



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 17, 2017
SUBJECT/REPORT NO:	Application to Amend the Town of Ancaster Zoning By-law No. 87-57, for Lands Located at 245 Appleby Road (Ancaster) (PED17170) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Michael Fiorino 905 546 2424 Ext. 4424
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Amended Zoning By-law Amendment Application ZAR-17-045, (Christopher and Lynda Mouropoulos, Owners)**, for a change in zoning from the Deferred Development “D” Zone to the Residential “R3-689” Zone, Modified, to permit the development of a single detached dwelling on lands located at 245 Appleby Road (Ancaster), as shown on Appendix “A” to Report PED17170, be **APPROVED**, on the following basis:

- i) That the draft By-law, attached as Appendix “B” to Report PED17170, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (PPS) and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow); and,
- iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The proposed Zoning By-law Amendment is for a change in zoning from the Deferred Development “D” Zone to a site specific Residential “R3” Zone to permit the

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.

development of a single detached dwelling. The applicant has requested modifications to the “R3” Zone, specifically to permit a reduction in the lot area to 560 square metres, a reduction in the minimum required front yard setback to 6.4 metres and a reduction to the minimum required rear yard setback to 2.2 metres. Staff have also included a minimum southerly side yard setback of 9.0 metres to ensure a private amenity area is provided, which has resulted in an amendment to the application, as submitted, to include this additional provision.

The proposed Zoning By-law Amendment has merit, and can be supported, since the proposal is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan. 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 15

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

The subject land, totalling 565 square metres in size, is located on the east side of Appleby Road, between Calder Street and John Fredrick Drive, known municipally as 245 Appleby Road (see location map attached as Appendix “A” to Report PED17170).

Currently, the site is vacant and is a block created through a registered Plan of Subdivision (Block 5 of 62M-347) with frontage and access on Appleby Road. Appleby Road is a local road. The subject lands have a lot with approximately 28.96 metres of frontage and a depth of 19.51 metres. This Block was intended to be developed in conjunction with additional lands obtained from a lot to the east (rear) to provide additional lot depth consistent with surrounding properties. The Plan of Subdivision (62M-347), was registered May 16, 1983. Land assembly of Block 5 and the abutting lands has not occurred because the property owner to the east has been unwilling to sell a portion of their property.

SUBJECT: Application to Amend the Town of Ancaster Zoning By-law No. 87-57, for Lands Located at 245 Appleby Road (Ancaster) (PED17170) (Ward 12) - Page 3 of 15

The applicant is proposing to construct a one and a half storey single detached dwelling on the site, with an attached garage and one surface parking space in front of the proposed dwelling. To accommodate this proposal, the applicant requires a Zoning By-law Amendment from the Deferred Development “D” Zone to the Residential “R3” Zone with site specific variances to recognize a reduced lot area and reduced rear and front yard setbacks.

In addition, to ensure that this proposal provides a private amenity area along the side yard, to compensate for the reduced rear yard setback, staff have included a minimum southerly side yard setback into the amending Zoning By-law. This additional site specific requirement, while not explicitly included in the applicant’s application, is in keeping with the applicant’s proposal for the site which is attached as Appendix “C” and “D” to Report PED17170.

Chronology:

- June 6, 2017: Application ZAR-17-045 deemed complete.
- June 21, 2017: Circulation of Notice of Complete Application and Preliminary Circulation for ZAC-17-045 was mailed to 69 property owners within 120 metres of the subject property.
- June 30, 2017: A Public Notice sign was established on the property.
- September 20, 2017: Public Notice sign updated to reflect the date of Public Meeting.
- September 29, 2017: Circulation of Notice of Public Meeting to 69 property owners within 120 metres of the subject property.

DETAILS OF SUBMITTED APPLICATION:

- Owner:** Christopher and Lynda Mouriopoulos
- Applicant:** A.J. Clarke and Associates Ltd. c/o Stephen Fraser
- Location:** 245 Appleby Road (Ancaster) (see Appendix “A” to Report PED17170)
- Property Description:**
- | | |
|----------|--------------|
| Frontage | 28.96 metres |
| Area | 0.1959 ha |
| Depth | 19.51 metres |

Services: Municipal piped water system and Sanitary Sewer system

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	Deferred Development “D” Zone
<u>Surrounding Lands:</u>		
North	Single Detached Dwellings	Residential “R3” Zone
East	Single Detached Dwellings	Deferred Development “D” Zone
South	Single Detached Dwellings	Residential “R3” Zone
West	Single Detached Dwellings	Residential “R3” Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS.

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 Official Plan analysis below.

As the application complies with the Official Plan, it is staff’s opinion that the application is:

- consistent with Section 3 of the *Planning Act*; and,

- consistent with the Provincial Policy Statement (2014).

