



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	November 2, 2021
<b>SUBJECT/REPORT NO:</b>	Application for Zoning By-law Amendment for Lands Located at 365 Springbrook Avenue and Part of Block 121, Plan 62M-1161 (Ancaster) (PED21203) (Ward 12)
<b>WARD(S) AFFECTED:</b>	Ward 12
<b>PREPARED BY:</b>	Mark Andrews (905) 546-2424 Ext. 1384
<b>SUBMITTED BY:</b>	Steve Robichaud Director of Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That Amended **Zoning By-law Amendment Application ZAR-21-015, by GSP Group Inc., on behalf of John and Geraldine Bouwers & LIV Communities, Owners**, for a change in zoning from the Agricultural “A” Zone to the Residential “R4-714 Zone, Modified (Blocks 1 and 2) and from the Residential “R4-563” Zone, Modified, to the Residential “R4-714” Zone, Modified (Block 3) to facilitate the development of two future residential lots for single detached dwellings, as shown on Appendix “A”, attached to Report PED21203, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED21203, 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 (2020) and conforms to A Place to Grow (2019, as amended);
- (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan and the Meadowlands Neighbourhood IV Secondary Plan.

## **EXECUTIVE SUMMARY**

The proposed Zoning By-law Amendment is for a change in zoning from the Agricultural “A” Zone to the Residential “R4-714 Zone, Modified (Blocks 1 and 2) and the Residential “R4-563” Zone, Modified, to the Residential “R4-714” Zone, Modified (Block 3) to facilitate through future consent applications the creation of two residential lots for single detached dwellings on Chambers Drive and the retention of an existing single detached dwelling on Springbrook Avenue. The retained lot at 365 Springbrook Avenue contains an existing single detached dwelling which is proposed to remain. The two proposed lots will have frontage along Chambers Drive. Future applications for consent will be required for the creation of these lots. Modifications to the minimum lot area, minimum lot frontage, maximum lot coverage, minimum front yard, minimum side yard and maximum yard encroachment into the front yard (Blocks 2 and 3) and minimum rear yard (Block 1) are proposed to facilitate the proposed development.

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 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the Meadowlands Neighbourhood IV Secondary Plan; and,
- It is compatible with and complementary to the existing surrounding neighbourhood.

***Alternatives for Consideration – See Page 12.***

## **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 Application.

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**HISTORICAL BACKGROUND**

**Report Fact Sheet**

<b>Application Details</b>	
Applicant/Owner:	GSP Group Inc.
Agent:	John and Geraldine Bouwers and LIV Communities.
File Number:	ZAR-21-015.
Type of Application:	Zoning By-law Amendment.
Proposal:	The proposed Zoning By-law Amendment is for a change in zoning to facilitate the creation of two residential lots for single detached dwellings fronting Chambers Drive and the retention of an existing single detached dwelling fronting Springbrook Avenue.
<b>Property Details</b>	
Municipal Address:	365 Springbrook Avenue and Part of Block 121, Plan 62M-1161.
Lot Area:	0.14 ha.
Servicing:	Full Municipal Services.
Existing Use:	Single detached dwelling (to remain on reconfigured lot).
Proposed Uses:	The existing single detached dwelling (fronting Springbrook Avenue) is proposed to remain on a reconfigured lot. Two new lots are proposed for two new single detached dwellings fronting onto Chambers Drive.
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS.
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) 2019, as amended.
Official Plan Existing:	<ul style="list-style-type: none"><li>• Neighbourhoods on Schedule “E” – Urban Structure and on Schedule “E-1” – Urban Land Use Designations in the UHOP. The subject lands are also designated “Low Density Residential 2b” in the Meadowlands Neighbourhood IV Secondary Plan.</li></ul>

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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.

