SUBJECT: Application for a Change in Zoning for Lands Located at 17 Gavin Drive (Flamborough) (PED06188) (Ward 14)

RECOMMENDATION:

That approval be given to Zoning Application ZAR-06-26, Dwayne Johnson, owner, for a change in zoning from the Settlement Residential “R2-15” Zone to the Settlement Residential “R2-7” Zone to permit one new single detached dwelling, for lands located at 17 Gavin Drive (Flamborough), as shown on Appendix “A” to Report PED06188, on the following basis:

(a) That the subject property be rezoned from the Settlement Residential “R2-15” Zone to the Settlement Residential “R2-7” Zone.

(b) That the Draft By-law, attached as Appendix “B” to Report PED06188, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth and Flamborough Official Plans.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The purpose of the application is to change the zoning of the subject lands to permit a single detached dwelling.
Staff supports the application in view of the fact that it is consistent with the Greenbelt Plan and the Provincial Policy Statement, it conforms to the Hamilton-Wentworth Official Plan and the Flamborough Official Plan, and would be compatible with existing development in the surrounding area.

**BACKGROUND:**

**Proposal**

The applicant has applied to change the zoning from the Settlement Residential “R2-15” Zone, to the Settlement Residential “R2-7” Zone to permit one new two storey single detached dwelling on a vacant block known as 17 Gavin Drive, as shown on Appendix “A”.

The subject property was created as Block 16 in Registered Plan of Subdivision 62M-941 (see Appendix “D”), in order to be developed for senior citizen housing purposes. The applicant has indicated that there is insufficient space to adequately develop the subject property for senior citizen housing purposes, and a more appropriate use would be a single detached dwelling.

**Details of Submitted Application**

**Owner:** Dwayne Johnson

**Location:** 17 Gavin Drive

**Description:** Frontage: 109.63 metres
Depth: 86.10 metres
Area: 0.5 hectares

**EXISTING LAND USE AND ZONING:**

<table>
<thead>
<tr>
<th>Subject Lands</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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</thead>
<tbody>
<tr>
<td>Vacant</td>
<td>Settlement Residential “R2-15” Zone</td>
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**Surrounding Land Uses**

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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</thead>
<tbody>
<tr>
<td>North</td>
<td>Vacant</td>
<td>Settlement Residential “R2” and “R2-7” Zones</td>
</tr>
<tr>
<td>South</td>
<td>Residential (Single Detached)</td>
<td>Settlement Residential “R2-7” Zone</td>
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<tr>
<td>East</td>
<td>Vacant</td>
<td>Settlement Residential “R2-7” Zone</td>
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<tr>
<td>West</td>
<td>Agricultural</td>
<td>Agricultural “A” Zone</td>
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ANALYSIS/RATIONALE:

1. The proposed change in zoning has merit and can be supported for the following reasons:

   (i) It is consistent with the Greenbelt Plan and the Provincial Policy Statement, and it conforms to the Hamilton-Wentworth Official Plan and the Flamborough Official Plan.

   (ii) It is compatible with the existing and planned development in the immediate area.

2. The applicant has submitted a copy of Block 16, Plan 62M-941, with their application, attached as Appendix “C”, which has been reviewed against the standard requirements of the Settlement Residential “R2-7” Zone. The proposed single family dwelling lot will meet the minimum lot area requirement of 2,000 square metres, and the minimum lot frontage requirement of 30 metres of the Settlement Residential “R2-7” Zone.

   The proposal allows for a logical extension of the Settlement Residential “R2-7” Zone along Gavin Drive. The scale and character of the existing residential area will be enhanced, since the proposed zoning requires a compatible lot frontage, lot area, building height, and setbacks to those existing in the surrounding neighbourhood.

   As noted earlier, the applicant has indicated that there is insufficient space to adequately develop the subject property for senior citizen housing purposes, since additional space would be required for private servicing and parking.

