
HALDIMAND COUNTY

Report PDD-29-2024 Zoning By-law Amendment Application to Rezone Lands to Residential with a Special Exception – Byleveld, Cayuga

For Consideration by Council in Committee on December 10, 2024



OBJECTIVE:

To consider a Zoning By-law Amendment application to rezone 7 Cayuga Street South, Cayuga from “General Commercial (CG)” Zone to “Urban Residential Type 1-B – Holding (R1-B(H))” Zone with a special exception to permit the construction of a detached garage with a secondary suite.

RECOMMENDATIONS:

1. THAT Report PDD-29-2024 Zoning By-law Amendment Application to Rezone Lands to Residential with a Special Exception – Byleveld, Cayuga be received;
2. AND THAT application PLZ-HA-2024-099 to amend the Haldimand County Zoning By-law HC 1-2020 to rezone the subject lands from the “General Commercial (CG)” Zone to the “Urban Residential Type 1-B – Holding (R1-B(H))” Zone with Special Exception R1-B.4 be approved for the reasons outlined in Report PDD-29-2024;
3. AND THAT the application is considered to be consistent with the Provincial Planning Statement, 2024, conforms to the Haldimand County Official Plan, and has sufficient regard to matters of Provincial interest under the *Planning Act, 1990*;
4. AND THAT the by-law attached to Report PDD-29-2024 be approved at a future Council meeting.

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

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

Approved: Cathy Case, Chief Administrative Officer

EXECUTIVE SUMMARY:

The owners submitted a Zoning By-law Amendment application to rezone the subject lands municipally addressed as 7 Cayuga Street South, Cayuga from “General Commercial (CG)” Zone to “Urban Residential Type 1-B (R1-B)” Zone with a special exception to permit the construction of a detached garage with a secondary suite located above the garage.

It is Planning staff’s opinion that this Zoning By-law Amendment application is consistent with the Provincial Planning Statement, 2024 and conforms to the Haldimand County Official Plan. Planning staff recommend that a Holding (H) provision be affixed to the zoning of the subject lands that requires County approval of a partial grading plan and registration of a development agreement relating to grading on the title of the subject lands prior to issuance of building permits and construction.

A public notice sign was posted on the subject lands in accordance with the *Planning Act*.

BACKGROUND:

The subject lands are located in the urban area of Cayuga and are municipally addressed as 7 Cayuga Street South (Attachment 1). The subject lands have 26.28 metres (86.22 feet) of frontage on the west side of Cayuga Street South, with an area of 0.10 hectares (0.26 acres), and contain a single detached dwelling, detached garage, and swimming pool. The owners are proposing to demolish the existing detached garage and to replace it with a new detached garage with a secondary suite located on the second floor the garage (Attachments 2 & 3).

Surrounding land uses include Downtown Cayuga to the north and residential to the east, south, and west.

The subject lands are zoned “General Commercial (CG)” Zone in the Haldimand County Zoning By-law HC 1-2020. The “CG” Zone permits an existing single detached dwelling, but in order to expand the use to include accessory components such as a secondary suite, a *Planning Act* application is required.

As such, the owners submitted a Zoning By-law Amendment application to rezone the subject lands from “CG” Zone to “Urban Residential Type 1-B (R1-B)” Zone with a special exception to permit the construction of a detached garage with a secondary suite located above the garage. The Zoning By-law Amendment to the “R1-B” Zone will recognize the long-standing use of the subject lands and bring the zoning and the Official Plan designation inline with one another.

