand County has often required septic plans be provided to prove that the lot can be adequately graded and privately serviced prior to the removal of the Holding provision. The applicants have provided Haldimand County Building Services staff with a septic plan to the satisfaction of the County.

Planning staff recommends that the proposal for removal of the ‘Holding “H”’ provision be approved and the related by-law (Attachment 2) be passed since the requirements for removal of the provision have been satisfied. All land use planning policy issues have been adequately addressed through the previous approval of the zoning amendment.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

A resolution from a Council meeting in 2011, set out that all owners of the perimeter lots (i.e. those with frontage on Johnson Road or Lighthouse Drive) were to receive notice of the process that is available to them to have the ‘Holding’ provision removed from their lands. That notice was prepared by Planning staff and has been issued. It clearly sets out the requirements described in detail in this report.

The *Planning Act* only requires public notice be given to those individuals or groups that have given the Clerk of the municipality a written request for notice of the intention to pass an amending by-law to remove a ‘Holding “H”’ symbol from a zoning by-law under subsection 36(4) of the Act. Since no requests were received, public notification was not required.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Location Map.
2. Draft By-law to remove ‘Holding (H)’.