

To: Chair and Members of the Planning Committee

Committee Date: February 6, 2018

**Subject: Application to Amend the City of Hamilton Zoning By-law No. 6593 for lands
Located at 347 Charlton Ave. W. Hamilton (Ward 1) (PED18035)**

Submitted by: Wendy Johncox

RECOMMENDATION

1. That the recommendations of the report on this matter prepared by Daniel Barnett and submitted by Steve Robichaud of the City of Hamilton Planning and Development Department, Planning Division not be approved and that the report be sent back to the Department to change the recommendations to the following:

a. The zoning be changed to permit a Low Density Multiple Dwelling with four (4) units and 4 parking spaces.

b. The draft By-law be amended to reflect these changes and add the provision that:

no habitable space shall be allowed below the ground floor;

an outdoor private open space shall be provided between the parking spaces and the rear wall of the building; and

the height shall not exceed 2 storeys.

DESCRIPTION

The applicant submitted a proposal to build a three storey, six unit building with six parking spaces mid- block on Charlton Avenue West between Locke Street South and Dundurn Street South in Ward One. The site is currently occupied by a single storey house on a full lot.

The house to the east is also single storey and the house to the west is two and a half storeys. The rest of the block is a mix of one to two and a half storey houses, a few of which have been converted into several units. There is also an apartment building beside the church located at Locke Street South and Charlton Avenue West.

Some houses have parking on site either from a front driveway or accessed from the rear lane, but many residents and visitors to the area park on the street. Parking is only allowed on the north side of the street. The south side is a bike lane and there are two bus stops: one mid-block and one at Dundurn Street South.

SETTING A PRECEDENT

The application for six units and six parking spaces is setting a dangerous precedent for the area which could destabilize it in years to come. There are many full lots in the area. Appendix A to the Planning Report shows another six full lots on Charlton, two on Chatham Street, seven on Herkimer and five on Stanley. That is potentially 19 lots which could also apply to build a six unit apartment building. This could increase the number of units in this small area by 120, including the proposed development.

Such development would greatly change the scale and character of the exiting low density residential neighbourhood and is in contravention of Section E.3.2.4 of the Hamilton Official Plan which states:

“ The existing character of established Neighbourhoods designated areas shall be maintained. Residential Intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.”

The Kirkendall North Neighbourhood Plan permits a range of residential densities and housing types that provide a stable viable neighbourhood. The potential to develop so many units in such a small area is not conducive to a stable neighbourhood and therefore is not compatible with the area and does not meet the policies of this Plan.

CONCERNS WITH THE PROPOSED DEVELOPMENT

Height and Density:

The existing residential neighbourhood does not have any buildings with six two bedroom apartments or three full stories. There are several with two or three units but not six.

The 29 unit apartment building described in the planning report is next to a church of similar height and is on the periphery of the block near Locke Street South. Section E.3.3.1 of the Hamilton Official Plan states that:

“Lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas with higher density dwelling forms and supporting uses located on the periphery of neighbourhoods on or in close proximity to major or minor arterial roads.”

The proposed three storey, six unit building is in the middle of a block, not on the periphery of the neighbourhood and therefore does not meet this policy of the Hamilton Official Plan. The development is too high and dense for this location.

Floor plans on Appendix F of the Planning report show two units per floor on the Ground, Second and Third Floors. The Basement Floor Plan shows six storage lockers, bicycle parking and electrical and mechanical rooms. It also shows one large area, the same size as the units on the top floors, with two side windows on the west side of the property.

There is the potential for the developer to convert this space to residential at a later date through an application to the Committee of Adjustment to vary the site specific by-law. In order to prevent this from happening, the by-law should specify that no habitable rooms should be allowed below the ground floor of the development.

Outdoor Amenity Space:

The proposal does not provide any outdoor amenity space for most of the units. Only two outdoor porches are provided on the ground floor, the other four units have no outdoor space. The amended application which removes the rear balconies and roof top amenity space decreases the overlook onto adjacent properties but leaves no amenity space for the future tenants of the subject building. The entire rear lot is filled with parking and driveway access to the six spaces.

E.3.6.7 of the Hamilton Official Plan sets out criteria on how development is to be evaluated. One of the criteria is that the development provide adequate landscaping and amenity features. These have not been provided, instead the planning report indicates that the amenity needs will be met through the private ground floor porches and parks in the area.

Local parks do not provide barbeques or picnic benches and other furniture that would be used and welcomed in a private amenity space.

Parking:

The six parking spaces are proposed along the eastern boundary of the property and will be accessed by a driveway from the rear lane. This is a ratio of one per unit with no visitor parking provided. The rationale is that there is street parking, a bus route and bike lanes so visitors and tenants will have access to alternative modes of transportation.

Charlton Avenue West has parking on only one side of the street. Due to its proximity to Locke Street South, the street is also used by visitors to the churches, restaurants and businesses on that commercial street. Existing residents have trouble finding parking on Charlton Street West during busy periods on Locke Street South. The reduction of three parking spaces for the development will further exacerbate this problem.

ALTERNATIVE PROPOSAL

There is the potential for increased height, density and number of units on the site, but not to the degree outlined in the rezoning application or recommended for approval by the Planning and Development Department.

A two storey, four unit building with four parking spaces would reduce the density, while still achieving an increase in rental units in the neighbourhood. With the reduction of parking there would be an opportunity to provide private landscaped open space as an amenity area to the rear of the building. There is enough room to install the four spaces perpendicular to the laneway on the lot, similar to other parking spaces located in the lane.

The required number of visitor parking spaces would also be reduced, thus reducing the tight parking situation on Charlton Avenue West.

CONCLUSION

The proposed alternative plan would meet the policies of the Hamilton Official Plan and the Kirkendall North Neighbourhood Plan. The current rezoning application does not meet the intent of those plans and therefore should not be supported.

CONTACT

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