



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 14, 2023
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for Lands Located at 343 Springbrook Avenue, Ancaster (PED23031) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Devon Morton (905) 546-2424 Ext. 1384
SUBMITTED BY:	Steve Robichaud Director of Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That amended **Zoning By-law Amendment Application ZAC-22-056**, by **T. Johns Consulting Group Ltd.**, on behalf of **Filippo Cimino c/o Carmela Pagliaro, Owner**, for a change in zoning from the Agricultural “A” Zone, to the Low Density Residential (R1, 836) Zone, to facilitate two new residential lots for single detached dwellings and the retention of an existing single detached dwelling, for lands located at 343 Springbrook Road, Ancaster, as shown on Appendix “A” attached to Report PED23031, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED23031, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) 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 (UHOP) and the Meadowlands Neighbourhood IV Secondary Plan.

EXECUTIVE SUMMARY

The subject lands municipally known as 343 Springbrook Avenue are located south of Regan Drive between Springbrook Avenue and Chambers Drive. The purpose of the Zoning By-law Amendment is to change the zoning from the Agricultural “A” Zone, in the Town of Ancaster Zoning By-law No. 87-57, to the Low Density Residential (R1, 836) Zone, in the City of Hamilton Zoning By-law No. 05-200. The retained lot located at 343 Springbrook Avenue includes an existing single detached dwelling that is proposed to be retained. The proposed two new lots will each have frontage along Chambers Drive. A future application for Consent to Sever will be required for the creation of the proposed two new residential lots.

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 Urban Hamilton Official Plan (UHOP) and the Meadowlands Neighbourhood IV Secondary Plan; and,
- It is compatible with and complementary to the surrounding neighbourhood.

Alternatives for Consideration – See Page 11

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.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	Filippo Cimino c/o Carmela Pagliaro
Applicant/Agent:	T. Johns Consulting Group c/o Diana Morris
File Number:	ZAC-22-056
Type of Application:	Zoning By-law Amendment

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Application Details	
Proposal:	The creation of two new residential lots for single detached dwellings with frontage along Chambers Drive and the retention of an existing single detached dwelling with frontage along Springbrook Avenue.
Property Details	
Municipal Address:	343 Springbrook Avenue
Lot Area:	0.2 ha.
Servicing:	Full municipal services.
Existing Use:	Single detached dwelling (to remain on reconfigured lot).
Proposed Uses:	The existing single detached dwelling on Springbrook Avenue is proposed to remain on the reconfigured lot. Two new residential lots are proposed for two new single detached dwellings with frontage along Chambers Drive.
Documents	
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 (2019, as amended).
Official Plan Existing:	"Neighbourhoods" on Schedule "E" – Urban Structure and Schedule "E-1" – Urban Land Use Designations in the UHOP. The subject lands are further designated "Low Density Residential 2b" in the Meadowlands Neighbourhood IV Secondary Plan.
Official Plan Proposed:	No amendment proposed.
Zoning Existing:	Agricultural "A" Zone (Town of Ancaster Zoning By-law No. 87-57).
Zoning Proposed:	Low Density Residential (R1, 836) Zone (City of Hamilton Zoning By-law No. 05-200).
Modifications Proposed	Staff are proposing one modification to remove Street Townhouse Dwelling as a permitted use.
Processing Details	
Received:	August 26, 2022
Deemed Complete:	September 8, 2022

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Processing Details	
Notice of Complete Application:	Sent to 110 property owners within 120 metres of the subject property on October 3, 2022.
Public Notice Sign:	Posted September 21, 2022, and updated with public meeting date on January 18, 2023.
Notice of Public Meeting:	Sent to 110 property owners within 120 metres of the subject lands on January 27, 2023.
Public Comments:	No comments received at the time of writing of this report.
Processing Time:	159 days from when the application was received.

EXISTING LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands:	Single detached dwelling	Agricultural “A” Zone.
Surrounding Lands:		
North	Single detached dwelling	Residential “R4-562” Zone, Modified and Residential “R4-563” Zone, Modified.
South	Single detached dwelling	Residential “R4-714” Zone, Modified.
East	Single detached dwelling	Residential “R4-563” Zone, Modified.
West	Single detached dwelling	Residential “R4-562” Zone, Modified and Agricultural “A” Zone.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020)

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS, 2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to the Growth Plan for the Greater Golden Horseshoe (A Place to Grow, 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 approval by the Ontario Land Tribunal, the City of Hamilton has established the Urban Hamilton Official Plan (UHOP) which contains local policies for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (i.e., efficiency of land use) are discussed in the Official Plan analysis that follows.

