



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	February 16, 2021
<b>SUBJECT/REPORT NO:</b>	Application for Zoning By-law Amendment for Lands Located at 9 Westbourne Road, Hamilton (PED21039) (Ward 1)
<b>WARD(S) AFFECTED:</b>	Ward 1
<b>PREPARED BY:</b>	Daniel Barnett (905) 546-2424 Ext. 4445
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That **Zoning By-law Amendment Application ZAS-20-003 by Joseph DiDonato and Sven Oppermann, Owner**, for a further modification to the “C/S-1335”, “C/S-1335a” and “C/S-1788” (Urban Protected Residential, Etc.) District, Modified, to the “C/S-1335”, “C/S-1335a” and “C/S-1804” (Urban Protected Residential, Etc.) District, Modified, to permit the expansion and conversion of an existing detached garage into a second dwelling unit at the rear of the lands located at 9 Westbourne Road, Hamilton, as shown on Appendix “A” to Report PED21039, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED21039, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - x
  - (ii) That the amending By-law attached as Appendix “B” to Report PED21039, be added to District Map No. W45 of Zoning By-law No. 6593; and,

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- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and complies with the Urban Hamilton Official Plan.

## **EXECUTIVE SUMMARY**

The subject property is municipally known as 9 Westbourne Road, Hamilton. The Owner has applied for an amendment to the City of Hamilton Zoning By-law No. 6593 to permit a 53 square metre expansion and conversion of the existing detached garage into an 88.7 square metre detached accessory dwelling unit located in the rear yard of an existing single detached dwelling. Approximately eighty seven (87.4) square metres of the building will be used for a second dwelling unit and 1.3 square metres will be used for storage for both the single detached dwelling and the accessory second dwelling unit. Parking will be provided on site for both the principal dwelling and the accessory dwelling unit.

The application has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2020) (PPS);
- It conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended (Growth Plan);
- It complies with the Urban Hamilton Official Plan (UHOP); and,
- The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, increasing the supply of housing units, making efficient use of existing infrastructure within the urban boundary, and supporting public transit.

## **Alternatives for Consideration – See Page 17**

## **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 an amendment to the Zoning By-law. In accordance with Section 34(19.1) of the *Planning Act*, third party appeals of the proposed Zoning By-law Amendment are not permitted because the City's Official Plan contains policies permitting secondary dwelling units.

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**HISTORICAL BACKGROUND**

**Report Fact Sheet**

<b>Application Details</b>	
Applicant/Owner:	Joseph DiDonato and Sven Oppermann
File Number:	ZAS-20-003
Type of Application:	Zoning By-law Amendment
Proposal:	<p>The applicant originally applied on December 13, 2019 for a change in zoning to permit the conversion of the existing 34.9 square metre detached garage with a 53.8 square metre addition to establish an 88.7 square metre building. 87.4 square metres will be used for a second dwelling unit and 1.3 square metres will be used for storage by both the single detached dwelling and the second dwelling unit. Six parking spaces were shown on the concept plan with the application.</p> <p>The applicant revised their original proposal on August 17, 2020 to reduce the number of parking spaces from six to four in order to increase greenspace.</p> <p>Staff are recommending approval of the application but to reduce the required / permitted parking to three (3) spaces. The August 17, 2020 plan submitted by the applicant does not reflect the recommended revision as the August, 2020 concept plan was submitted in response to comments received relating to conformity with Zoning By-law No. 6593 with respect to parking related matters.</p>
<b>Property Details</b>	
Municipal Address:	9 Westbourne Road
Lot Area:	503 square metres
Servicing:	Existing full municipal services.
Existing Use:	A single detached dwelling with a 34.9 square metre detached garage located in the rear yard.

