



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 14, 2017
SUBJECT:	Application for an Amendment to the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 57-67 Academy Street, Ancaster (PED17017) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Gerry Tchisler Planner II (905) 546-2424 Ext. 4148
SUBMITTED BY: SIGNATURE:	Steve Robichaud Director of Planning and Chief Planner Planning and Economic Development Department

RECOMMENDATION

That approval be given to **Amended Zoning By-law Amendment Application ZAC-16-022 by Spallacci and Sons Limited (c/o Giovanni Fiscaletti)**, for a change in zoning from the Residential Multiple "RM1" Zone to the Existing Residential "ER-682" Zone, Modified and to Existing Residential "ER-683" Zone, Modified to permit the construction of four single detached dwellings on lands located at 57-67 Academy Street, Ancaster, as shown on Appendix "A" to Report PED17017, on the following basis:

- (i) That the draft By-law, attached as Appendix "B" to Report PED17017, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law, attached as Appendix "B" to Report PED17017, be added to Zoning Map No. 1-B of Zoning By-law No. 87-57; and,
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe, and complies with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The applicant is proposing to demolish the existing two-storey street townhouse block and construct four single detached dwellings. The existing street townhouse block contains six, two-bedroom rental dwelling units fronting onto Academy Street, a common parking lot, common amenity area and private amenity areas. Lots for the single detached dwellings are proposed to be created through future severance applications. The proposed dwellings will be two storeys in height, with three dwellings fronting on Academy Street and one dwelling fronting on Lodor Street. Modifications to the Existing Residential “ER” Zone have been requested to accommodate the size and location of the proposed dwellings.

The current Residential Multiple “RM1” Zone only permits semi detached dwellings, making the existing street townhouse units a legal non-conforming use. Therefore, a Zoning By-law Amendment application has been submitted to change the zoning from the Residential Multiple “RM1” Zone to the Existing Residential “ER” Zone to permit the construction of single detached dwellings.

The application can be supported as it is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe and implements the key policies of the UHOP with respect to the Neighbourhoods Designation. It is an appropriately scaled use that will strengthen the character of the surrounding neighbourhood.

Alternatives for Consideration – See Page 14

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 a Zoning By-law Amendment application.

HISTORICAL BACKGROUND

Proposal:

The applicant is proposing to demolish the existing two-storey street townhouse dwellings and construct four single detached dwellings. The existing street townhouse block contains six, two-bedroom dwelling units, a common parking lot and amenity area, private amenity areas and fronts onto Academy Street. The townhouse dwellings are

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rental units. Lots for the single detached dwellings are proposed to be created through future severance applications. The dwellings will be two storeys in height, with three dwellings fronting on Academy Street and one dwelling fronting on Lodor Street. Modifications to the Existing Residential “ER” Zone have been requested to accommodate the design and location of the proposed dwellings.

The applicant has previously submitted two severance applications (AN/B-15:79 and AN/B-15:80) which were heard by the Committee of Adjustment on October 15, 2015. The proposal was to construct eight semi-detached dwellings. The proposed severance applications were tabled at the recommendation of staff until such time that Council motion for the Assessment for Development Intensification in Rural Drainage Neighbourhoods Study be completed. A Minor Variance application (AN/A-15:296) accompanied the severance applications to address deficiencies in lot area, frontage, side, front, and rear yard setbacks and lot coverage. This application was also tabled at the recommendation of staff, for the above noted reason.

At the request of the community and Ward Councillor, the applicant has altered the proposal from eight semi-detached dwellings to four single detached dwellings. The current Residential Multiple “RM1” Zone only permits semi-detached dwellings, making the existing street townhouse block a legal non-conforming use. Therefore, a Zoning By-law Amendment application has been submitted to change the zoning from the Residential Multiple “RM1” Zone to the Existing Residential “ER” Zone to permit the construction of single detached dwellings. Modifications to the Existing Residential “ER” Zone have been requested with respect to a reduction in the minimum required lot area, increase in the maximum permitted lot coverage, decrease in the minimum required front and side yard setback and an increase in the maximum permitted height. Staff have worked with the applicant to reduce the proposed height and lot coverage and increase the proposed side yard width for the lot proposed on Lodor Street to address neighborhood compatibility and engineering issues.

