



STAFF REPORT PUBLIC MEETING

February 27, 2023

TO: Mayor and Council Members

FROM: Jacob Rheaume, Director of Building, By-law & Planning

RE: Zoning By-law Amendment No. Z-02-2023

Owner: Benoit HENRI & Zeinab Iman IBNLFASSI

Location: 1654 County Road 30, Dunvegan, ON, K0C 1J0
Con 8 Part Lot 25, former Kenyon Township





Official Plan designation: Rural Settlement Area (Dunvegan)



Zoning designation: Residential Hamlet (RH)



Purpose of application: To re-zone the property from Residential Hamlet (RH) to Residential Hamlet-Special Exception (RH-4) to permit a secondary dwelling (single detached home) on the subject lands and;

To seek relief from the Comprehensive Zoning By-law 39-2000 requirements within Section 5.5 (2) (e) & (f) for a reduction of the Interior Side Yard Depth from the required 3m to the proposed 1.8m and for a reduction of the Rear Yard Depth from the required 8m to the proposed 1.8m.

Discussion: The subject lands have frontage of approximately 150 feet on County Road 30 by approximately 150 feet in depth, with an area of 0.52 acre. The Planning Department received a request from the applicant (owner) to rezone the property from Residential Hamlet (RH) to Residential Hamlet-Special Exception (RH-4) to permit a secondary dwelling (single detached home) on the subject lands.

The property is located within the Rural Settlement Area Dunvegan, it's the last dwelling heading South on County Road 30 and is on private services for both septic and water.

The current Residential Hamlet (RH) zoning permits only one (1) single detached dwelling and an accessory apartment. Secondary dwellings are currently not permitted, they are however encouraged in the Provincial Policy Statement, and allowed in the SDG Counties Official Plan. On January 1, 2012, the *Planning Act* was amended to encourage/allow municipalities to authorize secondary dwellings within their Official Plans and Zoning By-laws, it also provides that Official Plan Policies and implementing Zoning By-laws should permit secondary dwelling units in single detached, semi-detached and row houses, or in a detached structure.

On January 1, 2012, the *Planning Act* was amended to require municipalities to authorize secondary dwelling units within their Official Plans and Zoning By-laws.

Secondary dwelling units increase the supply and range of affordable rental accommodation. In addition, they benefit the community in many ways as they:

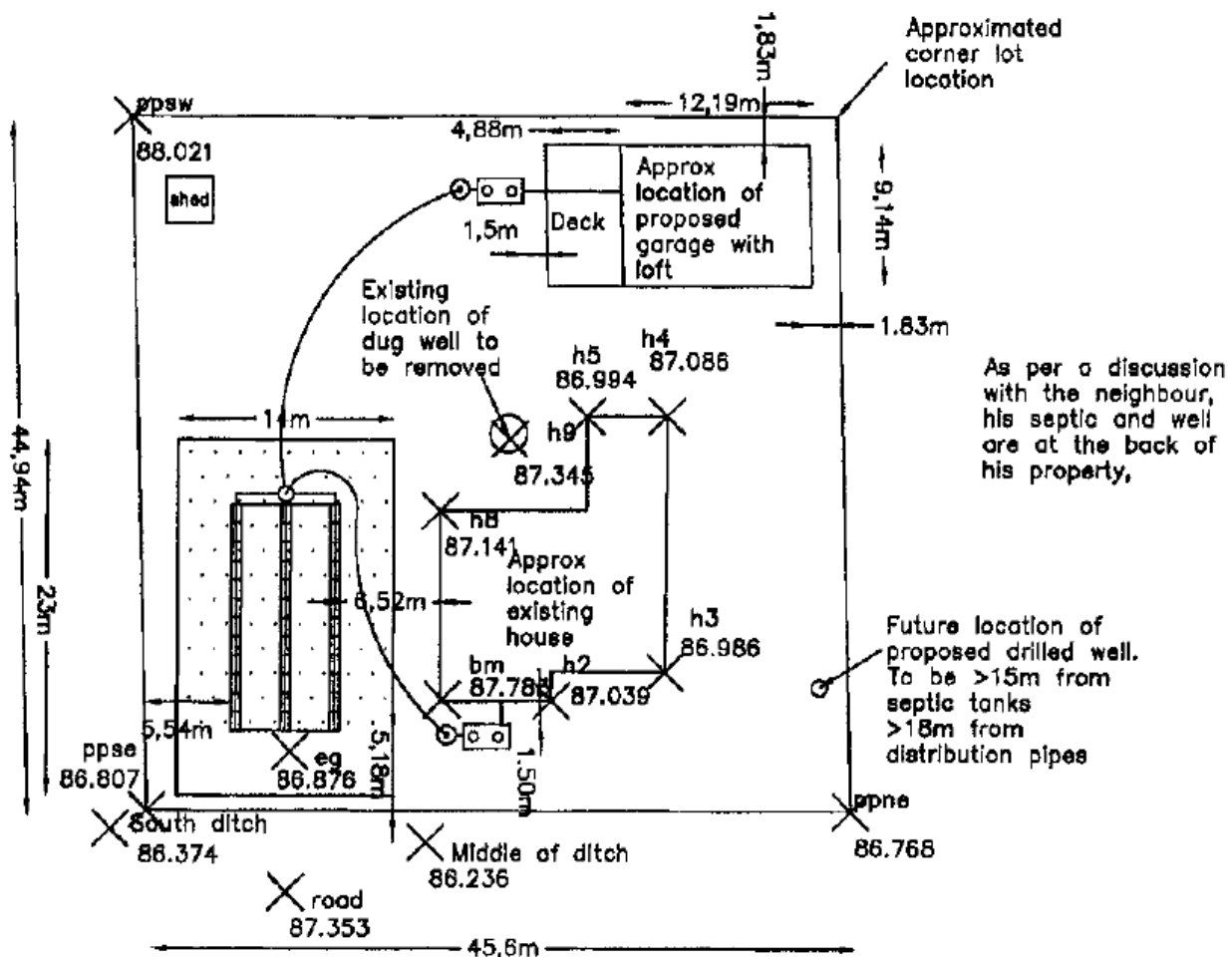
- a) Allow homeowners to earn additional income to help with the ownership costs; and,
- b) Support changing demographics by providing more housing options for extended families or elderly parents, or for live-in caregivers.