As the application for Zoning By-law Amendment complies with the 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 (2019, as amended).

Urban Hamilton Official Plan (UHOP):

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 UHOP. The subject lands are further designated "Low Density Residential 2b" in the Meadowlands Neighbourhood IV Secondary Plan.

The following policies, amongst others, apply to the subject application.

Cultural Heritage

"B.3.4.2.1 The City of Hamilton shall, in partnership with others where appropriate:

- a) Protect and conserve the tangible *cultural heritage resources* of the City, including *archaeological resources*, *built heritage resources*, and *cultural heritage landscapes* for present and future generations."

The subject property meets two of the ten criteria used by the City of Hamilton and the Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 250 metres of known archaeological sites; and,
- 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody.

These criteria define the property as having archaeological potential.

A Stage 1-2 archaeological report (P462-0138-2022) has been submitted to the City of Hamilton and the Ministry of Heritage, Sport, Tourism and Culture Industries. While the Provincial interest has yet to be signed off by the Ministry, Staff concur with the recommendations made in the report, and the archaeology requirement for the subject application has been met to the satisfaction of staff. Staff request a copy of the letter from the Ministry when available.

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 interior to the neighbourhood (E.3.4.1). The proposal consists of two new residential lots for single detached dwellings fronting onto an existing public road (Chambers Drive) with access at grade and the retention of the existing single detached dwelling on Springbrook Avenue (E.3.4.2). The proposed two new residential lots for single detached dwellings are permitted by the UHOP and comply with the Low Density Residential policies of the Neighbourhoods designation.

Tree Management

- “C.2.11.1 The city recognizes the importance of trees and woodlands to the health and quality of life in our community. The city shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

A Tree Protection Plan, prepared by Adesso Design Inc., was reviewed with respect to the proposed application for Zoning By-law Amendment. A total of 27 trees have been inventoried, of which, six trees have been proposed to be removed to facilitate the proposal. Of the trees to be removed, one is in good condition, four are in fair condition and one is in poor condition. Compensation plantings (four trees) are proposed on site and a cash-in-lieu payment is required for two trees. Staff note, the Tree Protection Plan and Landscape Plan are sufficient at this time, however further revisions may be required during the Consent to Sever process and a Verification of Tree Protection Letter is to be provided.

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 retained and severed lots have an approximate net residential density of 15 units per hectare (B.2.6.1.4 a) i.). The proposal is compatible with the surrounding neighbourhood by proposing two new single detached dwellings, similar to existing built forms surrounding the subject lands (B.2.6.1.4(a)(i)). Additionally, the proposal is located interior to the Marritt Neighbourhood with direct access to local roads (B.2.6.1.4 a) i.).

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 in the Town of Ancaster Zoning By-law No. 87-57, as shown on Appendix “A” attached to Report PED23031.

The Agricultural “A” Zone permits single detached dwellings, including uses, buildings and structures accessory to the dwelling. The Agricultural “A” Zone requires a minimum lot area of 1850.00 square metres and minimum lot frontage of 30.00 metres. As such, the applicant has proposed a rezoning to the Residential “R4” Zone and a modified Residential “R4” Zone in Ancaster Zoning By-law No. 87-57 to facilitate development of single detached dwellings fronting Chambers Drive. The Residential “R4” Zone, in the Town of Ancaster Zoning By-law No. 87-57, has been replaced with the Low Density Residential (R1) Zone, in the City of Hamilton Zoning By-law No. 05-200. Therefore, Staff have amended the application to rezone the lands to the Low Density Residential (R1) Zone in Zoning By-law No. 05-200 and are recommending one modification to the Low Density Residential (R1) Zone to remove Street Townhouse Dwelling as a permitted use as this use is not permitted by the Meadowlands Neighbourhood IV Secondary Plan. The applicant is in agreement with the amendments to the application.

