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# HALDIMAND COUNTY

## Report PDD-14-2022 Removal of Holding Provision – 46 Johnson Road For Consideration by Council in Committee on April 19, 2022

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### OBJECTIVE:

To obtain Council's approval to remove a Holding (H) provision from the zoning of the subject lands to facilitate the construction of a single detached dwelling on a vacant lot of record in the Lakeshore Node of Johnson Road.

### RECOMMENDATIONS:

1. THAT Report PDD-14-2022 Removal of Holding Provision – 46 Johnson Road be received;
2. AND THAT the request to remove a Holding (H) provision from the zoning of the subject lands to allow for the construction of a single family dwelling be approved for reasons outlined in Report PDD-14-2022;
3. AND THAT the proposal is deemed to be consistent with the Provincial Policy Statement (2020) and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), Haldimand County Official Plan, and Haldimand County Zoning By-law HC 1-2020;
4. AND THAT the Holding (H) provision by-law attached to Report PDD-14-2022 be presented for enactment.

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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 objective of this report is to obtain Council's approval to remove the Holding (H) provision that was affixed to the zoning of 46 Johnson Road in 1988. The Holding (H) provision was affixed to the zoning of lots in the Lakeshore Node of Johnson Road due to the way in which the lots were created (via "checker-boarding") and to ensure development of the lots proceeded appropriately and safely. As the technical matters relating to the Holding (H) provision removal have been addressed through the subject application (payment of cash-in-lieu of parkland dedication, and County approval of grading and septic plans), Planning staff recommend that the Holding (H) provision be removed from the subject lands to allow for issuance of building permits for a single detached dwelling.

### BACKGROUND:

The subject lands are described as Dunnville Concession 5, South of Dover Road, Part Lot 19 DEP 72117 Parcel 57, Geographic Township of Dunn, now in Haldimand County, and are known municipally

as 46 Johnson Road. The subject lands have 32 metres (105 feet) of frontage on the east side of Johnson Road (an open and maintained public road) and are 0.41 hectares (1.02 acres) in size. The subject lands are currently vacant.

The purpose of the subject application is to remove the Holding (H) provision from the zoning of the subject lands (Attachment 1) to permit the construction of a single detached dwelling (Attachment 2).

The subject lands are located in the Lakeshore Node of Johnson Road, which is a rural area along the lakeshore comprised of 98 lots with 60% being vacant. The roads in this Lakeshore Node include Lighthouse Drive, Johnson Road, Stonehaven Road, and Boulder Road. Lighthouse Drive, Johnson Road, and Stonehaven Road are constructed and open public roads that are maintained year round. Boulder Road has not been constructed. All 28 lots fronting onto Stonehaven Road have been constructed, 15 of the 40 lots fronting onto Lighthouse Drive and Johnson Road are approved for construction or constructed, and 30 lots fronting onto Boulder Road (unconstructed) remain vacant.

The lots in this Lakeshore Node 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 “checkerboarding”. During this period, there were few planning controls in place to ensure that new lot creation proceeded in an appropriate and safe way. As a safeguard, staff and the 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 Holding (H) provision was affixed to the zoning of the lots fronting onto Lighthouse Drive, Johnson Road, and Boulder Road which had the effect of preventing the lots from being developed until such time as specific technical conditions were addressed.

In 1988, the Councils amended the zoning of the lots from “Agricultural (A)” Zone to “Seasonal Residential – Holding (RS – H)” Zone (now “Lakeshore Residential – Holding (RL – H)” Zone in the Haldimand County Zoning By-law HC 1-2020) and “Open Space – Holding (OS – H)” Zone via By-law 1-DU-88. The By-law outlined that the Holding (H) provision was to remain in place and restrict development on these lots until such time as the creation of parkland or payment of cash-in-lieu of parkland is provided; and the County approves a grading and drainage plan. Given the Holding (H) provision was applied via a Zoning By-law Amendment application in 1988, prior to the practice of Council delegating Holding (H) provision removal authority to staff (the General Manager of Community & Development Services) starting in 2011, the subject application requires approval by Council.

It is Planning staff’s opinion that the conditions of the Holding provision have been satisfied and the provision can be removed because the subject lands front onto Lighthouse Drive (an open and maintained road), payment of cash-in-lieu of parkland (\$350.00) has been received, and the County has approved a grading plan for the subject lands.

## **ANALYSIS:**

The proposal before Council is to remove the Holding (H) provision from the subject lands. The conditions of the Holding (H) provision include:

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

Additionally, the County requires these lots demonstrate that private servicing can be adequately addressed. In this case, the County has also reviewed:

- 4) Septic Plans

The conditions of the Holding (H) provision have been addressed as follows:

1) Development Agreement

The Holding (H) provision was affixed to the zoning of the subject lands to ensure that a development agreement was entered into for construction and conveyance of Boulder Road, and that a proper plan of subdivision was created; since the Holding (H) provision was affixed to the zoning of the subject lands and nobody has come forward with a plan to construct Boulder Road, construct the entire “subdivision”, or a comprehensive grading plan. In recent years, the County has entertained and supported a number of Holding (H) provision removals along Johnson Road and Lighthouse Drive on a lot-by-lot basis where satisfactory grading can be accomplished onsite.

The subject lands front onto an open and public road of a suitable standard (Johnson Road), and the other conditions of the Holding (H) provision have been satisfied, including payment of cash-in-lieu of parkland dedication and approval of a lot grading plan. Following approval of the subject application, the applicant will be applying for building permits in accordance with the approved site and grading plan and septic plans.

2) Cash-in-lieu of Parkland Dedication

When new lots are created, developers and builders are required to either set aside 5% of the lands to be developed 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 thereof, 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 Lakeshore Node of Johnson Road 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. It is Planning staff’s opinion that the condition has been satisfied.

3) Grading Plan

The Development & Design Technologist has approved the lot grading plan prepared by Upper Canada Consultants. It is Planning staff’s opinion that the condition has been satisfied.

4) Septic Plans

The applicant is proposing to privately service the subject lands. The Building Division has approved the septic plans prepared by Dynamic Fusion. It is Planning staff’s opinion that the condition has been satisfied.

Planning staff recommends that the proposal for removal of the Holding (H) provision be approved and the related by-law (Attachment 3) be passed since the conditions for removal of the Holding (H) provision have been satisfied. The subject lands are designated ‘Resort Residential’ and zoned ‘Lakeshore Residential (RL)’ which permits a single family dwelling or cottage, and all zoning provisions are satisfied. Removal of the Holding (H) provision will permit the Building Division to issue building permits.

## **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 and Lighthouse Drive) were to receive notice of the process that is available to them to have the Holding (H) provision removed from their lands. That notice was prepared by Planning staff in 2011 and was issued. It clearly sets out the requirements described in detail in this report.

The *Planning Act* only requires public notice to 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) provision from a Zoning By-law under subsection 36(4) of the *Act*. Since no requests were received, public notification was not required.

Planning & Development, Development & Design Technologist – Has reviewed and approved lot grading plan.

Building & Municipal Enforcement Services, Senior Building Inspector – Has reviewed and approved the septic plans.

## **REPORT IMPACTS:**

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

## **ATTACHMENTS:**

1. Location Map.
2. Site & Grading Plan.
3. Draft By-law.