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April 19th, 2013

Mr. Peter De Iulio, MCIP, RPP
Senior Project Manager, East Team
Development Planning
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Mr. De Iulio:

**228 SENECA AVENUE, FORMER TOWNSHIP OF GLANBROOK
ZONING BY-LAW AMENDMENT APPLICATION TO PERMIT A SECOND UNIT**

Peter and Darleen Bardoel have lived on the subject lands for a number of years and now wish to spend their retirement several months of the year in a warmer climate. Their son and daughter-in-law have moved into the principal structure on the property, and Peter and Darleen are now living in the second dwelling unit within the accessory building.

There are several benefits for Peter and Darleen to be living in the second dwelling unit. The couple are able to age-in-place close to their family and grandchildren while also being able to remain within their community of many years. Unfortunately, this is in contradiction with the existing Zoning By-law. Therefore, the purpose of the application is to legalize the existing second unit within the accessory structure so that Peter and Darleen are able to remain close to their family and friends.

On behalf of Darleen Bardoel, owner of the subject property, IBI Group is pleased to submit a Zoning By-Law Amendment application to facilitate the legalization of an existing second unit within an accessory structure on the subject lands noted above. Currently, the site is subject to a zoning violation (11-115251-00ZB) by the City of Hamilton, requiring the second unit to come into conformity with the Township of Glanbrook Zoning By-law No. 464.

The subject lands, municipally known as 228 Seneca Avenue, are located within the former Township of Glanbrook, slightly northeast of Upper James Street and Twenty Road.

This Zoning By-law Amendment application has merit as it seeks to facilitate the policies of the current Township of Glanbrook Official Plan, as well as the intent of the Urban Hamilton Official Plan. As such, the proposed development seeks to facilitate Provincial policies of intensification found within both the Provincial Policy Statement (PPS) and the Growth Plan for the Greater Golden Horesehoe (P2G). Furthermore, this application has merit as it seeks to implement second unit policies found within Section 16(3) of the Planning Act.

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Planning Policy**The Planning Act**

In 2012, the Planning Act was revised to include policies that foster residential intensification by requiring official plans to contain policies that authorize the use of a second residential unit.

Section 16(3) reads as follows:

"Without limiting what an official plan is required to or may contain under subsection (1) or (2), an official plan shall contain policies that authorize the use of a second residential unit by authorizing,

(a) the use of two residential units in a detached house, semi-detached house or rowhouse if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains a residential unit; and

(b) the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse if the detached house, semi-detached house or rowhouse contains a single residential unit. 2011, c. 6, Sched. 2, s. 2.

The existing second unit within the accessory structure is consistent with the Planning Act as the development reflects Section 16(3)(b).

Provincial Policy Statement

The proposed ZBA is consistent with the PPS as it would promote efficient, sustainable land use development that accommodates a mix of residential uses. Furthermore, the proposed ZBA would invite intensification into a settlement area by using existing building stock. The proposal supports compact urban form, and maximizes existing infrastructure and community support services as indicated in Section 1.1.3 of the PPS.

Growth Plan for the Greater Golden Horesehoe (P2G)

The proposed ZBA facilitates the intensification policies of the P2G outlined in Sections 2.2.2 and 2.2.3 by providing opportunity for intensification to be carried out in a built-up area that utilizes existing municipal infrastructure and services. The proposed amendment would foster an alternative living accommodation for aging residents living within close proximity to public transit and parkland. The proposed amendment would see the development of an affordable housing opportunity by means of a secondary unit within the built-up area as outlined in Section 2.2.3.6(j) the P2G Plan.

Hamilton Wentworth Official Plan

The Hamilton Wentworth Official Plan establishes over-arching policies to guide the development of the Region. The site falls within the "Urban Areas" designation, where the majority of population growth is expected to occur. Compact urban form is encouraged within the Urban Areas designation, which is reflected through the legalization of the secondary unit.

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Township of Glanbrook Official Plan

The site is located within the "Residential" designation of the Township of Glanbrook Official Plan. Section B, "Urban Areas" land use policies guide residential development within the Township. It is the intent of the Township to provide a variety and mix of housing types, including innovative housing to help facilitate growth and efficient use of existing infrastructure.

