
HALDIMAND COUNTY

Report PDD-30-2023 Zoning By-law Amendment as a Condition of Consent - Mazloun



For Consideration by Council in Committee on December 12, 2023

OBJECTIVE:

To rezone the subject lands in order to fulfil a condition of consent related to the severance of a new vacant lot in the urban area of Caledonia.

RECOMMENDATIONS:

1. THAT Report PDD-30-2023 Zoning By-law Amendment as a Condition of Consent – Mazloun, be received;
2. AND THAT application PLZ-HA-2023-072 to amend Haldimand County Zoning By-law HC 1-2020 to add a special provision to the Urban Residential Type 1-A (R1-A) for the subject lands be approved for the reasons outlined in Report PDD-30-2023;
3. AND THAT the proposal is deemed to be consistent with the Provincial Policy Statement, 2020 and the Growth Plan for the Greater Golden Horseshoe, 2020;
4. AND THAT the by-law attached to Report PDD-30-2023 be presented for enactment.

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Reviewed by: Shannon VanDalen, MCIP, RPP, Manager, Planning & Development

Respectfully submitted: Mike Evers, MCIP, RPP, BES, General Manager of Community & Development Services

Approved: Cathy Case, Chief Administrative Officer

EXECUTIVE SUMMARY:

The subject Zoning By-law amendment is required as a condition of consent for the creation of a new lot within the urban area of Caledonia. The purpose of this application is to amend the existing Urban Residential Type 1-A (R1-A) zone to add a special provision to the subject lands. The application is seeking relief from the minimum required lot area and front yard setback for the conditionally approved retained lot (Part 1), and for Part 2, to declare the south lot line (nearest the river) the rear lot line, the north lot line the front lot line and the remaining east and west lot lines interior side lot lines for the purposes of building setbacks and required yards for Part 2, the proposed lot to be created.

Planning staff are of the opinion that the subject application is consistent with the Provincial Policy Statement, 2020 and the Provincial Growth Plan, 2020, conforms to the Haldimand County Official Plan and maintains the general intent and purpose of Zoning By-law HC 1-2020. A public notice sign was posted at the site in accordance with the *Planning Act*.

BACKGROUND:

The subject application is required to fulfill a condition of consent application PLB-2023-071, which was conditionally approved by Committee of Adjustment on July 18, 2023. The consent application will, if all conditions are fulfilled, create a new vacant lot in the urban area of Caledonia. The lands are currently zoned Urban Residential Type 1-A (R-1A), and if approved, the subject application and attached by-law, would apply a special provision to the subject lands to recognize a decreased lot area and existing reduced front yard setback for Part 1, and for Part 2, to declare the south lot line (nearest the river) the rear lot line, the north lot line the front lot line and the remaining east and west lot lines interior side lot lines for the purposes of building setbacks and required yards.

The lands have a total area of 0.12 hectares (0.31 acres), with approximately 18.3 metres of frontage on Caithness Street East. The conditionally severed lands, Part 2, are currently vacant and have an area of 780.9 square metres (0.19 acres) with frontage on Lamb Court. The retained parcel, Part 1, contains an existing single detached dwelling and related accessory buildings, and will have an area of 463.9 square metres (0.11 acres) while maintaining the existing frontage and access on Caithness Street East. The subject lands are adjacent to the Grand River and are surrounded by residential uses.

ANALYSIS:

Planning staff have determined the key planning issues related to this application as follows:

Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 (PPS) states that settlement areas shall be the focus of growth and development. Land use patterns shall be based on densities and a mix of land uses which efficiently use land and resources and are appropriate for available infrastructure among other criteria. The PPS also directs that appropriate development standards should be promoted, which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public safety.

The subject application is a condition of consent application that will facilitate the creation of a new lot in an existing settlement area. The subject application represents appropriate residential intensification that can be appropriately serviced by existing infrastructure. The Grand River Conservation Authority (GRCA) reviewed the application through the consent application and the current Zoning By-law amendment and has provided positive comments. It should be noted that a GRCA permit is required prior to development or site alteration occurring on the proposed severed lands.

