

**CITY OF HAMILTON**

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b> Chair and Members Planning Committee	<b>WARD(S) AFFECTED:</b> WARD 12
<b>COMMITTEE DATE:</b> April 17, 2012	
<b>SUBJECT/REPORT NO:</b> Application for Amendments to the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 515 Hamilton Drive (Ancaster) (PED12064) (Ward 12)	
<b>SUBMITTED BY:</b> Tim McCabe General Manager Planning and Economic Development Department	<b>PREPARED BY:</b> Timothy Lee (905) 546-2424, Ext. 1249
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That approval be given to **Zoning By-law Amendment Application ZAR-11-072, John MacDonald, Owner**, for changes in Zoning from the Agricultural “A-216” Zone, Modified, to the Residential “R1” Zone (Block 1), Residential “R1-640” Zone, Modified, with a Special Exception (Block 2), and Residential “R1-641” Zone, Modified, with a Special Exception (Block 3), to permit two single detached dwellings, on lands located at 515 Hamilton Drive (Ancaster), as shown on Appendix “A” to Report PED12064, on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED12064, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.
  - (ii) That the amending By-law be added to Map 1 of Schedule “B” of Zoning By-law No. 87-57.

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- (iii) That the proposed changes in zoning are consistent with the Provincial Policy Statement, conform to the Places to Grow Growth Plan and Hamilton-Wentworth Official Plan, and comply with the Town of Ancaster Official Plan.

### **EXECUTIVE SUMMARY**

The purpose of this application is to implement conditions of approval for Severance Applications AN/B-06:90 and AN/B-06:91, which were approved by the Committee of Adjustment on June 2, 2011, whereby the applicant is required to apply for and receive final approval of the necessary rezoning to permit the construction of two single detached dwellings on the severed portions (Parts 2 and 3), and to recognize the existing single detached dwelling on the retained portion of the property (Part 1) (see Condition 5 - Appendices "D" and "E").

The Zoning By-law Amendment application will add site-specific zoning provisions for the severed portions of the subject lands based on the concept plan provided by the applicant (see Appendix "C").

*Alternatives for Consideration - See Page 14.*

### **FINANCIAL / STAFFING / LEGAL IMPLICATIONS**

**Financial:** None.

**Staffing:** None.

**Legal:** As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a Zoning By-law Amendment.

### **HISTORICAL BACKGROUND**

#### **Proposal**

The purpose of this application is for a change to the current zoning to permit the construction of two single detached dwellings within the severed portions of land (Parts 2 and 3 - Appendix "C"), and to recognize the existing single detached dwelling located within the retained portion of land (Part 1 - Appendix "C"). The final design of the residential buildings proposed for Parts 2 and 3 will be determined by future purchasers of the lots, and is shown conceptually in Appendix "C". Modifications to the Residential "R1" Zone are also being sought for a reduction in the north side yard setback, minimum front yard, and prohibiting vehicular access onto Garner Road West for Part 2; and,

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minimum front yard and side yard setback requirements for Part 3 of the subject lands (see Appendices “B” and “C”).

**Severance Applications (AN/B-06:90 and AN/B-06:91)**

Severance Applications AN/B-06:90 and AN/B-06:91 were simultaneously submitted to the Committee of Adjustment in 2006 to sever lands located at 515 Hamilton Drive. The purpose of Severance Application AN/B-06:90 (see Appendix “D”) was to permit the conveyance of a 71.2 metre by 55.3 metre portion of land for future residential uses, and to retain a parcel of land measuring 53.9 metres by 69.1 metres containing an existing single detached dwelling (Part 1).

The purpose of Severance Application AN/B-06:91 (see Appendix “E”) was to further sever the lands that had been severed through Severance Application AN/B-06:90 into two Parts. The conveyed lands measure 18.5 metres by 17.3 metres, excluding daylight triangle (Part 2), and the retained lands measure 36.8 metres by 29.3 metres (Part 3), as shown in the Concept Plan in Appendix “C”.

The applications were tabled in June 2006, to allow the applicant to conduct and submit an Environment Impact Statement for review by staff. However, further investigations on the subject property revealed that the underbrush is mostly grassed over and not in its natural state, and an EIS Report would not have revealed any environmental importance. The Committee of Adjustment subsequently approved the applications on June 2, 2011, subject to a number of conditions, including a Tree Protection Plan being conducted and submitted for review by staff instead of an EIS Report, as originally required (see Appendices “D” and “E” - Condition 3). In addition, a condition was added requiring the owner to apply for and receive rezoning approval to facilitate the proposed development (see Appendices “D” and “E” - Condition 5).

**Chronology:**

- |                           |  |
|---------------------------|--|
| <u>June 2, 2011:</u>      | Severance Applications AN/B-06:90 and AN/B-06:91 were approved by the Committee of Adjustment. |
| <u>June 22, 2011:</u>     | Last day of Appeal for the Severance Application.  |
| <u>November 11, 2011:</u> | Submission of Application ZAR-11-072 by John MacDonald (Owner).                                |
| <u>November 22, 2011:</u> | Application of ZAR-11-072 is deemed complete.  |
| <u>December 11, 2011:</u> | Posting of the Zoning By-law Amendment Application Sign on the subject property.               |

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January 19, 2012: Circulation of Notice of Complete Application to all residents within 120 metres of the subject lands.

March 30, 2012: Circulation of Notice of Public Meeting to all residents within 120 metres of the subject lands.

