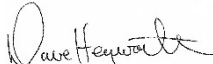




CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 1, 2024
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for Lands Located at 48 Jenny Court, Stoney Creek (PED24178) (Ward 10)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	Dhruv Mehta (905) 546-2424
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	Per: 

RECOMMENDATION

That **Amended Zoning By-law Amendment application ZAC-23-004, by Landwise (c/o) Katelyn Gillis on behalf of Vjekoslav Djuric, Owner**, for a change in zoning from the Neighbourhood Development “ND” Zone to a Low Density Residential “R1” Zone, to permit the redevelopment of the subject lands for two single detached dwellings and to facilitate a future consent application, for lands located at 48 Jenny Court, as shown on attached Appendix “A” to Report PED24178, be **APPROVED** on the following basis:

- (a) That the draft Amended By-law, attached as Appendix “B” to Report PED24178, 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 and the Western Development Area Secondary Plan.

EXECUTIVE SUMMARY

The subject site is municipally known as 48 Jenny Court and is 0.11 hectares (1,100 square metres) in size with 30.8 metres of frontage on Jenny Court, which is a local road. The property is generally rectangular and situated between Jenny Court to the south and Maple Drive to the north, with the Niagara Escarpment to the south. There is a two storey single detached dwelling on the subject lands.

The purpose of the Zoning By-law Amendment application is to rezone the subject site from the Neighbourhood Development “ND” Zone in the City of Stoney Creek Zoning By-law No. 3692-92 to a Low Density Residential “R1” Zone, in City of Hamilton Zoning By-law No. 05-200. The application will facilitate the development of two new single detached dwellings. The Zoning By-law only permits one single detached dwelling per lot so a future consent application will be necessary to construct the two dwellings. Through Official Plan Amendment No. 202 of the Urban Hamilton Official Plan, which established the City’s Low Density Residential Zones under Zoning By-law 05-200, the density ranges and permitted uses established in the Western Development Area Secondary Plan have been not withstood. As a result, the policies of Volume 1 now prevail regarding permitted uses, built form, density ranges, and height, rendering the previously indicated density range no longer applicable.

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);
- It complies with the Urban Hamilton Official Plan and Western Development Area Secondary Plan; and,
- The proposal is compatible with the existing land uses in the immediate area and represents good planning by providing a compact and efficient urban form, increasing the housing stock, and supporting the development of 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

Application Details	
Owner(s):	Vjekoslav Djuric.
Applicant:	Landwise (formerly T. Johns Consulting Group Ltd.) c/o Katelyn Gillis.
File Number:	ZAC-23-004.
Type of Applications:	Zoning By-law Amendment.
Proposal:	<p>To demolish the existing single detached dwelling and to permit single detached dwellings which will have frontage and access onto Jenny Court.</p> <p>Staff revised the applicant's proposal to rezone the lands to a Low Density Residential (R1) Zone, in Zoning By-law No. 05-200, instead of the originally requested Low Density Residential (R2) in Zoning By-law No. 3692-92.</p>
Property Details	
Municipal Address:	48 Jenny Court. (See Location Map on Appendix "A" attached to Report PED24178).
Lot Area:	0.11 ha.
Servicing:	An existing watermain is fronting the subject site along Maple Drive and serviced through a triangular piece of property to the north which is part of the City owned right-of-way. The applicant will be required to extend the sanitary and storm sewers along the entire frontage of the subject site on Jenny Court to service the proposed development (refer to Appendix "E" attached to Report PED24178 for details).
Existing Use:	Single detached dwelling (to be demolished).
Documents	
Provincial Policy Statement:	The proposal is consistent with the Provincial Policy Statement (2020).
Niagara Escarpment Plan	The proposal conforms with the Niagara Escarpment Plan (2017)
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

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Official Plan Existing:	“Neighbourhoods” on Schedule E-1 – Urban Land Use Designations.
Secondary Plan Existing:	“Low Density Residential 2b” in the Western Development Area Secondary Plan.
Documents	
Zoning Existing:	Neighbourhood Development “ND” Zone.
Zoning Proposed by Applicant:	Single Residential “R2” Zone (City of Stoney Creek Zoning By-law No. 3692-92)
Zoning Proposed by Staff:	Low Density Residential “R1” Zone (City of Hamilton Zoning By-law No. 05-200). In addition to single detached dwellings, the “R1 Zone” permits semi-detached dwellings and street townhouse dwellings.
Processing Details	
Received:	November 29, 2022.
Deemed Complete:	January 4, 2023.
Notice of Complete Application:	Sent to 43 property owners within 120 metres of the subject property on January 13, 2023.
Public Notice Sign:	Posted January 18, 2023, and updated with the Public Meeting date October 01, 2024.
Notice of Public Meeting:	Sent to 43 property owners within 120 metres of the subject property on September 13, 2024.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix “E” attached to Report PED24133.
Public Consultation:	No further public consultation was conducted beyond the requirements of the <i>Planning Act</i> .
Public Comments:	Staff received one email expressing concern (see Appendix “F” attached to Report PED24178).
Processing Time:	636 days.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Single Detached Dwelling	Neighbourhood Development “ND” Zone.