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<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposed development is consistent with the PPS.
A Place to Grow:	The proposed development conforms to the Growth Plan.
Official Plan Existing:	Neighbourhoods Designation (UHOP) Low Density Residential 2 (Ainslie Wood Westdale Secondary Plan)
Official Plan Proposed:	No amendment required.
Zoning Existing:	<p>“C/S-1335”, “C/S-1335a” and “C/S-1788” (Urban Protected Residential, etc.) District, Modified</p> <p>“C/S-1788” District is a Temporary Use By-law to allow for the conversion of a single detached dwelling to add an accessory unit for Wards 1, 8 and 14. The Temporary Use By-law does not apply to the proposed development as the proposed second dwelling unit is located in a separate building.</p>
Zoning Proposed:	<p>“C/S-1335”, “C/S-1335a” and “C/S-1804” (Urban Protected Residential, etc.) District, Modified.</p> <p>The “C/S-1788” (Urban Protected Residential, etc.) District will remain in effect until December 11, 2022 when the Temporary Use By-law will expire unless extended by Council.</p>
Modifications Proposed:	<p>Applicant Requested:</p> <ul style="list-style-type: none"> <li>• To permit a second dwelling unit on the same lot as an existing single detached dwelling;</li> <li>• Reduction to the northerly side yard setback for the proposed second dwelling unit; and,</li> <li>• Reduction to the rear yard setback for the second dwelling unit.</li> </ul> <p>Staff Recommended Modifications:</p> <ul style="list-style-type: none"> <li>• To limit the maximum gross floor area of the second dwelling unit and storage to 89.0 square metres;</li> <li>• To not require manoeuvring space for parking spaces located within the front yard;</li> <li>• To require one parking space for the second dwelling unit;</li> </ul>

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	<ul style="list-style-type: none"> <li>• To require a minimum distance of 2.9 metres between the principal dwelling unit and the second dwelling unit; and,</li> <li>• To restrict the maximum number of driveways to one.</li> </ul>
<b>Processing Details</b>	
Received:	December 13, 2019
Deemed Complete:	January 10, 2020
Notice of Complete Application:	Sent to 62 property owners within 120 metres of the subject property on January 17, 2020.
Revised Notice of Complete Application and Request for Preliminary Circulation:	<p>Sent to 62 property owners within 120 metres of the subject property on January 31, 2020.</p> <p>A separate notice was provided on January 31, 2020 due to the fact that the January 17, 2020 notice to the public did not include a Preliminary Circulation for comments.</p>
Public Notice Sign:	Posted January 22, 2020 and updated on January 20, 2021.
Notice of Public Meeting:	Sent to 62 property owners within 120 metres of the subject property on January 29, 2021.
Public Consultation:	The applicant engaged in door to door discussions around the neighbourhood on January 18, 2020 visiting approximately 25 homes, primarily the homes on Westbourne Road and some homes on Sanders Boulevard to advise the residents / property owners that an application had been submitted to the City, the purpose of the application and to answer any question regarding the application.
Public Comments:	Eight letters were received expressing concern for the proposed Zoning By-law Amendment.
Processing Time:	431 days – From Original Submission (December 13, 2019) 183 day – From the August 17, 2020 Submission

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**Existing Land Use and Zoning:**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Property:</b>	Single detached dwelling	“C/S-1335”, “C/S-1335a” and “C/S-1788” (Urban Protected Residential, etc.) District, Modified

**Surrounding Land Uses:**

<b>North</b>	Single detached dwelling	“C/S-1335”, “C/S-1335a” and “C/S-1788” (Urban Protected Residential, etc.) District, Modified
<b>East</b>	Single detached dwelling	“C/S-1335”, “C/S-1335a” and “C/S-1788” (Urban Protected Residential, etc.) District, Modified
<b>South</b>	Single detached dwelling	“C/S-1335”, “C/S-1335a” and “C/S-1788” (Urban Protected Residential, etc.) District, Modified
<b>West</b>	Vacant, former education establishment	Community Institutional (I2, 17, H20) 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 (2020) (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. As of May 1, 2020, the policies of the PPS (2020) apply to planning decision.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Local Planning Appeals Tribunal (LPAT) 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 (i.e. efficiency of land use, and balanced growth, are reviewed and discussed in the Official Plan analysis that follows.

#### Planning Act

The UHOP has not been updated with respect the *Planning Act* regulations respecting additional residential units within accessory buildings to a detached dwelling. The following policies, amongst others, apply to the proposal.