RELEVANT CONSULTATION

Departments and Agencies		
<ul style="list-style-type: none"> • Planning and Economic Development Department, Transportation Planning and Parking Division, Transportation Planning Section; • Canada Post; and, • Hamilton Conservation Authority. 		No Comment
	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<p>Support this application as the impact of the development to the existing servicing capacity is negligible. A detailed review of the Grading, Servicing Plans and Stormwater Management Brief will be conducted at the Severance Application stage through the Consent Agreement.</p> <p>All outstanding cost recoveries must be paid to ensure the 0.3 metre reserve is lifted.</p> <p>The Owner will be required to enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels, erosion and sediment control measures; cash payment requirements for items such as street trees, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading, sidewalk, driveway approaches, and any damage during construction.</p> <p>Infrastructure Planning staff are satisfied with the proposed SWM design and have no objection to the zoning approval for the subject application from a stormwater management perspective.</p>	These items will be addressed through the future Consent to Sever process.

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	Comment	Staff Response
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<p>The subject lands are within a defined area of cost recoveries. There may be implications arising from the adjacent Registered Plan of Subdivision, 62M-1116 (25T-200613), e.g. cost recoveries relating to the registered plan.</p> <p>The municipal addresses for this proposal will be determined through the Consent to Sever process.</p>	Cost recoveries and municipal addressing will be addressed through the future Consent to Sever process.
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<p>Forestry does not approve the tree management plan and landscape plan, prepared by Adesso Design Inc. and dated July 7, 2019.</p> <p>Driveway alignment shall be altered or tree # 9 and # 10 need to be removed to ensure trees are not within 1.5m of proposed driveways.</p> <p>Species and condition shall be provided on all public trees.</p> <p>Private trees are required to be spaced a minimum distance of 8m from the public street trees. Otherwise, smaller species shall be selected for the private trees.</p>	These items will be addressed through the future Consent to Sever process.
Waste Management Operations Section, Environmental Services Division, Public Works Department	The existing and proposed single detached dwellings are eligible for curbside municipal waste collection service, subject to meeting municipal criteria.	Noted.

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 110 property owners within 120 m of the subject property on October 3, 2022, requesting comments on the proposed Zoning By-law Amendment application. A Public Notice Sign was posted on the property on September 21, 2022, and updated on January 18,

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2023, with the Public Meeting date. Finally, Notice of the Public Meeting was given on January 27, 2023, in accordance with the requirements of the *Planning Act*.

The applicant submitted a Public Consultation Strategy with their Planning Justification Report. The strategy included a mail out to all residents within 120 metres of the subject lands, prepared by the agent, and a microsite was included on their webpage. As the applicant did not receive any public feedback, a neighbourhood meeting was not held.

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 Urban Hamilton Official Plan 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 in the Town of Ancaster Zoning By-law No. 87-57. The applicant had initially requested that the subject lands be rezoned to the Residential “R4” Zone and a modified Residential “R4” Zone, to facilitate development of two new residential lots for single detached dwellings and the retention of an existing single detached dwelling. This zone has been replaced with the Low Density Residential (R1) Zone in Zoning By-law No. 05-200.

Staff are recommending that the subject lands are instead removed from the Town of Ancaster Zoning By-law No. 87-57 and rezoned to Low Density Residential (R1, 836) Zone, in the City of Hamilton Zoning By-law No. 05-200, to facilitate the proposal. 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. Street townhouse dwellings are not permitted within the “Low Density Residential 2b” designation of the Meadowlands Neighbourhood IV Secondary Plan, as such, staff propose one modification to the Low Density Residential (R1) Zone to remove Street Townhouse Dwelling as a permitted use. Staff are in

support of this change in zoning as the proposal complies with the Urban Hamilton Official Plan policies and the Meadowlands Neighbourhood IV Secondary Plan.

The subject lands will provide similar zoning standards as adjacent lands to help ensure compatibility in terms of built form, massing, height, setbacks and building separation. The adjacent lands are comprised of modified Residential “R4-714”, “R4-562” and “R4-563 Zones, which provide similar built forms, frontages, setbacks, lot areas, lot coverages and building heights.

Staff support the proposed change in zoning.

3. A future Consent to Sever application will be required to create the two new lots fronting onto Chambers Drive.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment application not be approved, the lands would remain under the current Agricultural “A” Zone which permits the existing single detached dwelling on the lot in its current form and does not generally permit lot creation for residential purposes.

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 PED23031 – Location Map

Appendix “B” to Report PED23031 – Draft Zoning By-law

Appendix “C” to Report PED23031 – Concept Plan

DM:sd