Growth Plan for the Greater Golden Horseshoe (2017)

The proposal conforms to the Guiding Principles, Section 1.2.1, as it is designed to support healthy and active living and meet people's needs for daily living. It also provides for a range and mix of housing options to serve varying sizes, incomes, and ages of households.

Policy Section 2.2.1 provides direction on managing this growth whereby population and employment growth will be accommodated by, amongst other things:

- “a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes; and,
- c) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.”

In review, the subject lands are located within the Urban Boundary, in a settlement area where full municipal services are available, and will provide for a complete community through a compact design that includes a diverse range and mix of housing types and land use with easy access to local stores and services in the area.

Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (2017).

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure, designated as “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the UHOP, within the Built Boundary on Appendix “G” – Boundaries Map; and, “Low Density Residential (Existing)” in the Garner Neighbourhood Secondary Plan of Volume 2. The following policies, amongst others, are applicable to the subject application.

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.

Intensification

“B.2.4.1.4 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;
- f) infrastructure and transportation capacity; and,
- g) the ability of the development to comply with all applicable policies.

B.2.4.2.2 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 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 allow for the development of a single detached residential dwelling. 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 and character in terms of lot width and proposed use and existing function of the neighbourhood. 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. The proposed modifications are in keeping with the character of the area, as the lot area is generally consistent with surrounding residential lots, such as at 229 Appleby Road and 220 Southcote Road. The reduced lot area and reduced front and rear yard setback recognize the existing lot configuration but still provide for a building envelope that is consistent with surrounding development and maintains the character of the neighbourhood which aligns with the existing dwellings abutting this site, 235 and 245 Appleby Road. As well, the larger south side yard setback provides a private amenity area that compensates for the reduced rear yard setback. 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.

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

Archaeology

With respect to archaeological concerns, the UHOP identifies applicable policy under Section B.3.4.4.2:

“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; and,”

**SUBJECT: Application to Amend the Town of Ancaster Zoning By-law No. 87-57,
for Lands Located at 245 Appleby Road (Ancaster) (PED17170) (Ward
12) - Page 8 of 15**

Staff note that the subject property meets five of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- a) Within 250 metres of known archaeological sites;
- b) 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;
- c) Local knowledge associates areas with historic events /activities / occupations;
- d) In an area of sandy soil in areas of clay or stone; and,
- e) Along historic transportation routes.

As it is a Block within a subdivision and through the development of the neighbourhood, the subject land has been disturbed. Therefore, staff are of the opinion that there is unlikely any archaeological potential on site. As an Archaeological Assessment is not required by the City of Hamilton, the applicant is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Tourism, Culture and Sport (MTCS) should be notified. In the event that human remains are encountered during construction, the proponent should immediately contact both Ministry of Tourism, Culture and Sport and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services.

Natural Heritage

Within the UHOP, neither Core Areas nor Linkages have been identified within or adjacent to the subject property. However, some mature trees are located on the subject property.

“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.”

In addition, Private Tree Protection By-law (2000-118) is in place for the Town of Ancaster, which regulates the removal of individual trees that are 45 cm diameter-at-breast-height (DBH) or greater.

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.

A Tree Protection Plan (TPP) was submitted with this application. This plan has been reviewed for any significant trees on the subject land to ensure the By-law noted above is implemented. There are three larger trees on the site as well as a number of newly planted small calliper trees. Should any or all of the three larger trees need to be removed to accommodate the building envelope, the applicant will be required to obtain permits from Municipal Law Enforcement at the building permit stage.

Low Density Residential

- “E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.
- 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.
 - 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 Appleby Road, which being located within the interior of the neighbourhood, ensures no direct access is provided to a Major or Minor Arterial Road. The applicant has not requested amendments with regards to height and staff are of the opinion that the proposed dwelling is in keeping with the existing character and streetscape of the neighbourhood. The subject lands are located within an existing residential area, bounded by low density residential development to the north, east and south and west.

The applicant has requested amendments to the lot area and the minimum required front and rear yard setbacks. Staff note that the existing lot is a rectangular shaped lot with 28.96 metres of frontage, which exceeds the minimum required 18 metres Residential “R3” lot frontage; however, the depth of the lot is only 19.51 metres, thereby requiring the three requested modifications to recognize the existing lot configuration.

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.

Initially the applicant was attempting to purchase the back portion of the abutting lot to the east (rear) of this site to create a lot that matches the configuration of surrounding lots. However, the property owner to the east has not been interested in severing and selling land to the applicant, requiring the applicant to seek variances to the by-law to recognize the existing lot, as it is currently configured. Furthermore, as noted in the public consultation section of the report, no correspondence has been received from any of the adjoining property owners in response to the Notice of Complete Application sent out by the City of Hamilton.