Demolition Permit:

The applicant submitted a Demolition Permit application to the Building Division on September 15, 2016 to demolish the six unit townhouse block. For buildings containing six or more rental units, Planning Division approval is required prior to the Building Division issuing a Demolition Permit. If the Planning Division does not provide their approval on the Demolition Permit, based on the Rental Housing Protection policies of the UHOP, a recommendation report is prepared by the Building Division and presented to Planning Committee and Council for consideration and a final decision.

The Demolition Permit application was considered by Planning Committee on November 15, 2016. Planning Committee recommended to Council that the Demolition Permit be approved subject to the following conditions:

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- (i) That the applicant has applied for and received a building permit for a replacement building on this property;
- (ii) That the said building permit specifies that the replacement building be erected within two years of the demolition of the existing building on this property;
- (iii) That the said building permit for the replacement building specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of \$20,000;
- (iv) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions.

Council approved the recommendation on November 23, 2016.

Chronology:

<u>October 15, 2015:</u>	Committee of Adjustment hearing for severance applications AN/B-15:79 and AN/B-15:80 and Minor Variance application AN/A-15:296 (applications tabled).
<u>March 15, 2016:</u>	Zoning By-law Amendment Application ZAC-16-022 deemed complete.
<u>March 21, 2016:</u>	Notice of Complete Application and Preliminary Circulation was sent to 97 property owners within 120 m of the subject lands.
<u>March 24, 2016:</u>	Public Notice sign posted on the property.
<u>September 15, 2016:</u>	Application for a Demolition Permit to demolish the existing six unit townhouse block received by Building Division.
<u>November 15, 2016:</u>	Application for a Demolition Permit to demolish the existing six unit townhouse block approved by Planning Committee.
<u>November 23, 2016:</u>	Application for a Demolition Permit to demolish the existing six unit townhouse block approved by Council, subject to conditions.
<u>January 18, 2017:</u>	Public Notice sign updated with Public Meeting date.

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January 27, 2017: Circulation of Public Meeting Notice for Zoning By-law Amendment Application ZAC-16-022 to 97 property owners within 120 m of the subject lands.

Details of Submitted Application:

Location: 57-67 Academy Street, Ancaster

Owner / Applicant: Spallacci and Sons Limited (c/o Giovanni Fiscaletti)

Agent: IBI Group Inc. (c/o Jared Marcus)

Property Description: Lot Area: 2388 sq m

Lot Frontage: 81 m

Lot Depth: 50 m

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Street Townhouses Dwelling	Residential Multiple "RM1" Zone

Surrounding Lands:

North	Semi-detached Dwellings	Residential Multiple "RM1" Zone
South	Single detached Dwellings	Existing Residential "ER" Zone
East	Single detached Dwellings	Existing Residential "ER" Zone
West	Single detached Dwellings	Existing Residential "ER" Zone

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 and environmental protection) are reviewed and discussed in the Urban Hamilton Official Plan (UHOP) analysis below.

Staff also note that Cultural Heritage policies have not been updated within the UHOP in accordance with the PPS (2014). Therefore, 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.”

A Stage 1-2 Archaeological Assessment was submitted to the City and the Ministry of Tourism, Culture and Sport with the previous Minor Variance and Severance applications. The report found that the site does not have sufficient cultural heritage value or interest to warrant additional work. Cultural Heritage staff concur with the findings of the report.

As the application for a change in zoning complies with the UHOP, it is staff's opinion that the application is:

- consistent with Section 3 of the *Planning Act*;
- consistent with the Provincial Policy Statement (2014); and,
- conforms to the Growth Plan for the Greater Golden Horseshoe.

Urban Hamilton Official Plan

The proposal has been evaluated against the policies of the UHOP. The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations. The following policies, amongst others, apply to the Zoning By-law Amendment application:

E.2.6 Neighbourhoods

Function

- “E.2.6.4 The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including affordable housing and housing with supports.

