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# HALDIMAND COUNTY

## Report PDD-46-2021 Zoning By-law Amendment to Permit Vacation Dwelling on a Private Lane with Agricultural Zoning - Kidd



For Consideration by Council in Committee on August 24, 2021

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### OBJECTIVE:

To rezone the subject lands in order to facilitate the development of a vacation home dwelling on the subject lands.

### RECOMMENDATIONS:

1. THAT Report PDD-46-2021 Zoning By-law Amendment to Permit Vacation Dwelling on a Private Lane with Agricultural Zoning - Kidd be received;
2. AND THAT Application PLZ-HA-2021-116, to amend the HC 1-2020 to rezone the subject lands to "Lakeshore Residential", be approved for reasons outlined in Report PDD-46-2021;
3. AND THAT the by-laws attached to Report PDD-46-2021 be presented for enactment;
4. AND THAT the proposal is deemed to be consistent with the Provincial Policy Statement 2020, Provincial Growth Plan 2020, and other matters of Provincial interest.

**Prepared by:** Benjamin Kissner, 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 Haldimand County Zoning By-law HC 1-2020 to rezone the subject lands from Agricultural (A) to Lakeshore Residential (RL), to facilitate the development of a vacation home dwelling on a private road in a designated Lakeshore settlement node. The proposal also includes request for relief of the front yard, side yard and rear yard setback provisions of the Haldimand County Zoning By-law HC-1-2020 which will allow the new seasonal dwelling to be built consistent with existing development setbacks in the area. Should this proposal be approved, it will represent an appropriately designated land use by allowing development on the lands that conforms to the policies of the Haldimand County Official Plan. The proposal conforms to policies contained in the Provincial Policy Statement (2020), Provincial Growth Plan 2020, Haldimand County Official Plan, and the Haldimand County Zoning By-law HC 1-2020, and as such Planning staff are recommending approval of this application.

## **BACKGROUND:**

The purpose of this application is to rezone lands from Agricultural (A) to Lakeshore Residential (RL) to facilitate the development of a vacation home dwelling. Staff discussed the limitations of the site, and the applicable regulations, and the owner specifically requested the vacation home type of use as opposed to a year round dwelling on the site. The lands to be rezoned are located on the east side of English Manor Lane with access from this private lane, in the Lakeshore Node of Hoover Point, and are referred to as 12 English Manor Lane. The site is currently vacant and the applicants are proposing to construct a seasonal dwelling on these lands. The property has dimensions of approximately 71.11 metres (233.3 feet) by 18.5 metres (60.7 feet), with an area of 1,315.5 square metres (14,161.3 square feet), and is identified as the 'Subject Lands' in Attachment 1. The applicant has provided a site sketch showing the location of the structure as seen in Attachment 2. To the west and south of the property are existing lakeshore residential uses, with agricultural lands to the north and east. It is noted that the private road is owned by the larger farm parcel to the north, however the lakeshore residential properties along English Manor Lane have right of use, and is confirmed in the application package.

## **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 within the Lakeshore Node of Hoover Point, is large enough to accommodate private servicing, but does not have access to a municipal road that is maintained year round. In order to mitigate against the latter point, staff are recommending the subject zoning amendment which outlines that only seasonal uses are permitted due to the access to the site being provided by a private road. These factors represent consistency with the PPS.

Further, the PPS directs that development occurs in accordance with the policies that restrict development in 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 subject lands are located in an area that is not subject to regulation from a Conservation Authority, thus natural hazards are not of concern in accordance with the policies set out in the PPS. As such, this proposal conforms to the Provincial Policy Statement (2020).

### **Growth Plan for the Greater Golden Horseshoe, 2020**

The Growth Plan for the Greater Golden Horseshoe, 2020 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. Expansion or intensification of any of these County operated services are not required. 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 subject lands are designated 'Resort Residential' and are located in the Lakeshore Node of Hoover Point. Lakeshore nodes are areas with concentrated existing developments which are predominately recreational residences, and may include related commercial, institutional and recreational facilities

servicing the area. The Lakeshore nodes are characterized by nodal or linear form of development in lakeshore locations.

