

January 21st, 2016

**AN/B-15:106 (27 & 29 Oldoakes Place, Ancaster)****PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Suburban:**

The applicant is seeking consent from the Committee to sever an irregular shaped vacant parcel for residential purposes. The retained parcel contains an existing dwelling, which will remain.

**Provincial Policy Statement**

The application has been reviewed with respect to the Provincial Policy Statement (PPS), namely the Settlement Areas Policy 1.1.3, and Housing Policy 1.4. In particular, staff are of the opinion that the application is consistent with Policy 1.1.3.3, which promotes intensification and redevelopment where appropriate. Furthermore, Housing Policy 1.4.3 encourages planning authorities to permit and facilitate all forms of residential intensification. Based on the foregoing, Staff are of the opinion that the proposal is consistent with the Provincial Policy Statement’s guidelines for residential intensification.

**Urban Hamilton Official Plan**

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated as “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). Single detached dwellings are permitted within the Neighbourhoods designation.

Residential Intensification Policy B.2.4 in the Urban Hamilton Official Plan states:

“Residential intensification is a key component of Hamilton’s growth strategy and is essential to meet our growth and employment targets. Intensification ensures land, urban services and the transportation network are used more efficiently and sufficient population is maintained to support existing community facilities. Successfully accommodating more residents within the existing built-up area reduces the need for development of greenfield lands and urban boundary expansions.

Intensification contributes to creating and maintaining vibrant neighbourhoods, nodes and corridors and can provide a wider range of housing types to meet the housing needs of Hamilton’s current and future population. This Plan supports the intensification of the existing built-up area of the City, with a focus on intensification of planned Urban Nodes and Urban Corridors described in Chapter E – Urban Systems and Designations.

.../2

AN/B-15:106

Page 2

While growth through residential intensification brings many benefits to communities and the City as a whole, it must be recognized that it also brings change in varying degrees across the City. In node and corridor areas targeted to receive intensification, greater changes in built form can be expected to occur.

Residential intensification is a key component in successfully developing and transforming targeted areas of the City. Intensification creates livable, vibrant, compact communities; facilitates and enhance the node and corridor structure of the City, and makes efficient use of the City's public transit network and other infrastructure. For intensification to make a positive contribution to the City, careful consideration must be given to design and compatibility with existing uses, neighbourhood character, and cultural and natural heritage. Intensification must represent good planning and not cause unacceptable impacts."

Staff are of the opinion that the proposed severance does consider the design and compatibility with the existing neighbourhood character. Staff note that development of the subject lands will contribute to maintaining a vibrant neighbourhood, as well as allowing for the efficient use of a parcel previously deemed to be surplus as parkland.

Residential Intensification Policy B.2.4.1.4 in the Urban Hamilton Official Plan states:

"Residential intensification developments shall be evaluated based on the following criteria:

- a) a balanced evaluation of the criteria in b) through g) as follows;
- b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- c) the development's contribution to maintaining and achieving a range of dwelling types and tenures;
- d) the compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- e) the development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;

.../3

AN/B-15:106  
Page 3

- f) infrastructure and transportation capacity; and,
- g) the ability of the development to comply with all applicable policies.

Staff feel that the proposed severance will allow for development that will enhance and build upon the existing character of the neighbourhood. Staff feel that the land to be conveyed is in keeping with and will maintain a character of the established neighbourhood, while allowing for development that will further enhance and build upon the existing streetscape character.

Furthermore, policy 2.4.2.2 states:

"When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

- a) the matters listed in Policy B.2.4.1.4;
- b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhood;
- i) the conservation of cultural heritage resources; and,
- j) infrastructure and transportation capacity and impacts."

.../4

AN/B-15:106  
Page 4

Consent policy F.1.14.3.1 in the Urban Hamilton Official Plan states:

"Consents for new lot creation, for both the severed and retained lands, for residential uses in the Neighbourhoods designation shown on Map E-1 – Urban Land Use Designation, shall be permitted provided the following conditions are met:

- a) The lots comply with the policies of this Plan, including secondary plans, where one exists;
- b) The lots comply with existing Neighbourhood Plans;
- c) The lots are in conformity with the Zoning By-law or a minor variance is approved;
- d) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
- e) The lots are fully serviced by municipal water and wastewater systems; and,
- f) The lots have frontage on a public road."