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<b>Documents</b>	
Official Plan Proposed:	N/A.
Zoning Existing:	Agricultural “A” Zone and Residential “R4-563” Zone, Modified (Town of Ancaster Zoning By-law No. 87-57).
Zoning Proposed:	Residential “R4-714” Zone, Modified (Blocks 1, 2 and 3) (Town of Ancaster Zoning By-law No. 87-57).
Modifications Proposed	<p><b>Applicant Requested Modifications (Block 1)</b></p> <ul style="list-style-type: none"> <li>For the existing dwelling, a minimum rear yard of 4.5 metres, whereas 7.5 metres is required.</li> </ul> <p><b>Applicant Requested Modifications (Blocks 2 and 3)</b></p> <ul style="list-style-type: none"> <li>Minimum lot area of 365 square metres, whereas 400 square metres is required;</li> <li>Minimum lot frontage of 11.4 metres, whereas 12 metres is required;</li> <li>Maximum lot coverage of 45%, whereas 35% is permitted;</li> <li>Minimum front yard of 5.5 metres, whereas 7.5 metres is required;</li> <li>Minimum side yard of 1.1 metres, whereas 1.2 metres is required; and,</li> <li>An unenclosed porch and stairs may project not more than 2.0 metres into the required front yard, whereas a maximum projection of 1.5 metres is permitted.</li> </ul> <p><b>Staff Requested Modifications (Blocks 2 and 3)</b></p> <ul style="list-style-type: none"> <li>Minimum front yard of 5.5 metres to the dwelling and 6 metres to an attached garage, whereas 7.5 metres is required.</li> </ul>
<b>Processing Details</b>	
Received:	March 25, 2021.
Deemed Complete:	April 1, 2021.
Notice of Complete Application:	Sent to 109 property owners within 120 m of the subject property on April 16, 2021.
Public Notice Sign:	April 22, 2021, sign updated on October 6, 2021.

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<b>Processing Details</b>	
Notice of Public Meeting:	October 15, 2021.
Public Comments:	No comments received at the time of preparation of this Report.
Processing Time:	222 days.

## **EXISTING LAND USE AND ZONING**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Single detached dwelling.	Agricultural “A” Zone and Residential “R4-563” Zone, Modified.
<b>Surrounding Lands:</b>		
<b>North</b>	Single detached dwellings.	Agricultural “A” Zone.
<b>South</b>	Single detached dwellings.	Residential “R4-562” Zone Modified and Residential “R4-563” Zone, Modified.
<b>East</b>	Single detached dwellings.	Residential “R4-563” Zone, Modified.
<b>West</b>	Single detached dwellings.	Agricultural “A” Zone and Residential “R4-562” Zone, Modified.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Policy Statement (2020) (PPS):**

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 and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) 2019, as amended.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) 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. Matters of Provincial interest (e.g. efficiency of land use) are discussed in the Official Plan analysis below.

As the application for Zoning By-law Amendment complies with the Urban Hamilton Official Plan (UHOP) it is staff's opinion that the application is:

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

#### **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. The subject lands are also designated "Low Density Residential 2b" in the Meadowlands Neighbourhood IV Secondary Plan. The following UHOP policies in Volume 1, amongst others, apply to the subject application.

#### **Neighbourhoods Designation**

- "E.3.1.1      Develop compact, mixed use, transit-supportive, and active transportation friendly neighbourhoods;
- E.3.1.2      Develop neighbourhoods as part of a complete community, where people can live, work, shop, learn, and play;
- E.3.1.4      Promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their on-going evolution;
- E.3.1.5      Promote and support residential intensification of appropriate scale and in appropriate locations throughout the neighbourhoods;
- E.3.2.1      Areas designated Neighbourhoods shall function as *complete communities*, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents;

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.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained.”

The proposed development for two new lots for single detached dwellings is a form of intensification which will also contribute to the provision of additional housing within the neighbourhood, and the development of complete communities as envisioned in the UHOP. The area is well served with a neighbourhood park (Fair Park) to the west. The proposed housing form, being single detached dwellings, as well as the lot areas, frontages, coverage and front and rear yard setbacks proposed, are consistent with surrounding land uses which are dominated by low density residential uses. In addition, as the surrounding neighbourhood contains a mix of “R4” Zones with a variety of lot sizes and lot areas along Springbrook Avenue and Chambers Drive, the building footprints will be compatible with the existing single detached dwellings in the surrounding neighbourhood in terms of scale and massing. As with the current surrounding land use, parking can be provided on the sites. The subject lands are within the interior of the neighbourhood and will be accessed from both Springbrook Avenue and Chambers Drive, both identified as Local Roads.

