
HALDIMAND COUNTY

Report PDD-37-2022 Zoning By-law Amendment to Permit a Semi-Detached Dwelling - 17 Walpole Drive, Jarvis



For Consideration by Council in Committee on September 20, 2022

OBJECTIVE:

To amend Haldimand County Zoning By-law HC 1-2020 to facilitate the development of a semi-detached dwelling at 17 Walpole Street in Jarvis.

RECOMMENDATIONS:

1. THAT Report PDD-37-2022 Zoning By-law Amendment to Permit a Semi-Detached Dwelling - 17 Walpole Drive, Jarvis be received;
2. AND THAT application PLZ-HA-2022-078 to amend the Haldimand County Zoning By-law HC 1-2020 to rezone the subject lands from the R1-A "Urban Residential Type 1 - A" Zone to the R2 (H) "Urban Residential Type 2 – Holding " Zone be approved for the reasons outlined in Report PDD-37-2022;
3. AND THAT the General Manager of Community & Development Services be authorized to remove the Holding (H) provision on all lands when all conditions have been satisfied;
4. AND THAT the application is considered to be consistent with the Provincial Policy Statement, 2020, conforms to A Place to Grow: Growth plan for the Greater Golden Horseshoe, 2020 and the Haldimand County Official Plan, and has sufficient regard for matters of Provincial interest under the *Planning Act*;
5. AND THAT the by-laws attached to Report PDD-37-2022 be presented for enactment.

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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:

Nighs Concrete Forming Ltd. submitted a Zoning By-law Amendment application to rezone the subject lands from a R1-A "Urban Residential Type 1 - A" Zone to the R2 "Urban Residential Type 2" Zone to facilitate the development of a semi-detached dwelling at the lands municipally known as 17 Walpole Drive in Jarvis.

The subject lands are currently zoned "Residential Type 1 - A (R1-A)" Zone, which permits only single detached dwellings.

Planning staff are of the opinion that this proposal has sufficient regard for matters of Provincial interest under the *Planning Act*, is consistent with the Provincial Policy Statement 2020, conforms to A Place to Grow: Growth plan for the Greater Golden Horseshoe, 2020, conforms to Haldimand County's Official Plan and maintains the general intent and purpose of the Haldimand County Zoning By-law HC 1-2020. Planning staff recommend approval of this amendment for the reasons outlined in this report. Staff are also recommending that a Holding Provision be applied to the lands, which requires that the applicant enter into a grading agreement with the County and that this agreement be registered on title of the subject lands.

The proponent posted the public notice sign on the subject lands and provided photographic proof to planning staff.

BACKGROUND:

The ±0.09 hectare (0.23 acre) site is currently vacant and located on west side of Walpole Drive in Jarvis, between Peel Street East (south) and Highway 6 (north). The lands are municipally known as 17 Walpole Drive and are legally described as Part of Lots 21 and 22 Jarvis Plan 343. The lands have an approximate frontage of 17.45 metres (57.2 feet) along Walpole Drive. There is also a drainage ditch at the rear of the lands that is regulated by the Long Point Region Conservation Authority. Please refer to Attachment 1 for a Location Map of the subject lands.

On June 29, 2022, an application to rezone the subject lands was received in order to facilitate the development of a semi-detached dwelling on the site. The lands are currently zoned Residential Type 1 - A (R1-A) zone. This zone permits single detached dwellings, but does not allow for semi-detached dwellings. The subject lands are proposed to be rezoned to the "Urban Residential Type 2 (R2)" zone, which permits single detached, semi-detached and duplex dwellings. Attachment 2 includes a layout/details of the proposed semi-detached dwelling. Should the Zoning By-law Amendment be approved and the development proceed, the proposed dwellings will be subject to the issuance of a building permit.

ANALYSIS:

Planning staff completed an analysis of the proposed Zoning By-law Amendment application against the applicable Provincial and County land use planning policy documents and legislation. The summary of this analysis is below:

Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 (PPS) states that healthy, livable and safe communities are sustained by promoting efficient development and land use patterns that accommodate an appropriate affordable market-based range and mix of residential housing types. The subject lands are located within a settlement area, as defined by the PPS, which are identified as the areas of focus for growth and development. The PPS states that growth within settlement areas shall efficiently use land and resources, be appropriate for and efficiently use the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion.

The proposed development is also considered a form of residential intensification, as the lands are located within the existing built-up area. The PPS directs municipalities to promote appropriate development standards that facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety. The PPS also directs development to areas outside of hazardous lands, including hazardous lands adjacent to a river or stream.

