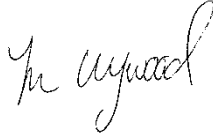




**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
Planning Division

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	August 13, 2024
<b>SUBJECT/REPORT NO:</b>	Application for a Zoning By-law Amendment for Lands Located at 32 Sandbeach Drive, Stoney Creek (PED24133) (Ward 10)
<b>WARD(S) AFFECTED:</b>	Ward 10
<b>PREPARED BY:</b>	Dhruv Mehta (905) 546-2424
<b>SUBMITTED BY:</b>	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	per 

**RECOMMENDATION**

That **Zoning By-law Amendment Application ZAC-24-017, by A.J. Clarke and Associates (c/o Franz Kloibhofer) on behalf of Manuel Vieira and Fifty Road Joint Venture Inc., Owners**, for a change in zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R2” Zone (Block 1), from the Neighbourhood Development “ND” Zone to the Single Residential “R1” Zone (Block 2), and from the Neighbourhood Development “ND” Zone to the Single Residential “R3-12(H)” Zone, Modified, Holding (Block 3), to facilitate the creation of four parcels for the development of three single detached dwellings fronting Sandbeach Drive and to merge one parcel with the lands to the south, described as Blocks 187, 188 and 189, Plan 62M-987, for the future development of three single detached dwellings fronting Kingspoint Circle, be **APPROVED** on the following basis:

- (a) That the draft Zoning By-law Amendment, attached as Appendix “B” to Report PED24133, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the draft Zoning By-law Amendment apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by modifying the Holding symbol ‘H’ to the Single Residential “R3-12(H)” Zone:

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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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The Holding (H) symbol for the Single Residential “R3-12(H)” Zone, Modified, Holding, may be removed and thereby give effect to the “R3-12” Zone provisions, upon completion of the following:

- (i) That the subject lands be consolidated with abutting lands described as Blocks 187, 188 and 189, Plan 62M-987, to the satisfaction of the Director of Planning and Chief Planner;
- (c) 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 and the Urban Lakeshore Secondary Plan.

### **EXECUTIVE SUMMARY**

The subject lands are municipally known as 32 Sandbeach Drive and are located on the west side of Sandbeach Drive, east of Fifty Road, and north of Kingspoint Circle (see Appendix “A” attached to Report PED24133). The lands are currently vacant and have an area of approximately 3,542 square metres with 61.91 metres of frontage along Sandbeach Drive.

The purpose of the Zoning By-law Amendment application is to change the zoning for the subject property from the Neighbourhood Development “ND” Zone to the Single Residential “R1” Zone, Single Residential “R2” Zone, and Single Residential “R3-12(H)” Zone, Modified, Holding, to facilitate the creation of three parcels of land for the development of three new single detached dwellings fronting onto Sandbeach Drive. A fourth parcel of land (Part 4) will also be created and is proposed to be merged with Blocks 187, 188 and 189 on Plan 62M-987, for the future development of three single detached dwellings fronting onto Kingspoint Circle.

The existing ‘H’ Holding Provision is recommended to be modified to require the southerly part of the subject lands, described as Part 4, be consolidated with abutting lands described as Blocks 187, 188 and 189 on Plan 62M-987. In order to remove the Holding Provision, the owner will need to apply to deregister Blocks 187, 188 and 189 on Plan 62M-987 from the registered plan of subdivision. The future lots fronting Kingspoint Circle may be created through a future consent application.

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

- It is consistent with the Provincial Policy Statement (2020);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);

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- It complies with the Urban Hamilton Official Plan and Urban Lakeshore Secondary Plan; and,
- The proposal is compatible with the existing land uses in the immediate area, and represents good planning by, among other things, providing a compact and efficient urban form, increasing the housing stock, achieves the planned urban structure and supports developing a complete community.

**Alternatives for Consideration – See Page 8**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold a public meeting to consider an application for a Zoning By-law Amendment.