#### Low Density Residential

“E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.

E.3.4.2 Low density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade.”

The proposed development is located in the Marritt Neighbourhood. The proposal consists of two new lots for single detached dwellings fronting onto Chambers Drive and the retention of the existing single detached dwelling fronting onto Springbrook Avenue. The proposed two residential lots for single detached dwellings are permitted by the UHOP and comply with the low density residential policies of the Neighbourhoods designation.

Therefore, the proposed Zoning By-law Amendment Application complies with the UHOP.

### **Meadowlands Neighbourhood IV Secondary Plan**

The subject lands are designated “Low Density Residential 2b” within the Meadowlands Neighbourhood IV Secondary Plan. The following policies, amongst others, apply to the proposal.

“B.2.6.1.4 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.2.6-1 – Meadowlands Neighbourhood IV – Land Use Plan:

- (a) In the Low Density Residential 2b designation:
  - (i) The density shall be approximately 1 to 30 units per net residential hectare;
  - (ii) Predominantly single detached dwellings, duplex and semi-detached dwellings shall be permitted; and,
  - (iii) Generally located at the interior of residential neighbourhoods adjacent to local and/or collector roads.”

The proposal consists of one existing, reconfigured lot with an existing single detached dwelling, fronting onto Springbrook Avenue and two lots for single detached dwellings that will front onto Chambers Drive. The proposed two residential lots for two single detached dwellings complement the surrounding neighbourhood in that the surrounding land uses are single detached dwellings and are located within the interior of the Marritt Neighbourhood with direct access to local roads. The overall density of the proposal is approximately 18 units per net residential hectare (including the area of Block 121).

Based on the foregoing, the proposal complies with the policies of Meadowlands Neighbourhood IV Secondary Plan.

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

The subject lands are zoned Agricultural “A” Zone and Residential “R4-563” Zone, Modified, in the Town of Ancaster Zoning By-law No. 87-57, as shown on Appendix “A” attached to Report PED21203.

The Agricultural “A” Zone and the Residential “R4-563” Zone, Modified permit single detached dwellings, including uses, buildings or structures accessory to the permitted use. The parent zoning by-law regulation requires larger lot areas and lot frontages than the lots being proposed. The applicant has proposed a rezoning to a modified Residential “R4” Zone with modifications to the minimum lot area, minimum lot frontage, maximum lot coverage, minimum front yard, minimum rear yard, maximum yard encroachment for the front yard and minimum side yard to facilitate the development of



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single detached dwellings. The modified requirements are consistent with the existing Residential “R4-563” Zone, Modified applicable to lands fronting onto Chambers Drive in the immediate vicinity of the subject lands. The modifications are discussed in detail in the Analysis and Rationale for Recommendation section and Appendix “D” attached to Report PED21203.

**RELEVANT CONSULTATION**

Departments and Agencies	
<ul style="list-style-type: none"><li>• Transportation Planning;</li><li>• Forestry;</li><li>• Hydro One Networks Inc;</li><li>• Canada Post;</li><li>• Bell Canada;</li><li>• Hamilton Conservation Authority;</li><li>• Hamilton-Wentworth District School Board; and,</li><li>• Hamilton-Wentworth Catholic District School Board.</li></ul>	No Comment.

Department	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department.	<p><b>Existing Infrastructure</b></p> <p>Springbrook Avenue and Chambers Drive are both served by watermains, sanitary sewers and storm sewers.</p> <p><b>Right-of-Way Widths</b></p> <p>No road widenings are required to be dedicated to the City.</p> <p>Cash payments may be required as a condition of the future Consent application for lot grading and drainage, erosion and sediment control, stormwater management infrastructure, driveway approaches and any damage during construction.</p>	This will be required and addressed through the future Consent process.