Section 16 (3) of the *Planning Act* states:

“An Official Plan shall contain policies that authorize the use of additional residential units by authorizing,

- a) The use of two residential units in a detached house, semi detached house or rowhouse; and,
- b) The use of a residential unit in a building or structure ancillary to a detached house, semi detached house or rowhouse.”

Ontario Regulations 299/19 made under the *Planning Act* establishes requirements and standards with respect to additional residential units:

Section 2.1 “Each additional residential unit shall have one parking space that is provided and maintained for the sole use of the occupant of the additional residential units.”

Official Plan Amendment No. 142 was adopted by the Council of the City of Hamilton on January 20, 2021 and amended the UHOP to implement the requirements of Bill 108 with respect to additional residential units.

A total of one parking space is required to be provided for the additional residential unit based on the applicable Ontario Regulations under the *Planning Act*.

The direction of the *Planning Act* is to encourage minor forms of intensification by allowing a residential unit within an ancillary building to an existing single detached dwelling.

The Provincial Policy Statement (2020) permits and facilitates single detached dwellings with additional residential units.

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Based on the foregoing and given that the application for a change in zoning complies with the UHOP, it is staff's opinion that the application is:

- Consistent with Section 3 and Section 16(3) of the *Planning Act*;
- Consistent with the Provincial Policy Statement (2020); and,
- Conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

### **Urban Hamilton Official Plan**

The subject property is identified as "Neighbourhoods" on Schedule "E" – Urban Structures and designated "Neighbourhoods" on Schedule "E-1" Urban Land Use Designations in the UHOP. The following policies, amongst others, apply to the proposal.

- "B.3.2.4.4 A secondary dwelling unit shall be permitted on a single, semi-detached or townhouse lot in all Institutional, Neighbourhoods, Commercial and Mixed Use designations, as shown on Schedule E-1 – Urban Land Use Designations, provided it complies with all applicable policies and Zoning By-law regulations.
- B.3.2.4.5 The existing stock of housing shall be retained wherever possible and kept in a safe and adequate condition through use of the City's Demolition Control by-law, Property Standards by-law, and incentive programs financed by the City or by senior levels of government.
- C.3.2.2 The following uses shall be permitted in the Neighbourhoods, Commercial and Mixed Use, and Institutional designations:
- d) A secondary dwelling shall be permitted within single, semi-detached or townhouse lot provided it complies with all applicable policies and the Zoning By-law.
- E.2.6.7 Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes *compatible* with the existing character or function of the neighbourhood shall be permitted. Applications for *development* and *residential intensification* within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Sections B.2.4 – Residential Intensification, E.3.0 – Neighbourhoods Designation, E.4.0 – Commercial and Mixed Use Designations, and, E.6.0 – Institutional Designation.

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- E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
- a) residential dwellings, including second dwelling units and *housing with supports*.
- E.3.3.3 Secondary dwelling units shall not be included in the calculation of residential density.”

The Neighbourhoods designation permits a secondary dwelling unit within a single detached lot (B.3.2.4.4, Policy C.3.2.2 d), and E.3.2.3). The proposed secondary dwelling unit shall be included in the calculation of residential density (E.3.3.3) and therefore the proposal will not alter the existing residential density of the area. With regard to this application, staff are satisfied that the proposed detached second dwelling unit is appropriate and will be compatible and integrate with the surrounding neighbourhood as discussed in detail below (E.2.6.7).

The proposed detached second dwelling unit offers an opportunity to increase housing supply in the City and provides an alternative form of housing and tenure. The proposed one storey second dwelling unit will be of a height and scale that aligns with the existing one storey principal dwelling as well as other dwellings in the area which range between one and one and a half storeys in height. To facilitate the proposed second dwelling unit, a 53.8 square metre addition to the existing detached garage is proposed. The additional area will allow for combined living room and kitchen, a bathroom and part of the bedrooms with the balance of the bedrooms occupying the portion of the building that is existing. There will also be storage area for both units.

The Second Dwelling Unit Study (see Report PED20093) and the “Laneway House” pilot project (See Report PED16200(b)) limit a second dwelling unit to 50 square metres which is generally reflective of a lot having a 12 metre frontage and an overall lot area of between 200 and 270 square metres. The subject property, at 503 square metres, is almost double the area that is required to accommodate a 50 square metre second dwelling unit. As such, the proposed second dwelling unit, having a total area of 88.7 square metres, is proportionate to the lot area. The proposed second dwelling unit will maintain the existing northerly side yard and rear yard setbacks of the existing garage and based on the one storey height and existing fencing, the maintenance of the existing setback will not create negative impacts on the adjacent properties.

