SUBJECT: Application for a Change in Zoning for Lands Located at 968 West 5th Street (PED06387) (Ward 8)

RECOMMENDATION:

That approval be given to Zoning Application ZAC-06-41, Mahmood Zakeri, owner, for a change in zoning from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District to permit two single-detached dwellings on separate lots, for lands located at 968 West 5th Street, as shown on Appendix “A” to Report PED06387, on the following basis:

(a) That the subject lands be rezoned from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District.

(b) That the draft By-law, attached as Appendix “B” to Report PED06387, 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 Official Plan and the City of Hamilton Official Plan.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The purpose of the application is to rezone the lands in order to permit two single-detached dwellings on separate lots.

The proposal has merit and can be supported since the change in zoning is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan, the City of Hamilton Official Plan and approved Gourley Neighbourhood Plan. The proposal is compatible with existing and planned land uses in the surrounding area, and would allow for appropriate infill development. The proposal will facilitate approval of a future severance application.

BACKGROUND:

Proposal

The application is for a change in zoning for lands located at 968 West 5th Street (see Appendix “A”). The purpose of the application is for a change in zoning from the current “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District. The effect of the application is to permit two single detached dwellings on separate lots (see Appendix “C”). Following approval of the zoning application, the applicant intends to demolish the existing dwelling and file a severance application in order to establish two residential lots upon the subject lands.

Details of Submitted Application:

Owner/ Applicant: Mahmood Zakeri

Location: 968 West 5th Street (see Appendix “A”).

Description:

Frontage: 30.5 metres

Depth: 65.5 metres (average)

Area: 2134.16 square metres
EXISTING LAND USE AND ZONING:

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<thead>
<tr>
<th></th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tbody>
<tr>
<td><strong>Subject Lands:</strong></td>
<td>Existing single detached dwelling (to be demolished)</td>
<td>“AA” (Agricultural) District</td>
</tr>
<tr>
<td><strong>Surrounding Lands:</strong></td>
<td></td>
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<tr>
<td>North</td>
<td>Single Detached Dwellings</td>
<td>“C” (Urban Protected Residential, etc.) District</td>
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<tr>
<td>South</td>
<td>Single Detached Dwellings</td>
<td>“B” (Suburban Agriculture and Residential, etc.) District</td>
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<tr>
<td>East</td>
<td>Single Detached Dwellings</td>
<td>“C” (Urban Protected Residential, etc.) District</td>
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<tr>
<td>West</td>
<td>Single Detached Dwellings</td>
<td>“C” (Urban Protected Residential, etc.) District</td>
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ANALYSIS/RATIONALE:

1. The proposal has merit and can be supported for the following reasons:
   
   (i) It is consistent with the Provincial Policy Statement and complies with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

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

   (iii) It implements the “Single and Double Residential” land use designation of the approved Gourley Neighbourhood Plan.

2. Proposed Zoning

   Currently, there is an existing single detached dwelling on the subject property (to be demolished), which is zoned “AA” (Agricultural) District. The subject lands are bounded to the north, west and east by the “C” (Urban Protected Residential, etc.) District, and bounded by the “B” (Suburban Agriculture and Residential, etc.) District to the south.

   The subject lands have 30.5 metres of frontage on West 5th Street and have an area of 2,134.16m². It is proposed that these lands be severed in order to create two equal parcels. Each parcel of land would have 15.2m of frontage and an area
of 1,067m² (see Appendix “C”). This lot frontage/size would comply with the regulations of the proposed “C” (Urban Protected Residential, etc.) District. This zoning would permit one single detached dwelling on each of the proposed lots, with each lot required to have a minimum frontage of 12m and a minimum area of 360m².

The proposed development would be compatible with the existing scale and density of surrounding residential development. The proposed lot sizes, which are considerably larger than the minimum requirement of the “C” (Urban Protected Residential, etc.) District, conform to the general lot sizes in the immediate area.

The applicant has not requested any modifications to the standard “C” (Urban Protected Residential, etc.) District and, as such, it is considered that there would not be any detrimental impact upon the character of the existing streetscape.

3. Staff notes that there are existing municipal water and sanitary sewer services. The requirement for a 5.18m wide road allowance dedication along the entire frontage of the subject lands has been identified, which would be deeded to the City as a condition of consent approval. The land owner will be required to enter into a Consent Agreement to address grading and drainage over the conveyed and retained lands.

The Department has reviewed the application with respect to its impact upon traffic movements and the amenity and safety of pedestrians and motorists. It is noted that each newly created lot will require a separate access onto West 5th Street (requiring Access Permits). Staff is satisfied that the proposed application would not affect the free flow of traffic or prejudice the safety of pedestrians or motorists.

**ALTERNATIVES FOR CONSIDERATION:**

If the application is denied, then the applicant has the option of using the property for the current range of uses permitted in the “AA” (Agricultural) District.

**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:

Provincial Policy Statement

The proposal is consistent with the principles and policies of the Provincial Policy Statement (PPS) which focus growth in settlement areas.

Hamilton-Wentworth Official Plan

The subject property is designated “Urban Area” in the Hamilton-Wentworth Official Plan. As the nature of the application is to allow for an additional dwelling unit in an area where full municipal services are available, the proposal conforms to the intent of the Hamilton-Wentworth Official Plan policies.

City of Hamilton Official Plan

The subject property is designated “Residential” on Schedule “A” – Land Use Concept. The proposal allows one additional residential unit and lots of a size compatible with the surrounding residential area. Based on the foregoing, the proposal complies with the “Residential” policies of the Hamilton Official Plan.

Neighbourhood Plan

The property is located within the Gourley Neighbourhood and is designated “Single and Double” Residential. The proposal implements the Gourley Neighbourhood Plan.

RELEVANT CONSULTATION:

Agencies/Departments Having No Comment or Objections

- Traffic Engineering and Operations Section, Public Works Department.
- Budget and Fiscal Policy Services, Corporate Services Department.

Public Consultation

In accordance with the Public Participation policy that was approved by Council on May 29, 2003, it was determined by the Manager, Development Planning, in consultation with the Ward Councillor, that preliminary circulation was not required since this application is considered to be of a minor nature. However, in accordance with the requirements of the Planning Act, notice of this application will be sent to all property owners within 120 metres of the property and by a sign posted on the property.
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
Participation in community life is accessible to all Hamiltonians.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Human health and safety 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

:EJ
Attachs. (3)
Change in Zoning from the "AA" (Agricultural) District to the "C" (Urban Protected Residential, etc.) District
WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 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 Corporation of the City of Hamilton” and is the successor of 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 the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

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. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

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

1. That Sheet No. E-9e of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), as amended, is hereby amended by changing the zoning from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District, on the
lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. No building or structure shall be erected, altered or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the “C” District provisions.

3. 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

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Appendix “B” to Report PED06387
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Change in Zoning from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District