



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
Planning Division

<b>TO:</b>	Chairs and Members Planning Committee
<b>COMMITTEE DATE:</b>	September 19, 2014
<b>SUBJECT/REPORT NO:</b>	Proposed Zoning By-law Amendment Affecting Lands Located at 30 Eleanor Avenue (Hamilton) (PED14206) (Ward 7)
<b>WARD(S) AFFECTED:</b>	Ward 7
<b>PREPARED BY:</b>	Timothy Lee (905) 546-2424 Ext. 1249
<b>SUBMITTED BY:</b>	Jason Thorne General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That **Zoning By-law Amendment Application ZAR-14-021, by Barry Buckley, Margaret Buckley, and Sheila Land, Owner,** for a modification to the “R-4” (Small Lot Single Family Residential) District, with a Holding Provision, on lands located at 30 Eleanor Avenue (Hamilton), as shown on Appendix “A” to Report PED14206, be approved, on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED14206, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (b) That the amending By-law be added to Schedule “A”, Map No. E38c of Zoning By-law No. 6593; and,
- (c) That the proposed change in Zoning is in conformity with the Urban Hamilton Official Plan (UHOP) and the Eleanor Neighbourhood Plan.

**EXECUTIVE SUMMARY**

The purpose of the application is to modify Hamilton Zoning By-law No. 6593 on lands municipally known as 30 Eleanor Avenue (Hamilton), in order to add a Holding Provision to the existing “R-4” (Small Lot Single Family Residential) District. The Holding shall be removed when the applicant has applied for and received Draft Plan approval and enters into a Subdivision Agreement for the construction of the Eaglewood Drive extension from its current terminus to Eleanor Avenue for the lands identified as “Part 2”. This provision is to satisfy Condition No. 3 of Severance Application HM/B-14:05 (see Appendix “D”), which was final and binding on May 15, 2014.

**SUBJECT: Proposed Zoning By-law Amendment Affecting Lands Located at 30 Eleanor Avenue (Hamilton) (PED14206) (Ward 7) – Page 2 of 10**

---

The proposal has merit and can be supported, as it is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshoe, the Urban Hamilton Official Plan, and the Eleanor Neighbourhood Plan. The proposal will allow for the efficient use of land for residential purposes, and will facilitate the extension of Eaglewood Drive and complete the overall road circulation network within the neighbourhood.

***Alternatives for Consideration – See Page 10***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** None

**Staffing:** None

**Legal:** As required by the Planning Act, Council shall hold at least one Public Meeting to consider an application for a Zoning By-law Amendment.

**HISTORICAL BACKGROUND**

**Proposal:**

The subject property, municipally known as 30 Eleanor Avenue (Hamilton), is located on the west side of Eleanor Avenue, with the terminus of Eaglewood Drive currently ending to the rear of subject lands. The property is an irregular shaped parcel of land, with additional lands at the rear extending north of the subject property (see Appendix “A”).

The purpose of this application is to modify the zoning from the “R-4” (Small Lot Single Family Residential) District, to the “R-4” – ‘H’ (Small Lot Single Family Residential) District, Modified, with a Holding Provision, to prohibit the development of the subject lands until the applicant has received Draft Plan Approval, and enters into a Subdivision Agreement for the construction of the Eaglewood Drive extension from its current terminus to Eleanor Avenue for the lands identified as Part “2” in Appendix “C”, and where the Draft Plan must include an extension of Eaglewood Drive over “Part 2”. This provision is to satisfy Condition No. 3 of Severance Application HM/B-14:05 (see Appendix “E”), which is described below, and the approved Eleanor Neighbourhood Plan.

**Severance Application HM/B-14:05:**

The applicant submitted a severance application in order to facilitate the future development of two residential lots to permit one single-detached dwelling on each lot (see Appendix “E”), where the retained portion of lands (identified as Part 1) measures

**SUBJECT: Proposed Zoning By-law Amendment Affecting Lands Located at 30 Eleanor Avenue (Hamilton) (PED14206) (Ward 7) – Page 3 of 10**

---

30.5 m by 42.6 m, and the severed portion of lands (identified as Part 2), measuring 20 m by 60 m (see Appendix “C”).

The Severance application was approved by the Committee of Adjustment on April 17, 2014. In order to facilitate the extension of Eaglewood Drive, Condition No. 3 required the applicant to submit a Zoning By-law Amendment Application in order to add a Holding Provision to the existing “R-4” (Small Lot Single Family Residential) District. The Holding Provision will not be removed until the applicant has entered into a Subdivision Agreement for the construction of the Eaglewood Drive extension from its current terminus to Eleanor Avenue for the lands identified as “Part 2” (see Appendix “C”), and where the Draft Plan must include an extension of Eaglewood Drive over the southern portion of “Part 2”.