The proposed development is located within the Jarvis settlement area and contributes to the range and mix of housing types while being compatible with adjacent development. The development is proposed on full municipal services and contributes to the optimization of existing infrastructure in the area, while representing an appropriate form of residential intensification. The proposed development has been circulated to the Long Point Region Conservation Authority, who confirmed that the portion of the lands proposed to be developed is not located within a riverine hazard.

Planning staff conclude that the proposed development is consistent with the PPS.

A Place to Grow: Growth plan for the Greater Golden Horseshoe, 2020

Similar to PPS policy direction, A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) directs the vast majority of growth and development to settlement areas. Furthermore, the Growth Plan directs growth within settlements areas to be focused within the delineated built-up area in the form of intensification, and directs development away from hazardous lands.

It also supports the achievement of compact, complete communities that feature a diverse mix of land uses, including residential land uses and a diverse range and mix housing options. This includes additional residential units and affordable housing to accommodate people at various stages of life, household sizes, and incomes. Furthermore, the Growth Plan requires that municipalities establish a minimum intensification target throughout the delineated built-up area.

The proposed development is located within a settlement area and consists of a more compact built form that supports the achievement of complete communities and adds to the range and mix of housing types in the neighbourhood. The proposal is also a compatible form of residential intensification that will help the County in achieving its established residential intensification target.

Planning staff conclude that the proposed development conforms to the Growth Plan.

Haldimand County Official Plan

The subject lands are designated as “Residential” on Schedule B.5. – Jarvis Urban Area Land Use Plan of the Haldimand County Official Plan (HCOP). The “Residential” designation permits all forms of residential development. As the proposal is within the built-up area, it is considered intensification under the HCOP. The HCOP establishes a target of 20% of all new dwelling units annually to be provided through intensification or redevelopment within the existing built boundaries of the urban areas. In support of this target, the HCOP encourages intensification throughout the built-up area of the urban areas, including the Jarvis Urban Area. As the proposal is considered intensification, it is also subject to the HCOP intensification policies.

Policy 5.1.3. of the HCOP permits small scale intensification in all areas designated for residential use, subject to the design criteria of Section 4.B.2) 11. except where infrastructure is inadequate or there are significant physical constraints. Based on a review of the proposal, there were no significant infrastructure or physical constraints identified. Accordingly, intensification is permitted subject to the design criteria of Section 4.B.2) 11. below:

4.B.2).11 New dwellings within stable residential neighbourhoods shall provide a consistent relationship with existing adjacent housing forms and the arrangement of these existing houses on their lot.

a) As such, new dwellings on lots within stable residential neighbourhoods shall:

- i) Limit building heights to reflect the heights of adjacent housing;
- ii) Provide for a similar lot coverage to adjacent housing to ensure that the massing or volume of the new dwelling reflects the scale and appearance of adjacent housing;
- iii) Maintain the predominant or average front yard setback for adjacent housing to preserve the streetscape edge and character;

- iv) Provide for similar side yard setbacks to preserve the spaciousness on the street;
- v) Provide a built form that reflects the variety of façade details and materials of adjacent housing, such as porches, windows, cornices and other details;
- vi) Include provisions for landscaping and screening if required;
- vii) Provide a limitation on the width of a garage so that the dwelling reflects the façade character of adjacent housing;
- viii) Provide for a consistent arrangement of parking in terms of amount, size and location of parking areas; and
- ix) Ensure that any increased traffic movements and activity are appropriate for the area.

The proposed development incorporates a similar building height, massing, lot coverage, setbacks and façade details to existing development in the area, which creates a consistent relationship with existing adjacent development. The proposal is also not anticipated to generate any measurable transportation impacts, and provides the required parking for each proposed unit on-site. All provisions of the County Zoning By-law will be met and no relief is required. Accordingly, the proposal conforms to Section 4.B.2) 11. of the HCOP.

The proposed use is considered low-density in the HCOP and would therefore, be subject to a general maximum residential density of 20 units per hectare. The proposed semi-detached development is anticipated to be approximately ± 20.85 units per hectare and conforms to the general maximum density provided within the HCOP.

The subject lands also fall within a natural gas resource area as identified on Schedule “G” of the HCOP. HCOP policy requires that any new building or structure requiring a building permit be specifically reviewed by a qualified engineer for the possibility of methane gas infiltration in the building or structure and where there is a danger of methane gas infiltration, that a detection and ventilation system be designed by an engineer and installed. Accordingly, the appropriate review will be conducted as part of the Building Permit process.

Section 5.B) of the HCOP contains the policies related to servicing. Policy 5 B) 1) 1. of the HCOP states that all new development or redevelopment within the urban area shall generally proceed on full municipal water and wastewater services and have adequate drainage and stormwater management facilities. The subject application is proposed on full municipal water and wastewater services, which are available in Walpole Drive. The applicant submitted a site servicing and grading plan for review by staff. Whereas the submitted grading plan appears to be appropriate, staff are recommending that a Holding Provision be applied to the lands, which requires that the applicant enter into a Grading Agreement with the County and that this agreement be registered on title of the subject lands. This will ensure that the applicant grades the property in accordance with the submitted and appropriate grading plan.

