

**AN/B-18:27 (28 Maureen Ave., Ancaster)**

**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT**

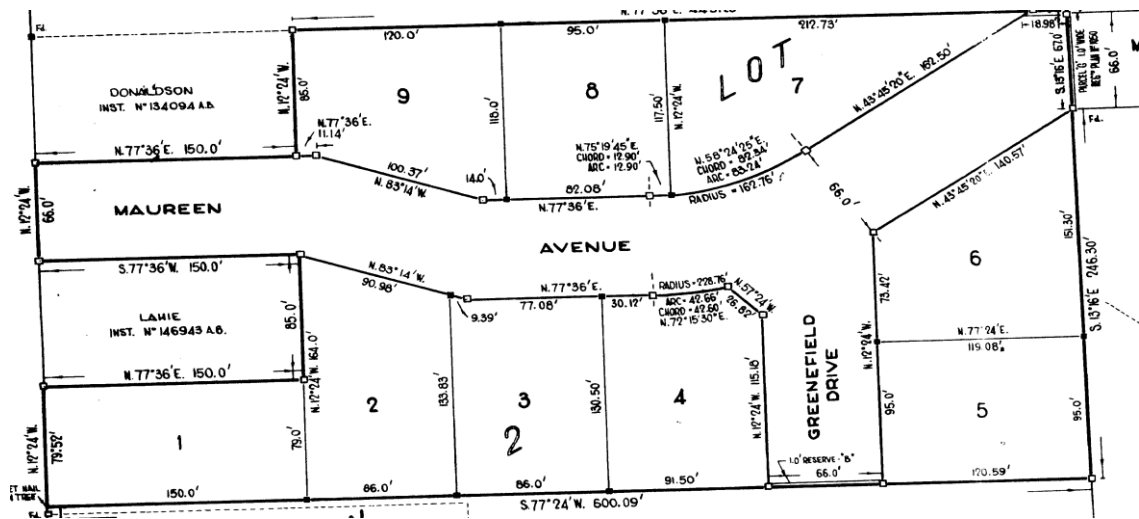
**Development Planning – Suburban:**

The purpose of this application is to convey a parcel of land having an area of 814.5m<sup>2</sup> for the purposes of constructing a single detached dwelling and to retain a parcel of land having an area of 1334.78m<sup>2</sup> containing an existing single detached dwelling.

**Urban Hamilton Official Plan**

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 (UHOP). A single detached dwelling is a permitted use under the UHOP.

"E.3.2.4 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.



E.3.4.3 Uses permitted in low density residential areas include single-detached, semidetached, duplex, triplex, and street townhouse dwellings.

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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;
- g) the ability of the development to comply with all applicable policies

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 building(s) with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood; .
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;

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- 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;

#### F.1.14.3 Lot Creation – Urban Area Neighbourhoods Designation

F.1.14.3.1 Consents for new lot creation, for both the severed and retained lands, for residential uses in the Neighbourhoods designation shown on Map E-1 – Urban Land Use Designation, shall be permitted provided the following conditions are met:

- a) The lots comply with the policies of this Plan, including secondary plans, where one exists;
- b) The lots comply with existing Neighbourhood Plans;
- c) The lots are in conformity with the Zoning By-law or a minor variance is approved;
- d) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
- e) The lots are fully serviced by municipal water and wastewater systems; and,
- f) The lots have frontage on a public road.”

Staff note, these lands are subject to a Municipally Initiated amending By-law, being Existing Residential “ER” By-law No. 18-105, that was adopted by Council on April 25<sup>th</sup>, 2018. The By-law is currently not final and binding and is undergoing its appeal period. The amending By-law applies to all properties zoned the Existing Residential “ER” Zone and, once in force and effect, this proposal will be subject to the amending By-law.

The subject lot was created when Lots 3 and 4 were merged on title. Over time a single detached dwelling was constructed on the subject property and, as such, the applicant is applying to sever off a lot similar to Lot 4, as shown on the above plan.

The proposed lot will have an area of 814m<sup>2</sup> and a frontage of ±20m. Due to the shortest lot line abutting a street being convex in nature, the lot frontage is taken by extending the front lot line out to where the lot would meet the exterior side yard lot line,

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thereby establishing the lot frontage at  $\pm 20\text{m}$ . Therefore, the proposed lot complies with the Zoning By-law. The lot has frontage on a street and is municipally serviced. This subdivision is unique in that municipal systems are available via catch basins and not swales as is typical in areas Zoned "ER" and, therefore a Council directed moratorium on severances applying to rural cross-sections is not applicable to this area. The applicant has submitted a Functional Servicing Report in support of the proposal.

