



GRAND VALLEY

Council Planning Report

To: Mayor Soloman & Council
From: Mark H. Kluge, MCIP RPP, Town Planner
Date: November 26, 2024
Report No.: PLN2024-098
Subject: **Public Meeting and Decision Proposed Zoning 68 Water Street File Z06-2024**

Recommendation:

THAT Report No. PLN2024-098, dated November 26, 2024, be received;

AND FURTHER THAT Zoning By-law Amendment file Z06-2024, to amend the Town of Grand Valley Zoning By-law 2009-10, as amended, for the lands municipally known as 68 Water Street (Roll #349900), as generally shown in **Appendix 4: Zoning By-law**, of this report be approved and the necessary by-law be adopted.

Key Points:

The following are key points for consideration with respect to this report:

- The application is to permit the expansion of a Legal Non-conforming (residential) use.
- There were no public objections to the proposal.

Background

Location:

The subject property is located on **68 Water Street**, in the **URBAN** Area of Grand Valley. The subject lands are developed with a Single Detached Dwelling, see **Appendix 1: Location Map**.

Site Characteristics:

Municipal/Emergency Address	68 Water Street
Roll Numbers	349900
Current Use	Legal Non-conforming (Residential) Use
Site Area	1076m ²
Official Plan	<i>Urban Residential</i>
Current Zoning	Environmental Protection (EP)
Proposed Zoning	Site Specific Environmental Protection Exception

Surrounding Land Uses:

NORTH	Residential (legal non-conforming)
SOUTH	Residential (legal non-conforming)
EAST	Open Space – Grand River
WEST	Emma Street Pumping Station (Town owned)

History:

On October 2, 2024, the Town was forwarded a copy of the Grand River Conservation Authority (GRCA) Permit No. 502/24, for the proposed dwelling expansion, deck and second driveway.

On October 4, 2024, Planning advised the Owner that a Zoning By-law Amendment was required to expand the Legal Non-conforming (Residential) use on the property.

Proposed Development:

On October 22, 2024, Ryan Smith of Garda Farm Buildings Inc, the Agent submitted a Zoning By-law Amendment application for a proposed expansion of the dwelling, a new deck and second driveway. The Application was deemed complete on October 22, 2024. See **Appendix 2: Site Plan & Rendering** and **Appendix 3: Elevations**. All submission materials can be viewed on the Town’s website under ***Current Planning Applications available for Public Review – 68 Water Street File Z06-2024***, via this link:

<https://www.townofgrandvalley.ca/business-development/building-planning-and-development/current-and-approved-applications/>

Current Planning Context

Provincial Planning Statement (PPS 2024):

All new development within the Province must conform to Provincial Planning Statement 2024.

This minor zoning by-law amendment is site specific to permit an expansion to a Legal Non-conforming (residential) Use and a second driveway. The application does not involve any major policy considerations. Therefore, the proposal is not in conflict with, conforms to and is consistent with the PPS 2024.

Dufferin County Official Plan:

The subject lands are located within the *Urban Settlement Area* designation of the Dufferin County Official Plan.

Grand Valley Official Plan:

The subject lands are designated ***Urban Residential with a Floodway Overlay*** in the Town's Official Plan.

Section 9.2 - Non-Conforming Uses of the Official Plan allows Council to pass a Zoning By-law for the extension or enlargement of a legally non-conforming use if it does not aggravate the situation created by the existence of the use, subject to criteria.

The proposed amendment is in conformity with the Town's Official Plan.

Grand Valley Zoning By-law 2009-10:

The subject lands are zoned Environmental Protection (EP). A Zoning By-law Amendment is required to rezone the lands to a site-specific Environmental Protection Exception Six (EP-6), see **Appendix 4: Zoning By-law**.

Public Consultation:

Notice of this Public Meeting, via e-mail, mailout and signage, was provided pursuant to the *Planning Act* on October 28, 2024. As of the writing of this report, Planning has not received any comments from the public.

Town and Agency Consultation:

The applications were circulated for technical review on October 28, 2024. As of the writing of this report the following Departments/Agencies have provided comments:

- Mississaugas of The Credit First Nation (MCFN), see **Appendix 5: MCFN Comments**
- Town Engineering (Burnside), see **Appendix 6: Engineering Comments**

The MCFN have requested a Stage 1 Archaeological Study be prepared due to the proximity of the property to the Grand River. Planning has reached out to the MCFN for further clarification, but to date has not received a response, see **Appendix 7: MCFN Discussion.**

Town Engineering (Burnside) has requested a rationale for the 2nd driveway, which was provided by the Agent, see **Appendix 8: Agent Response to Engineering**

Planning Analysis

The development proposal is to expand the Legal Non-Conforming (residential) Use, by allowing an addition to the existing dwelling, a deck and a second driveway. The reason for the proposal is to add more living space for extended family. The request for the second driveway is two-fold as described by the Agent:

There's a few reasons for the 2nd driveway. The one on Emma street has a narrow road entrance and steep ditch, so visibility isn't great and only allows one vehicle in or out at a time - with multiple vehicles it means multiple vehicles need to move if one is blocked in. With the steep ditch, widening that driveway entrance doesn't seem like a good option. Also, the other houses there have driveways on Water street, and the existing curb is already set up for a driveway entrance (is there a way to figure out if there was a driveway there at one point - I'm thinking there was?)

If approved, the Owner will require confirmation from Town Public Works to determine if an Entrance Permit is required for the new driveway off Water Street.

Town Staff conducted a site visit on November 11, 2024, prior to the Public Meeting to view the property.

As per Official Plan Policy 9.2(c):

Any land use legally existing at the date of approval of this Plan which does not conform with the land use designation shown on Schedule A, and A-1 Land Use Plan, and termed a 'non-conforming use', should in the long term, cease to exist. In special instances, however, it may be desirable to permit the extension or enlargement of a non-conforming use in order to avoid unnecessary hardship, provided the application is in conformity with the policies of this Section of the Plan.

The proposed amendment to permit an addition to the existing dwelling, deck and second driveway, is deemed to be minor in nature and desirable for the existing situation. The proposal also meets the applicable criteria in Section 9.2 of the Official Plan, as described:

- i) ...shall be in an appropriate proportion with respect to what is normally required in the Zoning By-law;*
- ii) ...No approval shall be granted if one or more ... nuisance factors will be created or increased so as to add substantially to the incompatibility of the use with the surrounding area;*
- iii) Neighbouring conforming uses will be protected where necessary;*
- iv) No adverse effect on traffic and parking;*
- v) Adequate off-street parking and loading facilities will be provided;*
- vi) Water supply and sewage disposal facilities and other necessary municipal services are adequate.*

Planning finds the request to be minor in nature, in conformity with Provincial, County and Town Policy, and is desirable for the property and can recommend approval of the Zoning Amendment.

Attachments:

Appendix 1: Location Map

Appendix 2: Site Plan & Rendering

Appendix 3: Elevations

Appendix 4: Zoning By-law

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Appendix 5: Mississaugas of The Credit First Nation (MCFN) Comments

Appendix 6: Town Engineering (Burnside) Comments

Appendix 7: Mississaugas of The Credit First Nation (MCFN) Discussion

Appendix 8: Agent Response to Town Engineering

Report Submitted by

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Report Approved by

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