**Details of Submitted Application:**

**Location:** 515 Hamilton Drive (Ancaster)

**Owner/Applicant:** John MacDonald

**Property Description:**

Retained Property (Part 1):  
Lot Frontage: 53.9 metres  
Lot Depth: 69.1 metres  
Total Lot Area: 3,690.8 square metres

Severed Property (Part 2):  
(excluding daylight triangle)  
Lot Frontage: 17.3 metres  
Lot Flankage: 18.5 metres  
Total Lot Area: 936.7 square metres

Severed Property (Part 3):  
Lot Frontage: 36.8 metres  
Lot Depth: 29.3 metres  
Total Lot Area: 957.9 square metres

**EXISTING LAND USE AND ZONING**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Single Detached Dwelling (Part 1) and Vacant (Parts 2 and 3)	Agricultural “A-216” Zone, Modified
<b><u>Surrounding Lands:</u></b>		
<b>North</b>	Vacant	Agricultural “A-216” Zone, Modified
<b>South</b>	Union Gas Pipeline Transfer Station	Public “P-245” Zone, Modified
<b>East</b>	Single Detached Dwelling; Agricultural	Agricultural “A-216” Zone, Modified
<b>West</b>	Stormwater Management Pond	Open Space “O2” Zone

**POLICY IMPLICATIONS**

**Provincial Policy Statement**

The application has been reviewed with respect to the Provincial Policy Statement policies that contribute to the development of healthy, liveable, and safe communities, as contained in Section 1.1.1. In addition, the application is consistent with Section 1.1.3.1 that focuses growth in Settlement Areas.

Policy 1.7.1(e) outlines that long-term economic prosperity will be supported by planning so that major facilities such as transportation corridors and sensitive land uses are appropriately designed, buffered, and separated from each other to prevent adverse effects from nuisances such as noise. A noise warning clause was included as Condition 2 of the approved severance applications (see Appendices “D” and “E”).

In addition, Policy 2.1.6 states that development shall not be permitted on adjacent lands to natural heritage features unless the ecological function of the adjacent lands has been evaluated, and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. A Tree Protection Plan was submitted as part of Condition 3 of Severance Applications AN/B-06:90 and AN/B-06:91 (see Appendices “D” and “E”). Planning staff reviewed the report and is satisfied with the conclusions. Site Plan Control will be required for the proposed

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development for Parts 2 and 3 to implement the Tree Protection Plan (see Page 13 - Comment 4).

The subject lands are located in an area where there is archaeological potential. Policy 2.6.1 requires the preservation of built heritage and landscapes. Policy 2.6.2 states that development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if such resources have been conserved by removal and documentation, or by preservation on site. Condition 4 of Severance Applications AN/B-06:90 and AN/B-06:91 requires the applicant to carry out an Archaeological Assessment of the subject lands (see Appendices “D” and “E”).

**Growth Plan for the Greater Golden Horseshoe (Places to Grow)**

The application has been reviewed with respect to the Growth Plan for the Greater Golden Horseshoe (Places to Grow). The application conforms to Section 1.2.2, where some of the guiding principles of the Plan are to “build compact, vibrant, and complete communities”, “plan and manage growth to support a strong and competitive economy”, and to “optimize the use of existing and new infrastructure to support growth in a compact, efficient form”.

In addition, the proposal also conforms to the policies that direct new growth to the built up areas, as per the policies contained in Sections 2.2.2 and 2.2.3 of the Places to Grow Plan. The proposal maintains the general intent to develop a large parcel of land within the existing urban area through the creation of two new residential lots. Therefore, the applications are consistent with the Places to Grow Growth Plan for the Greater Golden Horseshoe.

**Hamilton-Wentworth Official Plan**

The subject property is designated as “Urban Area” within the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the “Urban Areas”. “Urban Areas” are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

Section 9.2 requires the protection and preservation of historical and cultural resources, such as archaeological sites, in the review of planning applications. Condition 4 of Severance Applications AN/B-06:90 and AN/B-06:91 requires the applicant to carry out an Archaeological Assessment of the portion of the subject lands (see Appendices “D” and “E”).

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On the basis of the foregoing, the proposal conforms to the Hamilton-Wentworth Official Plan, as the proposed use meets the policies with respect to proposing development within the “Urban Area” and addressing archaeological potential through an Archaeological Assessment.

**Town of Ancaster Official Plan**

The subject property is designated as “Residential” in the Town of Ancaster Official Plan. As such, the following policies, among others, apply:

- “4.4.1 The predominant use of lands designated Residential on Schedule B shall be for dwellings in areas which will be supplied with urban services (sanitary and storm sewers and watermains).
- 4.4.2 Types of residential development permitted in the Residential designation shall be single detached dwellings, semi-detached dwellings, townhousing, low-rise apartments, and innovative forms of attached housing.”

Based on the above “Residential” policies, the proposed single-detached dwellings to be constructed on the severed portions of land falls within the range of uses permitted within the designation. The severed parcels of land will be fully serviced by sanitary and storm sewers, with municipal water service. In addition, the following policy applies with respect to the natural vegetation on the subject lands:

- “4.4.13 In Residential areas, great care shall be taken to preserve mature vegetation growth. Existing trees will be preserved, wherever possible, and the planting of trees in new subdivisions shall be a requirement in any Subdivision Agreement. The preservation of vegetation and natural drainage patterns shall be an essential consideration in the design and layout of the road system in all development proposals.”

As a condition of approval for the severance applications, a Tree Protection Plan was submitted for review (see Condition 3 - Appendices “D” and “E”). Planning staff has no objections to the Report, and all issues have been addressed with respect to the minimal removal of trees and the protection of remaining vegetation. The schematic building footprints, as shown in Appendix “C”, will remove the smallest number of trees from the subject property. The proposed development on Parts 2 and 3 will be subject to Site Plan Control to implement the Tree Protection Plan.

- “7.7.1.2 When considering any application for Consent for the division of land for any purpose, conformity with the following provisions is required:

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- (i) No consent shall be permitted unless the proposal is in compliance with the policies of this Plan, the Regional Official Plan, Niagara Escarpment Plan, approved settlement capability studies, the requirements of the Planning Act and the Minimum Distance Separation Formula of the Agricultural Code of Practice.
- (ii) No consent shall be finalized unless the proposal is in conformity with the Zoning By-law.
- (iii) The lot to be retained and the lot to be severed must have frontage on and direct access to an open, improved public road, which is maintained on a year-round basis.
- (vi) Severances within the Urban Area Boundary shall be permitted only where the proposed development is serviced by municipal sewer and water systems, or the services have been committed to be extended.”

