



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 6, 2024
SUBJECT/REPORT NO:	Applications for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 285 and 293 Fiddler's Green Road, Ancaster (PED24154) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Mark Michniak (905) 546-2424 Ext. 1224
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Zoning By-law Amendment Application ZAC-16-006, by GSP Group Inc. (c/o Nancy Frieday) on behalf of 1146663 Ontario Ltd. (c/o Cesidio Pietrantonio and Mario La Civita), owner**, for a change in zoning from the Existing Residential "ER" Zone to the Low Density Residential (R1, 896) Zone, to permit six single detached dwellings, for lands located at 285 and 293 Fiddler's Green Road, as shown on Appendix "A" attached to Report PED24154, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix "B" to Report PED24154, 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), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the Urban Hamilton Official Plan;
- (b) That **Draft Plan of Condominium (Vacant Land) Application 25CDM-202001, by GSP Group Inc. (c/o Nancy Frieday) on behalf of 1146663 Ontario Ltd.**

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.

SUBJECT: Applications for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 285 and 293 Fiddler's Green Road, Ancaster (PED24154) (Ward 12) - Page 2 of 10

(c/o **Cesidio Pietrantonio and Mario La Civita**), owner, to establish a Draft Plan of Condominium (Vacant Land) to create a vacant land condominium for six single detached dwellings, a common element road and two visitor parking spaces, on lands located at 285 and 293 Fiddler's Green Road, as shown on Appendix "A" attached to Report PED24154, be **APPROVED** subject to the following conditions:

- (i) That this approval applies to the plan prepared by Urbex Engineering Limited, certified by S.D. McLaren, O.L.S., dated December 7, 2023, consisting of six vacant land units (Vacant Land Units 1 to 6), on a common element condominium road (Block 7) with community mailbox, waste collection area, snow storage area, two visitor parking spaces, and one open area with a retaining wall (Block 8), as shown in Appendix "C" attached to Report PED24154;
- (ii) That Payment of Cash-in-Lieu or dedication of Parkland will be required, pursuant to Section 51 of the *Planning Act*, with the calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-laws, as approved by Council;
- (iii) That approval of Draft Plan of Condominium (Vacant Land) Application 25CDM-202001 be subject to conditions, attached as Appendix "D" to Report PED24154.

EXECUTIVE SUMMARY

The subject lands are municipally known as 285 and 293 Fiddler's Green Road, Ancaster and are located on the east side of Fiddler's Green Road between Ravina Crescent and Calvin Street. The applicant has applied for an amendment to City of Hamilton Zoning By-law No. 05-200 and approval of a Draft Plan of Condominium (Vacant Land).

The purpose of the amended Zoning By-law Amendment application is for a change in zoning from the Existing Residential "ER" Zone to the Low Density Residential (R1, 896) Zone, to permit six single detached dwellings, as shown on the concept plan in Appendix "F" attached to Report PED24154. Site specific modifications to the Low Density Residential (R1) Zone are proposed to accommodate the development and are discussed in detail in Appendix "E" attached to Report PED2411.

SUBJECT: Applications for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 285 and 293 Fiddler's Green Road, Ancaster (PED24154) (Ward 12) - Page 3 of 10

The purpose of the Draft Plan of Condominium (Vacant Land) application is for the establishment of six vacant land units (Units 1 to 6), on a private condominium road (Block 7) with community mailbox, waste collection area, snow storage area, two visitor parking spaces, and one open area with a retaining wall (Block 8), as shown in Appendix "C" attached to Report PED24154.

Recommended Conditions of Plan of Condominium (Vacant Land) approval are included in Appendix "D" attached to Report PED24154.

The proposed Zoning By-law Amendment and Plan of Condominium (Vacant Land) have merit and can be supported for the following reasons:

- They are consistent with the Provincial Policy Statement (2020);
- They conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- They comply with the Urban Hamilton Official Plan, in particular, the function, scale and design policies of the "Neighbourhoods" designation, residential intensification, and urban design policies; and,
- The development is compatible with the existing land uses in the immediate area, represents good planning by, among other things, providing a compact and efficient urban form, increasing the housing stock, and supports the development of a complete community.