The proposed secondary dwelling, for now, is intended to be located in the North-West corner of the property and will have an approximate ground floor area of 1200 square feet on the second floor, with an accessory garage on the main floor, which will be fully compliant with our Zoning By-law minimum required floor area.

The proposed dwelling will comply with the required setbacks in the zoning by-law for the Residential Hamlet (RH) zone for front yard depth (East): 7.5m, and for interior side yard depth (South): 3m, but requires a reduction of the Interior Side Yard Depth (North) from the required 3m to the proposed 1.8m and a reduction of the Rear Yard Depth (West) from the required 8m

to the proposed 1.8m. The location of the secondary dwelling will have to comply with the proposed setbacks; however, it is not definitive on the setbacks since the entire property is being rezoned therefore the owners may decide to construct slightly elsewhere on the property, but limited with the septic system location, and entrance.

The septic system evaluation was conducted to ensure it could accommodate the proposed new dwelling and a site plan was provided showing the new tank location. The existing well would also be used to supply the new dwelling. Both are of no concern from a planning, geological, environmental, nuisance, or building code standpoint. They will also use the same existing driveway off County Road 30, just North of the existing dwelling, as a new entrance application would not be approved by United Counties of SD & G. A new civic number could be issued for the new proposed dwelling.



Designs for the new dwelling have not been finalized at this time as the owners want to confirm the construction is allowed before investing in architectural/structural drawings, and septic designs. The new dwelling will comply with our current Zoning By-law, and will have to comply with Ontario Building Code, requiring a building permit.

We have received no other comments or concerns from any agencies or members of the public, aside from a second entrance that would not be approved by the United Counties of SD & G.

The surrounding official plan designation includes mostly the Rural Settlement Area of Dunvegan on the North, and Agricultural Resources Lands on all other sides, which matches our Zoning By-law.

The surrounding uses include mostly the village of Dunvegan on the North and fields/cash crop and rural residential properties on all other sides.





Planning Act

The *Ontario Planning Act* gives municipal Councils the authority to pass zoning by-laws, and make amendments to existing zoning by-laws, under Section 34 of the Act. The *Planning Act* also requires that in making planning decisions Council must have regard for matters of Provincial Interest. The *Planning Act* requires that Council's decisions must be consistent with the Provincial Policy Statement, and conforms with the Stormont, Dundas and Glengarry Official Plan which apply to the lands.

Provincial Policy Statement (2020)

The Provincial Policy Statement, also known as the "PPS", provides policy directions on matters of provincial interest related to land use planning and development. It aims to provide for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

Section 1.1.1 supports healthy, livable and safe communities by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term, accommodate an appropriate affordable and market-based range and mix of residential types, (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for elderly) and avoid development and land use patterns which may cause environmental or public health and safety concerns.

2.3.3.1 In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

Secondary dwelling units in agricultural areas are consistent with the Provincial Policy Statement 2020.

SDG Counties Official Plan (2018)

The SDG Counties Official Plan permits dwellings and secondary dwellings in Agricultural Resource Lands. SDG Counties planning Staff have confirmed the application conforms to the SDG Counties Official Plan. They were notified of the proposed Zoning Amendment and offered no comments or concerns regarding the proposed application.

In conclusion, based on the criteria above, the proposed zoning amendment conforms to the relevant policies of the United Counties of Stormont Dundas and Glengarry's Official Plan. It is consistent with Provincial Policy Statement and compliant with the Township of North Glengarry Zoning By-law No. 39-2000. It also promotes the efficient use of land, and it is deemed appropriate for the subject lands.