The severance applications were approved by the Committee of Adjustment on the basis that they comply with the Hamilton-Wentworth Official Plan and the Ancaster Official Plan, and any requirements within the Planning Act. In addition, this rezoning application has been submitted to change the zoning to permit the proposed residential uses. The severance was also approved on the basis that the subject lands are within the urban area and have access to municipal sewer and water systems. Based on the foregoing policies, the proposal conforms to the residential and severance policies of the Ancaster Official Plan.

**New Urban Official Plan (Council Adopted)**

The Urban Hamilton Official Plan received Ministerial Approval from the Ministry of Municipal Affairs and Housing on March 16, 2011. The Plan has been appealed to the Ontario Municipal Board (OMB). The subject lands are designated “Neighbourhoods” on Schedule E - Urban Structure and Schedule E-1 - Urban Land Use Designations of the New Urban Hamilton Official Plan. The following Policies apply to the “Neighbourhoods” land use designation:

- “E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 - Urban Land Use Designations:
- a) Residential dwellings, including second dwelling units and housing with supports.
- E.3.4.3 Uses permitted in low density residential areas include single-detached, semi-detached, duplex, triplex, and street townhouse dwellings.



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E.3.4.4 For low density residential areas, the maximum net residential density shall be 60 units per hectare.

E.3.4.5 For low density residential areas, the maximum height shall be three storeys.”

Based on the above policies, the proposed development conforms to the general policies of the “Neighbourhoods” designation and the “Low Density Residential” designation. The proposed single detached dwellings to be built on the severed parcels of land meet the height and density requirements of the designation.

“E.3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:

- a) Direct access from lots adjacent to major or minor arterial roads shall be discouraged.
- c) A mix of lot widths and sizes compatible with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance, and design features shall be encouraged. Development shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility.”

The proposed development conforms to the design performance standards with respect to vehicular access and compatibility with adjacent residential neighbourhoods. Vehicular access from the proposed dwellings will be from Garner Road West and Hamilton Drive, where it maintains the general intent of the policy, as the proposed driveway accesses are distanced far from each other to pose minimal risk to traffic and visibility. In addition, the proposal is compatible with neighbouring residential development with respect to type, height, and size of dwelling, and its general appearance.

The subject lands are also within the Core Area on Schedule B - Natural Heritage Systems. Therefore, the following policies apply:

“2.3.2 Core Areas are the most important components in terms of biodiversity, productivity, and ecological and hydrological functions. It is the intent of this policy to preserve and enhance Core Areas, and to ensure that any development or site alteration within or adjacent to them shall not negatively impact their environmental features or ecological functions.

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2.5.4 New development and site alteration shall not be permitted within significant woodlands, significant valleylands, significant wildlife habitat, and significant areas of natural and scientific interest unless it has been demonstrated that there shall be no negative impacts on the natural features or on their ecological functions.

2.5.5 New development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in Section C.2.5.2 to C.2.5.4 unless the ecological function of the adjacent lands has been evaluated, and it has been demonstrated that there shall be no negative impacts on the natural features or on their ecological functions.”

The subject property currently has a number of large trees scattered throughout the property. An EIS was initially required prior to the approval of the severance application. However, upon further investigation of the subject lands, a Tree Protection Plan was deemed more appropriate, as there are a number of significant trees on the property. The underbrush was mostly sodded, and very few of the original plantings remain on the subject property today. A Tree Protection Plan was submitted and Planning staff is satisfied with the plan. In addition, the development of Parts 2 and 3 will be subject to Site Plan Control, as the newly created lots are located within the Core Areas.

Based on the foregoing policies, the proposal would conform to the Urban Hamilton Official Plan.

### **RELEVANT CONSULTATION**

The following Departments and Agencies had no comments or objections:

- Traffic Engineering Section, Public Works Department.
- Waste Management Division, Pubic Works Department.
- Hamilton Municipal Parking System.
- Grand River Conservation Authority.
- Horizon Utilities.

#### **Forestry and Horticulture Section (Public Works Department):**

Staff has advised that there are several trees that will be removed within the severed portions of land (Parts 2 and 3) for the construction of the single detached dwellings. As some of these trees are of good quality, a replacement fee of \$4,410.00, plus HST, is required.

**Traffic Engineering Section (Public Works Department):**

Staff has no objections to the application; however, it must be noted that the intersection of Garner Road West and Hamilton Drive will be signalized in the future. It is recommended that the vehicular access for Part 2 (see Appendix "C") be located on Hamilton Drive for improved sight lines. This will be addressed by prohibiting driveways on Garner Road West on Block 2.

**Public Consultation**

In accordance with the Public Participation Policy approved by Council, preliminary consultation is not required if the application is part of the implementation of a Planning Study or other application, such as a severance application, which has been approved within one year of other public involvement and participation opportunities.

The subject rezoning application is part of the implementation of Severance Applications AN/B-06:90 and AN/B-06:91, which were approved by the Committee of Adjustment on June 2, 2011 (see Appendices "D" and "E"). Therefore, preliminary circulation was not required. There were no delegations or written comments in opposition to the severance applications.

Notice of Public Meeting will be given in accordance with the requirements of the Planning Act through circulation to property owners within 120 metres of the subject lands. In addition, a Public Notice sign was posted on the property on December 11, 2011.

**ANALYSIS / 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, and conforms to the Places to Grow Growth Plan;
  - (ii) It conforms to the Hamilton-Wentworth Official Plan, the New Urban Hamilton Official Plan, and the Ancaster Official Plan;
  - (iii) The proposed development will provide for low density residential use that is in keeping with the surrounding residential neighbourhood with respect to scale, density, and character; and,
  - (iv) It implements conditions of approval for Severance Applications AN/B-06:90 and AN/B-06:91 (Condition 5 - Appendices "D" and "E").