The severance application was approved by the Committee of Adjustment on the basis that the application conformed to the policies of the UHOP, and it considered that the proposal was in keeping with the development in the area. There were no letters of opposition or residents opposing the severance application at the time. The decision of the Committee of Adjustment was final and binding on May 15, 2014.

**Chronology:**

- May 15, 2014: Severance Application HM/B-14:05 was final and binding.
- June 24, 2014: Application ZAR-14-021 is deemed complete.
- June 27, 2014: Circulation of Notice of Complete Application and Preliminary Circulation of Application to all residents within 120 m of subject lands.
- July 14, 2014: Zoning By-law Amendment Sign Posted on the Subject Lands.
- August 20, 2014: Zoning By-law Amendment Sign Updated on the Subject Lands with the date of the Public Meeting.
- August 29, 2014: Circulation of Notice of Public Meeting to all residents within 120 m with the date of the subject lands.

**Details of Submitted Application:**

- Location:** 30 Eleanor Avenue (Hamilton)
- Owner:** Barry Buckley, Margaret Buckley, and Sheila Land

**SUBJECT: Proposed Zoning By-law Amendment Affecting Lands Located at 30 Eleanor Avenue (Hamilton) (PED14206) (Ward 7) – Page 4 of 10**

---

**Property Description:**

**Part 1:**                      Lot Frontage:            30.5 m  
    Lot Depth:                42.0 m  
    Total Lot Area:         Approx. 1,297 sq m

**Part 2:**                      Lot Frontage:            20.0 m  
    Lot Depth:                59.7 m  
    Total Lot Area:         Approx. 1,747 sq m

**EXISTING LAND USE AND ZONING:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	<b>Retained</b> (Part 1) - Single Detached Dwelling	"R-4" (Small Lot Single Family Detached Residential) District
	<b>Severed</b> (Part 2) - Vacant	"R-4" (Small Lot Single Family Detached Residential) District
<b><u>Surrounding Lands:</u></b>		
<b>North</b>	Single Detached Dwelling	"R-4" (Small Lot Single Family Detached) District
<b>South</b>	Single Detached Dwelling	"C" (Urban Protected Residential, etc.) District
<b>East</b>	Single Detached Dwelling	"C" (Urban Protected Residential, etc.) District
<b>West</b>	Single Detached Dwelling	"C/S-1560" (Urban Protected Residential, etc.) District, Modified

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (2014):**

The application has been reviewed and is consistent with the PPS, which encourages healthy, liveable, and safe communities (Policy 1.1.1); and which focuses on growth in Settlement Areas (Policy 1.1.3).

In addition, Policies 1.1.3.4 and 1.1.3.6 state that new development, in the form of intensification, taking place in designated growth areas, should occur within or adjacent

**SUBJECT: Proposed Zoning By-law Amendment Affecting Lands Located at 30 Eleanor Avenue (Hamilton) (PED14206) (Ward 7) – Page 5 of 10**

---

to Built-Up Areas, which should have a compact form that will allow for the efficient use of land. The purpose of the application is to add a Holding Provision to the existing “R-4” (Small Lot Single Family Detached Residential) District, to ensure that the applicant facilitates the construction of the Eaglewood Drive extension through receiving Draft Approval for a Plan of Subdivision. This will ensure the orderly development of the subject lands, and ensure that the Built-Up Area will have a compact form that allows for the efficient use of land. Based on the foregoing, the proposal to facilitate the development of two residential lots and to permit the extension of Eaglewood Drive is consistent with the PPS.

**Growth Plan for the Greater Golden Horseshoe (Places to Grow Plan):**

The application has been reviewed with respect to the Growth Plan for the Greater Golden Horseshoe. The subject property is located within the Built-Up Area, as defined in the Places to Grow Growth Plan. The application conforms to Policy 1.2.2, where guiding principles of the Plan are to “build compact, vibrant, and complete communities”, “plan and manage growth to support a strong and competitive economy”, and to “optimize the use of existing and new infrastructure to support growth in a compact, efficient manner.”

As the proposal is to facilitate the development of two residential lots and to add a Holding Provision requiring the applicant to receive Draft Plan approval for a Plan of Subdivision to extend Eaglewood Drive over the southern portion of “Part 2” of the Concept Plan (see Appendix “C”), Policy 2.2.2.1(a), (b), (g), and (h) are met with respect to directing new growth within the Built-Up Area through intensification, and providing for a balance of housing and jobs within the community. Furthermore, the extension of Eaglewood Drive will provide frontage to the residential lots and ensure proper pedestrian and vehicular circulation within the existing residential neighbourhood.

Based on the foregoing, the proposed development conforms to the policies of the Places to Grow Growth Plan.