Planning staff are of the opinion that the proposal complies with the above policies, except policy c). Staff note that the proposal complies with the policies of the Official Plan, and that the lots to be retained and conveyed reflect the general scale and character of the established development. In addition, the proposed lots are fully serviced by municipal water and wastewater systems, and have frontage on a public road. With a successful minor variance application, Staff are confident that the proposal will meet all of the above noted conditions for lot creation.

Staff are of the opinion that the proposed severance does meet the residential intensification policies listed above. The existing character of this particular neighbourhood features a diversity of lot frontages and areas. The proposed building parcel will be in keeping with the general character of the existing neighbourhood, and will adhere to all required setbacks. Staff also note that there are existing instances of reduced frontages on Oldoakes Place. Based on the foregoing, the proposed severance will create a lot fabric which is compatible with the existing neighbourhood.

AN/B-15:106  
Page 5

Ancaster Zoning By-law No. 87-57

The lands are zoned Single Residential "R2" Zone, in the Ancaster Zoning By-law No. 87-57. Single detached dwellings are permitted in this Zone.

Both the lands to be retained and conveyed do not meet the minimum lot frontage requirements, and as a result, two minor variances will be required. Staff have provided analysis with regards to the Zoning By-law deficiencies with the subsequent minor variance application AN/A-15:365.

Based on the foregoing, Staff support the application with the following conditions:

**CONDITIONS (If Approved):**

1. That the applicant/owner receives final approval of a Minor Variance Application to the satisfaction of the Manager of Development Planning, Heritage and Design.

**Source Water Protection:**

No Comment

**Growth Management:**

Note: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be Conveyed will remain as 29 Oldoakes Place, and the lands to be Retained will remain as 27 Oldoakes Place.

**Building Division:**

1. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.
2. Variances for lot width will be required for zoning compliance of the lands to be conveyed and the lands to be retained.

**CONDITIONS:**

1. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).

AN/B-15:106

Page 6

2. The owner shall receive final and binding approval of minor variance application AN/A15:365.

### **Development Engineering – West:**

#### **Information:**

1. There is an existing 50 mm public watermain, and an existing 250 mm sanitary sewer within the Oldoakes Place right-of-way to serve the conveyed land.
2. There is no municipal storm sewer currently fronting the property.

#### **Recommendations:**

The applicant will be required to enter into and register on title, a consent agreement with the City of Hamilton (2015 administration fee \$3,870.00) to address issues including, but not limited to: grading and drainage (detailed grading plan required), erosion and sediment control measures (to be included on grading plan); cash payment requirements for items such as inspection of grading (i.e. retaining walls, driveway culvert, stormwater conveyance controls, etc. to be installed, planting of trees) and securities for items such as: lot grading (\$10,000.00), driveway approaches (approximately \$2,000.00/lot), relocation of municipal or utility infrastructure if any (unknown costs at this time).

#### **Hamilton Municipal Parking System (Parking Services):**

For the information of the Committee, the applicant is requesting a consent/land severance. The applicant should be notified that if any future development of a single family dwelling is approved for the severed lot, a Residential Access Permit will be required for any proposed driveway. The application is available from the Parking Investigator at the Hamilton Municipal Parking System (905-546-2424 x4578).

### **PUBLIC WORKS DEPARTMENT**

#### **Traffic, Engineering and Operations Division:**

For the information of the owner/applicant, a separate access is required for both the severed parcel and the retained parcel. Details on the permit and construction of the access can be obtained through the offices of the Municipal Parking Systems at Extension 4578.

AN/B-15:106  
Page 7

**CORPORATE SERVICES:**

**Budgets, Taxation & Policy (outstanding taxes):**

The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

January 21st, 2016

**AN/A-15:365 (27 & 29 Oldoakes Place, Ancaster)****PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Suburban:**Proposal

Pursuant to Condition #1 of Consent Application AN/B-15:106, the applicant is seeking variances to the required lot frontages for the lands to be retained and conveyed.

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS), namely the Settlement Areas Policy 1.1.3, and Housing Policy 1.4. In particular, staff are of the opinion that the application is consistent with Policy 1.1.3.3, which promotes intensification and redevelopment where appropriate. Furthermore, Housing Policy 1.4.3 encourages planning authorities to permit and facilitate all forms of residential intensification. Based on the foregoing, Staff are of the opinion that the proposal is consistent with the Provincial Policy Statement’s guidelines for residential intensification.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated as “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). Single detached dwellings are in permitted within the Neighbourhoods designation.