2. Zoning By-law Amendment (ZAR-11-072)

The draft By-law will change the zoning from the Agricultural "A-216" Zone, Modified, to the Residential "R1" Zone (Block 1), Residential "R1-640" Zone, Modified (Block 2), and Residential "R1-641" Zone, Modified (Block 3) (see Appendix "B"). The following special modifications have been included in the draft By-law for the lands:

(a) Residential "R1" Zone (Block 1)

The retained portions of the subject lands will be rezoned to the Residential "R1" Zone, with no site-specific modifications. The existing single detached dwelling will remain on-site, with no additions proposed. The existing dwelling conforms to the minimum front yard, rear yard, and side yard setbacks, and the lot conforms to the minimum lot frontage. The current residential use is consistent with the surrounding residential uses to the north and west of the subject property. Planning staff has no objections to the change in zoning from the Agricultural "A-216" Zone, Modified, to the Residential "R1" Zone.

(b) Residential "R1-640" Zone, Modified (Block 2)

Site-specific modifications will be required to address the minimum required northerly side yard setback and front yard setback (see Appendix "B") for Block 2 of the subject lands. The Concept Plan (see Appendix "C") shows the schematic building footprint and the double car driveway. Due to the general constraints of the lot with respect to the number of trees that are to be protected, there is little flexibility to modify the final location of the driveway and the building footprint without the removal of additional trees. The approved Tree Protection Plan shows a minimal number of trees removed based on the driveway and schematic building configuration.

Consequently, a minor reduction to the minimum required northerly side yard setback from 2.5 metres to 2.34 metres has been requested. Planning staff has no objection to this reduction, as the general intent of the side yard is maintained and there is existing vegetation that will provide additional buffering and privacy from the retained portion of lands. In addition, an increased minimum required front yard setback of 11.3 metres has been applied to further protect several tree specimens from development, whereas 7.5 metres is required in the "R1" Zone.

An additional site-specific provision has been added to prohibit vehicular access onto Garner Road West, as the subject property is located at an intersection that will be signalized in the future. Prohibiting vehicular access on Garner Road West will ensure traffic and pedestrian safety at the intersection due to the lack of ingress/egress traffic.

(c) Residential “R1-641” Zone, Modified (Block 3)

Site-specific modifications will be required to address the minimum front yard and side yard setbacks for Block 3 of the subject lands (see Appendix “B”). The Concept Plan shows a clustering of trees along the front, side, and rear lot lines. There is an absence of trees in the centre of the lot.

Under the Ancaster Zoning By-law, the minimum required side yard setback under the Residential “R1” Zone is 2.5 metres. Modifications to the zoning will increase the minimum side yard setback requirements to 6.5 metres (easterly) and 11 metres (westerly), which will provide additional protection of existing trees in the side yards, and implement the recommendations of the Tree Protection Plan.

The current minimum front yard setback requirement is 7.5 metres. In addition, Schedule “C” of the Ancaster Zoning By-law requires additional separation distance of 18.0 metres from the Garner Road East centreline, for a total of 25.5 metres. Site-specific provisions will reduce the minimum required front yard setback to 6.0 metres, and eliminate the requirement for a separation distance from the Highway 53 (Garner Road) centreline. This provision can be supported, as existing vegetation will allow for buffering along Garner Road West, and the proposed dwelling has been designed so that the front yard functions as a side yard, and the amenity space is located in the de facto front yard. In addition, there is adequate manoeuvring space on the property to support a reduction in the front and side yard setbacks. The elimination of additional setback requirements from Highway 53 (Garner Road), as required in Schedule “C”, can be supported, as the proposed building footprint, in general, maintains the separation distance requirements from the road.

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3. There is an existing 450mm municipal sanitary sewer within the Garner Road right-of-way, and an existing 250mm municipal sanitary sewer within the Hamilton Drive right-of-way, of sufficient size and capacity to service the subject lands. Also, as a condition of approval of Severance Applications AN/B-06:90 and AN/B-06:91, the owner will be required to make a cash payment for the future urbanization of Garner Road, based on the City's "New Roads Servicing Rate", at the time final approval is granted (see Condition 8 - Appendices "D" and "E"). The future width of this section of Garner Road is 36.576m, and no additional lands for road widening purposes are required.
4. A Tree Protection Plan was submitted as part of the Zoning By-law Amendment application. Planning staff has reviewed the report, and is satisfied that a minimal number of trees will be removed due to the proposed development. Appendix "C" shows the conceptual building footprints that are proposed for Parts 2 and 3, where a total of two trees in Part 2 and four trees in Part 3 will be removed. The Zoning By-law will provide additional tree protection by requiring a greater minimum required front yard setback for Part 2 from 7.5 metres to 11.3 metres, and the side yard setback from 1.2 metres to 6.5 metres (easterly) and 11 metres (westerly) to protect existing trees in the front yard.

As Parts 2 and 3 are both located within the Core Area, as shown in Schedule B - Natural Heritage Systems in the Urban Hamilton Official Plan, the proposed development will be subject to Site Plan Control to ensure the location of the proposed buildings will implement the Tree Protection Plan.

#### **ALTERNATIVES FOR CONSIDERATION**

Should the application be denied, the subject property will remain zoned Agricultural "A-216" Zone, Modified, where the existing single-detached dwelling would continue to be a permitted use. However, the Zoning Amendment application is a condition of Severance Applications AN/B-06:90 and AN/B-06:91. If the applications are denied, the severance applications will lapse and become void.

#### **CORPORATE STRATEGIC PLAN**

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

#### **Financial Sustainability**

- ◆ Effective and sustainable Growth Management.
- ◆ Generate assessment growth/non-tax revenues.

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**Social Development**

- ◆ Everyone has a home they can afford that is well maintained and safe.

**Healthy Community**

- ◆ Plan and manage the built environment.
- ◆ Adequate access to food, water, shelter and income, safety, work, recreation and support for all (Human Services).