Policy 6.G.2. of the HCOP requires that areas of archaeological potential be identified prior to new development. The Ministry of Tourism, Culture and Sport has prepared a checklist that applicants can complete to screen for archaeological potential. The applicant submitted the completed checklist, which identified that the subject lands were of low archaeological potential. This checklist was circulated to Six Nations Council and the Mississaugas of the Credit First Nation (MCFN) for their review. The MCFN had no comments or concerns at that time. Comments were not received from Six Nations Council.

A portion of the lands are also identified as Riverine Hazards Lands, and are regulated by the Long Point Region Conservation Authority. The Long Point Region Conservation Authority have provided comments that the proposed development is not located within the Regulated Area and they have no concerns provided the portion of the lands that are developed are not regulated. Accordingly, the proposed development is not located within a riverine hazard.

It is the opinion of Planning staff that the subject application conforms to the HCOP.

Haldimand County Zoning By-law HC 1-2020

The subject lands are currently zoned as R1-A “Urban Residential Type 1 - A” of the Haldimand County Zoning By-law HC 1-2020. This zone permits single detached dwellings and does not permit semi-detached dwellings. The subject lands are proposed to be rezoned to an R2 “Urban Residential Type 2” Zone, which permits single detached, semi-detached and duplex dwellings. The preliminary development concept provided by the applicant has been reviewed against the provisions of the R2 Zone and conforms to the applicable zone standards, no site-specific provisions are proposed. Please see the attached Draft Zoning By-law as Attachment 3 and Zoning Confirmation Chart as Attachment 4.

It is the opinion of Planning staff that the subject application is in keeping with the general intent of Zoning By-law HC 1-2020.

Conclusion

The subject application represents an appropriate and compatible form of residential infill intensification. It is Planning staff’s opinion that the proposal is consistent with the PPS (2020), conforms to the Growth Plan (2020) and the Haldimand County Official Plan, and is in keeping with the general intent of Zoning By-law HC 1-2020. Planning staff support this application and are recommending approval.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Planning & Development (Development Technologist): No concerns with the subject zoning application. Only one set of water and sanitary services is permitted per property. If the applicant is proposing to service each semi-detached dwelling as shown on the Site Servicing and Grading Plan, a Severance Application will be required. The proposed Site Servicing and Grading Plan is to be re-submitted at the time of Building Permit review and approval by Development Engineering prior to a Building Permit being issued.

Planning Comment: Planning staff recommend the placing of a Holding Provision on the lands that would require that the owner enter into a grading agreement with the County in order to ensure the lands are appropriately graded for drainage.

Building and Municipal Enforcement Services: Property includes LPRCA regulated lands. LPRCA approval required.

Bell Canada: No comment.

Long Point Region Conservation Authority: A portion of the subject lands are regulated by the LPRCA; however, the proposed development is not within the Regulated Area. Should development be relocated to within LPRCA’s Regulated Area, a development permit would be required. The LPRCA has no objection to this application as long as the Riverine Hazard Designation is maintained on the portion of the subject lands currently designated as such.

Mississaugas of the Credit First Nation: No comments or concerns at this time.

Six Nations Council: No comment received.

Economic Development and Tourism Division: No objection.

Hydro One: No comment received.

Emergency Services: No objections to the proposed rezoning.

Canada Post: No objection.

Trans-Northern Pipeline (TNPI): We can confirm that TNPI has no infrastructure in the mentioned area.

Public Input: Planning staff received one (1) phone call and an email from a member of the public who lives adjacent to the subject lands. Although the member of the public did not have any concerns with the proposal or development itself, they are concerned with the potential for future occupants of the proposed dwellings to engage in open air burning (bonfire) in close proximity to structures on their property. The expressed concern that this may become a safety issue.

Planning Comment: Planning staff directed the member of the public to the County's 'Open Air Fire Burning By-law' (By-law No. 16625/16), which regulates open air burning in the County. This includes by-law requirements for recreational open air fires to be a minimum of 4 metres from adjacent properties in all directions and a minimum of 10 metres from permanent combustible structures or objects, among other regulations. Planning staff advised that, should an infraction of this by-law occur in the future, the resident should contact County By-law Enforcement and lodge a complaint.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Location Map.
2. Semi-Detached Dwelling Design Package.
3. Draft Zoning By-law Amendment.
4. Zoning Confirmation Chart.
5. Draft Holding (H) Provision Removal By-law.