While the proposed lot would be one of the smallest in the area in the immediate surrounding neighbourhood, staff concur with the submitted justification report that the lot, as proposed was contemplated with the original subdivision. There are corner lots on Lovers Lane which are comparable in size and are complimentary to the neighbourhood.

Further, there are no impacts with regards to storm water to the immediate neighbours, subject to the Functional Servicing Report being satisfactory to Development Engineering staff.

In addition, this area is unique in that further development is subject to Site Plan Control, as per the recent amendment to the Site Plan Control By-law. Therefore, there will be further opportunity to ensure that any proposed development is compatible with the surrounding neighbourhood through the evaluation of the proposed building footprint and grading plans. The applicant has submitted a concept drawings showing that a dwelling can be erected on the subject lands that not only can meet the new By-law provisions, but is similar in scale and massing to the dwellings in the surrounding neighbourhood.

Therefore, on this basis the proposal conforms to the Official Plan.

#### Former Town of Ancaster Zoning By-law No. 87-57

The subject lands are zoned Existing Residential "ER" Zone. The lands to be conveyed will have a lot area of  $814\text{m}^2$  and a lot frontage of approximately  $\pm 20\text{m}$ , which conforms to the Zoning By-law.

#### Recommendation:

Based on the preceding information, the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 87-57. In conclusion, Staff recommends that the application be approved.

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**NOTE:**

1. The applicant should be made aware that Site Plan Control By-law 15-176 has been amended in order to require that the subject lands undergo the Site Plan Control process prior to a building permit being issued.
2. Staff note that the existing bushes on the east side of the property are not subject to the Ancaster Tree By-law.

**Building Division:**

1. The applicant should obtain an appropriate municipal address for the proposed severed parcel from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
2. The subject lands are presently zoned ER according to Ancaster Zoning By-law No. 87-57. Be advised that By-law 18-105 was passed on April 25, 2018 which modified the ER Zoning under Zoning By-law No. 87-57. However, By-law 18-105 is not yet final. At present, all proposed development is reviewed under both the existing and proposed Zoning By-laws with the more restrictive zoning regulations of both Zoning By-laws being applied, with the exception of building permits, which are reviewed under the former existing zoning until such time that By-law 18-105 comes into force. If By-law 18-105 becomes final, the zoning under this By-law will be applicable.
3. Variances for the minimum front yard and minimum westerly side yard are required zoning compliance of the lands to be conveyed under By-law 18-105.
4. A variance for the minimum easterly side yard is required for zoning compliance of the lands to be retained under By-law 18-105.

**CONDITIONS**

1. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division Building Engineering Section).
2. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

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**Growth Management:**

Note: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Part 1) will remain as 28 Maureen Avenue and the lands to be conveyed (Part 2) will be assigned the address of 34 Maureen Avenue.

**Development Engineering:**

**Information:**

1. Maureen Avenue and Greenfield Drive are classified as Local Road and are currently at the maximum right-of-way width as specified in the Urban Official Plan, Chapter C – City Wide Systems and Designations, Section 4.5.2 (f).
2. There are full municipal services fronting the subject property and are as described:
  - o 300mmø Storm Sewer
  - o 200mmø Sanitary Sewer
  - o 150mmø Watermain (ductile iron)

**Recommendations:**

The applicant shall enter into and the City of Hamilton register on title, a Consent Agreement, having an administrative fee of \$4,110.00 (2018 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on grading plan); cash payment requirements for items such as trees (each street-tree @ \$613.84 + HST), inspection of grading and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure and any damage during construction (unknown costs at this time).

**PUBLIC WORKS DEPARTMENT**

**Corridor Management (Traffic):**

1. Transportation Planning has no objection to the conveyance and retention of lands for residential purposes relating to this Committee of Adjustment Application.
2. This application is regarding the creation of a single-family dwelling lot; therefore,

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Transportation Planning has no comments on the driveway access. Any comments regarding such will be made by [Tyler.Shepherd@hamilton.ca](mailto:Tyler.Shepherd@hamilton.ca) Development Planning, Heritage and Design. Details on the permit and construction of the accesses can be obtained through the offices of the Municipal Parking Systems at [David.Lavallee@hamilton.ca](mailto:David.Lavallee@hamilton.ca)

**CORPORATE SERVICES:**

**Budgets, Taxation & Policy (outstanding taxes):**

The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

**See attached for additional comments.**