**APPENDICES / SCHEDULES**

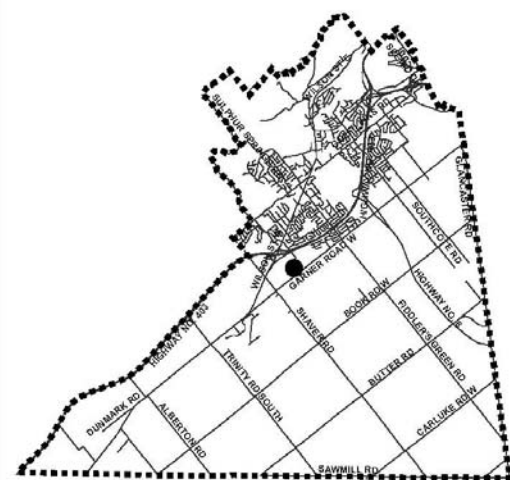
- Appendix "A": Location Map
- Appendix "B": Draft Zoning By-law Amendment
- Appendix "C": Concept Plan
- Appendix "D": Severance Application AN/B-06:90
- Appendix "E": Severance Application AN/B-06:91

:TL

Attachs. (5)



● Site of the Application



Ward 12 Key Map

N.T.S.

## Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAR-11-072

Date:  
February 17, 2012




Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
TL/KA

### Subject Property

515 Hamilton Drive

-  Block 1 - Change in Zoning from the Agricultural "A-216" Zone, Modified, to the Residential "R1" Zone.
-  Block 2 - Change in Zoning from the Agricultural "A-216" Zone, Modified, to the Residential "R1-640" Zone, Modified.
-  Block 3 - Change in Zoning from the Agricultural "A-216" Zone, Modified, to the Residential "R1-641" Zone, Modified.



**Authority:** Item [REDACTED]  
Planning Committee  
Report: 12-[REDACTED] (PED12064)  
CM: [REDACTED]

**Bill No.** [REDACTED]

## CITY OF HAMILTON

### BY-LAW NO. [REDACTED]

#### To Amend Zoning By-law No. 87-57, Respecting Lands Located at 515 Hamilton Street, in the former Town of Ancaster, now in the City of Hamilton

**WHEREAS** the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as the "The Corporation of the Town of Ancaster" and is the successor to the former Regional Municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

**AND WHEREAS** the City of Hamilton Act, 1999 provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** Zoning By-law No. 87-57 (Ancaster) was enacted on the 22<sup>nd</sup> day of June 1987, and approved by the Ontario Municipal Board on the 23<sup>rd</sup> day of January, 1989;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 12-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2012, recommended that Zoning By-law No. 87-57, be amended as hereinafter provided;

**AND WHEREAS** this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Ancaster) in accordance with the provisions of the Planning Act.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That Map 1 of Schedule "B", appended to and forming part of By-law No. 87-57 (Ancaster), as amended, is hereby further amended as follows:
  - (a) By changing the zoning from the Agricultural "A-216" Zone, Modified, to the Residential "R1" Zone, on the lands comprised of Block 1;
  - (b) By changing the zoning from the Agricultural "A-216" Zone, Modified, to the Residential "R1-640" Zone, Modified, on the lands comprised of Block 2; and,
  - (c) By changing the zoning from the Agricultural "A-216" Zone, Modified, to the Residential "R1-641" Zone, Modified, on the lands comprised of Block 3;

the extent and boundaries of which are more particularly shown on Schedule "A" annexed hereto and forming part of this By-law.

2. That Section 34: Exceptions of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following Sub-section:

**R1-640** That notwithstanding the provisions of Section 11 Residential "R1" Zone, the following special provisions shall apply to the lands zoned "R1-640":

1.0 Regulations:

Notwithstanding Sections 11.1.2(d) and (e), the following provisions apply:

- (a) Minimum Front Yard: 11.3 metres.
- (b) Minimum Side Yard (northerly): 2.3 metres.
- (c) No vehicular access to Garner Road West shall be permitted.

**R1-641** That notwithstanding the provisions of Section 11 Residential "R1" Zone, the following special provisions shall apply to the lands zoned "R3-641":

1.0 Regulations:

Notwithstanding Sections 11.1.2(d) and (e), and 7.13, the following provisions apply:

- (a) Minimum Front Yard: 6.0 metres.
  - (b) Minimum Side Yard (easterly): 6.5 metres.
  - (c) Minimum Side Yard (westerly): 11 metres.
  - (d) That Section 7.13(c) does not apply.
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