It is the opinion of Planning staff that the subject application is consistent with the PPS.

A Place to Grow, 2020

Similar to the PPS, A Place to Grow generally directs new development and intensification to existing urban areas such as Caledonia. Further, A Place to Grow is also protective of natural features, such as the Grand River, and risks associated with those features. The subject application will facilitate the creation of one vacant residential building lot in the urban area of Caledonia.

Supported by the comments received from the GRCA, it is the opinion of Planning staff that the subject application conforms with the policies of A Place to Grow.

Haldimand County Official Plan

The subject lands are designated 'Residential' with a 'Floodway' overlay.

The Official Plan (OP) states that;

“the predominant use of lands within the Residential designation shall be for residential purposes, including all forms of residential development in accordance with the policies of this Plan. Development shall proceed in an orderly, phased manner contiguous to existing development and take into consideration the availability of services.”

The subject application will facilitate the creation of a vacant residential building lot as infill development. Staff have reviewed the submitted Functional Servicing and Stormwater Report and Forcemain Analysis, and it has been determined that appropriate services are available and it is feasible to connect.

The Official Plan also provides direction for development in existing stable residential neighbourhoods, such as this. These policies generally aim to ensure proposed development is in keeping with the surrounding area, appropriate parking is available and ensure that increased traffic movements and activity are appropriate for the area. Based on the proposed layout, function, size and scale of the proposal, all stable residential neighbourhood policies will be met. The subject application will result in one additional residence in the neighbourhood and is not anticipated to have a negative impact on traffic movements on Lamb Court or Caithness Street East. The proposed severed lot maintains the required lot area and frontage to accommodate a suitable building envelope and sufficient parking. The subject application is seeking to ‘re-define’ the front, rear and side yards to ensure the development is oriented and sized in a similar manner to the adjacent lands. There are no proposed changes to the existing dwelling on the retained lands.

The lands are located in an area of the County subject to a ‘one-zone concept’ with respect to flooding. A one-zone concept defines the entire floodplain as a floodway, prohibiting development within the floodplain. The Site Grading Plan, reviewed by County staff and the GRCA indicates that proposed dwelling will be built above the regulatory flood elevation. All development and site alteration on the proposed severed lot will require a GRCA permit, ensuring the development will occur outside the floodplain.

It is the opinion of Planning staff that the subject application conforms to the policies of the Official Plan.

Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned Urban Residential Type 1-A (R1-A) and are proposed to be zoned R1-A with a special provision. The R1-A zone permits single detached dwellings. Relief is required for both the proposed retained lot (Part 1) and severed lot (Part 2).

Proposed Retained

The amendment provisions for Part 1 (retained lot) are as follows:

Provision	Required	Proposed
Lot Area	540 square metres (5,812 sq. ft.)	464 square metres (4,994 sq. ft.)
Rear Yard Setback	7.5 metres (24.6 feet)	6.44 metres (21.1 feet)
Front Yard Setback	6 metres (19.7 feet)	4.65 metres (existing) (15.25 feet)

The proposed retained lot will continue to accommodate the existing single detached dwelling and related accessory building along the west property line. The dwelling currently has a deficient front yard setback which will remain unchanged. The proposed lot area is 464 square metres (4,995 sq. ft.), where 540 square metres (5,812 sq. ft.) is required for a corner lot in the R1-A zone. The zoning by-law requires corner lots to be larger than interior lots to ensure a suitable building envelope and accommodating the required exterior side yard and ensure ample sightlines from the intersection. The existing dwelling does not require relief from the required exterior side yard, providing a setback of 5.74

metres (18.8 feet) where 4 metres (13 feet) is required. For comparison the required lot area for an interior lot in the R1-A zone is 450 square metres (4,843.7 feet). It is the opinion of Planning staff that the relief from the required lot area is appropriate and maintains the intent of the provisions.