Ancaster Zoning By-law No. 87-57

The lands are zoned Residential “R2” Zone, in the Ancaster Zoning By-law No. 87-57. Single detached dwellings are permitted in this Zone.

Variance 1

The general intent and purpose of this provision in the By-law is to ensure lot widths are consistent with the surrounding neighbourhood and to ensure adequate building envelopes with appropriate setbacks can be provided. The applicant is proposing a minimum lot frontage of 19.6 m for the retained lands, whereas Section 11.2 of Ancaster Zoning By-law No.87-57 requires a minimum lot frontage of 21.0 m. The variance is required to clear the conditions of consent application AN/B-15:106, which will facilitate the proposed severance of a residential lot. The variance meets the general intent and purpose of the Official Plan since the single detached dwelling is a



AN/A-15:365

Page 2

permitted use. The variance meets the general intent and purpose of the Zoning By-law since the proposed lot width is consistent with the established lot fabric of the neighbourhood. The variance is considered minor in nature due to the fact that the applicant is seeking to recognize the original lot frontage, which existed prior to the two subject parcels merging on title. Staff are of the opinion that the 1.4 m reduction in lot frontage will not adversely affect or impact the adjacent properties. The applicant has demonstrated that the retained lands will maintain adequate setbacks, building lot coverage, and lot area, as required under Section 11.2 of the Ancaster Zoning By-law. Based on the foregoing, the reduction in lot frontage is deemed to be appropriate for the development and use of the lands. Accordingly, staff support the variance.

### Variance 2

The general intent and purpose of this provision in the By-law is to ensure lot widths are consistent with the surrounding neighbourhood and to ensure adequate building envelopes with appropriate setbacks can be provided. The applicant is proposing a minimum lot frontage of 10.4 m for the lands to be conveyed, whereas Section 11.2 of Ancaster Zoning By-law No.87-57 requires a minimum lot frontage of 21.0 m. The applicant is seeking this variance in support of severance application AN/B-15:106, which will facilitate the conveyance of a ± 965 sq m parcel for residential uses. The variance meets the general intent and purpose of the Official Plan since the single detached dwelling is a permitted use. The variance meets the general intent and purpose of the Zoning By-law since the proposed lot frontage will still provide for an adequate building envelope and required setbacks. Staff are of the opinion that the variance is minor in nature since the proposed reduction in lot frontage will still allow for an adequate building envelope to be established that is sympathetic to and consistent with the existing character of the neighbourhood. In addition, the proposed 10.6 m reduction in minimum lot frontage does not reflect the overall scale and character of the lands to be conveyed. Although the proposed lot frontage is approximately 49% of what is required in the By-law, due to the irregular shape of the lands to be conveyed, the overall area of the parcel is consistent with the established lot fabric in this neighbourhood. Staff are of the opinion that the proposed reduction in lot frontage will not adversely affect or impact the adjacent properties. The applicant has demonstrated that the lands to be conveyed will maintain adequate setbacks, building lot coverage, and lot area, as required under Section 11.2 of the Ancaster Zoning By-law. Based on the foregoing, the reduction in lot frontage is deemed to be appropriate for the development and use of the lands. Accordingly, staff support the variance.

Based on the foregoing, the application is considered to be minor in nature, desirable for the appropriate use and development of the lands, and maintains the general intent and purpose of the Official Plan and Zoning By-law. Accordingly, staff support the application.

.../3

AN/A-15:365  
Page 3

**Building Division:**

1. A building permit is required for the construction of the proposed single detached dwelling. Be advised that Ontario Building Code regulations may require specific setback and construction types.
2. These variances are necessary to facilitate consent application AN/B-15:106 to be heard in conjunction with this application.

**Development Engineering – West:**

Development Approvals concerns are being dealt with under application AN/B-15:106.

**Hamilton Municipal Parking System (Parking Services):**

The applicant should be notified that if any future development of a single family dwelling is approved for the severed lot, a Residential Access Permit will be required for any proposed driveway. The application is available from the Parking Investigator at the Hamilton Municipal Parking System (905-546-2424 ext. 4578).

**PUBLIC WORKS DEPARTMENT**

**Traffic, Engineering and Operations Division:**

The driveway to the severed lands must be contained within the projected lot lines.