E.3.2 Neighbourhoods Designation – General Policies

Function

- E.3.2.1 Areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.”

Policies E.2.6.4 and E.3.2.1 allow a full range of residential dwelling types, tenures, and densities within the Neighbourhoods designation. The proposed single detached dwellings reflect the housing forms which currently exist in the surrounding neighbourhood consisting primarily of single detached dwellings. This reflects the current Existing Residential “ER” zoning for the surrounding neighbourhood, which only permits single detached dwellings.

Scale and Design

- “E.3.2.15 The City shall encourage the adaptive reuse of the existing building stock for appropriate land uses. Rezoning applications for new uses shall be evaluated to ensure compatibility with surrounding land uses.
- 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:
- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
 - d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
 - e) encouraging a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm.”

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

The neighbourhood is characterized primarily by one to two storey single detached dwellings which is consistent with the Existing Residential “ER” zoning of the area. The subject lands and the two abutting properties to the north are zoned Residential Multiple “RM1” Zone and contain a street townhouse block (legal non-conforming) and two semi-detached dwelling units, respectively.

Single detached dwellings are a use that is compatible with the surrounding neighbourhood and currently represent the dominant residential structure type in the vicinity. Staff had concerns with the initial proposal, which requested a maximum lot coverage of 50% and a maximum building height of 13.0 metres, as it would result in an out-of-character over-building of the proposed lots. The applicant has since agreed to reduce maximum lot coverage to 40% and maximum building height to 11.5 metres. Staff are of the opinion that this proposal is compatible with the character of the neighbourhood through massing pattern and building placement. Additionally, the proposed building height of 11.5 metres is not expected to cause undue shadowing on the public realm.

Low Density Residential

The proposed single detached dwellings (17 dwelling units per hectare) fall within the Low Density Residential category of the Neighbourhoods designation. The following policies, amongst others, apply to this category:

Function

- “E.3.4.2 Low density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade.
- E.3.4.3 Uses permitted in low density residential areas include single detached, semi-detached, duplex, triplex, and street townhouse dwellings.

Scale

- 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.”

As discussed above, the Neighbourhoods designation permits a range of residential dwelling types. This diversity is reflected in policy E.3.4.3 which lists single detached dwellings as appropriate housing forms in low density areas of the Neighbourhoods designation. The proposed single detached dwellings comply with the above policies as

they are below three storeys in height, below 60 dwelling units per hectare and have direct access to the street.

B.3.4.4 Archaeology Policies

“The City shall require the protection, conservation, or mitigation of sites of archaeological value and areas of archaeological potential as provided for under the Planning Act, the Environmental Assessment Act, the Ontario Heritage Act, the Municipal Act, the Cemeteries Act, or any other applicable legislation.

B.3.4.4.2 In areas of archaeological potential identified on Appendix F-4 – Archaeological Potential, an archaeological assessment shall be required and submitted prior to or at the time of application submission for the following planning matters under the Planning Act:

- b) zoning by-law amendments unless the development proposed in the application in question or other applications on the same property does not involve any site alteration or soil disturbance.”

A Stage 1-2 Archaeological Assessment was submitted to the City and the Ministry of Tourism, Culture and Sport with the previous Minor Variance and Severance applications. The report found that the site does not have sufficient cultural heritage value or interest to warrant additional work. Cultural Heritage staff concur with the findings of the report.

Staff are of the opinion that the application complies with the key policies of the UHOP.

Town of Ancaster Zoning By-law 87-57

The subject lands are currently zoned Residential Multiple “RM1” Zone which only permits semi-detached dwellings. The applicant is proposing single detached dwellings which require a change in zone to the Existing Residential “ER” Zone. The applicant is also requesting modifications to the provisions of the Existing Residential “ER” Zone for a number of the proposed lots to allow for a:

- (a) decrease in minimum lot area;
- (b) increase in maximum lot coverage;
- (c) decrease in minimum front yard depth;
- (d) decrease in minimum exterior side yard; and,
- (e) an increase in maximum height.

