



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	October 18, 2016
<b>SUBJECT /REPORT NO:</b>	Application for a Zoning By-law Amendment for Lands Located at 195 Annabelle Street (Hamilton) (PED16198) (Ward 8)
<b>WARD AFFECTED:</b>	Ward 8
<b>PREPARED BY:</b>	Michael Fiorino Planner II (905) 546-2424 Ext. 4424  Steve Robichaud Director of Planning and Chief Planner
<b>SUBMITTED BY:</b>  <b>SIGNATURE:</b>	Jason Thorne General Manager Planning and Economic Development Department

**RECOMMENDATIONS**

That approval be given to **Zoning Application ZAR-16-023, by Gino and Lina DiStefano, Owners**, for a change in zoning from the “AA” (Agricultural) District to the “C/S-1739” (Urban Protected Residential, etc.) District, Modified, to facilitate a future severance application in order to establish two single detached dwellings on lands located at 195 Annabelle Drive (Hamilton), as shown on Appendix “A” to Report PED16198, on the following basis:

- a) That the draft By-law, attached as Appendix “B” to Report PED16198, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
- b) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and complies with the Urban Hamilton Official Plan.

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## **EXECUTIVE SUMMARY**

The proposed Zoning By-law Amendment is for a change in zoning from the “AA” (Agricultural) District to the “C/S-1739” (Urban Protected Residential, etc.) District, Modified, to facilitate a future severance application in order to permit the development of two single detached dwellings. The applicant has requested a modification to the “C” District, specifically to permit a minimum access driveway width of 2.5 m at the garage door entrance to recognize the minor variance approval in 2015 by the Committee of Adjustment.

The application has merit and can be supported because it is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and complies with the Urban Hamilton Official Plan (UHOP). The proposal is considered to be compatible with existing development in the area and provides for a compact and efficient urban form that uses existing infrastructure while being in keeping with the character of the area.

***Alternatives for Consideration – See Page 11***

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** N/A

**Staffing:** N/A

**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**

### **Chronology:**

March 23, 2016: Application ZAR-16-023 deemed complete.

April 8, 2016: Notice of Complete Application and Pre-Circulation was mailed to 161 property owners within 120 m of the subject property.

April 8, 2016: A Public Notice sign was established on the property.

September 30, 2016: Public Notice sign updated to reflect the date of Public Meeting.

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September 30, 2016: Circulation of Notice of Public Meeting to 161 property owners within 120 m of the subject property.

**Background:**

The subject property is located on the east side of Annabelle Street, north of Stone Church Road West and west of West 5<sup>th</sup> Street and is municipally known as 195 Annabelle Street, Hamilton. The subject land is 0.19 ha in size and originally developed with one single detached dwelling. The applicant has since demolished the original dwelling and is currently constructing a new single detached dwelling (Appendix “C” to Report PED16198). Subject to approval of the Zoning By-law Amendment Application, the lands will be rezoned to facilitate a future severance of the property to allow for a second single detached dwelling to be constructed. The lands surrounding the subject lands are developed with single detached dwellings.

**Zoning By-law Amendment (ZAR-16-023)**

The purpose of the application is for a change in zoning from the “AA” (Agricultural) District to the “C/S-1739” (Urban Protected Residential, etc.) District, Modified to facilitate a future severance application for the subject lands in order to establish two single detached dwellings (see Appendix “C” to Report PED16198). The applicant has requested modifications to the “C” District to permit a minimum access driveway of 2.5 m at the garage door entrance, to carry forward the approval granted from Committee of Adjustment Minor Variance application HM/A-15:169 which granted a minimum access driveway width of 2.5 m at the garage door entrance.

