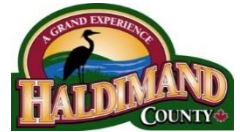

HALDIMAND COUNTY

Report PED-PD-26-2018 Zoning Amendment to Permit the Conversion of a Community Centre into a House–Haldimand County-South Cayuga

For Consideration by Council in Committee on June 19, 2018



OBJECTIVE:

To present the key planning considerations relating to the conversion of a former community centre into a one family dwelling through the subject zoning amendment along with a recommendation from planning staff in order to assist Council in making a decision.

RECOMMENDATIONS:

1. THAT Report PED-PD-26-2018 Zoning Amendment to Permit the Conversion of a Community Centre into a House–Haldimand County-South Cayuga be received;
2. AND THAT application PLZ-HA-2018-094 to amend the Town of Haldimand Zoning By-law 1-H 86 by rezoning the subject lands from 'Neighbourhood Institutional (IN)' Zone to a site specific 'Hamlet Residential (RH)' Zone be approved for reasons outline in Report PED-PD-26-2018;
3. AND THAT the proposal is deemed to be consistent with the Provincial Policy statement (2014) and the Growth Plan for the Greater Golden Horseshoe (2017);
4. AND THAT the By-law attached to Report PED-PD-26-2018 be presented for enactment.

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Reviewed by: Mike Evers, MCIP, RPP, BES, Manager, Planning and Development Division

Respectfully submitted: Craig Manley, MCIP, RPP, General Manager of Planning and Economic Development

Approved: Donald G. Boyle, Chief Administrative Officer

EXECUTIVE SUMMARY:

Haldimand County deemed the subject lands containing a community centre to be surplus to its needs in 2017 and has entered into an agreement of purchase and sale with the proponent. The purpose of the subject zoning application is to rezone the subject lands from the 'Neighbourhood Institutional (IN)' Zone to the 'Hamlet Residential (RH)' Zone to permit the conversion of the community centre into a one family dwelling. Specific zoning provisions are required to recognize the location of the existing structure relative to the lot lines and the standard setbacks of the 'Hamlet Residential (RH)' zone. Apart from the replacement of private services, the external changes to the site will be minimal with the majority of alterations taking place internal to the structure to convert it to a dwelling. It is planning staff's opinion that the subject proposal is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), conforms to the Haldimand County Official Plan, and does not offend the intent and purpose of the Town of Haldimand Zoning By-law 1-86. As such, planning staff recommends approval of the subject application.

BACKGROUND:

The subject lands are described as Geographic Township of South Cayuga, Concession 7, Part of Lot 15, and are municipally known as 273 South Cayuga Road (Attachment 1 and 2). The subject lands front onto the west side of South Cayuga Road and are located within the Hamlet of South Cayuga, which is located southwest of the urban area of Dunnville. The subject lands are approximately 1,218 square metres (0.12 hectares/0.30 acres) in size and contain a community centre, private services, and gravel parking area. According to the Municipal Property Assessment Corporation (MPAC), the structure was constructed in 1880 as a church and was subsequently converted into a community centre. Surrounding land uses are residential, agricultural, and institutional (i.e. Trinity United Church).

Haldimand County currently owns the subject lands. The County deemed the subject lands to be surplus to its needs in 2017 and listed them for sale. This was completed through staff report PED-COM-15-2017 and approved by Council on June 20, 2017. Following a property listing process as set out in Report CS-SS-12-2018 on March 27, 2018, the County has entered into an agreement of purchase and sale with the proponent with the completion date being June 20, 2018. The County authorized the proponent to move forward with the subject application in the mean time.

The purpose of the subject zoning amendment is to rezone the subject lands from the 'Neighbourhood Institutional (IN)' Zone to the 'Hamlet Residential (RH)' Zone to permit the conversion of the existing community centre into a three bedroom, one family dwelling. To facilitate the conversion, the proponent is proposing to replace the existing septic system and cistern. The proponent is also proposing to remove a portion of the gravel parking area to accommodate the new septic system which will be grassed. No additional development (i.e. additions or accessory structures) are proposed at this time.