The owners have also submitted the application to request the following relief from the Zoning By-law through a special exception:

Development Standard(s)	Required	Proposed	Deficiency
Maximum Accessory Building Coverage	75 m ² (808 ft ²)	112 m ² (1,206 ft ²)	37 m ² (398 ft ²)
Maximum Accessory Building Height	4.5 m (14.76 ft)	7.78 m (25.52 ft)	3.28 m (10.76 ft)
Minimum Interior Side Yard (Balcony)	3 m (9.84 ft)	1 m (3.28 ft)	2 m (6.56 ft)
Maximum Secondary Suite Area	75 m ² (808 ft ²)	93 m ² (1,001 ft ²)	18 m ² (193 ft ²)

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 the analysis is below:

Provincial Planning Statement, 2024

The Provincial Planning Statement (PPS) came into effect on October 24, 2024 and combined the previous Provincial Policy Statement and Provincial Growth Plan. It provides policy direction on matters of Provincial interest related to land use planning and development, and similar to the previous provincial documents, provides direction to focus growth and development within existing settlement areas through diverse housing opportunities and economic prosperity.

The PPS states that settlement areas (such as Cayuga) shall be the focus of growth and development. Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including planning for a range and mix of housing options.

The subject lands are located in a residential neighbourhood, south of Downtown Cayuga. Rezoning the subject lands will recognize the existing residential use of the subject lands, which are located in an existing residential neighbourhood, and permit a secondary suite on the subject lands, which is considered intensification that is supported by Provincial and County policy.

It is Planning staff's opinion that the Zoning By-law Amendment application is consistent with the PPS.

Haldimand County Official Plan

The Haldimand County Official Plan (OP) provides the essential tool to direct future growth, development and change in the County over the next 30 years to 2051 and to create the community envisioned by the County's residents.

The subject lands are designated "Residential" in the OP and contain an existing residential use. The properties to the east, south, and west are also designated "Residential" and contain residential uses. The subject lands are located a few properties south of the main street in Downtown Cayuga (Talbot Street West), where the "Downtown Cores" designation in the OP applies. The property abutting the subject lands to the north, extending behind and from the main street, is designated "Downtown Cores" and is currently vacant. The current "General Commercial (CG)" zoning of the subject lands does not align with the "Residential" designation in the OP or the current residential use of the subject lands, and is more inline with properties on the fringe of the "Downtown Cores" designation.

With respect to the "Residential" designation, the 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 the OP. The subject lands contain an existing single detached dwelling and an existing detached garage that is proposed to be demolished and replaced with a new detached garage with a secondary suite located above the garage. The OP permits the existing single detached dwelling. The OP also permits detached garages; however, it is the Zoning By-law that regulates the size, height, and setbacks associated therewith. The OP also permits secondary suites subject to the following criteria and the regulations of the Zoning By-law:

- a) the secondary suite may be contained within the principal dwelling or in an attached or standalone structure on the lot that is secondary in nature to the primary single-detached, semi-detached, or street townhouse dwelling;

Planning Comment: The secondary suite will be located above a new detached garage on the subject lands. The detached garage and secondary suite will be secondary in nature to the existing single detached dwelling on the subject lands.

- b) a maximum of two secondary suites may be permitted on a lot with one of the secondary suites located within the principal dwelling. The unit is clearly subordinate to the primary residential unit in the dwelling;

Planning Comment: One secondary suite is proposed on the subject lands above the detached garage. The existing single detached dwelling has a ground floor area of approximately 135 square metres (1,455 square feet). The existing single detached dwelling is 1.5 storeys/floors; The gross floor area of the existing single detached dwelling is approximately 202 square metres (2,175 square feet). The secondary suite is proposed to be located above the detached garage and will have an area of 93 square metres (1,001 square feet), making the secondary suite subordinate to the existing single detached dwelling.

c) the secondary suites must be subordinate in size to the principal dwelling on the lot;

Planning Comment: Same comment as above.

d) Adequate on-site parking for all the residential units is provided;

Planning Comment: Two (2) parking spaces are required on the subject lands for the existing single detached dwelling and one (1) parking space is required for the secondary suite. Once the new detached garage is constructed, the subject lands will be able to accommodate and exceed three (3) parking spaces.

e) Adequate servicing capacity exists for all of the dwelling units on the lots;

Planning Comment: Reserve servicing capacity is generally held for infill development projects, including secondary suites. No servicing constraints were raised through the application circulation process.

f) A secondary dwelling unit cannot be severed from the lot of the principal dwelling;

Planning Comment: There is currently no severance opportunity for the subject lands given the location and massing of the existing single detached dwelling and existing driveway on the subject lands. The construction of the detached garage and secondary suite will further preclude severance opportunity on the subject lands, given the proposed location of the new building on the subject lands. More specifically, the new building will be located partially offset and partially behind existing single detached dwelling.

g) the secondary suite complies with Provincial building and fire code requirements; and

Planning Comment: Code requirements will be addressed through the building permit process.

h) the exterior appearance of the dwelling is not significantly altered to accommodate the secondary suite.

