

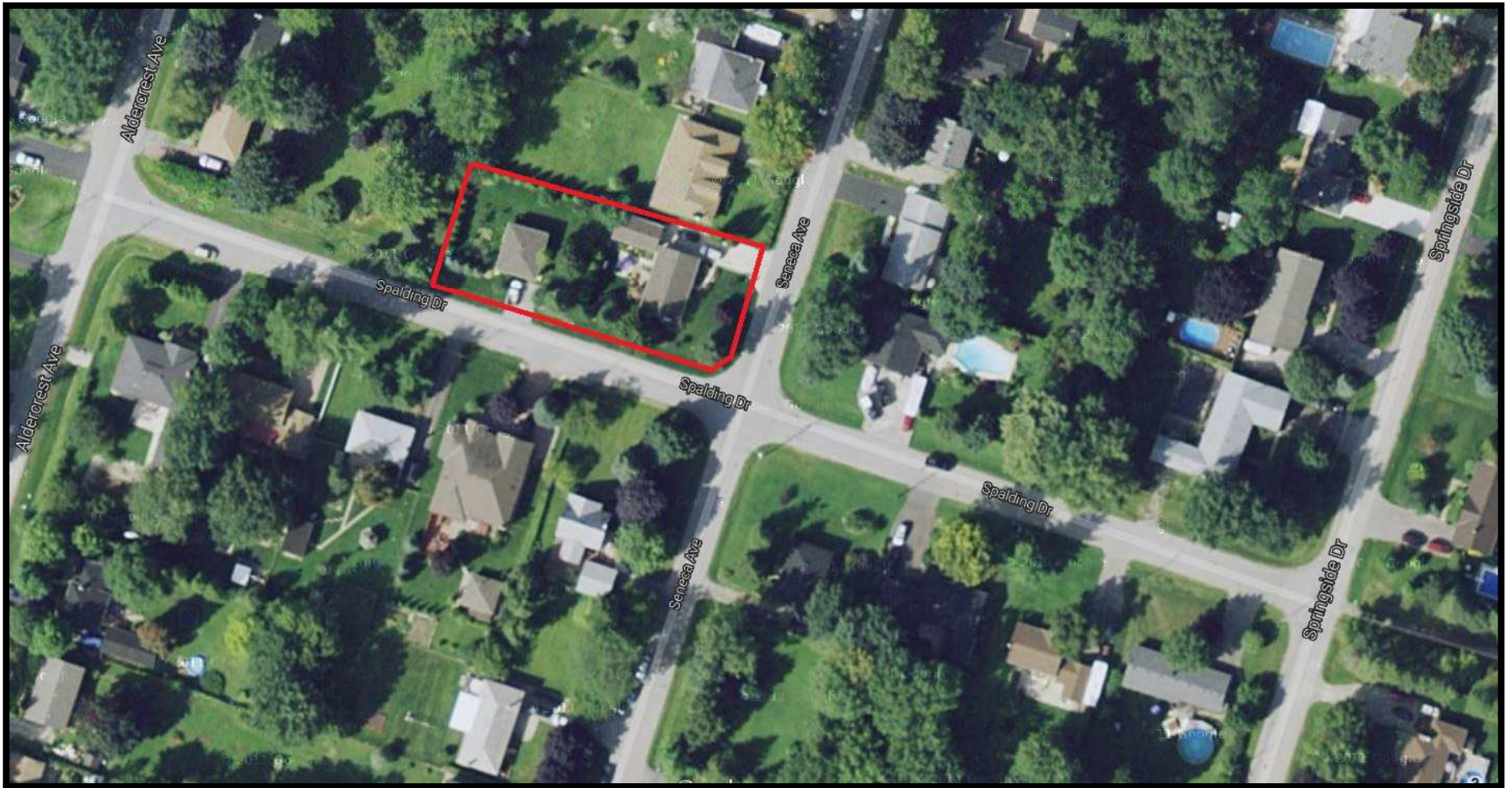


Planning Committee – January 13th 2015

**228 Seneca Avenue
Peter and Doreen Bardoe**

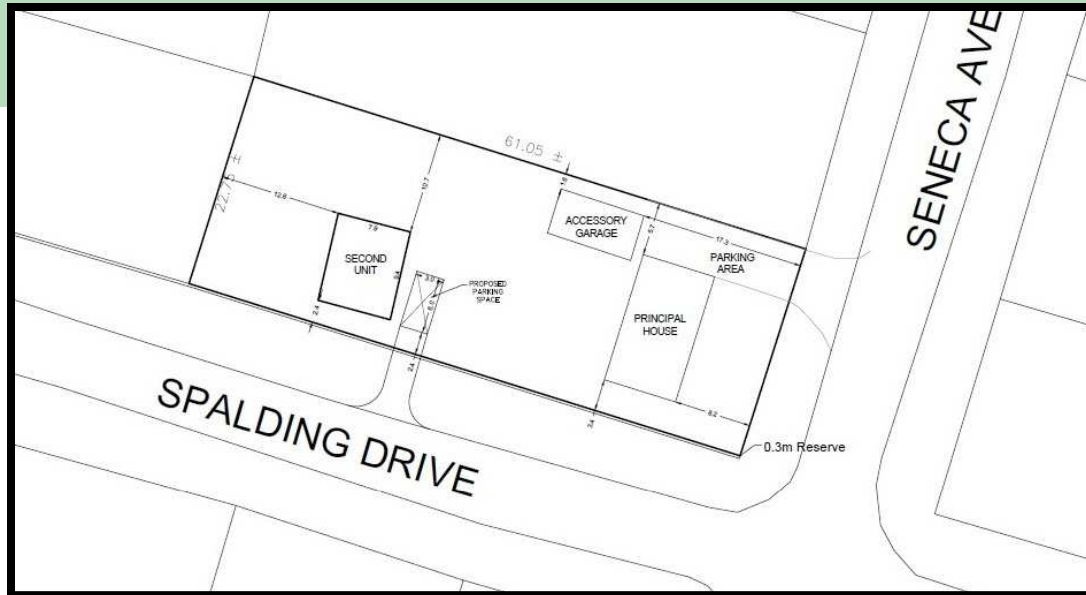


Air Photo





Site Plan



Detached Garage was built with a basement and connected to sewer and water by previous owner (1978).



Converted to a 1 bedroom apartment in 2011 by current owner.



Planning Act

16 (3) Second Unit Policies – 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-detach 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.


Planning Act

17(24.1) No appeal re second unit policies – Despite subsection (24), there is no appeal in respect of the policies described in subsection 16(3), including, for greater certainty, any requirements or standards that are part of such policies.

Urban Hamilton Official Plan

B 3.2.4.5 “Subject to the City undertaking a study, in certain conditions it may be appropriate to permit new detached second dwelling units on lots of existing single detached dwellings.”

- No study has been completed = Policy Vacuum

- **Only type of detached Second Dwelling Unit that staff and the UHOP will consider is a “Garden Suite.”**
 - **Bardoels reluctantly agreed to proceed as a Garden Suite.**
 - **July Planning Committee: deferred due to Notice and our request to deal with Holding By-law issue.**
- 
- A solid grey horizontal bar spanning the width of the slide.

- **Legal Services intervened as accessory building is permanent and its conversion would not comply with Garden Suite definition – August 2014**
- **Now staff are supporting the Second Unit in the detached garage but only as a Temporary Use.**
- **Bardoels do not agree with the Temporary Use and respectfully request a permanent second unit.**

Issues

1. “Temporary Use” is not appropriate as the structure is permanent.
2. Permanent new service connections are being asked for yet the use is “temporary.”
3. Temporary Use By-law has to be renewed every 3 years. Current application fee is same as a Routine Zoning (\$10,755.00).
4. Staff are still treating this as a “Garden Suite” = only temporary for aging parents.

Owner respectfully requests that this second dwelling unit be allowed as a permanent use.

Best Practices

- allowed/encouraged upon corner lots.
- blend into the character of the streetscape
- provide additional parking
- comply with Building and Fire Codes
- must have sufficient services / utilities

“Holding” is also NOT Appropriate

Reasons for “H”

- Final Site Plan approval
- Final Servicing Plan
- Development Agreement
 - specify occupants
 - specify period of occupancy
 - specify length of occupancy
 - specify removal requirements
 - specify securities