3. Servicing of the Site

   The development controls approved by Council on April 23, 2003, and recommended in the report “Development Phasing Control to Mitigate Impacts to Peak Water Consumption in the Carlisle and Freelton Rural Settlement Areas (PD03039) (TOE02162(a))” remains in effect until a long term solution is approved for the Freelton Rural Settlement Area as part of the City Wide Water and Wastewater Master Plan. The subject property has been identified as a lot of record, which existed prior to the development controls coming into full force and effect. As such, the subject property was included in the “peak water consumption” calculations for the Freelton Rural Settlement Area. Therefore, since the application is to change the zoning to permit a single detached dwelling, which is a less intensive land use than the permitted senior citizens housing, staff is satisfied that the proposal will not impact the existing water capacity.
As indicated in the agency comments, the Public Health and Community Services Department (Health Protection Branch) has no objection to the proposal. Additionally, the construction of the proposed dwelling is subject to the issuance of a building permit in the regular manner. The Building Code Act requires that any person installing or repairing a Class 2, 3, 4 or 5 sewage system (including septic) obtain a sewage permit issued by the Chief Building Official prior to commencing construction.

4. Access

The subject property is an irregular shaped lot with 109.63 metres of curved lot frontage. In order to mitigate any potential traffic safety or vehicular visibility issues, the applicant is required to obtain an Access Permit from the Public Works Department (Traffic Engineering and Operations Section). The permit application process will approve the driveway access in the most appropriate location, in order to ensure safe traffic movement.

**ALTERNATIVES FOR CONSIDERATION:**

If the application is denied, then the applicant has the option of using the property for the current range of Settlement Residential “R2-15” Zone uses, including senior citizens housing.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

- **Financial**: N/A.
- **Staffing**: N/A.
- **Legal**: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a change in Zoning.

**POLICIES AFFECTING PROPOSAL:**

**Greenbelt Plan**

The subject property is designated “Settlement Area” within the Greenbelt Plan. Policy 3.4.2 indicates that Rural Settlement Areas, including Freelton, are not subject to the policies of the Greenbelt Plan. Therefore, the proposal is consistent with the policies of the Greenbelt Plan.

**Provincial Policy Statement**

The proposal falls within the parameters and is consistent with the Provincial Policy Statement (PPS).
Hamilton-Wentworth Official Plan

The subject property is designated “Rural Settlement Area” in the Hamilton-Wentworth Official Plan. Policy 3.2.1 outlines that a wide range of rural uses and residential development, defined through Area Municipal Official Plans, will be permitted in “Rural Settlement Areas”. As well, Policy 3.2 outlines that these areas are intended to accommodate approximately 4% of new households in the Region to the year 2020.

Therefore, as the nature of the application is to change the Zoning By-law to allow for the development of a new single family dwelling on the site, the proposal conforms to the Hamilton-Wentworth Official Plan policies.

Flamborough Official Plan

The subject property is located within the Freelton Rural Settlement Area and designated “Settlement Residential” in the Town of Flamborough Official Plan. The following policies of the Town of Flamborough Official Plan, among others, are applicable to the proposed development:

“B.10.1 The RURAL SETTLEMENT AREAS shown on Schedule ‘B’ are those areas where a variety of land uses have clustered together on a small scale, outside the designated URBAN AREA. Further development, primarily residential, may be permitted in the RURAL SETTLEMENT AREA(S), subject to suitable development conditions and in accordance with the policies of Section F.4 – SECONDARY PLANS.

B.10.6 The permitted use in areas designated SETTLEMENT RESIDENTIAL shall generally be single detached dwellings.

B.10.3 All development in the RURAL SETTLEMENT AREAS shall be required to provide an adequate supply of potable water and septic disposal capability to the satisfaction of the Regional Department of Health Services.

B.10.13 It is the intent of Council that the RURAL SETTLEMENT AREAS develop in accordance with the policies of this Plan. It is further intended to account for specific circumstances affecting specific RURAL SETTLEMENT AREAS by providing further policy guidance specific to a particular RURAL SETTLEMENT AREA. Communal water systems shall be owned and operated by the Region of Hamilton-Wentworth.