**DETAILS OF SUBMITTED APPLICATION:**

**Owner:** Gino and Lina DiStefano

**Applicant:** A.J. Clarke and Associates Ltd. c/o Benjamin Clare

**Location:** 195 Annabelle Street (Hamilton) (see Appendix “A” to Report PED16198)

**Property Size:**

Frontage	32.50 m
Area	0.1959 ha
Depth	64.90 m

**Servicing:** Full Municipal Services

**EXISTING LAND USE AND ZONING:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	One Single Detached Dwelling	“AA” (Agricultural) District
<b><u>Surrounding Lands:</u></b>		
<b>North</b>	Single Detached Dwellings	AA” (Agricultural) District
<b>East</b>	Single Detached Dwellings	“B” (Suburban Agriculture and Residential, etc.) District
<b>South</b>	Single Detached Dwellings	“B-1/S-29” (Suburban Agriculture and Residential, etc.) District and “C” (Urban Protected Residential, etc.) District
<b>West</b>	Single Detached Dwellings	“C” (Urban Protected Residential, etc.) District

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Planning Policy Framework**

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3), the Provincial Policy Statement (PPS 2014), the Growth Plan for the Greater Golden Horseshoe (the Growth Plan) and the Greenbelt Plan. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The *Places to Grow Act* and the *Greenbelt Act* require that all municipal land use decisions made under the *Planning Act* conform to the Growth Plan and the Greenbelt Plan.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal Board approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. efficiency of land use, balanced growth, environmental protection and sensitive land uses) are reviewed and discussed in the Official Plan analysis that follows.

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Staff note the Cultural Heritage policies have not been updated within the UHOP in accordance with the PPS (2014). The following policy of the PPS (2014) also applies:

“2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.”

Staff note that the subject lands has been determined to be an area of archaeological potential. As such, an Acknowledgment clause will be requested as a note to the future severance application. Should deeply buried archaeological materials be found on the property during construction, the Ontario Ministry of Tourism, Culture and Sport (MTCS) must be notified immediately.

As the application for a change in zoning complies with the Official Plan and the relevant policies pertaining to Cultural Heritage in the PPS 2014, it is staff's opinion that the application is:

- Consistent with Section 3 of the *Planning Act*;
- Consistent with the Provincial Policy Statement; and,
- Conforms to the Growth Plan for the Greater Golden Horseshoe.

**Urban Hamilton Official Plan**

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure, designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP), and identified within the Built Boundary of the UHOP Appendix “G” – Boundary Map. The following policies, amongst others, apply:

**General Residential Intensification Policies**

“B.2.4.1.3 The residential intensification target specified in Policy A.2.3.3.4 shall generally be distributed through the built-up area as follows:

- c) 40% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure.

B.2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

- 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 buildings with the height, massing, and scale of nearby residential buildings;
- e) the relationship of the proposed lots with the lot pattern and configuration within the neighbourhood;
- 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.”

The application will facilitate a future severance of the subject lands in order to establish two single detached dwellings. The site is located in the Neighbourhoods designation which is included in the intensification target area. The proposed change in zoning is compatible with the existing lot pattern, character in terms of lot width and use proposed, existing function of the neighbourhood, and provides intensification by proposing to replace one lot with two lots. Regulations in the Zoning By-law will ensure compatibility with the surrounding area in terms of built form / massing, setbacks from the street and building separation. Staff do not anticipate any impacts with regards to shadowing, overlook, noise, lighting, traffic, and other nuisance effects with the addition of one lot for a single detached dwelling.

### Neighbourhoods

#### Low Density Residential

- “E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.
- E.3.4.4 For low density residential areas the maximum net residential density shall be 60 units per hectare.
- E.3.4.5 For low density residential areas, the maximum height shall be three storeys.
- E.3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:
  - a) Direct access from lots to adjacent to major or minor arterial roads shall be discouraged.

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- c) A mix of lot widths and sizes compatible with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance and design features; shall be encouraged. Development shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility.”