Alternatives for Consideration – See Page 10

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. Bill 23 amended the *Planning Act* to repeal Sections 51(20) – 51(21.1) which removes the mandatory requirement for a public meeting to consider a Draft Plan of Vacant Land Condominium.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	1146663 Ontario Ltd. (c/o Cesidio Pietrantonio and Mario La Civita).
Applicant:	GSP Group Inc. (c/o Nancy Frieday).
File Number:	ZAC-16-006 and 25CDM-202001.
Type of Applications:	Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land).
Proposal:	<p>The purpose of the amended Zoning By-law Amendment is for a change in zoning from the Existing Residential “ER” Zone to the Low Density Residential (R1, 896) Zone. The application was amended by staff as two of the modifications that were requested by the applicant were not supported by staff. The two modifications are discussed in more detail below.</p> <p>The purpose of the Draft Plan of Condominium is to establish six vacant land units (Vacant Land Units 1 to 6), on a private condominium road (Block 7) with a community mailbox, waste collection area, snow storage area, two visitor parking spaces, and one open area with a retaining wall (Block 8).</p> <p>The effect of these applications is to facilitate the development of six single detached dwellings with 12 residential parking spaces, and two visitor parking spaces on a condominium road with access from Fiddler’s Green Road.</p>
Property Details	
Municipal Address:	285 and 293 Fiddler’s Green Road (see location map in Appendix “A” attached to Report PED24154).
Lot Area:	0.38 hectares.
Servicing:	Existing full municipal services.
Existing Use:	285 Fiddler’s Green Road – Vacant. 293 Fiddler’s Green Road – Single detached dwelling to be demolished.

SUBJECT: Applications for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 285 and 293 Fiddler’s Green Road, Ancaster (PED24154) (Ward 12) - Page 5 of 10

Documents	
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.
Official Plan Proposed:	No amendment proposed.
Zoning Existing:	285 Fiddler’s Green Road – Existing Residential “ER” Zone. 293 Fiddler’s Green Road – Existing Residential “ER” Zone.
Zoning Proposed:	Low Density Residential (R1, 896) Zone.
Modifications Proposed:	<p>The following modifications are proposed by the applicant and are supported by staff:</p> <ul style="list-style-type: none"> • To modify the definition of Front Lot Line of corner lots to allow the owner to determine which is the Front Lot Line ; • To permit parking, landscaping, waste collection containers and community mailboxes within a common element condominium road; • To allow waste collection containers to be erected prior to a principal building or structure; • To reduce the minimum front yard landscape area requirement to 48% from 50%; • To allow a covered porch within a front yard; and, • To reduce the minimum setback from a flankage lot line for Unit 5 to 1.2 metres from 3.0 metres. <p>The following modifications proposed by the applicant are not supported by staff:</p> <ul style="list-style-type: none"> • To remove regulations for parking spaces and aisles giving direct access to abutting parking spaces; and, • To permit a retaining wall and fence combination at the street line with a maximum height of 4.0 metres at the street line. <p>A complete analysis of the proposed modifications is attached as Appendix “E” to Report PED24154.</p>

SUBJECT: Applications for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 285 and 293 Fiddler’s Green Road, Ancaster (PED24154) (Ward 12) - Page 6 of 10

Processing Details	
Received:	November 11, 2015.
Deemed Complete:	January 6, 2016.
Notice of Complete Application:	Sent to 81 property owners within 120 metres of the subject property on January 22, 2016.
Public Notice Sign:	Posted in May 2016 and updated in January 2020.. Updated with Public Meeting date on August 7, 2024.
Notice of Public Meeting:	Sent to 60 property owners within 120 metres of the subject property on August 16, 2024.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix “H” attached to Report PED24154.
Public Consultation:	A Public Consultation Meeting was held by the applicant on September 9, 2016. Concerns raised at the meeting included stormwater, tree removal, privacy, traffic, and lighting. Due to the length of time that the application has been under review by the City an additional mail out was sent to property owners within 120 metres of the subject property on April 26, 2024, advising of the proposed development.
Public Comments:	Staff received one written submission in support of the proposed development and six expressing concerns with traffic, drainage, built form, pedestrian access, waste collection, trees, lighting, noise, and privacy. Written submissions are provided in Appendix “I” attached to Report PED24154.
Processing Time:	3,222 days from receipt of application.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	285 Fiddler’s Green Road – Vacant.	Existing Residential “ER” Zone.
	293 Fiddler’s Green Road – Single detached dwelling.	Existing Residential “ER” Zone.

Surrounding Lands:

North	Single detached dwelling.	Existing Residential “ER” Zone.
South	Single detached dwelling.	Existing Residential “ER” Zone.
East	Single detached dwellings.	Existing Residential “ER” Zone.
West	Single detached dwellings and a multiple dwelling.	Deferred Development “D” Zone, Residential “R3” Zone, and Residential Multiple “RM6-279” Zone, Modified.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning 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 (2020) and conform to 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 Ontario Land Tribunal approval of the City of Hamilton Official Plan, the City of Hamilton has established the local policy framework 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 applications for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) comply 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

The subject lands are designated "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan. The "Neighbourhoods" designation is intended to include a full range of residential types and densities. A full policy analysis of the applicable Urban Hamilton Official Plan policies is provided in Appendix "G" attached to Report PED24154.