**HISTORICAL BACKGROUND**

<b>Application Details</b>	
Owner(s):	Manuel Vieira and Fifty Road Joint Venture Inc.
Applicant:	AJ Clarke and Associates (c/o Franz Kloibhofer)
File Number:	ZAC-24-017
Type of Applications:	Zoning By-law Amendment
Proposal:	<p>The purpose of the zoning by-law amendment is to change the zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R1” Zone, Single Residential “R2” Zone, and Single Residential “R3-12(H)” Zone, Modified, Holding, to facilitate conditional consent approval SC/B-22:114 for the creation of four parcels of land for the development of three single detached dwellings fronting Sandbeach Drive. The dwellings will have access onto Sandbeach Drive.</p> <p>In addition, a fourth parcel (Part 4) will be created with the intent to merge with the lands to the south, described as Blocks 187, 188 and 189, Plan 62M-987, for the future development of three single detached dwellings fronting Kingspoint Circle.</p>

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<b>Property Details</b>	
Municipal Address:	32 Sandbeach Drive
Lot Area:	0.35 ha.
Servicing:	Existing full municipal services.
Existing Use:	Vacant Land
<b>Documents</b>	
Provincial Policy Statement:	The proposal is consistent with the Provincial Policy Statement (2020).
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-1 – Urban Land Use Designations.
Secondary Plan Existing:	“Low Density Residential 2b” in the Urban Lakeshore Secondary Plan.
Zoning Existing:	Neighbourhood Development “ND” Zone.
Zoning Proposed:	Single Residential “R1” Zone, Single Residential “R2” Zone, and Single Residential “R3-12-H” Zone, Modified Zone.
Modifications Proposed:	No further modifications proposed.
<b>Processing Details</b>	
Received:	May 21, 2024.
Deemed Complete:	May 22, 2024.
Notice of Complete Application:	Sent to 113 property owners within 120 metres of the subject property on June 5, 2024.
Public Notice Sign:	Posted May 30, 2024.
Notice of Public Meeting:	Sent to 113 property owners within 120 metres of the subject property on August 2, 2024.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix “F” attached to Report PED24133.

<b>Processing Details</b>	
Public Consultation:	A notice was sent to all properties within a 120 metre radius of the subject lands on February 6, 2024, informing them of the intention to submit a Zoning By-law Amendment application. The public notice and strategy were prepared and circulated to the City of Hamilton Planning Department for review and approval. Residents were given a 14 day period to submit comments, questions, or concerns to the project team. No feedback was received from the public in response to this consultation.
Public Comments:	None received.
Processing Time:	83 days.

### **Existing Land Use and Zoning**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Vacant lands	Neighbourhood Development “ND” Zone.
<b>Surrounding Lands:</b>		
North	Single Detached Dwellings.	Neighbourhood Development “ND” Zone.
South	Single Detached Dwelling, Vacant lands	Single Residential “R1-12” Zone, Modified; and, Single Residential “R3-12(H) Zone, Modified, Holding.
East	Single Detached Dwellings.	Single Residential “R1-12” Zone, Modified.
West	Single Detached Dwellings.	Rural Residential “RR” Zone.

### **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

#### **Provincial Policy Framework**

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020). The *Planning Act* requires that

all municipal land use decisions affecting planning matters be consistent with the Provincial Policy Statement.

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, 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 Urban Hamilton Official Plan, it is staff's opinion that the applications are:

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

### **Urban Hamilton Official Plan and Urban Lakeshore Area Secondary Plan**

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 Urban Hamilton Official Plan. The lands are further designated "Low Density Residential 2b" on Map B.7.3-1 – Urban Lakeshore Area Secondary Plan – Land Use Plan.

This proposal contributes positively to planned residential intensification within the Neighbourhoods designation. The development is in a stable low density residential area and has been designed to integrate with the existing neighbourhood character in terms of use, form, scale, and massing. There are no anticipated impacts on the surrounding low density residential land uses. The proposed single detached dwellings fronting onto Sandbeach Drive maintains a consistent streetscape and replicates the existing lot fabric and massing of the current single detached dwellings.

The proposed development will be serviced by existing municipal infrastructure, including water and wastewater systems, as demonstrated by the submitted Functional Servicing Report, prepared by AJ Clarke and Associates Ltd., and dated April 29, 2024. **The** subject lands are accessed via Sandbeach Drive, classified as a Local road. The development of three single detached dwellings is not anticipated to generate any adverse traffic impacts.