**Urban Hamilton Official Plan (UHOP):**

The subject lands are designated as “Neighbourhoods” on Schedule “E-1” – Land Use Designations, which permits residential and local commercial uses, as identified in Policy E.3.2.3. As such, the proposed development complies with the permitted uses. In addition, the proposal conforms to the following policy:

“E.3.1.4                      Promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their ongoing evolution.”

**SUBJECT: Proposed Zoning By-law Amendment Affecting Lands Located at 30 Eleanor Avenue (Hamilton) (PED14206) (Ward 7) – Page 6 of 10**

---

The existing “R-4” (Small Lot Single Family Detached Residential) District permits single-detached dwellings that respect the character of the existing neighbourhood with respect to built form, height and scale.

Under the Urban Hamilton Official Plan, the following policies exist with respect to the passing of a Holding Provision:

- “F.1.8.1 Council may use the Holding “H” symbol in conjunction with the Zoning By-law to identify the ultimate use of land but to limit or to prevent the ultimate use in order to achieve orderly, phased development and to ensure that servicing and design criteria established in this Plan have been met prior to the removal of the “H” symbol.
- F.1.8.2 A Holding symbol may be applied under any or all of the following circumstances and specified in the Holding by-law:
- a) where development is contingent upon other related matters occurring first, such as but not limited to:
    - iv) securement of funding agreements on necessary infrastructure or services.”

The purpose of this application is to add a Holding Provision to the existing zoning requiring the applicant apply for and enter into a Subdivision Agreement for the construction of the Eaglewood Drive extension from its current terminus to Eleanor Avenue for the lands identified as “Part 2”. This will ensure orderly development and for the road extension to be facilitated in conjunction with residential development on the subject lands. Once the requirements have been met, the Holding Provision will be lifted through a subsequent planning application, in accordance with Policy F.1.8.3.

Based on the foregoing, the proposed development conforms to the policy goals of the “Neighbourhoods” designation.

**Low Density Residential:**

The proposal is considered as Low Density Residential under Policy E.3.4 of the UHOP, where it conforms to the following policies:

- “E.3.3.1 Lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas with higher density dwelling forms and supporting uses located on the periphery of neighbourhoods on or in close proximity to major or minor arterial roads;

**SUBJECT: Proposed Zoning By-law Amendment Affecting Lands Located at 30 Eleanor Avenue (Hamilton) (PED14206) (Ward 7) – Page 7 of 10**

---

E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods; and,

E.3.4.3 Uses permitted in low density residential areas include single-detached, semidetached, duplex, triplex, and street townhouse dwellings.”

The proposal conforms to the above policies as the existing residential dwelling within the retained portion of lands is being maintained, and that the subject lands are located within the interior of the Eleanor Neighbourhood. Furthermore, the proposal conforms to Policy E.3.4.3 as single-detached dwellings are permitted under the existing “R-4” (Small Lot Single Family Detached Residential) District.

Based on the foregoing, the proposal conforms to the above policies of the Urban Hamilton Official Plan.

**Eleanor Neighbourhood Plan:**

The subject lands are designated “Residential – Single and Double” in the Eleanor Neighbourhood Plan, to which the proposed single-detached dwellings are permitted.

As shown in the Eleanor Neighbourhood Plan (see Appendix “D”), the proposed road network would have included a cul-de-sac behind the subject lands to the west of the subject lands, with a future road connection on the southern portion of the subject property. As a result of recent approval of the Stone Ridge Estates Subdivision, the revised road network includes Mitten Court, which provides for a connecting circulation pattern with Eaglewood Drive. The Eaglewood Drive extension remains and is proposed as part of the proposed development. The Holding Provision to be applied will require the applicant apply for and enter into a Subdivision Agreement for the construction of the Eaglewood Drive extension from its current terminus to Eleanor Avenue for the lands identified as “Part 2”. Based on the foregoing, the proposal meets the intent of the Eleanor Neighbourhood Plan.

**RELEVANT CONSULTATION**

The following internal Departments and external Agencies had no concerns or objections to the proposed application:

- Hydro One.
- Canada Post.
- Horizon Utilities.
- Corridor Management, Public Works Department.
- Hamilton Conservation Authority.

**Taxation, Corporate Services Department:**

The owner has an outstanding property tax balance as of early-July, 2014, where the outstanding payment will be required to be paid as per Condition No. 3 of approved Severance Application HM/B-14:05.

**Public Consultation:**

In accordance with the Public Participation Policy approved by Council, preliminary consultation shall not be required if the application is part of the implementation of a Planning Study or other application, such as a consent application, which has been approved within one year of other public involvement and participation opportunities.

The subject rezoning application is part of the implementation of Consent Application HM/B-14:05, which was approved by the Committee of Adjustment on April 17, 2014, and was final and binding on May 15, 2014 (see Appendix “E”). Therefore, preliminary circulation was not required.