Surrounding Lands:

North	Single Detached Dwellings.	Single Residential “R2-9” Zone, Modified.
South	Niagara Escarpment.	Open Space “OS-3” Zone, Modified.
East	Single Detached Dwellings.	Single Residential “R1-4” Zone, Modified.
West	Single Detached Dwellings.	Single Residential “R2” 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. It is noted that the Provincial Planning Statement (2024) does not come into affect until October 20, 2024, and therefore this application is subject to the Provincial Policy Statement (2020).

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 application is:

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

Niagara Escarpment Plan (2017)

The policies of the Niagara Escarpment Plan (2017) apply to any planning decision throughout the Niagara Escarpment Plan Area. The subject property is designated “Urban Area” within the Niagara Escarpment Plan and is located outside the Niagara Escarpment Plan Area of Development Control. Therefore, a Development Permit from the Niagara Escarpment Commission is not required. The Niagara Escarpment Plan area is governed by the Niagara Escarpment Commission. Staff circulated the Niagara Escarpment Commission, and as per the comments from the Niagara Escarpment Commission (as detailed in Appendix "E" to Report PED24178), the proposal conforms with the applicable policies of the Niagara Escarpment Plan (2017). The future Consent application to create the proposed lots will be referred to the Niagara Escarpment Commission for further comment.

Urban Hamilton Official Plan and Western Development 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.7.1-1 – Western Development Area Secondary Plan – Land Use Plan.

The subject lands have access to open space and park uses, such as John Santarelli Plateau Park, and are in proximity to commercial and institutional facilities serving residents. The proposed development of two single detached dwellings is compatible with the surrounding low density residential area, which primarily consists of single detached dwellings, while maintaining the neighbourhood’s low rise built form.

In terms of residential intensification, the proposal to demolish the existing single detached dwelling and construct two new single detached dwellings will contribute to gentle housing intensification. The proposal integrates well with the existing built form and scale of surrounding properties, with both new dwellings being two storeys in height, which is consistent with the scale and orientation of the surrounding area. The proposal maintains the low rise built form in the existing streetscape and conforms to the “Neighbourhoods” designation policies of the Urban Hamilton Official Plan.

The “Low Density Residential 2b” designation of the Western Development Area Secondary Plan permits single, semi-detached, and duplex dwellings with a density ranging from 1 to 29 units per net residential hectare. The proposed development, of two single detached dwellings on two lots of approximately 0.06 hectares, equates to 16 units per hectare, thus conforming to the density requirement. As mentioned above, through Official Plan Amendment No. 202 of the Urban Hamilton Official Plan, which established the City’s Low Density Residential Zones under Zoning By-law No. 05-200,

the density ranges and permitted uses established in the Western Development Area Secondary Plan have been not withstood. As a result, the policies of Volume 1 now prevail regarding permitted uses, built form, density ranges, and height, rendering the previously indicated density range no longer applicable.

Based on the policy analysis provided in Appendix “D” attached to Report PED24178, the proposal complies with the Urban Hamilton Official Plan and the Western Development Area Secondary Plan.

Stoney Creek Zoning By-law No. 3692-92

The subject property is zoned Neighbourhood Development “ND” Zone in the former City of Stoney Creek Zoning By-law 3692-92. The Neighbourhood Development “ND” Zone does not permit new residential uses which necessitated the need for a Zoning By-law Amendment to facilitate the proposal.

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

The proposed Amended Zoning By-law Amendment is for a change in zoning from the Neighbourhood Development “ND” Zone to the Low Density Residential “R1” Zone, to permit single detached dwellings. The “R1” Zone also permits semi-detached dwellings and street townhouse dwellings, in accordance with the policies of Volume 1 of the Urban Hamilton Official Plan. Zoning staff have reviewed this property as a through lot and there are no modifications required to the “R1” Zone.

It is appropriate to include the subject site within the City of Hamilton Zoning By-law No. 05-200 to permit single detached dwellings. The proposed redevelopment conforms to the Low Density Residential “R1” Zone.

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), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and does not conflict with the Niagara Escarpment Plan;
 - (ii) It complies with the Urban Hamilton Official Plan and the Western Development Area Secondary Plan; and,
 - (iii) It is compatible with existing development in the immediate area, and it represents good planning by, among other things, providing an efficient urban form, increasing the housing stock, achieving the planned urban structure and supports the achievement of 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 Low Density Residential “R1” Zone, in City of Hamilton Zoning By-law No. 05-200. Staff are satisfied that the proposal complies with and meets the intent of the “Neighbourhoods” designation policies in the Urban Hamilton Official Plan and the “Low Density Residential 2b” policies of the Western Development Area Secondary Plan.

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

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the subject land 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 single detached dwellings and limited agricultural type uses.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A” to Report PED24178 – Location Map
- Appendix “B” to Report PED24178 – Zoning By-law Amendment
- Appendix “C” to Report PED24178 – Concept Plan
- Appendix “D” to Report PED24178 – Policy Review
- Appendix “E” to Report PED24178 – Staff and Agency Comments
- Appendix “F” to Report PED24178 – Public Comments

DM:sd