ANALYSIS:

Through the review of the subject proposal planning staff have identified the following key issues:

Provincial Policy:

Provincial Policy Statement (2014)

The Provincial Policy statement (PPS), 2014 provides overall policy direction on matters of provincial interest related to land use planning and development in Ontario. The PPS sets the policy foundation for regulating development and use of land. All decisions affecting planning matters "shall be consistent with" the PPS policies. The PPS identifies that building strong communities which efficiently use land and have development patterns that support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth is a provincial interest. Healthy, liveable and safe communities are sustained, in part, by:

- 1) promoting efficient development and land use patterns which sustain the financial wellbeing of the Province and municipalities over the long term;

Planning Comment:

The subject lands are located on an open and publicly maintained road within the settlement boundary of the Hamlet of South Cayuga. The subject lands will be privately serviced. The conversion of a surplus community centre into a residence maintains this objective, as the subject lands are located within an approved settlement area such that one new residence will be provided within the settlement area rather than within the agricultural or Greenfield areas and no new municipal infrastructure will be required to service the structure.

- 2) accommodating a range and mix of residential, employment, institutional, recreation, park and open space, and other uses to meet long-term needs;

Planning Comment:

The subject lands are located within a ten minute drive to urban Dunnville, where employment, institutional, recreation, park and open space uses are provided. Converting the community hall into a residence will not have a detrimental impact on the community.

- 3) avoiding development and land use patterns which may cause environmental or public health and safety concerns;

Planning Comment:

The subject lands are located immediately south of three properties that have been historically zoned for hamlet commercial purposes but used for residential purposes. The 'Hamlet Commercial (CHA)' Zone permits a number of uses, some of which include, a country store, hardware store, restaurant, bank, office, automobile washing establishment, and farm implement sales and service establishment. A dwelling unit is also permitted in a permitted building (i.e. country store, etc.) and a one family dwelling house is permitted on a separate lot and associated with the adjacent commercial business. Most of the uses permitted in the 'CHA' Zone are considered to be compatible with residential uses by way of noise, odour, sight, and air quality. Regardless, these three properties are subject to site plan control which will allow staff to review any potentially obnoxious use (i.e. automobile washing station and farm implement service establishment) and mitigating measures (i.e. location of building, sound output, sound wall) if such proposal is brought forward in the future. Given that land uses surrounding these three properties are residential in nature and any change in use would be reviewed against the existing, surrounding residential uses at the site plan stage (regardless of whether the subject proposal is approved), planning staff are satisfied that introducing an additional residence to the area will not further affect the ability of these three properties to operate a hamlet commercial business onsite. Site plan control will ensure that, among other items, there are no potential land use conflicts between any proposed commercial use, existing/adjacent residential uses, and residences on the subject lands. This is assuming a proposal for a commercial business is brought forward and is appropriate for the rural area (i.e. in terms of water, wastewater, emergency services, transportation needs, etc.). Otherwise, residential abutting residential is deemed compatible.

Of note, the agent confirmed that subject proposal was discussed with the current owners of these three properties. They were also circulated on the notice of complete application and notice of public meeting. Planning staff received no objections/concerns from the property owners.

Also, the subject lands are located outside of the Grand River Conservation Authority's (GRCA) regulation limits. There are no identified natural hazards on the subject lands.

Also, the subject lands are located in proximity to two agricultural parcels (6185 Rainham Road and 270 South Cayuga Road) with potential livestock operations. According to the Minimum Distance Separation (MDS) Document prepared by the Province, MDS 1 setbacks are not required for proposed land use changes (i.e. rezonings) within approved settlement areas, as it is generally understood that the long-term use of the land is intended to be used for non-agricultural purposes. Given that both livestock operations are located outside the Hamlet boundary and the subject lands are located within the Hamlet boundary, there are no MDS compliance issues.

- 4) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs; and

Planning Comment:

Same comments as point 1) above.

- 5) promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate.

Planning Comment:

The subject lands are located within an approved settlement area and are already developed. As such, there are no biodiversity concerns.

The PPS also permits development on private services where no municipal or communal services are provided if the site conditions are suitable for the long-term provision of such services with no negative impacts. Overall, it is planning staff's opinion that the proposal is consistent with the PPS.

Provincial Growth Plan (2017)

The purpose of the Growth Plan is to address challenges related to the forecasted growth and changes in the Greater Golden Horseshoe to 2041, and to ensure the protection and effective use of finite resources. The Growth Plan establishes a unique land use planning framework for the Greater Golden Horseshoe that supports the achievement of complete communities, a thriving economy, a clean and healthy environment, and social equity. The Growth Plan speaks to issues relating to economic prosperity, which include transportation, infrastructure planning, land use planning, urban form, housing, natural heritage, and resource protection.