Planning Comment: Not applicable. The secondary suite will be above the detached garage.

It is Planning staff's opinion that the Zoning By-law Amendment application conforms to the OP. Rezoning the subject lands will align the zoning with the "Residential" OP designation and reflect the current and actual residential use of the subject lands. The proposed detached garage and secondary suite also conform to the policies of the OP.

Haldimand County Zoning By-law HC 1-2020

The Zoning By-law is a detailed municipal by-law that regulates the type of land uses and activities that may occur on a property or within buildings; and the height, location, massing and character of buildings and structures.

The subject lands are zoned "General Commercial (CG)" Zone in the Zoning By-law. The "CG" Zone permits an existing single detached dwelling. The "CG" Zone does not permit a new residential accessory building (detached garage) or a new secondary suite.

The owners submitted the Zoning By-law Amendment application to rezone the subject lands from "CG" Zone to "Urban Residential Type 1-B (R1-B)" Zone and to provide relief from the Zoning By-law through a special exception to permit the construction of a new detached garage with a secondary suite located above the garage.

It is Planning staff's opinion that it is appropriate and desirable to rezone the subject lands to the "R1-B" Zone to align the zoning of the subject lands with the "Residential" OP designation and to reflect the actual and current residential use of the subject lands. With respect to the "R1-B" Zone provisions, the subject lands exceed the minimum required lot frontage (required = 12 metres (~ 39 feet), actual = 26.28 metres (~ 86 feet)) and minimum required lot area (required = 360 square metres (3,875 square

feet), actual = 1056 square metres (~11,367 square feet)). The existing setbacks between the single detached dwelling and property lines are grandfathered.

The requested site-specific exceptions are summarized as follows:

Development Standard(s)	Required	Proposed	Deficiency
Maximum Accessory Building Coverage	75 m ² (808 ft ²)	112 m ² (1,206 ft ²)	37 m ² (398 ft ²)
Maximum Accessory Building Height	4.5 m (14.76 ft)	7.78 m (25.52 ft)	3.28 m (10.76 ft)
Minimum Interior Side Yard (Balcony)	3 m (9.84 ft)	1 m (3.28 ft)	2 m (6.56 ft)
Maximum Secondary Suite Area	75 m ² (808 ft ²)	93 m ² (1,001 ft ²)	18 m ² (193 ft ²)

It is Planning staff’s opinion that it is appropriate and desirable to provide relief from the Zoning By-law for the detached garage and secondary suite for the reasons discussed below.

1. Maximum Accessory Building Coverage

Planning Comment: The owners are proposing an accessory building coverage of 112 square metres (1,206 square feet) whereas the maximum is 75 square metres (808 square feet).

The purpose of the maximum accessory building coverage provision is to ensure that a detached garage is subordinate and ancillary to the primary residential dwelling on a lot and that the massing of a detached garage is appropriate for the residential neighbourhood.

The detached garage will include parking space for two (2) vehicles, space for a personal shop and personal storage, and a second-floor secondary suite. The use of the detached garage is subordinate and ancillary to the primary residential dwelling on the subject lands.

The existing single detached dwelling on the subject lands is relatively large, prominent, and close to the front lot line/street. The detached garage will be located in the rear yard of the subject lands. The subject lands and neighbouring residential properties are relatively wide and large compared to the minimum requirements of the low-density residential zones (including the “R1-B” Zone). As such, the detached garage will appear subordinate and ancillary to the existing single detached dwelling on the subject lands. The massing of the detached garage will appear appropriate for the subject lands and neighbourhood.