**PASSED and ENACTED** this [ ] day of [ ], 2012.

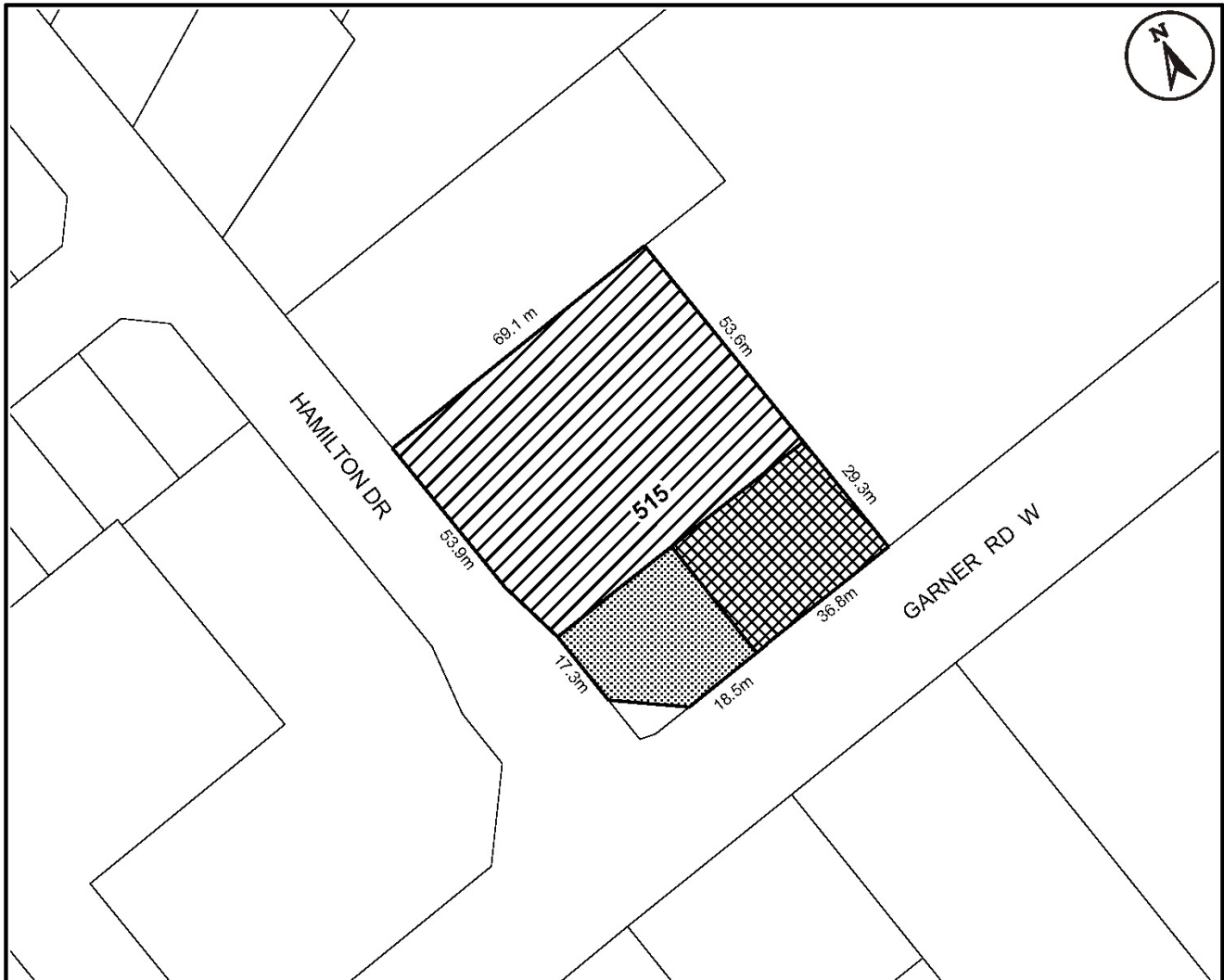
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R. Bratina  
Mayor

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Rose Caterini  
Clerk

ZAR-11-072






This is Schedule "A" to By-Law No. 12-  
 Passed the ..... day of ....., 2012

-----  
 Clerk  
 -----  
 Mayor

**Schedule "A"**

Map Forming Part of  
 By-Law No. 12- \_\_\_\_\_  
 to Amend By-law No. 87-57

- Subject Property**  
 515 Hamilton Drive
-  Block 1 - Change in Zoning from the Agricultural "A-216" Zone, Modified, to the Residential "R1" Zone.
  -  Block 2 - Change in Zoning from the Agricultural "A-216" Zone, Modified, to the Residential "R1-640" Zone, Modified.
  -  Block 3 - Change in Zoning from the Agricultural "A-216" Zone, Modified, to the Residential "R1-641" Zone, Modified.

Scale:  
 N.T.S.  
 Date:  
 March 21, 2012

File Name/Number:  
 ZAR-11-072  
 Planner/Technician:  
 TL/AL







Committee of Adjustment  
Hamilton City Hall  
71 Main Street West, 5<sup>th</sup> floor  
Hamilton, ON L8P 4Y5  
Telephone (905) 546-2424, ext. 4221  
Fax (905) 546-4202

**COMMITTEE OF ADJUSTMENT**

**NOTICE OF DECISION**

**APPLICATION FOR CONSENT/LAND SEVERANCE**

**APPLICATION NO. AN/B-06:90  
SUBMISSION NO. B-90/06**

**IN THE MATTER OF** The Planning Act, R.S.O. 1990, Chapter P13, Section 53(1);

**AND IN THE MATTER OF** the Premises known as Municipal number 515 Hamilton Drive, formerly in the Town of Ancaster, now in the City of Hamilton;

**AND IN THE MATTER OF AN APPLICATION** by the owners John MacDonald and Rhonda Nuell-MacDonald, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a vacant parcel of land measuring 28.95m (94.98') x 67.36m (220.99') for single family residential purposes, and to retain a parcel of land measuring 53.92m (176.90') x 69.14m (226.83') containing an existing single family dwelling for residential purposes.

**THE DECISION OF THE COMMITTEE IS:**

That the said application, as set out in paragraph three above, **IS APPROVED** for the following reasons:

1. The proposal does not conflict with the intent of the Hamilton-Wentworth and Town of Ancaster Official Plans.
2. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
3. The Committee considers the proposal to be in keeping with development in the area.

**Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions.**

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar.
2. That the owner/applicant agree to include the following warning clause in the consent/development agreement and in all purchase and sale and/or lease/rental agreements:  
  
"Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality's and the Ministry of the Environment's noise criteria."
3. A tree protection plan be prepared to the satisfaction of the City of Hamilton, Manager of Community Planning and Design and Public Works Department, Operations and Maintenance Division, Forestry & Horticulture Section.
4. That the proponent shall carry out an archaeological assessment of that portion of the property to be conveyed and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and the Ministry of Tourism and Culture confirming that all archaeological resource concerns have met licensing and conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Tourism and Culture.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Tourism and Culture (MTC) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTC and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).

