

---

# HALDIMAND COUNTY

## Report PDD-22-2024 Zoning By-law Amendment to Permit a Residential Dwelling as Condition of Consent, Dunnville



For Consideration by Council in Committee on October 8, 2024

---

### OBJECTIVE:

To consider an application received for a Zoning By-law Amendment from “Agricultural (A)” with a special exception 37.4 to “Lakeshore Residential (RL)”, to permit the construction of a single detached dwelling on the property as a condition of consent.

### RECOMMENDATIONS:

1. THAT Report PDD-22-2024 Zoning By-law Amendment to Permit a Residential Dwelling as Condition of Consent, Dunnville, be received;
2. AND THAT application PLZ-HA-2024-144 to amend the Haldimand County Zoning By-law HC 1-2020 to rezone the subject lands from the “Agriculture (A)” Zone with special exception 37.4 to the “Lakeshore Residential (RL)” Zone with Holding “(H)” be approved for the reasons outlined in the Report PDD-22-2024;
3. 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, 1990*;
4. 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;
5. AND THAT the by-law attached to Report PDD-22-2024 be approved at a future Council meeting.

**Prepared by:** Chris Tang, Planner, Planning and Development

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

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

**Approved:** Cathy Case, Chief Administrative Officer

### EXECUTIVE SUMMARY:

The owner has submitted a Zoning By-law Amendment application as condition of consent to rezone the subject lands located at 389 Lighthouse Drive, from “Agricultural (A)” with special exception 37.4, which does not permit a single detached dwelling on the property, to “Lakeshore Residential (RL)” with Holding “(H)”, to facilitate residential development. The Zoning By-law Amendment is to permit the construction of a single family residence on the vacant lot. The consent application PLB-2024-065 was approved in June 11, 2024 by the Committee of Adjustment.

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 for consent application PLB-2024-065, which was conditionally approved by Committee of Adjustment at the June 11, 2024 meeting. The consent application will, if all conditions are fulfilled, create a new vacant lot in the lakeshore node of Johnson Road to the south of Dunnville. The severed lands are zoned "Agriculture (A)" with special exception 37.4 and the retained lands are zoned "Lakeshore Residential (RL)." Without the benefit of this application, it would create a vacant lot that cannot be built on. The Zoning By-law Amendment is required to rezone the property to maintain consistency with nearby residential lots, and to remove the special provision to facilitate development.

The lands are located at 389 Lighthouse Drive and legally described as Part Lot 19, Concession 5 South of Dover Road, Geographic Township of Dunn, Haldimand County. The parcel has a total area of 0.51 hectares (1.26 acres), with approximately 30.48 metres (100.0 feet) of frontage on both Lighthouse Drive and Stonehaven Road. The conditionally severed portion is currently vacant with an area of 0.25 hectares (0.62 acres) and 30.48 metres (100.0 feet) of frontage on Lighthouse Drive. The retained parcel contains an existing single detached dwelling and related accessory buildings, and will have an area of 0.26 hectares (0.64 acres) while maintaining the existing frontage and access on Stonehaven Road. The surrounding land uses are predominantly lakeshore residential in nature.

## **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 settlement areas, including Lakeshore nodes, shall be the focus of growth and development and their vitality and regeneration shall be promoted. The PPS states that the development directed to rural settlement areas should give consideration to rural character, scale of development and service levels. The subject lands are located in the Lakeshore node of Johnson Road, where the predominant land use is similar Lakeshore Residential dwellings with Agriculture lands nearby. The provisions of the "Lakeshore Residential" zone have regard for the existing character, scale of development and service level of the node. By rezoning the lot from "Agriculture (A)", to "Lakeshore Residential (RL)," it satisfies the Provincial interest, aligns the lands with the Official Plan designation/intended use, and creates additional growth opportunities.

Planning staff are of the opinion that this proposal maintains the intent of these policies; therefore, the proposal is consistent with the PPS.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2020**

The Growth Plan echoes the PPS policies. It directs growth and development within the settlement area boundaries. It represents an infill development within the settlement area boundary of the Johnson Road lakeshore node to utilise existing vacant land for additional housing opportunities. Haldimand County Official Plan sets out a growth target of twenty percent through intensification. The proposed infill development will create additional growth opportunity within an existing lakeshore node and help meet the growth target.

## Haldimand County Official Plan

The subject lands are designated Resort Residential in the Haldimand County Official Plan (OP). The OP states that the predominant land use within the Resort Residential designation preferably be seasonal residences, and that only a limited amount of conversion of season residential structures to year-round residences and new year-round residential infilling development may be permitted.

### *Resort Residential Designation*

Section 4.F.9 sets out that the Resort Residential designation does not necessarily imply that all development proposed will be acceptable and that all sites within the designation are suitable for development. The following general criteria shall be considered when reviewing applications for development within designated Resort Residential Nodes:

- a) Suitability of areas relative to Hazard Lands, along the shoreline, Industrial Influence Area as defined in this Plan, and other land uses;

**Planning Comments:** That proposed use of the subject land is for residential use, similar to surrounding lots, and is not expect to have a negative impact on the surrounding lands. The subject lands are removed from the shoreline and not subject to regulation from the conservation authority. Additionally, the area is well removed from the Industrial Influence Area which is applicable in the Nanticoke area.