B.10.13.4 That development in Freelton proceed on the basis of a communal well system in part of the Carriage Heights Subdivision and by individual wells where otherwise approved by the Regional Engineering Department and Ministry of Environment.”
The Town of Flamborough Official Plan encourages the development of single detached dwellings in areas designated “Settlement Residential”. The proposal for the development of a new single family dwelling on the subject property will be compatible with existing adjacent residential uses.

As noted earlier (Comment 3, Pages 3-4), staff is satisfied that there is sufficient potable water to service the subject property. Additionally, the applicant is required to obtain a sewage permit issued by the Chief Building Official prior to commencing construction of the proposed single detached dwelling unit. Since the applicant is proposing an individual well that is to be approved by the Public Health and Community Services Department, the proposal is in accordance with Policy B.10.13.4 of the Flamborough Official Plan.

Based on the foregoing, the proposal will ensure that the residential character of the neighbourhood will be maintained and staff is satisfied the applicant can adequately service the proposed single detached dwelling. As such, the proposal conforms to the Town of Flamborough Official Plan.

**RELEVANT CONSULTATION:**

The following Departments/Agencies had no comments or objections:

- Corporate Services Department (Budget & Fiscal Policy Services).
- Corporate Services Department (Revenues Division).
- Public Health and Community Services Department (Health Protection Branch).
- Public Works Department (Strategic and Environmental Planning).
- Hydro One Networks Incorporated.
- Union Gas.

**Public Works Department (Traffic Engineering and Operations Section)**

The Traffic Engineering and Operations Section has indicated that the applicant should be aware that an access permit will be required for the subject property.

**Public Consultation**

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, this application was pre-circulated to 19 property owners within 120 metres of the subject lands. No comments were received. In addition, a Public Notice sign was posted on the property on April 29, 2006.

Notice of the Public Meeting for this rezoning application will be circulated to property owners within 120 metres of the subject lands and through a sign posted on the property in accordance with the regulations of the Planning Act.
CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
The public are involved in the definition and development of local solutions.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Ecological function and the natural heritage system are protected.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Investment in Hamilton is enhanced and supported.

Does the option you are recommending create value across all three bottom lines?
☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?
☐ Yes ☑ No

:DF
Attachs. (4)
Subject Property
17 Gavin Drive

Change in Zoning from the Settlement Residential "R2-15" Zone to the Settlement Residential "R2-7" Zone.
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended
Respecting Lands Located at 17 Gavin Drive (Flamborough)

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 municipality known as the “The Corporation of the Town of Flamborough” 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. 90-145-Z (Flamborough) was enacted on the 5th Day of November 1990, and approved by the Ontario Municipal Board on the 21st day of December, 1992;

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 Flamborough) in accordance with the provisions of the Planning Act;

AND WHEREAS the Council of the City of Hamilton, in adopting Section _______ of Report of the Planning and Economic Development Committee at its meeting held on the ______ day of ______, 2006, recommended that Zoning By-law No. 90-145-Z (Flamborough), be amended as hereinafter provided;

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

1. Schedule No. “A-33” attached to and forming part of Zoning By-law No. 90-145-Z (Flamborough), is hereby amended by changing the zoning from the Settlement Residential “R2-15” Zone to the Settlement Residential “R2-7”
Zone, the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule 'A' and forming part of this By-law.

2. 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 , 2006.

MAYOR

CLERK

ZAR-06-26
This is Schedule "A" to By-Law No. 06—

Passed the .................... day of ...................., 2006

Clerk

Mayor

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Schedule "A"

Map Forming Part of By-law No. 06-____

to Amend By-law No. 90-145-Z

Subject Property
17 Gavin Drive

Change in Zoning from the Settlement Residential "R2-15" Zone to the Settlement Residential "R2-7" Zone.