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# HALDIMAND COUNTY

## Report PDD-51-2021 Zoning By-law Amendment to Permit a Single Family Dwelling – Plath



For Consideration by Council in Committee on November 16, 2021

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### OBJECTIVE:

To present a proposal to rezone lands to facilitate the development of a single detached dwelling in Byng.

### RECOMMENDATIONS:

1. THAT Report PDD-51-2021 Zoning By-law Amendment to Permit a Single Family Dwelling – Plath be received;
2. AND THAT Application PLZ-HA-2021-169, to amend the HC 1-2020 to rezone the subject lands to “Hamlet Residential (RH)”, be approved for reasons outlined in Report PDD-51-2021;
3. AND THAT the by-law attached to Report PDD-51-2021 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.

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**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 Community Institutional (IC) to Hamlet Residential (RH), to allow a single detached dwelling as a permitted use. This proposal is considered to be a more efficient use of appropriately designated lands by allowing a compatible land use, and efficient use of an existing lot with private infrastructure, that is of a size and scale of the surrounding lands.

### BACKGROUND:

The purpose of this application is to rezone lands from Community Institutional (IC) to Hamlet Residential (RH) to facilitate the development of a single detached dwelling.

The lands to be rezoned are located south of Rainham Road in the Hamlet of Byng, and are known as 7234 Rainham Road. The site contains an existing structure that was formerly used as a municipal Fire Hall, until September of 2016 when it was sold by the County. The applicants/owners are now seeking to renovate and use the building as a single detached dwelling. The subject property has dimensions

of approximately 30.5 metres (101 feet) by 88.5 metres (290.4 feet), and is identified as the 'Subject Lands' in Attachment 1. The applicant provided a site sketch showing the location of the structure as seen in Attachment 2. Adjacent to the site are rural residential lots to the east and west, agricultural uses to the south, and property zoned Rural Industrial (MR) to the north.

## **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 within identified settlement areas and in locations where there is supportive infrastructure and municipal services. The subject lands are located within the Hamlet of Byng, 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 in a small section at the south eastern corner of the subject lands. This serves to regulate where development can occur in this general area in accordance with the policies set out in the PPS. 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, 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, efficient use of land 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 creates the framework for guiding land use changes in the County over the next 20 years to 2026 by protecting and managing the natural environment, directing and influencing growth patterns and facilitating the vision of the County. Furthermore, the Haldimand County Official Plan guides residential development to occur within appropriate locations such as the urban areas, hamlets, and resort residential nodes of Haldimand County. The subject lands are designated Hamlet within the Haldimand County Official Plan, wherein the policies support uses such as residential, commercial and institutional which are low in density, and are proposed on sites that can be serviced by private systems (septic and cistern), while protecting existing uses from the potential for land-use conflicts where new uses are proposed. As identified under the permitted uses for the Hamlet designation, single detached dwellings are permitted, and the subject lands have previously been established and developed upon. This conversion from a fire hall to a dwelling maintains the policies contained in this section, and will also maintain compatibility within the hamlet and adjacent properties.

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

### **Haldimand County Zoning By-law HC 1-2020**

The lands are currently zoned Community Institutional (IC) within the Haldimand County Zoning By-law. The purpose and intent of the zone is to permit uses that support communities and cater to its needs. Residential uses in the IC zone are only recognized in the form of those that were legally existing on the date of passing of the by-law, or that are accessory to a permitted use. The proponent is requesting permission to use the structure solely as a single family residence, without maintaining one of the other permitted uses for the subject lands. The amendment to the Zoning By-law would rezone the subject lands to Hamlet Residential (RH). The limitation in the development opportunities and permitted uses will ensure that the function of the property remains appropriate for the neighbourhood and respectful of the existing uses in the area. The provisions of the RH zone will be maintained and no reductions or site exceptions are required. Upon review of the surrounding area, staff note that there are existing residential uses, agricultural uses and lands zoned for Hamlet Commercial uses all in proximity to the subject lands. Rezoning the subject lands to permit a dwelling unit as a primary use is not anticipated to result in any land use conflicts arising between the proposed residential use, and those that surround it, nor the commercially zoned property. The residential use will be contained within the existing structure; the existing building will be renovated and the existing services (septic and cistern) are intended to serve the dwelling unit. Additionally, it is staff's opinion that permitting the single detached dwelling house on the lot that currently contains the former fire hall will maintain the character of the already established neighbourhood. Based on the foregoing, it is the opinion of staff that the proposed single family dwelling will have minimal impact on adjacent properties, is an appropriate use of lands, 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, 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.

Roads Operations – No objections.

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

Emergency Services – No objections.

Canada Post – No objections.

Hydro One – No objections.

Trans Northern Pipelines Inc. – No objections.

No comments were received from the public or the Grand River Conservation Authority, Mississaugas of the Credit First Nation, Six Nations Council, MPAC, or 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.