The subject lands are located on Annabelle Street, which is located within the interior of the neighbourhood and ensures direct access is not provided directly to a Major or Minor Arterial Road. The proposed density for the subject property is approximately 10.2 units per hectare and shall be limited to a height of two and a half storeys, as per the “C” District regulations. The subject lands are located within an existing residential area, bounded by low density residential to the north, east and south and west. The proposed lot sizes for the two residential dwellings will be compatible with the existing character of the neighbourhood, comprised of a variety of lot widths and types.

The applicant has requested a minimum access driveway width of 2.8 m except a minimum access driveway width of 2.5 m shall be provided for the garage door entrance. Staff note that the reduction in access driveway width, specifically for the garage door entrance is being brought forward as the reduction was previously approved under the Committee of Adjustment Minor Variance application HM/A-15:169. Planning staff note that the reduction is only to the garage door width. The reduction complies with the above policies as the reduction will be compatible and not negatively alter the streetscape character. As well, the parking spaces provided within the garage are compliant with the parking space size requirement of 2.7 m by 6.0 m. Staff are of the opinion that the reduction in width will appropriately accommodate vehicles though the garage door entrance and therefore complies with the policies of the UHOP.

#### Cultural Heritage

“B.3.4.2.1 The City of Hamilton shall, in partnership with others where appropriate:

- a) Protect and conserve the tangible cultural heritage resources of the City, including archaeological resources, built heritage resources, and cultural heritage landscapes for present and future generations.
- b) Identify cultural heritage resources through a continuing process of inventory, survey, and evaluation, as a basis for the wise management of these resources.
- d) Avoid harmful disruption or disturbance of known archaeological sites or areas of archaeological potential.”

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Staff note that the subject lands have been determined to be an area of archaeological potential. As such, an Acknowledgment clause will be required as a note to the future severance application. Should deeply buried archaeological materials be found on the property during construction, the Ontario Ministry of Tourism, Culture and Sport (MTCS), must be notified immediately.

#### Natural Heritage

Policy C.2.11.1 Tree and Woodland Protection of Volume 1 states the following:

“C.2.11.1 The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

The Formal Consultation application identified that there were trees located on the subject lands. As such, the City recognizes the importance of trees and woodlands to the health and quality of life in the community and encourages the protection and restoration of trees and forests and therefore it was recommended that a Tree Protection Plan (TPP) prepared by a recognized tree management professional (i.e. certified arborist, registered professional forester or landscape architect) be submitted. The Tree Protection Plan will be required as a condition of the future Consent application.

#### Servicing

Policy C.5.3 Lake-Based Municipal Water and Wastewater Systems of Volume 1 provides direction with regards to municipal servicing:

“C.5.3.5 All new development and redevelopment within the urban area shall be connected to the City’s water and wastewater system; and,

C.5.3.11 The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system.”

Policy C.5.4 of Volume 1 provides direction with regards to storm water management:

“C.5.4 The City shall ensure that appropriate storm water management facilities are built and maintained to provide a safe and secure system for storm water.”

The subject lands have full access to the City’s water and wastewater system and propose a density that can be accommodated within the municipal water and wastewater system. The detailed review of grading and sediment control will be a



condition of the future Consent Agreement at the Consent to Sever stage of the application.

Based on the foregoing, the proposal complies with the policies of the UHOP.

#### Gourley Neighbourhood Plan

The subject lands are designated “Single and Double” in the Gourley Neighbourhood Plan. Single detached dwellings are encouraged to be developed in the interior of the neighbourhood. As such the proposed development of the two single detached dwellings complies with the land use designation and the approved road pattern in the Gourley Neighbourhood Plan.

### **RELEVANT CONSULTATION**

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

- Horizon Utilities;
- Recreation, Community and Emergency Services;
- Operation Support, Public Works Department;
- Landscape Architectural Services, Public Works Department; and,
- Corridor Management, Public Works Department.

Public Health Services has provided comments requiring that a Pest Control Plan be completed prior to the demolition / construction of the subject lands. Staff note that a condition will be added to the future Consent application to sever the property.

