



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 5, 2023
SUBJECT/REPORT NO:	Appeal of Zoning By-law Amendment Application ZAC-21-027 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 140 and 164 Sulphur Springs Road, Ancaster (PED23184) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Michael Fiorino (905) 546-2424 Ext. 4424
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

In accordance with Subsections 22(7) and 34(11) of the *Planning Act*, a Zoning By-law Amendment application may be appealed to the Ontario Land Tribunal after 90 days if Council has not made a decision on the application.

A motion to direct staff to advise the Planning Committee on matters relating to appeals regarding lack of decision by Council, pursuant to the *Planning Act* was passed by City Council on May 18, 2010. This Information Report has been prepared in accordance with Council's policy for staff to advise the Planning Committee and City Council of appeals for non-decision to the Ontario Land Tribunal.

The following information is provided for Planning Committee's information with regards to Zoning By-law Amendment application ZAC-21-027, which has been appealed for non-decision.

INFORMATION

The subject property is municipally known as 140 and 164 Sulphur Springs Road (refer to Appendix "A" attached to Report PED23184). The Applicant, Ed Fothergill Planning &

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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Development Inc. on behalf of Ahmed Bilal, applied for a Zoning By-law Amendment (ZAC-21-027) to permit six residential lots for single detached dwellings at 140 and 164 Sulphur Springs Road. The proposed lots located at 140 Sulphur Springs Road is proposed to have access via a private condominium roadway and the proposed lot at 164 Sulphur Spring Road would retain the existing driveway.

The subject lands have a total area of approximately 4.3 ha, are irregular in shape, and are located on the south side of Sulphur Springs Road (refer to Appendix “A” attached to Report PED23184). The subject lands at 140 and 164 Sulphur Springs Road, each contain a single detached dwelling. The existing dwelling at 140 Sulphur Springs Road would be demolished to facilitate the proposal and the existing dwelling at 164 Sulphur Spring Road would be retained (refer to Appendix “B” attached to Report PED23184).

The Zoning By-law Amendment application was received on July 5, 2021 and was deemed complete on July 9, 2021.

The appeal of the Zoning By-law Amendment, filed by Goodmans LLP c/o David Bronskill on behalf of Ahmed Bilal was received by the City’s Clerk Office on June 29, 2023, 725 days after the receipt of the initial application (refer to Appendix “C” attached to Report PED23184).

Zoning By-law Amendment Application

The subject property is currently zoned Deferred Development “D” on Schedule “A” in the Ancaster Zoning By-law No. 87-57, as shown on Appendix “A” attached to Report PED23184.

The Zoning By-law Amendment application is to change the zoning from Deferred Development “D” Zone to Residential “R1” Zone in the Town of Ancaster Zoning By-law No. 87-57 to permit the development of six residential lots. Modifications to the Residential “R1” Zone were not proposed with this application; however, a number of site specific modifications would be required to implement the proposed single detached dwellings, including:

- Reductions to the maximum lot coverage requirements;
- Reductions to the minimum front yard requirements;
- Reductions to the minimum rear yard requirements; and,
- Modification to the provision for direct access to parking (existing easement in place).

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Issues identified through the circulation include:

- Incomplete Environmental Impact Study that includes a revised design and measures to mitigate the impacts of the proposed development on the natural heritage features and their functions as per Urban Hamilton Official Plan Policies C.2.2.2, C.2.3, and C.2.11.1;
- Incomplete Tree Management Plan so to ensure that the trees are considered within the design of the site and determine alternative techniques for the retention and preservation of trees along the perimeter as per Urban Hamilton Official Plan Policy C.2.11.1; and,
- Incomplete draft amending Zoning By-law.

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 for the application was sent to 70 property owners within 120 metres of the subject lands on July 9, 2021.

To date staff have received a total of seven written submissions by residents expressing concerns with the impact of the proposed development on the natural environment including the loss of mature vegetation (tree canopy) and habitat, slope stability, water runoff, loss of privacy, snow removal, property values, and noise.

The appeal of the application was received by the City Clerk's Office on June 29, 2023. 725 days after the receipt of the application (refer to Appendix "C" attached to Report PED23184).

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED23184 - Location Map
Appendix "B" to Report PED23184 - Site Plan
Appendix "C" to Report PED23184 - Letter of Appeal

MF:sd