CERTIFIED A-TRUE COPY  
  
SECRETARY - TREASURER

AN/B-06:90  
Page 2

5. That the owner/applicant receive rezoning approval to the satisfaction of the Manager of Development Planning.
6. That the Owner pay all outstanding servicing costs to the City of Hamilton with respect to the existing sanitary sewers within Hamilton Drive and Garner Road, to the satisfaction of the Senior Director of Growth Management.
7. That the Owner dedicate to the City of Hamilton by deed, a 12m x 12m daylight triangle at the intersection of Hamilton Drive and Garner Road, to the satisfaction of the Senior Director of Growth Management.
8. That the Owner pay to the City of Hamilton the future urbanization costs of Garner Road based on the New Roads Servicing Rate for the year that final approval is obtained, to the satisfaction of the Senior Director of Growth Management.
9. That the Owner enters into and the City of Hamilton registers a Consent Agreement to deal with and address issues including, but not limited to: grading and drainage; cash payment requirements for items such as trees, urbanization of the adjacent road, cost recoveries for existing above and/or underground services, inspection of grading and services to be installed; and securities for items such as: estimated cost of services to be installed, lot grading, driveway approaches, new or re-location of sidewalks adjacent to the subject lands and any damages to the existing City infrastructure or public property during construction, to the satisfaction of the Senior Director of Growth Management.
10. The owner shall pay the required amount of Local Improvement/Municipal Act Charges to the Budgets and Finance Section of Corporate Services.
11. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
12. The owner submit to the Committee of Adjustment office an administration fee of \$30.60 (\$15.30 per file) payable to the City of Hamilton to cover the costs of setting up new tax accounts for the newly created lots

DATED AT HAMILTON this 26th day of May, 2011.

\_\_\_\_\_  
M. Dudzic, Chairman

\_\_\_\_\_  
I. Dunlop

\_\_\_\_\_  
D. Smith

\_\_\_\_\_  
V. Abraham

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L. Gaddy

\_\_\_\_\_  
D. Drury

\_\_\_\_\_  
W. Pearce

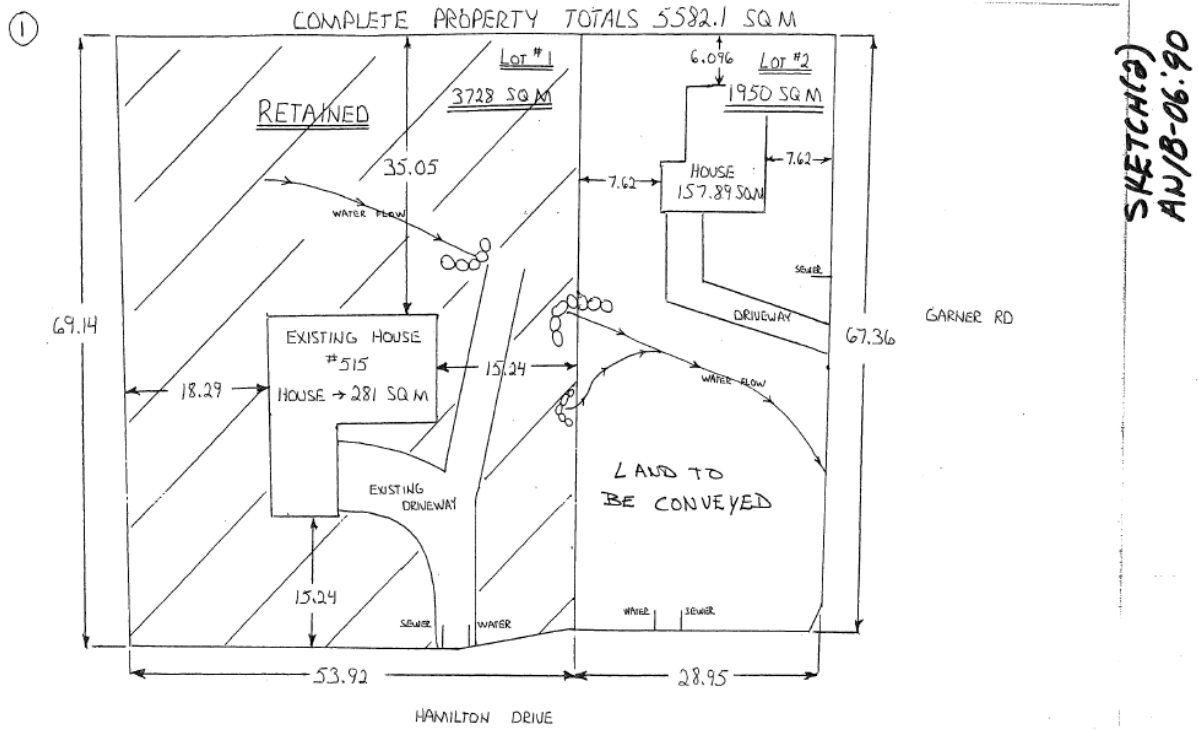
THE DATE OF GIVING OF THIS NOTICE OF DECISION IS June 2nd, 2011.  
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (June 2nd, 2012) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS June 22nd, 2011.

**NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.**

NOTE (TO BE INCLUDED IN DECISION IF APPROVED) for AN/B-06:90:

1. Based on the attached plans, and on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be conveyed will be assigned the municipal address of 421 Garner Road West, and that the lands to be retained will remain as 515 Hamilton Drive.



SKETCH(2)  
AN/B-06:90

APPROVED FOR THE CITY OF WINDSOR BY THE CITY ENGINEER ON 06/11/2009





Committee of Adjustment  
Hamilton City Hall  
71 Main Street West, 5<sup>th</sup> floor  
Hamilton, ON L8P 4Y5  
Telephone (905) 546-2424, ext. 4221  
Fax (905) 546-4202

## COMMITTEE OF ADJUSTMENT

### NOTICE OF DECISION

#### APPLICATION FOR CONSENT\LAND SEVERANCE

**APPLICATION NO. AN/B-06:91**  
**SUBMISSION NO. B-91/06**

**IN THE MATTER OF** The Planning Act, R.S.O. 1990, Chapter P13, Section 53(1);

**AND IN THE MATTER OF** the Premises known as Municipal number 515 Hamilton Drive, formerly in the Town of Ancaster, now in the City of Hamilton;

**AND IN THE MATTER OF AN APPLICATION** by the owners John MacDonald and Rhonda Nuell-MacDonald, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a vacant parcel of land having a frontage of 28.95m (94.98'), and an area of 997.8m<sup>2</sup> (10,740ft<sup>2</sup>) for single family residential purposes, and to retain a vacant parcel of land having a frontage of 36.88m (120.99'), and an area of 952.9m<sup>2</sup> (10,257ft<sup>2</sup>) for single family residential purposes.