These modifications are discussed in greater detail in the Analysis and Rationale for Recommendation section below.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or no objections to the proposal:

- Horizon Utilities; and,
- Recreation Division (Community and Emergency Services Department).

The following Departments and Agencies have provided comments with respect to the proposed application:

Hamilton Conservation Authority has indicated that the subject lands lie within the subwatershed area of Ancaster Creek but does not contain any flood and / or erosion hazard lands associated with this watercourse, nor does the property contain any known natural heritage features. A permit from the Hamilton Conservation Authority (HCA) will not be required and HCA does not object to the proposal.

Corridor Management Division (Public Works Department) does not object to the proposal and has advised that a residential access permit is required for each proposed lot.

Budgets and Finance Section (Corporate Services Department) has advised that the applicant / owner must pay the Local Improvement Sanitary Sewer commutation amount of \$313.99 as of March 31, 2018.

Transportation Planning (Public Works Department) has indicated that both Academy Street and Lodor Street must have a minimum right-of-way width of 20.117 m, as per UHOP Policy C.4.5.2(f). Additionally it has been requested that the applicant provide tree planting within the municipal boulevard, 1.5 m sidewalks along both sides of the right-of-way and to consider the built environment standards to accommodate people with disabilities. Planning staff note that a sidewalk currently exists along both Academy and Lodor streets. Should the application be approved, any required road dedications will be obtained through a condition of severance.

Forestry and Horticulture Section (Public Works) has advised that municipal tree assets may be affected by this proposal; therefore a Tree Protection Plan (TPP) is required. Additionally, boulevard trees have been requested; therefore a Landscape Plan is also required. If the application is approved, these plans will be requested through a condition of severance.

Public Consultation

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, a Notice of Complete Application and Preliminary Circulation was circulated to 97 property owners within 120 m of the subject property on March 21, 2016, requesting public input on the application. A Public Notice sign was also posted on the property on March 24, 2016 and updated on January 18, 2017 with the date of the Public Meeting. Notice of the Public Meeting was given, in accordance with the requirements of the *Planning Act* on January 27, 2017. No correspondence from the public has been received to date.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. It is recommended that the application be approved for the following reasons:
 - (a) It is consistent with the PPS and conforms to the Growth Plan;
 - (b) It complies with the UHOP, including key policies of the Neighbourhoods designation; and,
 - (c) It is an appropriately scaled use that will strengthen the existing character of the surrounding neighbourhood.
2. Currently, the subject lands are occupied by a two-storey street townhouse block consisting of six, two-bedroom rental dwelling units. The applicant has applied for a Zoning By-law Amendment to change the zoning on the subject lands from the Residential Multiple "RM1" Zone to the Existing Residential "ER" Zone. The effect of the change is to permit the construction of four single detached dwellings. It is proposed that the street townhouse block be demolished and four lots be created through future severance applications.
3. The applicant has requested a site specific change to the zoning of the subject lands from the Residential Multiple "RM1" Zone to the Existing Residential "ER" Zone with modifications. The "RM1" Zone only permits semi-detached dwellings whereas the proposed "ER" Zone only permits single detached dwellings. The Zoning By-law Amendment consists of two blocks. Block 1 addresses the modifications required for the single proposed lot fronting onto Lodor Street and Block 2 addresses the modifications required for the three proposed lots fronting onto Academy Street. The following modifications to the "ER" Zone have been requested:

Minimum Lot Area

The Town of Ancaster Zoning By-law No. 87-57 requires a minimum lot area of 695 square metres for lots within the Existing Residential “ER” Zone whereas the applicant is proposing a minimum lot area of 535 square metres for both blocks. The surrounding neighbourhood is characterized by a variety of lot sizes and configurations. For example, the property at 414 Lodor Street, which abuts the northerly lot line of the subject lands, has a lot area of approximately 527 square metres, whereas the property at 77 Academy Street, which abuts the easterly lot line, has a lot area of 1600 square metres. Such variation is prevalent throughout the neighbourhood and the proposed minimum lot area is in keeping with the surrounding neighbourhood. Therefore, staff support this modification.