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<b>Department</b>	<b>Comment</b>	<b>Staff Response</b>
Growth Planning Section, Growth Management Division, Planning and Economic Development Department.	The municipal addresses for the proposed lots will be determined through the future Consent applications.	This will be required and addressed through the future Consent process.
Development Charges Programs and Policies, Corporate Services.	Municipal Act Sewer Charges will apply at the future Consent stage.	This will be required and addressed through the future Consent process.

## **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, Notices of Complete Application and Preliminary Circulation were sent to 109 property owners within 120 m of the subject property on April 16, 2021, requesting comments on the proposed Zoning By-law Amendment Application.

A Public Notice Sign was posted on the property on April 22, 2021, and updated on October 6, 2021, with the Public Meeting date. Finally, Notice of the Public Meeting was given on October 15, 2021, in accordance with the requirements of the *Planning Act*.

The applicants submitted a Public Consultation Strategy within their Planning Justification Report. As the application was minor and not complex and did not receive any feedback from neighbouring residents with any concerns, a neighbourhood meeting was not held. Public notice was provided via the Public Notice sign as well as the notice when the application was deemed complete, which was mailed to residents within 120 metres of the subject property.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

(1) The proposal can be supported for the following reasons:

- (i) It is consistent with the Provincial Policy Statement (2020) (PPS);
- (ii) It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), as amended;
- (iii) It complies with the UHOP and the Meadowlands Neighbourhood IV Secondary Plan; and,

(iv) It is compatible with and complementary to the existing surrounding neighbourhood.

(2) Zoning By-law Amendment

The subject lands are currently zoned Agricultural “A” Zone and Residential “R4-563” Zone, Modified in the Town of Ancaster Zoning By-law No. 87-57.

The applicant has requested that the subject lands be rezoned to a site-specific Residential “R4” Zone to facilitate the development of two single detached dwellings on residential lots to be created fronting Chambers Drive and the retention of the existing single detached dwelling fronting Springbrook Avenue.

Single detached dwellings are permitted within the “Neighbourhoods” designation of the UHOP and within the “Low Density Residential 2b” designation of the Meadowlands Neighbourhood IV Secondary Plan. Staff are in support of this change of zoning as the proposal complies with the UHOP policies and the Meadowlands Neighbourhood IV Secondary Plan.

The subject lands will provide similar zoning as adjacent lands (“R4-562” Zone, Modified and “R4-563” Zone, Modified) to the east along Chambers Drive to ensure compatibility in terms of built form, massing, height, setbacks from the street and building separation. The lands to the south and north are comprised of Residential “R4-562” and “R4-563 Zones, Modified, which provide similar built form based on similar criteria, such as frontage (12 metres for the “R4-563” Zone, Modified versus 11.4 metres proposed), setbacks (3 metres to the dwelling and 6 metres to a garage for the “R4-563” Zone, Modified versus 5.5 metres proposed), lot area (375 square metres for the “R4-563” Zone, Modified versus 365 square metres proposed), coverage (45% for the “R4-563” Zone, Modified versus 45% proposed) and building height. These modifications will ensure compatibility with the adjacent single detached dwellings in the immediate vicinity.

The subject application proposes to modify the minimum lot area, minimum lot frontage, maximum lot coverage, minimum front yard, minimum rear yard, yard encroachments and minimum side yard. These modifications are further discussed in Appendix “D” attached to Report PED21203.

Staff support the proposed change in zoning.

(3) Future consent applications will be required to create the two lots fronting onto Chambers Drive. As a condition of the future Consent applications, Block 1 and Block 2 (Part of Block 121, Plan 62M-1161) will need to merge prior to the Consent being finalized.

## **ALTERNATIVES FOR CONSIDERATION**

Should the proposed Zoning By-law Amendment Application not be approved, the lands remain under the Agricultural “A” Zone and the Residential “R4-563” Zone, Modified, which would permit one single detached dwelling on the lot in its current form.

## **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.

### **Healthy and Safe Communities**

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

### **Our People and Performance**

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

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED21203 - Location Map

Appendix “B” to Report PED21203 - Draft Zoning By-law

Appendix “C” to Report PED21203 - Concept Plan

Appendix “D” to Report PED21203 - Zoning Modification Chart