

T. Johns Consulting Group Ltd. has prepared this Planning Rationale in support of the submitted Minor Variance application for 153 Wilson Street West, Ancaster (“Subject Lands”).

Nature and extent of relief applied for:

A Minor Variance is being sought from the Site Specific Residential Multiple “RM6-665” Zone of the former Town of Ancaster Zoning By-law 87-57 to permit the construction of a three (3) storey residential building with a front yard of 0.20 metres on the lands notwithstanding the required minimum front yard of 1.5m.

Why is it not possible to comply with the provision of the by-law?

Ancaster Zoning By-law No.87-57, Site Specific Policy “RM6-665” requires that a “Minimum Front Yard” be no less than 1.5m from the lot line to the front face of the principal building. In discussions with City, it has been identified that due to the fact that the balcony is supported by a foundation, it is interpreted as being the face of the main building rather than a permitted encroachment. Therefore, the minimum front yard setback is measured to the closest point of the balcony. As such, due to this technicality, relief is being sought for the front yard setback. If the balcony was able to be cantilevered, it would be a permitted encroachment. However, as the balcony is integral to the front elevations in terms of materials, a foundation is necessary. Removal of the balcony would detrimentally impact the elevation, as well as remove the amenity space of the residential unit. Therefore, the variance is required.

PLANNING RATIONALE TO SUPPORT THE VARIANCE

1. Conformity to the Intent of the Urban Hamilton Official Plan

The Urban Hamilton Official Plan designates the subject lands ‘*Neighbourhoods*.’ Further, the subject lands are within the Ancaster Wilson Street Secondary Plan and are designated ‘*Medium Density Residential 2*’ with a Site Specific Policy Area ‘C’. Volume 1, subsection E.2.6.2, states the permitted uses on lands designated Neighbourhoods includes residential dwellings. Per Volume 2, subsections B.2.8.7.4 and B.2.8.16.3, permitted uses include low-rise multiple dwelling, with a maximum height of three (3) storeys. As such, the proposed 3 storey residential building is a permitted use and is aligned with the goals and vision of the Urban Hamilton Official Plan. It further promotes compact development that conforms with the existing character of the neighbourhood.

2. Conformity to the Intent of the Zoning By-law

The intent of the site-specific zoning is to permit a 3-storey apartment building with particular provisions for yards, parking, etc. Due to a high water table, a variance was previously approved to allow the entire building to rise above the ground by 0.9m. As a result, the final grading of the front yard has changed. This resulted in the balcony being

0.6m above the ground and due to the materials, it requires a foundation. With the installation of the foundation, the City interprets the balcony as part of the main building and not a permitted encroachment. However, the proposed site plan, save and except this technicality continues to reflect the intended site specific By-law and associated variance.

3. Is the Variance Minor?

The Site Plan, as presented, reflects a previous approval which included the balcony. A change to site grading created the need for a foundation under the balcony. As a result, due to an interpretation by City staff, the balcony is now being considered part of the principal building. This results in a yard that is setback 0.2m, as opposed to 1.5m. However, no change is being made to the yards of the previously approved site plan as the setback is the result of a technicality and is, therefore, minor in nature.

4. Is the Variance Appropriate?

The site plan, as presented and as previously approved, continues to reflect development that is desirable for the site and will not detrimentally impact the surrounding neighbourhood. Allowance of the variance would be for technical reasons and is appropriate.

In summary, the required variance is technical in nature. The requested variance is consistent with the intent of the Urban Hamilton Official Plan, the Town of Ancaster Zoning By-law No. 87-57 and the Site Specific Policies of "RM6-665". The requests are minor in nature, facilitates a desirable redevelopment of the subject lands and reflects good planning.

Respectfully,
T. Johns Consulting Group Ltd.



Terri Johns, BA, MCIP, RPP
President