Planning staff are of the opinion that the proposal is consistent with the surrounding lot widths and sizes and provides for a dwelling unit that is compatible with the street character. The proposed reductions ensure a front yard building setback in keeping with surrounding dwellings to ensure a consistent streetscape. The reduced lot area and reduced rear yard setback recognize the existing lot configuration but still provide for a building envelope that is consistent with surrounding development and maintains the character of the neighbourhood. The added southerly side yard setback regulation ensures a private amenity area that compensates for the reduced rear yard setback. Based on the type of development proposed (single detached dwelling), the large street frontage and lot size, Staff are of the opinion that the proposal complies with the above policies and will provide for a development compatible with the existing streetscape character.

Garner Neighbourhood Secondary Plan

The subject lands are designated “Low Density Residential (Existing)” on Map B.2.3-1 – Garner Neighbourhood Secondary Plan Land Use Plan.

The proposed By-law Amendment will facilitate the development of a single detached dwelling which has a lot frontage and area comparable to that of the neighbouring properties and complies with the following policies of the Secondary Plan, amongst others:

“B.2.3.1.2 General Residential Policies

- a) Residential buildings in the Low Density Residential and Medium Density Residential designations shall have no more than three occupied storeys entirely above grade.
- b) To minimize the impact of new residential development on existing single detached residential uses to the immediate east and west of the neighbourhood, a transition in dwelling type and density shall be applied. Adjacent to those existing single detached residential areas,

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.

single detached dwellings shall be located on minimum 15 metre frontage lots and larger.

B.2.3.1.3 Low Density Residential Designations

Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the Low Density Residential designations identified on Map B.2.3-1 – Garner Neighbourhood – Land Use Plan.

- a) The Low Density Residential (Existing) designation shall be the existing Maple Lane Annex, Maple Land Gardens, Harmony Hall and Greenwood Estates subdivisions.”

The proposal is for a one and half storey single detached dwelling on an existing block within the Harmony Hall Neighbourhood. The existing lot has a frontage of 28.96 metres, well in excess of the 15 metres required under policy B.2.3.1.2 b). The proposal complies with the above Secondary Plan policies.

Ancaster Zoning By-law No. 87-57

The subject lands are currently zoned Deferred Development “D” Zone, in Ancaster By-law No. 87-57, as shown on Appendix “A” to Report PED17170.

The Deferred Development “D” Zone only permits dwellings existing at the date of the passing of this By-law. The purpose of the Zoning By-law Amendment application is to rezone the subject lands from the Deferred Development “D” Zone to a site specific Residential “R3” Zone, in the Town of Ancaster Zoning By-law No. 87-57 to allow for the development of a single detached residential dwelling. The amendment will also address provisions regarding the lot area and minimum required front, rear and southerly side yard setbacks. The proposed zoning for the subject lands will be discussed in greater detail in the Analysis and Rationale Section of this Report.

RELEVANT CONSULTATION

The following Departments / Agencies have no comments or objections:

- Environmental Services Division, Public Works Department.

The following Departments and Agencies have provided comments on the application:

Transportation Management Division, Public Works Department requested that the proposal provide sidewalks, however subsequent discussions have highlighted that

there are no sidewalks in the surrounding neighbourhood. The request for a sidewalk to be provided for the subject lands, in isolation of the much larger surrounding subdivision, which also does not have sidewalks, would not achieve the City's desired objectives for pedestrian accessibility. Transportation has subsequently agreed that this request is no longer required.

Public Consultation

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 69 property owners within 120 m of the subject property on June 21, 2017, for the proposed Zoning By-law Amendment application.

To date, no letters or correspondence has been received from the public through this circulation.

A Public Notice Sign was posted on the property on June 30, 2017, and updated on September 20, 2017, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on September 29, 2017.

Public Consultation Strategy

As per the statutory requirements of the *Planning Act*, and the Applicant's Public Consultation Strategy, the contact information of A.J. Clarke and Associates (Agent for the Applicant) was posted on the statutory Public Notice sign erected on the subject lands. This information enabled residents to contact the applicant's agent to obtain details and provide feedback.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and 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 (2017);
 - ii) It complies with the Urban Hamilton Official Plan (UHOP); 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 applicant has requested a change in zoning to a site specific Residential “R3” Zone to facilitate the development of a single detached dwelling. The proposed “R3” zoning is consistent with the zoning that applies to surrounding properties, complies with the policies of the UHOP and is, therefore, in keeping with and compatible with existing and planned development in the surrounding area. Staff concur that this zoning is appropriate for the lot. In addition, to facilitate the development, the following site specific modifications are required:

Lot Area

The applicant has requested a reduction in lot area from 600 square metres to 560 square metres, being a reduction of 40 square metres, recognizing that the subject property is an existing Block in a registered Plan of Subdivision. This reduction will continue to provide an adequate lot area to accommodate an appropriate building envelope and allow for a development that is in keeping with the streetscape of the surrounding neighbourhood. In addition, the zoning modification can be supported as the lot area is sufficient not only to accommodate a dwelling unit but also amenity space for the future residents. Further, the proposed dwelling, as shown on Appendix “C” to Report PED17170, is of proportional scale to the lot, as the proposed dwelling will have an approximate lot coverage of 25%, being 10% less than the permitted maximum coverage. Staff are of the opinion that the reduction will not adversely impact the adjacent properties or the ability to develop the subject lands. Therefore, Staff support the proposed reduced rear yard setback.

Staff are of the opinion that the reduction will recognize an existing situation, not impact adjacent properties, maintains the streetscape and is appropriate for the development and use of the lands. Staff support this modification.

Minimum Front Yard:

The applicant has requested a reduction in the minimum front yard setback from 7.5 metres to 6.4 metres. The 6.5 metre will be to the front façade, but the garage will be setback 9.0 metres as shown on appendix “C” to Report PED17170. The existing lot is rectangular in shape but the lot depth is shallow, requiring a reduction in the front yard setback. The intent of this provision in the By-law is to ensure that the streetscape and character of the area is maintained and enhanced, when possible, to ensure compatibility with the surrounding residential development. Staff note that the reduction in the front yard setback is comparable to the abutting properties, 235 and 245 Appleby Road, to the north and south, respectively, as shown on Appendix “C” to Report PED17170, having setbacks of approximately 7.0 metres, as well as the proposed building envelope

will align with the aforementioned adjacent residences. The reduction maintains the general intent of the By-law, as an adequate setback is being proposed, and will provide adequate area to accommodate landscaping, access and parking. Staff are of the opinion that the reduction will not adversely impact the adjacent properties or the ability to develop the subject lands. Therefore, Staff support the proposed reduced front yard setback.

Minimum Rear Yard:

The applicant has requested a reduction in the minimum rear yard setback from 7.5 metres to 2.2 metres. As previously noted, the existing lot is rectangular in shape, requiring a reduction in rear yard setback. The intent of this provision in the By-law is to ensure adequate rear yard setbacks are provided for privacy, amenity area, and drainage purposes. The proposed amenity area for the dwelling will be located in the side yard versus the rear yard and therefore, the reduction recognises the existing lot configuration and will not impact the existing character of the neighbourhood. Staff note that the amenity area located in the southerly side yard will provide a large amenity area that will be approximately 40 square metres (175.6 m²) greater than the amenity area provided by the minimum required rear and side yard setback of the Single Residential "R3" Zone (135 m²). In addition, there are mature trees which are located on the subject and abutting lands which provide additional privacy. The majority of these mature trees are on the perimeter and can be preserved with the development of the lands while some of the more recently planted trees are small enough to be relocated.

Minimum Southerly Side Yard:

Although there is a reduction to the rear yard, as noted above, there is also a large 9.8 metre side yard setback provided to the south of the proposed dwelling which, as mentioned, will function as the private amenity area. Staff are of the opinion that adequate amenity area can be provided along the side of any future dwelling, to act in lieu of a rear yard amenity area, and still maintain privacy with fencing and / or landscaping. To ensure that this side yard is maintained, in lieu of a rear yard private amenity area, Staff are recommending that a site specific modification be added to the amending by-law requiring a minimum southerly side yard setback of 9.0 metres. This setback reflects the applicant's proposal (which shows an even larger setback of 9.8 metres) and the applicant has agreed to this additional requirement. To provide some flexibility, the setback is proposed at a minimum of 9.0 metres rather than the 9.8 metres shown on the applicant's proposal. Therefore, staff support an increased minimum southerly side yard setback of 9.0 metres.

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.

3. Growth Planning have advised that in consultation with the owner, it was agreed that should the Zoning By-law amendment be approved, the new dwelling will be assigned the municipal address of 241 Appleby Road.
4. Development Engineering has advised that the Functional Servicing report by A.J. Clarke and Associates is deemed satisfactory for sanitary and minor storm sewer servicing. Further, Development Engineering staff have advised that the applicant will be required to design the lot grading plan for the subject site in accordance with the approved Pineview Heights Subdivision grading plan. The applicant is proposing to protect the existing trees along the perimeter of the subject property and will not impact the trees due to the proposed grading.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the lands could not be developed for the proposed single detached dwelling and would remain a vacant lot.

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.

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":	Zoning By-law No. 87-57 Amendment
Appendix "C":	Concept Plan
Appendix "D":	Vegetation Protection Plan

MF:jp