- b) Need to maintain a reserve of cottage properties for season use;

**Planning Comments:** The subject application represents a proposal for 'net new' development and does not impact on any cottage reserve.

- c) Need to maintain public access and usage of the Lakeshore;

**Planning Comments:** The land is not located to the waterfront portion of the Lakeshore node and is not expected to disrupt public access and usage along the lakeshore.

- d) Implication of assuming and/or upgrading existing private roads and rights-of-way;

**Planning Comments:** The subject lands have frontage on a maintained public road. The property does not front onto or rely upon access from private roads.

- e) Need for upgrading existing public roads and public rights-of-way;

**Planning Comments:** The subject lands fronts onto an existing public road that is part of the regular schedule of County Roads' maintenance. The addition of one dwelling is not expected to have an impact on traffic or the current schedule of maintenance.

- f) Necessity for the provision of services such as recreational facilities, schools and busing, parks, garbage collection, medical fire and police services, etc.;

**Planning Comments:** Services are available at this location and in nearby urban Dunnville.

- g) Suitability of soils and lot sizes to support individual sewage disposal systems and potable water supply;

**Planning Comments:** The lands are sufficiently sized and is over the minimum lot size in the zoning by-law. The specifics of an on-site sewage system will be fully reviewed through a building permit application. However, a septic evaluation was provided as part of the severance application that indicated there is sufficient opportunity to accommodate the services.

- h) Potential demands for municipal servicing and major infrastructural improvements must be avoided;

**Planning Comments:** The lands will be serviced by private servicing, and will not be connected to municipal services.

- i) Feasibility of combining undersized lots to all for development;

**Planning Comments:** The subject lands are sufficiently sized and is not considered to be undersized. The parcels—severed and retained—both comply with the applicable RL zoning provisions.

- j) Potential negative impacts on Natural Environment Area such as wetlands, forested areas and fish habitat;

**Planning Comments:** Grand River Conservation Authority (GRCA) previously provided comments on the consent application that the proposal will not have negative impact on the natural environment. The property is outside of the regulated area of the GRCA.

- k) Potential negative impacts on cultural heritage resources; and

**Planning Comments:** The proposed use for residential development is not expected to have a negative impact on the cultural heritage resources. The character of the area will be maintained by the proposed Lakeshore Residential (RL) zoning.

- l) Potential negative impacts on agricultural operation and lands.

**Planning Comments:** The subject lands are located close to the centre of the Lakeshore node and is not abutting agricultural lands. It is the opinion of Planning staff that the proposal will not negatively impact surrounding agricultural operations and lands.

### *Stormwater Management*

A Stormwater Management Brief prepared by a Professional Engineer (P. Eng) is to be submitted to the County for review in connection with the holding provision (see section below). This brief needs to analyze both the existing and proposed drainage conditions for the subject lands and the neighbouring properties.

The Holding (H) provision shall have regard to the Stormwater Management and be removed upon receiving approval from Planning.

The provisions of the “Resort Residential” zone will allow the property to be developed as a residential dwelling in keeping with the policies of the Official Plan. It is the opinion of Planning staff that the subject application conforms to the Official Plan.

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

The subject lands are currently zoned “Agriculture (A)”, and are proposed to be zoned “Lakeshore Residential (RL)” with a Holding (H) Provision. The holding provision is needed so that the applicant can address the concerns regarding stormwater management. The RL zone has a minimum required lot area of 925 square metres (0.23 acres) and a frontage of 18.0 metres (59.06 feet). The lot size is in keeping with other Lakeshore Residential lots spread throughout this part of the Lakeshore node. Additionally, the RL zone permits the construction of single detached dwellings and related accessory buildings.

There is a special provision 37.4 on the property, that notwithstanding the permitted uses in the A Zone (Subsection 30.1 (h)) a one family dwelling house shall not be permitted on the lands delineated by this Subsection. Planning staff is recommending to have this special provision be removed as the lot will be rezoned to RL and the special provision for A zone will no longer apply.

Rezoning the lands will ensure the lands are developed and used similarly to the surrounding area and will allow for an additional housing opportunity in the Lakeshore node.

The subject lands will comply with the provisions of the “Lakeshore Residential (RL)” zone.

## **FINANCIAL/LEGAL IMPLICATIONS:**

Not applicable.

## **STAKEHOLDER IMPACTS:**

**Public Comments:** Concerns regarding lot grading and drainage have been received. There is currently no drainage for the 4 lots before 389 Lighthouse Drive because of their garage and mulches on the property.

**Building & Municipal Enforcement Services:** ensure class 4 septic system can be installed on property dwelling and pole barn to comply with zone provisions within zoning by-law HC 112020.

**Planning & Development – Development Technologist:** (1) Development Engineering provided comments and conditions for consent application PLB-2024-065 which was approved by Committee of Adjustment on June 11, 2024.

(2) In order to support rezoning the subject lands to permit the construction of a new dwelling, a Stormwater Management Brief prepared by a Professional Engineer (P. Eng) is to be submitted to the County for review.

**Mississaugas of the Credit First Nation:** No comment received.

**Six Nations of the Grand River:** No comment received.

**Hydro One:** No comment received.

**Emergency Services:** No comment received.

**MPAC:** No comment received.

## **REPORT IMPACTS:**

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

## **REFERENCES:**

None.

## **ATTACHMENTS:**

1. Location Map.
2. Owners Sketch.
3. Zoning By-law.