#### **THE DECISION OF THE COMMITTEE IS:**

That the said application, as set out in paragraph three above, **IS APPROVED** for the following reasons:

1. The proposal does not conflict with the intent of the Hamilton-Wentworth and Town of Ancaster Official Plans.
2. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
3. The Committee considers the proposal to be in keeping with development in the area.

**Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions.**

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar.
2. That the owner/applicant agree to include the following warning clause in the consent/development agreement and in all purchase and sale and/or lease/rental agreements:  
  
"Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality's and the Ministry of the Environment's noise criteria."
3. A tree protection plan be prepared to the satisfaction of the City of Hamilton, Manager of Community Planning and Design and Public Works Department, Operations and Maintenance Division, Forestry & Horticulture Section.
4. That the proponent shall carry out an archaeological assessment of that portion of the property to be conveyed and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and the Ministry of Tourism and Culture confirming that all archaeological resource concerns have met licensing and conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Tourism and Culture.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Tourism and Culture (MTC) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTC and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).

Appendix "E" to Report PED12064 (Page 2 of 3)

AN/B-06:91  
Page 2

5. That the owner/applicant receive rezoning approval to the satisfaction of the Manager of Development Planning.
6. That the Owner pay all outstanding servicing costs to the City of Hamilton with respect to the existing sanitary sewers within Hamilton Drive and Garner Road, to the satisfaction of the Senior Director of Growth Management.
7. That the Owner dedicate to the City of Hamilton by deed, a 12m x 12m daylight triangle at the intersection of Hamilton Drive and Garner Road, to the satisfaction of the Senior Director of Growth Management.
8. That the Owner pay to the City of Hamilton the future urbanization costs of Garner Road based on the New Roads Servicing Rate for the year that final approval is obtained, to the satisfaction of the Senior Director of Growth Management.
9. That the Owner enters into and the City of Hamilton registers a Consent Agreement to deal with and address issues including, but not limited to: grading and drainage; cash payment requirements for items such as trees, urbanization of the adjacent road, cost recoveries for existing above and/or underground services, inspection of grading and services to be installed; and securities for items such as: estimated cost of services to be installed, lot grading, driveway approaches, new or re-location of sidewalks adjacent to the subject lands and any damages to the existing City infrastructure or public property during construction, to the satisfaction of the Senior Director of Growth Management.
10. The owner shall pay the required amount of Local Improvement/Municipal Act Charges to the Budgets and Finance Section of Corporate Services.
11. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
12. The owner submit to the Committee of Adjustment office an administration fee of \$30.60 (\$15.30 per file) payable to the City of Hamilton to cover the costs of setting up new tax accounts for the newly created lots

DATED AT HAMILTON this 26th day of May, 2011.

\_\_\_\_\_  
M. Dudzic, Chairman

\_\_\_\_\_  
V. Abraham

\_\_\_\_\_  
W. Pearce

\_\_\_\_\_  
D. Smith

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D. Drury

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L. Gaddy

\_\_\_\_\_  
I. Dunlop

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS June 2nd, 2011.  
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (June 2nd, 2012) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

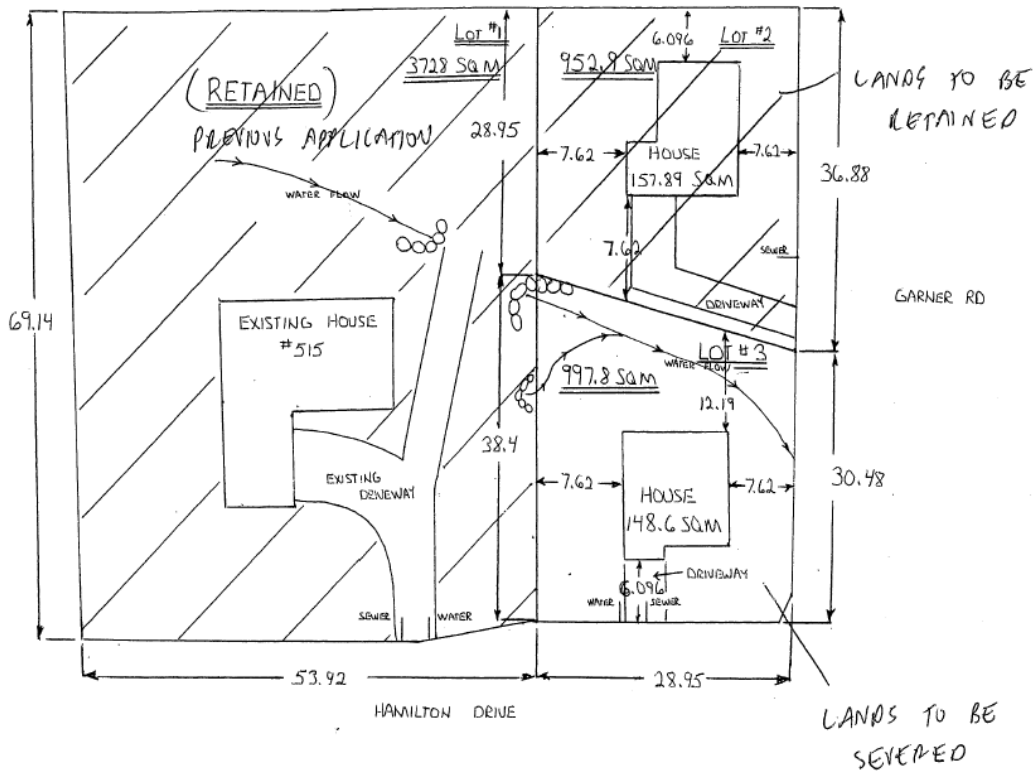
NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS June 22nd, 2011.

**NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.**

NOTE (TO BE INCLUDED IN DECISION IF APPROVED) for AN/B-06:91:

1. Based on the attached plans, and on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be conveyed will be assigned the municipal address of 523 Hamilton Drive, and that the lands to be retained will be assigned the municipal address of 421 Garner Road West

②



SKETCH (a)  
AN/B-06:91