The existing lot is located on a local road and a separate access driveway is proposed for each of the dwelling units. Based on the August, 2020 concept plan provided by the applicant, parking for the detached second dwelling unit is proposed by way of a driveway located along the southerly lot line, while parking for the primary single detached dwelling is proposed to be located along the northerly lot line (see Appendix

“C” to Report PED21039). Based on the August, 2020 concept plan, each unit is proposed to have two parking spaces. Two access driveways are not typical for a single detached dwelling and the establishment of a second driveway access cannot be guaranteed. Furthermore the regulations under the Planning Act only require one parking space for each additional residential unit. As part of the community consultations on future zoning regulations for secondary dwelling units, which include detached units, feedback has been requested and received regarding zoning regulations with respect to the neighbourhood character, front yard landscaping and front yard parking. On this basis staff are recommending that a total of three parking spaces be provided, parking for three parking spaces can be provided by way of a single driveway access with parking located in the front yard and side yards.

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

### **Ainslie Wood Westdale Secondary Plan**

The subject property is designated “Low Density Residential 2” on Map B.6.2-1 – Ainslie Wood Westdale – Land Use Plan, within the Ainslie Wood Westdale Secondary Plan. The following policies, amongst others, apply to the application.

#### **“6.2.5.3 General Residential Policies**

In addition to Section E.3.2 – Neighbourhood Designation – General Policies of Volume 1, the following general policies apply to all residential land use designations identified on Map B.6.2-1 – Ainslie Wood Westdale - Land Use Plan:

- a) A range of residential designations is provided to encourage a variety of housing types, forms and sizes. Rental housing is important in providing a range of housing types.
- c) Changes to the existing housing stock, such as new infill construction and renovations, shall be comparable to existing housing styles on the same block and street. New construction shall be encouraged to reflect similar housing styles, massing, height, setbacks, and other elements of style as the adjacent homes on the same block and street. The City shall discourage the building-out of rooflines to convert dormers into a full storey. The City shall limit overbuilding on properties, to maintain compatibility within the neighbourhood.
- d) Where there is no consistent style of homes on a street or block to determine the style for infill housing, such infill or renovations shall be encouraged to be compatible with the various housing styles on

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that street or block, reflecting one style or a suitable combination, rather than being of a height or style not found in the area.”

The proposal to establish a second dwelling unit at the rear of a lot with an existing single detached dwelling contributes to providing a variety of housing types, forms and sizes. As the proposal seeks to convert an existing detached garage into a one storey second dwelling unit at the rear of the subject property, the proposed development will not impact the existing streetscape and the existing low-rise residential character of the neighbourhood. The location of the proposed second dwelling unit will not alter the building massing along the street. The proposed one storey height for the second dwelling unit will reflect both the height of the existing principal dwelling and the building height of the existing dwellings along Westbourne Road which range from one to one and a half storeys in height. The proposed second dwelling unit will maintain the existing rear yard and northerly side yard setbacks of the existing garage and the proposed height and existing fencing will ensure that the second dwelling unit will not create negative impacts on the adjacent properties.

#### “6.2.5.4 Low Density Residential Designation

- a) The following policies shall apply to the lands designated Low Density Residential 2 on Map B.6.2-1 – Ainslie Wood Westdale – Land Use Plan:
  - i) Low Density Residential 2 areas permit single detached dwellings, semi detached dwellings, duplexes, and street townhouses. These uses shall include dwellings with accessory apartments / second dwelling units. Single detached housing shall be the primary form of housing in most of these areas, especially in the interior of neighbourhoods. Existing, legal 3, 4, and 5 plexes shall be recognized as permitted uses.
  - ii) Notwithstanding Policy 3.4.4.4 of Volume 1, the Low density Residential 2 densities shall generally be from 10 – 29 units per gross hectare. The area of large lots noted in Policy B.6.2.5.3 d) – General Residential Policies of Volume 2 shall have a lower density.
  - iii) Where single detached housing presently exist in the interior of the neighbourhood, the maintenance of such low density housing shall be preferable to new higher density housing forms.”