The Official Plan has established a number of criteria to determine the suitability of a proposal for development within lands that carry this designation. In particular, staff note the requirement for year round development to take place where access can be provided by a public roadway. English Manor Lane is a private road, and as such precludes opportunities for year round development. These policies are intended to maintain the safety of residents by reducing the opportunities for usage during winter, so inclement weather that may impact provision of emergency services are mitigated. That said, the policies do support seasonal development in these nodes and on private roads provided emergency services can be provided in the spring, summer and fall seasons. As such, Planning staff are also recommending that Council accept the proposed zoning by-law amendment that will limit usage of the subject lands for the period of April 1<sup>st</sup> to October 31<sup>st</sup> of the same calendar year. As part of the review, Planning has received comment from Emergency Services requesting this content be added to the by-law to ensure that responders can access the site in the event of an emergency during the spring, summer and fall, and will not have to contend with inclement weather that may otherwise make the subject lands unreachable during the winter months. In addition, recent legal review of similar applications has lead to the need to adopt this approach. It is now becoming a standardized approach for applications of this nature, and the applicant has been made aware of this change. These steps will be formalized in an upcoming general amendment to the County Zoning By-law which is coming forward to introduce this such that it does not have to be done on application by application basis moving forward.

In order to appropriately review this policy disconnect, Planning staff are recommending that the zoning on the subject lands be changed to Lakeshore Residential, so that vacation residential uses are permitted which will conform to the policies of the Official Plan, should this proposal be approved.

### **Haldimand County Zoning By-law HC 1-2000**

The lands are currently zoned Agricultural (A) within the Haldimand County Zoning By-law. The purpose and intent of the zone is to permit uses that support rural areas and agriculture throughout the County. The extent of these uses do not conform with the intent of the OP policies applicable to these lands (i.e. Resort Residential) as outlined above due to the location of the subject lands within a Lakeshore Node and being accessed by a private road. To remedy this, staff are recommending that the lands be rezoned to Lakeshore Residential (RL), which will reduce the list of uses including the permissions for a year round dwelling, which is otherwise permitted in the 'A' zone. In addition, the amendment will include relief to allow frontage on a private road, as well as relief for yard setbacks. The outcome of the zone change to RL will result in a Vacation Home Dwelling Use to be established on the site, which will maintain the policies outlined above and address safety concerns by limiting the residential use on the site to one of seasonal nature which is a timeframe of April 1<sup>st</sup> to October 31<sup>st</sup> each calendar year.

Upon review of the surrounding area, staff note that there are existing vacation home dwelling uses that predominate. Rezoning the subject lands to include permissions for a vacation home dwelling unit as a primary use and will conform with the other land uses that exist in the surrounding area. It is not anticipated that land use conflicts shall arise between the proposed use, and those that surround it.

The proponent has included a request for relief of the yard requirements that apply to the front, rear and exterior side yard requirements of the RL zone. Given the location of the subject lands along a private road, staff are satisfied that that the front yard, exterior side yard and rear yard setbacks setback will not conflict with movement along this private lane. The anticipated traffic is likely to be travelling at a reduced speed, and the road is not plowed by County equipment, so concerns regarding debris being throw from the road surface are not anticipated. The setbacks for all three provisions are proposed to be 4.6 metres (15.1 feet), and staff are satisfied that the subject lands nor development near them will

be negatively impacted by this relief, and similar setbacks can be observed through the surrounding area.

**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, 2020, and maintains the intent and purpose of the Haldimand County Official Plan.

**FINANCIAL/LEGAL IMPLICATIONS:**

Not applicable.

**STAKEHOLDER IMPACTS:**

**Building & Municipal Enforcement Services** – No objections.

**Planning and Development (Development & Design Technologist)** – 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.

**REPORT IMPACTS:**

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

**ATTACHMENTS:**

1. Location Map.
2. Concept Drawing.
3. By-law Amendment.
4. Removal of Holding By-law.