Further, the detached garage will be located on the south side of the subject lands. The neighbouring property to the south is relatively large with the existing dwelling located in the centre of the property; The property to the south has a substantial north interior side yard, which is the side yard abutting the subject lands. As such, the massing of the detached garage will not appear large or obtrusive to the abutting property to the south.

While the detached garage will be located in the rear yard of the subject lands, it will be substantially setback from the rear lot line. As such, the massing of the detached garage will not appear overlay large or obtrusive to the abutting properties to the west.

2. Maximum Accessory Building Height

Planning Comment: The owners are proposing an accessory building height of 7.78 metres (25.52 feet) whereas the maximum accessory building height is 4.5 metres (14.76 feet). The

proposed accessory building height exceeds the maximum accessory building height by 3.28 metres (10.76 feet).

The purpose of the maximum accessory building height provision is to ensure that a detached garage is appropriate for the residential neighbourhood.

The proposed height of the detached garage will permit a secondary suite to be located above the garage, which is supported by Provincial and County policies.

The existing single detached dwelling on the subject lands is 1.5 storeys in height. Dwellings in the neighbourhood range in form from single detached dwellings to townhouse dwellings and range in height from one to two storeys. The detached garage will be two (2) storeys in height and will be located in the rear yard of the subject lands, partially offset and partially behind the existing single-family dwelling. As such, the detached garage will not appear obtrusive from the street.

The neighbouring property to the south has a substantial north interior side yard, with the dwelling located in the centre of the property. As such, the detached garage will not appear overly tall or obtrusive to the abutting property to the south.

The subject lands slope down from east to west towards the Grand River. The properties to the west are substantially lower than the properties to the east, including the subject lands. While the subject lands are higher than the properties to the west, the detached garage will be setback 6 metres (20.50 feet) from the rear lot line (whereas 1 metre (3.28 feet) is required) and the abutting property to the west (4 Ouse Street South) has a substantial rear yard. The adjacent property to the southwest (10 Ouse Street South) contains a tall, two storey single detached dwelling in close proximity to the rear lot line. At the same time, the accessory building is shorter than the permitted height (11 metres (36 feet)) of a new single detached dwelling or addition to an existing single detached dwelling in the neighbourhood which would be permitted within 7.5 metres (24.61 feet) of the rear yard. As such, the height of the detached garage is appropriate given proposed location and setback of the detached garage to the rear lot line when considering the properties to the west.

3. Minimum Interior Side Yard (Balcony)

Planning Comment: The owners are proposing a secondary suite located above the detached garage. The owners are proposing a balcony across the width of the secondary suite.

The owners are proposing an interior side yard between the left/south side lot line and the balcony of 1 metre (3.28 feet) whereas the minimum interior side yard (balcony) is 3 metres (9.84 feet). The proposed interior side yard (balcony) encroaches into the minimum interior side yard (balcony) by 2 metres (6.56 feet).

The Zoning By-law requires a minimum interior side yard between the side lot line and a detached garage and secondary suite of 1 metre (3.28 feet). The detached garage with the secondary suite located above the garage is proposed to be setback 1 metre (3.28 feet) from the left/south interior lot line. The Zoning By-law permits balconies provided they are setback 3 metres (9.84 feet) from an interior lot line. The balcony is proposed to be setback 1 metre (3.28 feet) from the left/south interior lot line to permit the balcony to span the width of the secondary suite.

Given that a detached garage and secondary suite are permitted up to 1 metre (3.28 feet) from the interior lot line, Planning staff have no concern with a balcony extending up to 1 metre (3.28 feet) from the interior lot line. The residential use of the accessory building (which itself has the potential for overlook and noise) is already permitted 1 metre (3.28 feet) from an interior lot line.

At the same time, permitting the balcony to span the width of the secondary suite will allow for a design that makes sense.