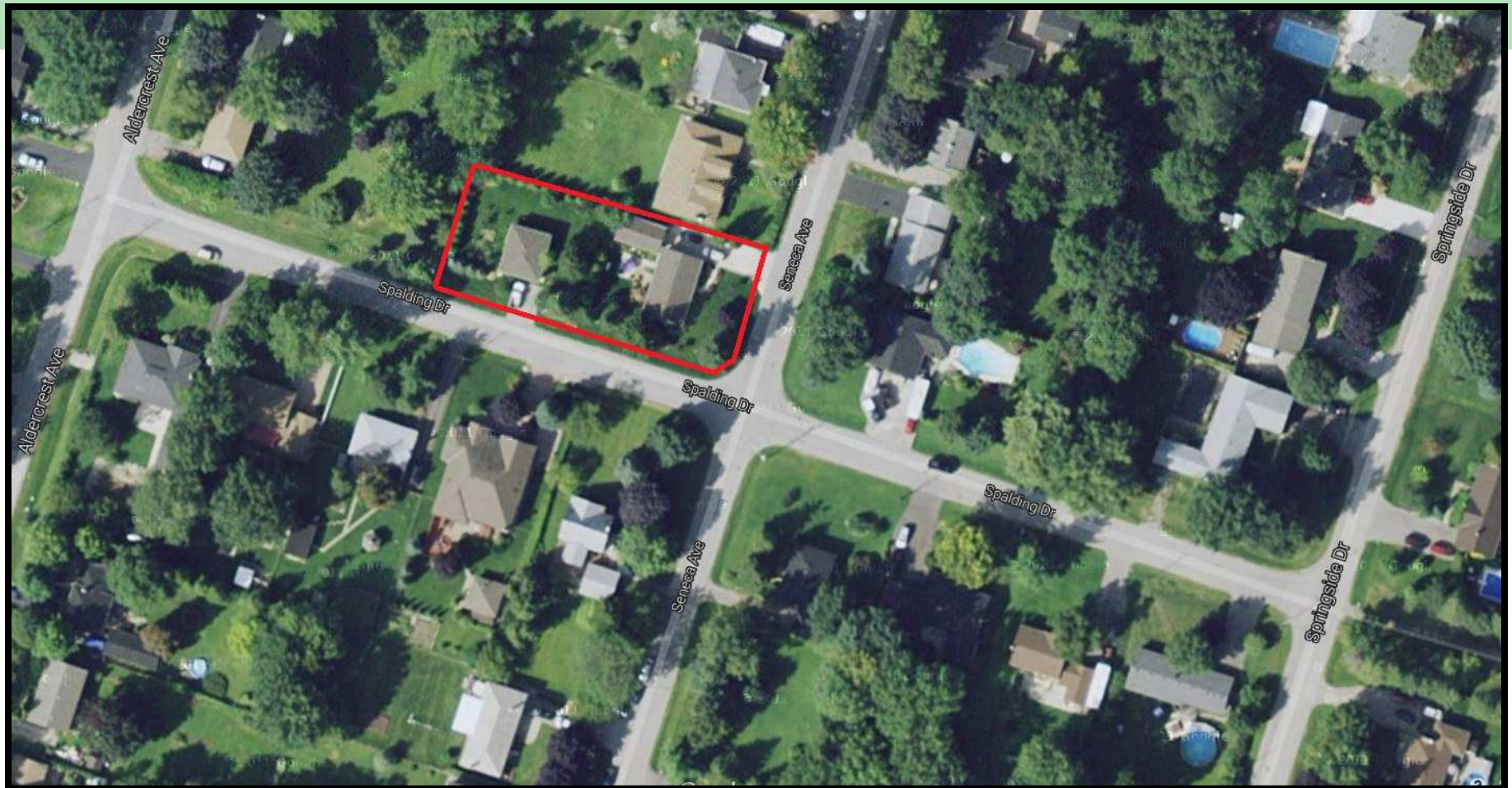
Final Site Plan = redundant for 'H'
as this redevelopment is automatically
subject to Site Plan approval

Servicing Plan = redundant for 'H'
removal as servicing plans / approval
are already part of Site Plan approval
process

Development Agreement – typical for a “Garden Suite” only

- does not apply to any other permitted second dwelling unit.
- not a standard requirement for a permanent second dwelling unit.

Permanent Second Dwelling will blend with the character of the street



Spalding Drive

13 Properties

9 Driveways (not including Subject Lands)



Respectfully Request

- Application be approved as a permanent use
- Bylaw be revised: -remove Holding provision and Holding requirements.