The Growth Plan directs development to settlement areas and permits limited growth in settlement areas that are not serviced by existing or planned municipal water and wastewater systems such as the Hamlet of South Cayuga. It is planning staff's opinion that the subject proposal conforms to the objectives of the Growth Plan as the conversion will conserve agricultural and Greenfield lands and natural heritage, and will not require the provision of new municipal infrastructure.

County Policy:

Haldimand County Official Plan

The Haldimand County Official Plan (OP) provides the avenue through which Provincial Policy is implemented into the local context. It also provides the framework for guiding land use changes in the County to 2026 by protecting and managing the natural environment, directing and influencing growth patterns and facilitating the vision of the County.

The subject lands are designated 'Hamlet' and are located within the Hamlet of South Cayuga. Traditionally, the 25 designated hamlets within Haldimand County are developed as residential, social and commercial centres serving the surrounding agricultural community. While this traditional role will continue to be encouraged, it is also recognized that changes and improvements to transportation facilities over time have lessened the emphasis on hamlets as agricultural service centres and increased their role as residential settlements. The community hall is surplus to the County's needs. As stated in the "Provincial Policy Statement (2014)" section above, the subject lands are located within a ten minute drive to urban Dunnville, where employment, institutional, recreation, park and open space uses are provided that existing and new residents of the Hamlet can benefit from and enjoy.

Further, it is the intent of the County to provide a hamlet environment conducive to rural residential living while permitting appropriately scaled and located commercial, industrial, and institutional development in a manner that will minimize land use conflicts. The predominant land use within the 'Hamlet' designation is to be low density residential housing (i.e. a single detached dwelling). The

development criteria for Hamlet development permits new development subject to requirements relating to frontage on an open and publicly maintained road, private servicing, stormwater management, and compatibility with adjacent lands uses.

To that end, the subject lands and existing development are located on an open and municipally maintained road. The current development is serviced by a cistern and holding tank, which will be removed and upgraded. The proponent has submitted a letter and drawing prepared by a registered septic installer stating that there is ample room on the subject lands to install a class 4 raised filter bed meeting the requirements of the *Ontario Building Code* and will have a new septic tank capacity of 3,600 litres (Attachment 3). The proposed location and design for a three bedroom, one family dwelling will have a flow rate of 1,600 litres per day up to 20 fixtures (i.e. washroom sink, toilet, shower, kitchen sink, dishwasher, laundry machine, etc.). The registered septic installer also identified that there is more than enough room on the subject lands to increase the septic bed size for more bedrooms or fixture units if desired in the future. The local building inspector has reviewed and accepted this letter. The existing cistern will need to be moved to accommodate the new septic system such that it is 15 metres (50 feet) from the septic system in accordance with the *Ontario Building Code*. Also, no new development is proposed at this time and the only proposed site alteration is the partial removal of the gravel parking area to accommodate the septic system which will be grassed. As such, there will be no changes to lot grading and drainage on site. As discussed in the “Provincial Policy Statement (2014)” section above, there are no adjacent land uses that would prohibit the conversion and the new dwelling will be consistent with adjacent land uses. Given that the ‘Hamlet’ designation permits low density residential development and the proposal is consistent with the development criteria policies, it is planning staff’s opinion that there is policy support for the conversion/introduction of a single detached dwelling.

Town of Haldimand Zoning By-law 1-H 86

The purpose of the Zoning By-law is to control the use of land and is legally enforceable. The subject lands are currently zoned ‘Neighbourhood Institutional (IN)’ Zone as a result of the historic and existing use of the land for neighbourhood institutional purposes (i.e. community centre). The ‘IN’ Zone permits a number of uses including a school, community centre, nursing home, cemetery, place of worship. Dwellings are permitted but they are to be accessory to another permitted use/part of a non-residential structure.

The proponent is proposing to convert the existing community centre into a standalone one family dwelling. As such, the proposal does not meet the above which necessitates the subject zoning amendment. It is planning staff’s opinion that rezoning the subject lands to the ‘Hamlet Residential (RH)’ Zone is appropriate for the reasons provided in the policy sections above.