4. Maximum Secondary Suite Area

Planning Comment: The owners are proposing a secondary suite area of 75 square metres (808 square feet) whereas the maximum secondary suite area is 93 square metres (1,001 square feet). The proposed secondary suite area exceeds the maximum secondary suite area by 18 square metres (193 square feet).

The purpose of the maximum secondary suite area is to ensure that secondary suites are subordinate in size and ancillary to the principal dwelling on the lot. For the reasons listed in the Haldimand County Official Plan section above, it is Planning staff's opinion that the proposed secondary suite satisfies this intent.

It is Planning staff's opinion that the Zoning By-law Amendment application is appropriate and desirable. Planning staff recommend that a Holding (H) provision be affixed to the zoning of the subject lands that requires County approval of a partial grading plan and registration of a development agreement relating to grading on the title of the subject lands prior to issuance of building permits and construction. A full lot grading plan for the entirety of the subject lands is not required; The partial grading plan is scoped to the area around the detached garage. These items will assist in providing and maintaining appropriate grading around the detached garage. Stormwater will be directed away from the detached garage and neighbouring properties (i.e. overland flow cannot be directed to and over neighbouring properties). A Draft Zoning By-law has been included as Attachment 4. This By-law also authorizes the General Manager of Community & Development Services to remove the Holding (H) provision once the conditions are satisfied to expediate the Holding (H) provision removal proposal.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Building Inspector:

- A setback of less than 1.2 meters (~4 feet) to the side property line will require the associated exterior wall of the secondary suite to have a 45 minute Fire Resistance Rating and no glazed openings as per requirements of 9.10.14 and 9.10.15 in the Ontario Building Code (OBC).

Planning Comment: This comment has no impact on the Zoning By-law Amendment application. The owners have the opportunity to shift the structure further from the side lot line during the Building Permit process (provided it aligns with the partial grading plan) should they desire to reduce Fire Resistance Rating requirements and permit some glazed openings (i.e. windows).

- New structure shall be a minimum horizontal setback of 4.8 meters from primary power lines.

Planning Comment: Hydro One (Local) has reviewed the Zoning By-law Amendment application and has no concerns with the proposed structure. See Hydro One (Local) comments below.

- Grading around new structure shall not adversely affect neighbouring properties.

Planning Comment: The Development Technologist has requested a partial grading plan to address this matter, which has been included as a condition of the Holding (H) provision. The

grading plan will need to be accepted by the Development Technologist and the associated development agreement registered on title prior to remove the Holding (H) provision. The Holding (H) provision must be removed prior to issuance of building permits.

Development Technologist: A partial grading plan is required.

Emergency Services/Fire Services: Emergency Services has no concerns. The development will be regulated by the Ontario Building Code.

Project Manager of Forestry: Forestry has no concerns with the Zoning By-law Amendment application at 7 Cayuga Street South, Cayuga as the proposed garage/secondary suite will have no impact on any County-owned trees regulated under the County Tree By-law 2516/24, Woodlands regulated under the Forest Conservation By-law 2204/20 or Significant Woodlands identified in the Official Plan.

Canada Post Corporation: Please be advised that Canada Post does not have any comments on this application. Should additional mail delivery be required for the secondary suite please have the customer register at the Cayuga Post Office.

Hydro One (Local): Hydro One does not have any concerns with the proposed structure. Hydro One does not have any rear yard assets to conflict with the construction and location of this proposed structure.

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

The following stakeholders were circulated and Planning staff received no comments from: Bell Canada, Enbridge, Mississaugas of the Credit First Nation, Six Nations of the Grand River, Hydro One (High Voltage/Corridor), Water & Wastewater Engineering, Roads Operations, MPAC, Metro Loop, Rogers, CN Rail, and CP Rail.

REPORT IMPACTS:

Agreement: Yes

By-law: Yes

Budget Amendment: No

Policy: No

REFERENCES:

None.

ATTACHMENTS:

1. Location Map.
2. Concept Plan.
3. Elevation Plan.
4. Draft Zoning By-law.