

September 1, 2016

DN/A-16:266 (231 York Road, Dundas)**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Urban:**

The purpose of this application is to permit the development of six single detached dwellings fronting on a private condominium road.

The proposal was subject to Formal Consultation Application FC-16-050 which identified the requirement of a Minor Variance application for the purpose of having a private condominium road considered as a public road. This application is intended to fulfil that requirement.

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS), specifically sections 1.1-Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns and 1.1.3-Settlement Areas. Staff are of the opinion that the proposed variances complies to the provisions above.

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan. The following polices apply:

- 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.
- E.3.2.3** The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
 - a) residential dwellings, including second dwelling units and housing with supports;
- E.2.6.7** Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes compatible with the existing character or function of the neighbourhood shall be permitted. Applications for development and residential intensification within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Sections B.2.4–Residential

Intensification, E.3.0 –Neighbourhoods Designation, E.4.0 Commercial and Mixed Use Designations, and, E.6.0 – Institutional Designation.

B.3.3.1.5 Ensure that new development is compatible with and enhances the character of the existing environment and locale.

B.3.3.2.3 Urban design should foster a sense of community pride and identity by:

- a) respecting existing character, development patterns, built form, and landscape;
- b) promoting quality design consistent with the locale and surrounding environment;
- f) demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;

B.3.3.2.6 Where it has been determined through the policies of this Plan that compatibility with the surrounding areas is desirable, new development and redevelopment should enhance the character of the existing environment by:

- c) allowing built form to evolve over time through additions and alterations that are in harmony with existing architectural massing and style;
- d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context.

C.4.5.5 A common element condominium road shall be considered as a public road for the purposes of the Zoning By-law.

While the ultimate design of the plan will be refined through the Plan of Condominium and Site Plan processes, the proposal as presented adheres to the design guidelines of the UHOP. Policy C.4.5.5 explicitly permits what is requested by variance #1 and as such, the intent of the UHOP is maintained.

Archaeology:

The subject property meets two (2) of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,
- 2) In an area of sandy soil in areas of clay or stone.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application.

A Stage 1-2 archaeological report (P018-361-2011) has been submitted to the City of Hamilton and Ministry of Tourism, Culture and Sport. While the Provincial interest has yet to be signed off by the Ministry, Staff concur with the recommendations made in the report, and the archaeology condition for the subject application has been met to the satisfaction of municipal heritage planning staff. Staff request a copy of the letter from the Ministry when available. (CT/AE 2016-08-18)

Town of Dundas Zoning By-law No. 3581-86

The subject property is zoned “R2” (Single Detached Residential Zone) district in the Town of Dundas Zoning By-law, to which the use complies.

Variance 1-2

This variance is required in order to meet the requirements of the Town of Dundas Zoning By-law as identified through Formal Consultation application FC-16-050. The orderly development of this proposal requires a Plan of Condominium and Site Plan applications as well as several studies including but not limited to: Noise Impact Assessment, Landscape Plan, Tree Protection Plan and Storm water Management Report etc. The requested variances are supportable but are premature until the noted applications are submitted and approved.

The reason for this is that once the subject condominium road is deemed to be a “Public Thoroughfare”, the proposed lots will have legal frontage and can be created through the severance process. This would circumvent the intended Site Plan review process and the associated studies identified through the Formal Consultation process. The condominium road would still require the Plan of Condominium process in order to establish the road.

In order to ensure the proper order of development, staff are supportive of the variances conditional upon the applicant receiving approval of both the required Site Plan and Plan of Condominium applications.

Recommendation

It is the opinion of staff that the proposed variances are minor in nature, are desirable and appropriate for the use of the lands, and meet the intent and purpose of the Official Plan and Zoning By-law. Therefore, staff recommend that the proposed variances be **Approved**.

Condition (if approved):

1. That the applicant receive approval of the required associated Site Plan and Plan of Condominium applications.

Building Division:

1. The proposed development is subject to the issuance of building permits in the normal manner.
2. Variances have been written exactly as requested by the applicant. This property is subject to Site Plan Control; to date, no formal site plan application has been submitted and a full zoning review has not been conducted for the proposed development. Further variances may be required at such time that a formal zoning review is conducted on the proposed development.
3. Variances to allow six (6) single detached dwellings on one lot has not been included as the intent is to separate the units through a plan of condominium.
4. Please be advised that a portion of this property is under Conservation Management. Please contact Hamilton Region Conservation Authority prior to any development.

Development Engineering – West:

The applicant should be advised of a road allowance widening requirement on York Road. Presently, York Road has a road allowance width of 43.6 feet (13.290 metres). The Official Plan for the City of Hamilton identifies the road allowance width of York Road to be 66 feet (20.117 metres). Therefore, at development stage, a 11.2 foot (3.410 m) road widening dedication will be required from the un-widened portion of the subject property.

A revised Functional Servicing Report should be submitted to the satisfaction of the Manager of Development Approvals. The majority of the subject lands, approximately 75-80%, appears to have been taken into consideration in the design of the receiving 300mm storm sewers on nearby Fieldgate and Yorkshire Glen Streets. The allowable discharge flow from this site shall be restricted to the available capacity of the existing storm sewer (approximately 25l/s).

PUBLIC WORKS DEPARTMENT**Traffic, Engineering and Operations Division:**

No comment.

See attached for additional comments.