Further, some of the existing site conditions do not satisfy the Zoning By-law such that, relief must be requested/granted and a site specific provision must be affixed to the zoning of the subject lands. The subject lands are non-conforming to the lot area, front yard setback, interior side yard setback, and rear yard setback provisions as follows:

Development Standards	Currently Required Under ‘IN’ Zone	Required Under ‘RH’ Zone	Existing/ Proposed	Deficiency under ‘RH’ Zone
Minimum Lot Area	1,855 m ²	1,855 m ²	1,218 m ²	637 m ²
Minimum Front Yard Setback	7 m	10 m	4.5 m	5.5 m

Development Standards	Currently Required Under 'IN' Zone	Required Under 'RH' Zone	Existing/ Proposed	Deficiency under 'RH' Zone
Minimum Front Yard Setback to Steps	5.5 m	8.5 m	2.5 m	6 m
Minimum Interior Side Yard Setback – Left	3 m	3 m	1.8 m	1.2 m
Minimum Rear Yard Setback	9 m	9 m	6 m	3 m

The full zoning confirmation chart is attached as Attachment 4. The existing structure was built in 1880 prior to the passing of the Zoning By-law in 1986, such that some of the existing site conditions are legally non-conforming to the Zoning By-law. With regards to the lot size, the existing development is serviced by a holding tank and cistern. As part of the building permit process a new septic system (full bed and tank) and cistern must be installed. There are no concerns with regards to the size of the lot and its ability to accommodate an appropriate septic system that satisfies current standards.

Further, the remainder of the zoning deficiencies are existing and will not be aggravated by the change of use. No additional development (i.e. additions or new accessory structures) is proposed at this time. The use of the subject lands for low density residential purposes is less intensive than the uses permitted in the 'IN' Zone. As such, there are unlikely to be any new or aggravated land use conflicts as a result of the subject proposal. The draft amending zoning by-law is attached as Attachment 5.

In addition to the subject zoning amendment, various building permits will be required to renovate and change the type of occupancy of the existing structure to meet the Ontario Building Code prior to residential occupancy of the structure.

Planning Opinion:

Planning staff have reviewed the subject proposal against Provincial and County land use planning policy. It is planning staff's opinion that the proposal is consistent with the PPS, conforms to the Growth Plan and Haldimand County Official Plan, and generally meets the intent and purpose of the Town of Haldimand Zoning By-law.

Public Consultation:

A notice of complete application was circulated on May 11, 2018. At the time of writing the subject report, planning staff had received no concerns/objections. Also, the agent confirmed with planning staff that the yellow development sign was posted on May 18, 2018. A notice of public meeting was sent out prior to June 5, 2018.

The agent also confirmed on May 18, 2018, that he discussed the proposal with the owners of 259 South Cayuga Road, 6210 South Cayuga Road, 6204 Cayuga Road and 6200 South Cayuga Road as committed to in the public consultation strategy form.

FINANCIAL/LEGAL IMPLICATIONS:

The County sale of the property is in the amount of \$200,500 including HST, with a closing date on June 20, 2018.

The application fee for the subject zoning amendment of \$3,808 was paid by the proponent.

STAKEHOLDER IMPACTS:

Canada Post Corporation–Canada Post does not have any comments on the rezoning of this property and the development of 1 address. Please have the customer contact the Dunnville Post Office to register for delivery when property is complete if they require mail delivery.

Emergency Services/Fire Department–No objections.

Public Works–Roads Operations–No objections.

Planning & Development–Development & Design Technologist–No objections to the rezoning.

Health Unit–No comment.

Building Controls & By-law Enforcement Division–Septic system required. Holding tank to be removed. Septic evaluation acceptable. Cistern will have to be placed 15 metres (50 feet) from septic tank and system.

Heritage and Culture–No objections.

Corporate Services–Property Coordinator–The County is the owner of this property but has entered into an agreement to sell the property to Cam Dieleman. The transaction is scheduled to close on June 20, 2018.

Hydro One (Local)–No comments or Objections.

No comments were received from: Bell Canada, Missisaukas of the New Credit Council, Six Nations Council, Union Gas, Treasurer/Finance Division, Municipal Property Assessment Corporation, and Solid Waste Operations.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Location Map.
2. Owners Sketch.
3. Septic Letter and Sketch.
4. Zoning Confirmation.
5. Draft Amending Zoning By-law.