The lot creation will result in a deficient rear yard. The proposed rear yard setback is 6.44 metres (21.1 feet), where 7.5 metres (24.6 feet) is required. The required rear yard provision ensures ample outdoor amenity space, and separation from structures on adjacent properties. The proposed lot line, which would form the new rear lot line, is not parallel to dwelling. While the rear yard setback is 6.44 metres at the nearest point it exceeds 12 metres (39.4 feet) on the opposite corner of the dwelling. Further, road access for the proposed severed lot necessitates the driveway act as a buffer between any future structures on the proposed severed and retained lots. It is the opinion of Planning staff that the requested relief from the required rear yard is appropriate and maintains the intent of the provisions.

Proposed Severed Lot (Part 2)

The proposed severed lot meets the minimum required area and frontage, with access on Lamb Court. The proposed lot is a unique configuration, which results in atypical yard requirements. As defined in the Zoning By-law the front line is to the east, where access is gained from Lamb Court, with the rear yard opposite. This leaves the lot line nearest the river as an interior side lot line, and the opposite lot line the same. This configuration, paired with the required setbacks would result in a long narrow building envelope, perpendicular to other dwellings in the area. The subject application, if approved, would deem the southern property line (nearest the river) to be the rear lot line, the northern lot line to be the front lot line and the remaining to be interior side lot lines for the purposes of determining required building setbacks. 'Re-defining' the lot lines for the purposes of determining building setbacks will result in a building envelope in a similar orientation to the surrounding lots and keep future development similar to the existing dwellings in the area.

It is the opinion of Planning staff the proposed amendment for the proposed severed lot is appropriate and maintains the intent of the policies.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Building & Municipal Enforcement Services, Senior Building Official – No objections.

Planning & Development, Development Technologist – No objections.

Enbridge – No comments.

Mississaugas of the Credit First Nation – No comment received.

Six Nations of the Grand River – No comment received.

Grand River Conservation Authority (GRCA) – Comments following:

GRCA has reviewed this application as per our Provincially-delegated responsibility to review natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020), as a public body under the *Planning Act*, and in accordance with Ontario Regulation 150/06, GRCA's Board-approved policies, and our MOU with Haldimand County.

Information currently available at our office indicates that the subject lands contain a portion of the Grand River's floodplain, valley slopes, and the regulated allowance to these features. Consequently, the subject property is regulated by GRCA under the Development, Interference with Wetlands and

Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 150/06). Development and/or site alteration within the regulated area (shown on the attached regulatory mapping) requires a permit from GRCA.

The applicant recently proposed to sever land from the existing lot at 309 Caithness Street East to create a new residential lot with access via Lamb Court. We understand that this zoning by-law amendment application seeks relief from frontage and lot size requirements to facilitate development of the severed lands.

On June 21, 2023, GRCA issued a letter associated with the severance application, indicating no concerns and that final details related to permit application #26/22 (on hold since January 2022) would be reviewed in conjunction with the zoning by-law amendment application. We indicated our satisfaction with the development envelope, given that the proposed dwelling and associated grading will be located above the Regulatory Flood Elevation (RFE) for the property (189.6 metres CGVD28/189.2 metres CGVD2013).

Upon review, GRCA has no concerns with the proposed grading or erosion and sediment control (ESC) plans, and have elected to defer review of stormwater management details to the municipality given that a retention cell of this nature was not requested by GRCA. Please note that we have no objection to the approval of the proposed zone change: GRCA requests final grading and ESC plans approved for construction (as opposed to “submission drawing” plans) to approve and issue permit #26/22.

We are in receipt of appropriate plan and permit review fees from the applicant in line with GRCA’s approved fee schedule. Based on our review of this application, no fees are required. The permit application will be issued once final plans are received.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

REFERENCES:

None.

ATTACHMENTS:

1. Location Map.
2. Owner’s Sketch 1.
3. Owner’s Sketch 2.
4. Draft By-law.