The “Low Density Residential 2” designation permits single detached dwellings as well as accessory apartments / second dwelling units. As noted in the UHOP section of

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Report PED21039 above, secondary dwelling units are not included in the calculation of density.

Therefore, the proposed development complies with the polices of the Ainslie Wood Westdale Secondary Plan.

**City of Hamilton Zoning By-law No. 6593**

The subject property is currently zoned “C/S-1335”, “C/S-1335a” and “C/S-1788” (Urban Protected Residential, Etc.) District, Modified. The “C/S-1335” and “C/S-1335a” District, Modified, permit a single detached dwelling however they do not permit a second dwelling unit within a separate building. To permit the proposed second dwelling unit a Zoning By-law Amendment is required. To implement the proposed development, the applicant has applied to further modify the “C” (Urban Protected Residential, Etc.) District to establish a site specific “C/S-1335”, “C/S-1335a” and “C/S-1804” (Urban Protected Residential, Etc.) District. The site-specific modifications to accommodate the proposal are outlined in the Report Fact Sheet above and are discussed in detail in Appendix “D” of Report PED21039.

**RELEVANT CONSULTATION**

<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
<ul style="list-style-type: none"> <li>• Engineering Approvals, Growth Management Section</li> </ul>	<p>The existing width of Westbourne Road is approximately 20.1m adjacent to the property, therefore a right-of-way dedication, is not required for the property.</p> <p>There is an existing 150mm watermain and 400mm watermain and 750mm Combined Sewer along Westbourne Road.</p> <p>No secondary water service lateral or sanitary service lateral will be permitted to be installed at the municipal main for a single residential lot.</p>	<p>No road widening dedication required for the property.</p> <p>The applicant will be required to provide appropriate municipal services to the proposed second dwelling unit without establishing any secondary service laterals. The principal dwelling and second dwelling unit will therefore need to share the same water and sanitary services.</p>

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	<p>The initial comments by Engineering Approvals require the applicant to receive approval a preliminary / conceptual Service Plan, preliminary / conceptual Grading and Drainage Plan, Drainage Area Plan, and Stormwater Management Brief/Letter at the Zoning By-law Amendment stage. Upon further evaluation based on the nature of the proposed development only a Grading and Drainage Plan will be required.</p> <p>On January 29, 2021 Engineering Approvals approved a Grading and Drainage Plan that was provided by the applicant, thereby resolving the issue with respect to Grading and Drainage.</p>	
<b>Public Consultation</b>		
<b>Issue</b>	<b>Comment</b>	<b>Staff Response</b>
Parking	A concern was raised that the proposed development would increase parking demand for the area and result in spill over parking into the neighbourhood.	Based on the size and scale of both the principal dwelling and the second dwelling unit, a total of four on-site parking spaces are required to comply with the Zoning By-law, however direction set out in the <i>Planning Act</i> only one parking spaces for the second dwelling unit is required. A minimum of three parking spaces will be provided on site and therefore adequate parking shall be provided.

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Traffic	A concern was raised that the proposed development would create traffic impact on the surrounding area.	The proposed development is a minor form of intensification that will not significantly increase the amount of traffic in the area.
Increase in Student Residence	A concern was raised that the proposed development would further expand student residences in an area oversaturated with student residences. The concern was further articulated in respect to other nuisance impacts such as noise, garbage, and anti-social behaviour.	<p>The Zoning By-law does not regulate who can live in a particular dwelling unit.</p> <p>The proposed second dwelling unit is one storey in height and therefore the size and scale will limit the potential number of residents that can be accommodated.</p>
Character of Area	A concern was raised that the proposed development would change the character of the area and set a precedent.	<p>The proposed second dwelling unit will be located within the existing detached garage and proposed addition located in the rear yard and therefore will not change the existing streetscape character of the area.</p> <p>The northerly side yard and rear yard setbacks of the second dwelling unit will not change and reflect the setbacks of the existing detached garage.</p> <p>The proposed second dwelling unit is one storey and will not have any impacts including privacy and overlook on those properties immediately adjacent to the subject lands.</p> <p>Provincial policies and the UHOP permit second dwelling units within the Neighbourhoods designation.</p>

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## **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 62 property owners within 120 m of the subject property on January 31, 2020. A Public Notice sign was posted on the property on January 22, 2020 and updated on January 20, 2021. Finally, Notice of the Public Meeting was given on January 29, 2021 in accordance with the requirements of the *Planning Act*.