Forestry and Horticulture Section (Public Works Department) have identified that there are no municipal tree assets on the subject lands and therefore will not require the completion of a Tree Management Plan. However, Forestry staff have requested that a detailed Landscape Plan be provided. Planning Staff note that the Landscape Plan will be a condition of the future Consent application to sever the property.

### **Public Consultation**

In accordance with Council’s Public Participation Policy, the Zoning By-law Amendment Application was circulated as part of the Notice of Complete Application to 161 property owners within 120 m of the subject lands on April 6, 2016. To date there have been no public comments received. Notice of the Public Meeting was provided to 161 property owners within 120 m of the subject lands on September 30, 2016.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), which encourages the development of compact communities within built-up areas;
  - (ii) It complies with the policies of the Urban Hamilton Official Plan; and,
  - (iii) The proposal represents good planning by providing a compatible development that is in keeping with existing and planned development in the surrounding area.
2. The proposed development is located on lands which are designated “Neighbourhoods” on Schedule “E-1” of the UHOP, and is consistent with the planned intent of the surrounding area, consisting of low density residential development and infill lots that are not located on a major arterial road. As well, the proposed low density residential development is part of an existing complete community since it is within walking distance of public spaces supporting the area. The proposed zoning will be consistent with lots to the south and east, within the established neighbourhood. Existing lot widths to the south range from approximately 12.1 m to 30.6 m and contain single detached dwellings. Staff are satisfied that the proposal contributes to a complete community with development that will maintain the character of varying dwelling types, provides consistent setbacks from the street, and maintains similar lot sizes. The proposed change in Zoning will facilitate a future Consent application to establish two new single detached dwellings which will be consistent with the established character of the neighbourhood.
3. Zoning

Staff are supportive of the application to rezone the property from “AA” (Agricultural) District to the “C/S-1739” (Urban Protected Residential, etc.) District, Modified. As discussed previously, the applicant has requested the proposed zone change which will be in keeping with the existing zoning within the surrounding area.

The applicant has requested a minimum access driveway width of 2.8 m except a minimum access driveway width of 2.5 m shall be provided for the garage door entrance. Staff note that the reduction in access driveway width, specifically for the garage door entrance is being brought forward as the reduction was previously approved under the Committee of Adjustment Minor Variance application HM/A-

15:169. The general intent of the provision of the By-law is to ensure that the access provided to parking spaces is sufficient. Planning staff note that the reduction is only to the garage door width. The parking spaces provided within the garage are compliant with the parking space size requirement of 2.7 m by 6.0 m. The proposal to reduce the width specifically refers to the door width which, while reduced, provides adequate access to the garage for vehicles. Staff are of the opinion that the reduction in width will appropriately accommodate vehicles through the garage door entrance and is supported by staff.

#### **4. Servicing**

There is a 450 mm diameter storm sewer, a 150 mm diameter watermain and a 250 mm diameter sanitary sewer on Annabelle Street, all having service capacity for this proposal. A separated system is available on Annabelle Street for collection of storm water for the redevelopment.

At the development application stage (Consent Application), the applicant will be required to enter into a Consent Agreement, registered on title by the City of Hamilton.

The Consent Agreement will 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 trees, inspection of grading and securities for items such as: lot grading, driveway approaches, relocation of existing infrastructure and any damage during construction.

### **ALTERNATIVES FOR CONSIDERATION**

Should the proposed Zoning By-law Amendment Application be denied, the property would remain under the “AA” (Agricultural) District and can be used in accordance with the “AA” (Agricultural) District provisions.

### **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

#### **Healthy and Safe Communities**

*Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.*

#### **Clean and Green**

*Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.*

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**Built Environment and Infrastructure**

*Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.*

**APPENDICES AND SCHEDULES ATTACHED**

- Appendix "A": Location Map
- Appendix "B": Proposed Amending By-law to Hamilton Zoning By-law No. 6593
- Appendix "C": Concept Plan

:yr/mf