Section B.2.1.4 outlines that in advance of the preparation and approval of a Secondary Plan, development may occur if it's of an infilling nature, is consistent and compatible with surrounding development, can be adequately serviced and doesn't prejudice the preparation of secondary plans by limiting land use options. The proposed development does not conflict with any of these requirements.

The Official Plan outlines in Section B.2.1.17 that housing opportunities within the Township must be responsive to a variety of housing needs, including affordability. The proposed second unit will provide an affordable housing opportunity that may be utilized by new home-buyers, recent immigrants and aging residents.

Residential intensification outlined in Section B.2.1.19 of the Official Plan indicates that residential intensification is defined as

"the creation of residential units or accommodation in existing buildings or on previously developed, serviced land, generally including, but not limited to the follow:

- i. Creation of lodging houses;*
- ii. Creation of accessory apartments;*
- iii. Conversion of non-residential structures to residential use;*
- iv. Infill; and*
- v. Redevelopment."*

The proposed secondary unit satisfies conditions ii and iii of the residential intensification policies noted above as the second unit is an accessory apartment contained within a converted non-residential structure to a residential use.

The site is located within the "Existing Residential Areas" of the Special Housing Policy Area, found on "Schedule F" in the Official Plan. Therefore, residential intensification is encouraged in this area, subject to the following conditions:

- i. the physical ability of the existing building and/or site to accommodate the identified form of residential intensification;*
- ii. the ability of the existing municipal and community services to accommodate new households in the affected area; and*
- iii. the potential demand for the types of accommodation which could be produced through various forms of residential intensification based upon the housing needs of the municipality.*

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The secondary unit on the subject lands contained within the accessory structure has already been established with full services and is currently being occupied by residents. Therefore, the physical ability of the existing building and the ability of municipal and community services to accommodate the secondary unit has been satisfied. Furthermore, the demand for such unit has already been expressed as residents are currently occupying the structure. Likewise, the structure may provide housing opportunity for new home-buyers, recent immigrants and aging residents in the future.

The proposed secondary unit encourages residential intensification in an Existing Residential Area that utilizes existing building stock and physical infrastructure while maintaining the existing development pattern of the neighbourhood.

Urban Hamilton Official Plan

Although the Urban Hamilton Official Plan (UHOP) is not in effect, it reflects the intent of Council regarding the intended future development of the City. That being said, the subject lands are within the Neighbourhoods Designation of the UHOP, which provides policies for development and redevelopment of residential lands.

The policy goals of the Neighbourhoods Designation indicate that neighbourhoods shall contain a range of housing types and densities that accommodate affordable housing needs. Permitted uses within this designation not only include residential dwellings, but second dwelling units as well.

Residential intensification is encouraged which enhances and respects the character of the existing neighbourhoods while allowing for the ongoing evolution of the neighbourhood. Considering the secondary unit will be contained within an existing accessory structure, there are not any encumbrances to the character of the surrounding neighbourhood.

Conclusion

The Zoning By-Law amendment application has merit as it would reflect the intent of all related provincial and municipal planning policies. The second unit within the accessory structure provides an innovative affordable housing opportunity that encourages an efficient use of existing building stock and municipal services while maintaining the existing character of the surrounding neighbourhood.

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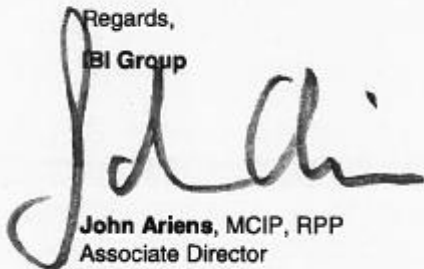
In support of the subject application, please find enclosed the following:

- Twenty-five (25) copies of the completed application form;
- One (1) electronic copy of the application form without signatures;
- Five (5) copies of the existing Survey Plan;
- One (1) digital file map of the subject lands;
- One (1) copy of the record of Formal Consultation with the City of Hamilton;
- One (1) cheque in the amount of \$10, 275.00, made payable to the City of Hamilton, which represents the required fee; and,
- One (1) CD containing one (1) copy of each of the aforementioned items.

I trust the enclosed is in order; however, please feel free to contact us with any questions or comments. I look forward to the scheduling for Formal Consultation meeting.

Regards,

IBI Group



John Ariens, MCIP, RPP
Associate Director



Daniel Boric, BURPI