Consent application SC/B-22:114 received conditional approval on August 31, 2023, to sever the lands into four parcels, with Condition No. 8 being subject to approval of a

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Zoning By-law Amendment. The proposal is for the development of three single detached dwellings fronting Sandbeach Drive and to facilitate merging Part 4 with the lands to the south, described as Blocks 187, 188 and 189 on Plan 62M-987, for the future development of three single detached dwellings fronting Kingspoint Circle. The proposed single detached dwelling lots fronting onto Sandbeach Drive conform with the “R1” and “R2” Zones of the Former City of Stoney Creek Zoning By-law No. 3692-92. Additionally, the lands described as Part 4, to be merged with Blocks 187, 188, and 189 on Plan 62M-987, will conform with the neighboring “R3-12” Zone, supporting the increased density and thereby conforming to the Urban Hamilton Official Plan.

Based on the policy analysis provided in Appendix “D” attached to Report PED24133, the proposal complies with the Urban Hamilton Official Plan.

**City of Stoney Creek Zoning By-law No. 3692-92**

The proposed Zoning By-law Amendment is for a change in zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R1” Zone, Single Residential “R2” Zone, and Single Residential “R3-12(H)” Zone, Modified, Holding, to facilitate conditional consent approval SC/B-22:114 for the creation of four parcels which will facilitate the development of three single detached dwellings fronting onto Sandbeach Drive. The lands described as Part 4 to merge one parcel with the lands to the south, described as Blocks 187, 188 and 189 on Plan 62M-987, for the future development of three additional single detached dwellings fronting onto Kingspoint Circle. No further modifications to the proposed zones are proposed.

**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 of the Urban Hamilton Official Plan and the Urban Lakeshore Secondary Plan; and,
  - (iii) It is compatible with existing development in the immediate area, and it represents good planning by, among other things, providing a compact and efficient urban form, increasing the housing stock, achieves the planned urban structure and supports developing a complete community.

2. Zoning By-law Amendment

The subject lands are zoned Neighbourhood Development “ND” Zone in the former City of Stoney Creek Zoning By-law No. 3692-92. The Zoning By-law Amendment proposes to change the zoning to the Single Residential “R1” Zone, Single Residential “R2” Zone, and Single Residential “R3-12(H)” Zone, Modified, Holding. The effect of this amendment is to facilitate the creation of four parcels of land for the development of three single detached dwellings fronting Sandbeach Drive. In addition, a fourth parcel described as Part 4 is intended to be merged with Blocks 187, 188 and 189 on Plan 62M-987 for the future development of three single detached dwellings fronting onto Kingspoint Circle.

The proposed single detached dwelling lots fronting onto Sandbeach Drive conform with the “R1” and “R2” Zones. The application of the existing site specific “R3-12” Zone ensures that lands described as Part 4 aligns with the zoning of Blocks 187, 188 and 189 on Plan 62M-987 and therefore facilitates the future merging of the lands. Staff are satisfied that the proposal complies with and meets the intent of the “Neighbourhoods” designation policies in the Urban Hamilton Official Plan and complies with the “Low Density Residential 2b” policies of the Urban Lakeshore Secondary Plan.

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

3. Holding Provisions

The existing Holding “H” Provision of the “R3-12(H)” Zone in effect on the lands to the south is proposed to be modified to require the southerly part of the subject lands be consolidated with abutting lands described as Blocks 187, 188 and 189, Plan 62M-987. In order to remove the Holding Provision, the owner will need to apply to deregister Blocks 187, 188 and 189, Plan 62M-987 from the plan of subdivision to allow them to merge. The future lots fronting Kingspoint Circle may be created through a future consent application.

## **ALTERNATIVES FOR CONSIDERATION**

Should the applications be denied, the subject lands can be used in accordance with the Neighbourhood Development “ND” Zone in former City of Stoney Creek Zoning By-law No. 3692-92, which permits limited agricultural type uses.

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED24133 – Location Map

Appendix “B” to Report PED24133 – Zoning By-law Amendment



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Appendix "C" to Report PED24133 – Plan 62M-987 and Elevations  
Appendix "D" to Report PED24133 – Policy Review  
Appendix "E" to Report PED24133 – Staff and Agency Comments

DM:sd