To date, eight letters have been submitted expressing concern with the proposed development which are attached as Appendix “E” to Report PED21039 and summarized in the table above.

### **Public Consultation Strategy**

The Public Consultation Strategy included holding door to door meetings between the applicant and approximately 25 neighbours, as discussed on page 5 of Report PED21039.

## **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 (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
  - (ii) It complies with the policies of the Urban Hamilton Official Plan; and,
  - (iii) The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, increasing the supply of housing units, making efficient use of existing infrastructure within the urban boundary, and supporting public transit.
2. At the present time, Zoning By-law No. 6593 does not permit secondary dwelling units in detached structures, nor does Zoning By-law No. 6593 have regulations pertaining to detached secondary dwelling units.

In 2019, Council approved the Laneway Housing pilot project and implementing temporary use By-law. The temporary use By-law permits detached accessory units in geographically limited portions of the City of Hamilton.

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In 2020, Council received the draft discussion paper on secondary dwelling units. This discussion paper is to form the basis of community consultation of secondary dwelling units. These consultations occurred in the fourth quarter of 2020 and staff will be reporting back to Planning Committee no later than the end of the second quarter of 2021.

It is intended that as part of the reporting back, staff will also be recommending on changes to the Zoning By-law to permit secondary dwelling units as of right and associated regulations in any zone that permits a single detached dwelling, semi-detached dwelling and row house (street townhouse) dwelling.

Based on the above, the on-going zoning by-law reform work has been informative in evaluating this application but the application has been evaluated based on the in force planning instruments and the response received from the applicable City Departments who were circulated the application.

3. The proposed change in zoning will permit a second dwelling unit accessory to an existing single detached dwelling, within the built-up area. As the proposed second dwelling unit will be located at the rear of the existing lot within the existing detached garage and proposed addition, the existing streetscape and low-rise residential character of the area will be maintained. The subject property has a lot area of 503 square metres and is of a sufficient size to accommodate a second dwelling unit with a gross floor area of 88.7 square metres.

The proposal meets the intent of the “Neighbourhoods” designation of the UHOP, with some By-law modifications needed to permit the establishment of the proposed second dwelling unit. The modifications are identified on page 4 of Report PED21039 and discussed in detail in Appendix “D” to Report PED21039.

Therefore, staff support the proposed Zoning By-law Amendment.

4. The subject property is currently subject to Zoning By-law “C/S-1335” and “C/S-1335a” which restricts the gross floor area (GFA) for development on-site to a ratio of 45% of the lot area. The provision of “C/S-1335” and “C/S-1335a” will be carried forward to the new site specific By-law and will therefore continue to apply to the subject lands. The applicant has indicated that the existing one storey dwelling and the proposed one storey secondary dwelling will comply with the maximum GFA ratio of 45% with a combined GFA of 44%. Therefore the proposed development will comply with the provisions of “C/S-1335” and “C/S-1335a”.

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

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## **ALTERNATIVES FOR CONSIDERATION**

Should the application be denied, the subject property can be used in accordance with the “C/S-1335”, “C/S-1335a”, and “C/S-1788” (Urban Protected Residential, etc.) District, Modified, in the City of Hamilton Zoning By-law No. 6593.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Community Engagement and Participation**

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

### **Economic Prosperity and Growth**

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

### **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.

### **Culture and Diversity**

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

### **Our People and Performance**

Hamiltonians have a high level of trust and confidence in their City government.

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” – Location Map

Appendix “B” – Draft Amendment to Zoning By-law No. 6593

Appendix “C” – Revised Concept Plan

Appendix “D” – Zoning By-law Site Specific Modification - Chart

Appendix “E” – Public Submissions

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