




Hamilton

# INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	January 14, 2025
<b>SUBJECT/REPORT NO:</b>	Appeal of Zoning By-law Amendment Application ZAC-23-010 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 299, 307 and 325 Fiddler's Green Road, Ancaster (PED25000) (Ward 12)
<b>WARD(S) AFFECTED:</b>	Ward 12
<b>PREPARED BY:</b>	Mark Michniak (905) 546-2424 Ext. 1224
<b>SUBMITTED BY:</b>	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## COUNCIL DIRECTION

In accordance with Subsection 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 applications.

A motion to direct staff to advise the Planning Committee on matters relating to appeals of Council's non-decision, 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-23-010, which has been appealed for non-decision.

## INFORMATION

The subject property is municipally known as 299, 307 and 325 Fiddler's Green Road (refer to Appendix "A" attached to Report PED25000), situated north of Amberly

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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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**Page 2 of 5**

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Boulevard and Calvin Street intersection and south of Ravina Crescent. The property is approximately 1.2 hectares in area and is located east of Fiddler's Green Road, north of Highway 403, in Ancaster with approximately 139 metres of frontage along Fiddler's Green Road. 299 Fiddler's Green Road contains a single detached dwelling, and 307 and 325 Fiddler's Green Road contains a retirement home.

Zoning By-law Amendment application ZAC-23-010 was originally submitted by Wellings Planning Consultants Inc. c/o Glenn Wellings, on behalf of Highgate Holdings Inc. c/o Christoph Summer, on December 2, 2022, and deemed complete on January 6, 2023. The application was to facilitate the expansion of the existing retirement home on the abutting lands known as 307 and 325 Fiddler's Green Road. The proposed expansion consists of 59 units in a three storey building addition.

On September 11, 2015, the Ontario Land Tribunal (formerly the Ontario Municipal Board) approved Zoning By-law Amendment application ZAC-12-021 rezoning 307 and 325 Fiddler's Green Road as the Community Institutional (I2, 457) Zone in Zoning By-law No. 05-200. The Community Institutional (I2, 457) Zone permits a maximum of 100 suites and 120 residents, as well as site specific yard setbacks, landscaped area, and building height.

The appeal of Zoning By-law Amendment application ZAC-23-010, filed by Arnold Foster LLP on behalf of Highgate Holdings Inc., was received by the City Clerk's Office on October 21, 2024, 689 days after the receipt of the initial application and 32 days after the September 16, 2024, resubmission, included as Appendix "C" attached to Report PED25000.

## **PROPOSED DEVELOPMENT**

The applicant is proposing to demolish the existing single detached dwelling located at 299 Fiddler's Green Road to facilitate the expansion of the existing retirement home on the abutting lands known as 307 and 325 Fiddler's Green Road. The proposed expansion consists of 59 units in a three storey building addition. The proposal will include landscaped areas and a sidewalk providing a pedestrian connection to the entrance of the existing retirement home.

The proposed addition will utilize the existing vehicle access from Fiddler's Green Road and a total of 75 parking spaces are proposed for the development. The site currently has 54 parking spaces, and 21 new parking spaces are proposed. Thirty-eight parking spaces will be provided below grade with 37 parking spaces provided at grade. The existing parking lot will be reconfigured to accommodate the proposed development and the provision of shared parking between the two buildings.

## **Zoning By-law Amendment Application**

The subject lands at 299 Fiddler’s Green Road are currently zoned Existing Residential “ER” Zone in Ancaster Zoning By-law No. 87-57. Zoning By-law Amendment application ZAC-23-010 proposes to change the zoning to a site specific Community Institutional (I2) Zone in Hamilton Zoning By-law No. 05-200. The existing retirement home on the abutting lands is currently zoned Community Institutional (I2, 457) Zone in Hamilton Zoning By-law No. 05-200 and will be incorporated into the new site specific Community Institutional (I2) Zone to consolidate the zoning across all three properties.

A number of site specific modifications are required to amend the regulations which were approved by the Ontario Land Tribunal for the existing retirement home. In order to facilitate the proposed development, as shown on the Concept Plan in Appendix “B” attached to Report PED25000, the applicant proposed the following modifications, including:

- To increase the maximum number of suites from 100 to 156;
- To increase the maximum number of residents from 120 to 170;
- To increase the maximum building coverage from 28.8% to 36%;
- To reduce the minimum rear yard from 12.0 metres to 7.0 metres;
- To reduce the minimum landscaped area from 49% to 44%;
- To remove the site specific minimum parking requirement;
- To remove the site specific 6.5 metre landscape strip requirement along the northerly lot line;
- To decrease the minimum side yard from the northerly lot line to from 23.8 metres to 6.0 metres;
- To decrease the minimum side yard from the southerly lot line from 7.5 metres to 6.0 metres; and,
- To decrease the minimum front yard from 15.0 metres to 3.0 metres.

Revised submissions dated March 25, 2024, and September 16, 2024, did not change the design but included additional information regarding the proposed setbacks, an updated Landscape Plan, an updated Functional Servicing and Stormwater Management Report, and an updated Hydrogeological Brief. The submissions did not address staff comments regarding the increase in density and reduction in yard setbacks.

Issues identified as a result of the circulation and technical review of the application, are but not limited to:

- The proposed development does not meet the intensification criteria as set out in the Urban Hamilton Official Plan. Specifically, the proposed development has not demonstrated that it:
  - i. Builds on established patterns in terms of setbacks and tree preservation;
  - ii. Has sufficient sanitary capacity;
  - iii. Compatibly integrates with the surrounding area in terms of scale;
  - iv. Utilizes green infrastructure and sustainable design elements; and,
  - v. Retains and/or enhances the natural attributes of the site;
- Official Plan conformity in that the cumulative impact of the proposed modifications to the Community Institutional (I2, 457) Zone would result in an increased density which does not meet the intensification criteria listed above;
- The sanitary capacity assessment within the Functional Servicing Report demonstrates that there is insufficient capacity within the municipal sanitary network to support the proposed development and upgrades to the infrastructure will be required to support the proposed development; and,
- A total of 44 trees have been inventoried on the subject property and 35 trees have been proposed to be removed. The preservation of existing trees has not been taken into consideration within the design of the development. The proposed reduction of the minimum northerly side yard, reduction of the minimum rear yard, and elimination of the landscape strip requirement will result in the removal of existing trees along the northerly side yard and rear yard which provides a buffer for the surrounding dwellings.

## **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 applications were sent to 83 property owners within 120 metres of the subject lands on January 18, 2023. Pursuant to the City’s Public Consultation Strategy Guidelines, the applicant held an in person Open House on March 23, 2023. A summary, with information regarding the attendance or comments received at the Open House was not provided by the applicant.

To date staff have received eight submissions from the public including two letters supporting the application. The concerns identified include management of stormwater, compatibility with neighbourhood character, density, lack of sidewalk connections along Fiddler’s Green Road, traffic generated by the proposed development, setbacks from Fiddler’s Green Road, rear yard setbacks, and protection of mature trees.

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**Page 5 of 5**

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**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED25000 – Location Map

Appendix "B" to Report PED25000 – Concept Plans and Building Elevations

Appendix "C" to Report PED25000 – Letter of Appeal

MM/mb