The intent of the "Neighbourhoods" designation is to provide the full range of residential dwelling types and densities as well as supporting uses intended to serve local residents. The low density residential policies support low profile, grade oriented built forms that generally have direct access to each unit at grade.

The proposed development consists of six single detached dwellings and represents a compatible form of infill. St. Joachim Elementary School, Optimist Park, and Amberly Park are located in the neighbourhood west of the site. Commercial uses are located along Wilson Street West approximately 850 metres north of the site. Hamilton Street Railway operated Bus Route 16 and bicycle lanes are located on Fiddler's Green Road. The new residential dwellings will contribute to the range of dwelling types and the planned urban structure by supporting existing transit routes, public facilities, and active transportation.

The proposed Draft Plan of Condominium (Vacant Land) will create six vacant land units (Units 1 to 6) to be developed with single detached dwellings, a private condominium road (Block 7), community mail box, waste collection area, snow storage area, two visitor parking spaces, and one open area with a retaining wall (Block 8), as shown on the attached plan, marked as Appendix "C" attached to Report PED24154. The private condominium road will provide access to Fiddler's Green Road. All six units will be accessed from the private condominium road. Staff are supportive of the Draft Plan of Condominium (Vacant Land) and recommend its approval, subject to the conditions attached as Appendix "D" to Report PED24154.

Therefore, the proposal complies with the Urban Hamilton Official Plan.

City of Hamilton Zoning By-law No. 05-200

The Zoning By-law Amendment is for a change in zoning from the Existing Residential "ER" Zone to the Low Density Residential (R1, 896) Zone. The effect of this Zoning By-law Amendment is to permit six single detached dwellings with 12 residential parking spaces and two visitor parking spaces. Modifications to the Low Density Residential (R1) Zone are required to facilitate the development and are summarized in the report Fact Sheet above and further discussed in Appendix "E" attached to Report PED24154.

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 the general intent and purpose of the Urban Hamilton Official Plan; and,
 - (iii) It is considered to be compatible with the 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, and support developing a complete community.

2. Zoning By-law Amendment

The subject lands are zoned Existing Residential "ER" Zone in Zoning By-law No. 87-57. The Zoning By-law Amendment proposes to change the zoning to the Low Density Residential (R1, 896) Zone in City of Hamilton Zoning By-law No. 05-200. Staff are satisfied that the proposal meets the intent of the "Neighbourhoods" designation policies, the low density residential policies, and the applicable intensification policies of the Urban Hamilton Official Plan as outlined in Appendix "G" attached to Report PED24154.

The proposed amendments meet the general intent of the Zoning By-law. An analysis of the requested modifications is provided in Appendix "E" attached to Report PED24154.

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

3. The proposed Draft Plan of Condominium (Vacant Land) will create six vacant land units (Units 1 to 6) to be developed with single detached dwellings, a private condominium road (Block 7), community mail box, waste collection area, snow storage area, two visitor parking spaces, and one open area with a retaining wall (Block 8), as shown on the attached plan, marked as Appendix "C" attached to Report PED24154. The private condominium road will provide access to Fiddler's Green Road. All six units will be accessed from the private condominium road.

Vacant land condominiums contain units and common elements. The "unit" is a vacant parcel of land on which a building or structure may be constructed only

after the condominium is registered. In this regard, vacant land condominiums are similar to a subdivision with vacant parcels of land fronting a public road. The distinction is that roadway, and amenities are constructed to private development standards, included as condominium common elements, and are the responsibility of the condominium corporation.

Staff are supportive of the Draft Plan of Condominium (Vacant Land) and recommend its approval, subject to the conditions attached as Appendix "C" to Report PED24154.

4. The proposed development will not be subject to a Site Plan Control application because the proposed development contains less than ten residential units. Conditions, as outlined in Appendix "D" attached to Report PED24154, have been included to address matters that otherwise would have been addressed through a Site Plan Control application.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the subject property can be used in accordance with the Existing Residential "ER" Zone which permits one detached dwelling and accessory structures.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED24154 – Location Map
Appendix "B" to Report PED24154 – Amendment to Zoning By-law No. 05-200
Appendix "C" to Report PED24154 – Draft Plan of Condominium (Vacant Land)
Appendix "D" to Report PED24154 – Recommended Conditions of Plan of
Condominium (Vacant Land) Approval
Appendix "E" to Report PED24154 – Zoning Modification Table
Appendix "F" to Report PED24154 – Concept Plan
Appendix "G" to Report PED24154 – Policy Review
Appendix "H" to Report PED24154 – Staff and Agency Comments
Appendix "I" to Report PED24154 – Public Comments

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