

February 21, 2024

478-23

Via Email

Ms. Lisa Kelsey
Legislative Coordinator, Office of the City Clerk

City of Hamilton
71 Main Street West, 1st Floor
Hamilton, ON, L8P 4Y5

Dear Ms. Kelsey

**RE: 112 Academy Street, Ancaster (AN/B:23:06 & AN/A:23:21)
Draft Low Density Residential (R2) Zone
Item No. 10.4 – February 23rd, 2024 Planning Committee**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) are the authorized planning consultants for Manchia Arbor Limited (Owner), who is the registered owner for the lands known municipally as 112 Academy Street, in the City of Hamilton.

The subject property was the subject of previous Consent to Sever and Minor Variance applications to facilitate the division of the property into two lots to accommodate two single detached dwellings. The severance was conditionally approved by the Committee of Adjustment on March 9, 2023, while the requested variances were denied on the basis that the Deferred Development Zone for which the subject lands reside did not permit the creation of new single detached dwellings. This decision was appealed to the Ontario Land Tribunal (OLT) and is scheduled for a hearing on April 12, 2024.

Recently, the City released the draft regulations and locations of the Low Density Residential – Large Lot (R2) Zone to be added to Zoning By-law 05-200. The subject property is included in the lands to be rezoned from Deferred Development “D” to the new Low Density Residential – Large Lot (R2) Zone. This letter is written in support of the proposed rezoning, as the R2 Zone permits new single detached dwellings and thereby resolves the City’s main concern with the proposed variances which were previously requested.

Given that the previously requested variance accounted for the Deferred Development Zone regulations and not the new Low Density Residential – Large Lot Zone regulations, there are some additional variances necessary to facilitate the severance which was conditionally approved by the Committee of Adjustment. Accordingly, we recommend a site specific zone be included in the proposed Zoning By-law Amendment which includes the necessary regulations to ensure zoning conformity with the approved severance application.

This site specific Low Density Residential – Large Lot Zone would include the following regulations for single detached dwellings:

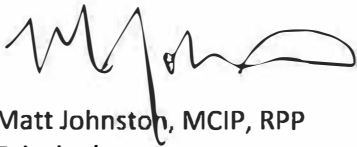
- A minimum permitted lot area of 435.0 m²;

- A minimum permitted lot width of 15.0 metres;
- A minimum permitted setback from a side lot line of 1.25 metres; and,
- A maximum permitted lot coverage of 44%.

Through the implementation of the recommended site specific zone on the subject property, the existing Ontario Land Tribunal appeal could be withdrawn. As previously noted, the City's initial issue with the proposed development surrounded the restriction on new construction of single detached dwellings which has now been addressed through the rezoning of the lands to R2. Accordingly, it can be deemed appropriate to capture the above noted variances in a site specific zone to implement the Committee of Adjustment's decision on the severance and put closure to the ongoing appeal.

We look forward to working with your team in their review of this request. Should you have any questions or require anything further, please do not hesitate to contact the undersigned.

Sincerely,
UrbanSolutions



Matt Johnston, MCIP, RPP
Principal



Scott Beedie, MCIP, RPP
Planner

cc: Ms. Alana Fulford, City of Hamilton
Manchia Arbor Limited
Mr. Patrick Harrington, Aird & Berlis