Lot Coverage

The Town of Ancaster Zoning By-law No. 87-57 permits a maximum lot coverage of 35% within the Existing Residential “ER” Zone whereas the applicant is proposing a maximum lot coverage of 40% for Block 1. As mentioned above, the surrounding area consists of a variety of lot sizes and configurations with a variety of housing styles resulting in varying lot coverages. The proposed increase in coverage to permit an additional 5% is considered a minor modification that will maintain the existing character of the area. Therefore, staff support the modification.

Minimum Front Yard

The Town of Ancaster Zoning By-law No. 87-57 requires a minimum front yard depth of 7.0 metres within the Existing Residential “ER” Zone whereas the applicant is proposing a minimum front yard of 6.0 m for Block 1 and a minimum front yard of 4.5 metres for Block 2. Front yard depths vary by property within the neighbourhood. In particular, a number of existing houses along Academy Street have reduced front yard depths between 4.0 – 6.0 metres. As such, a 6.0 metre front yard is appropriate for the lots fronting onto Academy Street (Block 1). The proposed lot which fronts on Lodor Street (Block 2) is irregular in shape creating challenges for building location. In addition, a generous municipal boulevard exists at this location, which contributes to the distance from the proposed dwelling to the street. As such, a reduction in the front yard setback for this location is considered appropriate and compatible with the neighbourhood character. Therefore, staff support this modification.

Minimum Side Yard

The Town of Ancaster Zoning By-law No. 87-57 requires a minimum side yard width of 1.5 metres for interior side yards and 6.0 metres for exterior side yards

within the Existing Residential “ER” Zone whereas the applicant is proposing an exterior side yard of 4.5 metres for Block 1. The exterior side yard provision would apply to the proposed lot situated on the corner of Lodor and Academy Street and fronting onto Academy Street. The 4.5 metre exterior side yard would maintain the built line with the proposed dwelling on Lodor Street (situated within Block 2), with a 4.5 metre front yard (discussed above). This would maintain a consistent built line along Lodor Street and would be compatible with the character of the neighbourhood. Therefore, staff support the modification.

Additionally, in order to accommodate adequate site drainage, Block 2 shall have a minimum northerly side yard of 3.0 metres. This represents a 1.5 metre increase to the current minimum side yard provision of 1.5 metres and has been requested by engineering staff. Therefore, staff support this modification.

Building Height

The Town of Ancaster Zoning By-law No. 87-57 permits a maximum building height of 10.5 metres within the Existing Residential “ER” Zone whereas the applicant is proposing a maximum building height of 11.5 metres. A 1.0 metre increase to the maximum building height is appropriate for this location as the lot is located on a prominent corner lot which allows for a transition in building height along the street. Therefore, staff support this modification.

4. On December 14, 2016, Council approved a motion to request that the Committee of Adjustment deny any severance for a single detached dwelling lot in the urban area for lands that have rurally serviced drainage and zoned Existing Residential “ER” Zone in Zoning By-law 87-57 until the Detailed Drainage Assessment Study (Phase 2) is completed and the Report has been presented to the Public Works Committee. The subject lands are within the study area and upon finalization of this Zoning By-law Amendment will be zoned Existing Residential “ER” Zone and therefore would not be permitted to be severed until the above noted Study is presented to the Public Works Committee and approved by Council.

Through the circulation of this application Development Engineering staff have reviewed a preliminary grading plan and a preliminary stormwater management report that were submitted in support of this application. Development Engineering staff were satisfied with the submission and requested that the northerly side yard on Block 2 be a minimum of 3.0 metres in width in order to accommodate site drainage. This has been incorporated into the amending By-law. A detailed grading plan will be reviewed and approved at the severance stage.

ALTERNATIVES FOR CONSIDERATION

If the application is denied, the property could continue to be used in accordance with the provisions of the Residential Multiple “RM1” Zone. The existing legal non-conforming townhouse block can remain on the property.

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.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Draft Amendment to Zoning By-law No. 87-57
- Appendix “C”: Concept Plan

:GT/mo