Notice of the Public Meeting was given in accordance with the requirements of the Planning Act through circulation to property owners within 120 m of the subject lands. In addition, a Public Notice sign was posted on the property on July 14, 2014, and updated on August 20, 2014. No letters or inquiries have been received from residents with respect to the application.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal can be supported for the following reasons:
  - (i) It is consistent with the PPS, which supports the provision of a variety of housing within an existing neighbourhood;
  - (ii) It conforms with the Growth Plan for the Greater Golden Horseshoe, which encourages intensification within an existing residential neighbourhood through the creation of additional residential lots. Also, the Holding Provision requires that Eaglewood Drive is extended to ensure that there is appropriate frontage for the two new residential lots; and,
  - (iii) The proposed residential use conforms to the UHOP as the Holding Provision requiring that Eaglewood Drive be extended, facilitates the development of the two residential lots created through Severance Application HM/B-14:05.



**2. Zoning By-law Amendment (ZAR-14-021):**

An amendment to Hamilton Zoning By-law No. 6593 has been sought in order to apply a Holding Provision to the existing “R-4” (Small Lot Single Family Detached Residential) District, on the subject lands, requiring the applicant to apply for and enter into a Subdivision Agreement for the construction of the Eaglewood Drive extension from its current terminus to Eleanor Avenue for the lands identified as “Part 2” (see Appendix “C”), and where the Draft Plan must include an extension of Eaglewood Drive over the southern portion of “Part 2”. This provision is to satisfy Condition No. 3 of Severance application HM/B-14:05 (see Appendix “D”), which was final and binding on May 15, 2014. The existing “R-4” (Small Lot Single Family Detached Residential) District remains unchanged, and its zoning performance standards continue to apply.

Staff are satisfied that by placing a Holding Provision onto the existing “R-4” District, the applicant will be required to enter into a Subdivision Agreement to allow for the dedication of land to extend Eaglewood Drive from its current terminus to Eleanor Avenue to provide for an appropriate road connection with the remainder of the community. This will allow new residential lots to be created through Severance Application HM/B-14:05 to have frontage onto the Eaglewood Drive extension.

3. Abutting residential lands to the east of the subject lands bounded by Mitten Court, Pathfinder Court, and Eaglewood Drive, were developed as part of the “Stone Ridge Estates” subdivision (25T-200607), which has since been registered. Eaglewood Drive currently ends as a terminus to the rear of the subject lands, where a future extension is required to complete the internal road circulation pattern of the neighbourhood, and to allow for the severed lands to have frontage on a public road.

In order to extend Eaglewood Drive through the subject lands, the applicant will be required to enter into a Subdivision Agreement to allow for the construction of the Eaglewood Drive extension. The purpose of the Zoning By-law Amendment Application is to place a Holding Provision on the existing zoning to ensure that this requirement is initiated prior to the construction of residential dwellings on the new residential parcel of land (as shown as Part 2 on Appendix “C”), created as a result of Severance Application HM/B-14:05.

4. The existing and designated road allowance width of the portion of Eleanor Avenue in front of the subject lands is 20.12 m, and as such, no future road widening is required.

Staff note that a future Draft Plan of Subdivision is required to ensure the dedication of sufficient lands for the extension of Eaglewood Drive to Eleanor Avenue, the dedication of lands for a 4.57 m by 4.57 m daylighting triangle at

**SUBJECT: Proposed Zoning By-law Amendment Affecting Lands Located at 30 Eleanor Avenue (Hamilton) (PED14206) (Ward 7) – Page 10 of 10**

---

the intersection of Eleanor Avenue and the Eaglewood Drive extension, and the construction of full municipal services within the road allowance eastwards towards Eleanor Avenue. Furthermore, the applicant will be required to enter into a Subdivision Agreement to ensure that the Eaglewood Drive extension is completed.

**ALTERNATIVES FOR CONSIDERATION**

Should the proposed Zoning By-law Amendment be denied, the property located at 30 Eleanor Avenue will remain as a residential use in accordance with the “R-4” (Small Lot Single Family Detached Residential) District provisions. Also, as Condition No. 3 of Severance Application HM/B-14:05 requires that the applicant receive Zoning Approval to add a Holding Provision to the existing zoning, the Severance Application will lapse in May 2015, to which the newly created residential lot will be voided.

**ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN**

**Strategic Priority #1**

A Prosperous & Healthy Community

*WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.*

**Strategic Objective**

1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.

**APPENDICES AND SCHEDULES ATTACHED**

- Appendix “A”: Location Map
- Appendix “B”: Draft Zoning By-law
- Appendix “C”: Concept Plan
- Appendix “D”: Eleanor Neighbourhood Plan
- Appendix “E”: Severance Application HM/B-14:05