SUBJECT: Application for a Change in Zoning for Lands Located at 118 Rymal Road West (Hamilton) (PED07169) (Ward 8)

RECOMMENDATION:

That approval be given to Zoning Application ZAR-07-005, Romel Talya, owner, for a change in zoning from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District to permit the existing single detached dwelling and one new single detached dwelling on separate lots, for the lands located at 118 Rymal Road West (Hamilton), as shown on Appendix “A” to Report PED07169, 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 PED07169, 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 Hamilton Official Plans.

Tim McCabe
General Manager
Planning and Economic Development Department
SUBJECT: Application for a Change in Zoning for Lands Located at 118 Rymal Road West (Hamilton) (PED07169) (Ward 8) - Page 2 of 7

EXECUTIVE SUMMARY:

The purpose of the application is to change the zoning of the subject lands to permit one new single detached dwelling and the existing single detached dwelling on separate lots, as shown on Appendix “C”. Final approval of this application for rezoning fulfils a condition imposed through the provisional approval of Consent Application HM/B-07:03 (Appendix “D” - Condition 2).

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 the Sheldon Neighbourhood Plan. The proposal is compatible with the existing and planned development in the neighbourhood.

BACKGROUND:

Proposal

The applicant has applied to change the zoning of the subject lands, known as 118 Rymal Road West (see Appendix “A”), from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District, to permit the development of one new single detached dwelling and the existing single detached dwelling on separate lots.

Consent Application HM/B-07:03

Consent application HM/B-07:03 for the subject lands was granted provisional approval on February 21, 2007, by the Committee of Adjustment (see Appendix “D”), and will allow the property to be severed into two lots, as shown on Appendix “C”. A condition of this approval requires final approval of the subject zoning application (Appendix “D” - Condition 2).

Details of Submitted Application

Owner: Romel Talya
Location: 118 Rymal Road West
Description: Frontage: 30.48 metres
Depth: 60.96 metres
Area: 1,858 square metres
EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th></th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Subject Lands</strong></td>
<td>Residential (Single Detached)</td>
<td>“AA” (Agricultural) District</td>
</tr>
<tr>
<td><strong>Surrounding Lands</strong></td>
<td></td>
<td></td>
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<tr>
<td>North</td>
<td>Residential (Single Detached)</td>
<td>“AA” (Agricultural) District</td>
</tr>
<tr>
<td>East</td>
<td>Residential (Single Detached)</td>
<td>“AA” (Agricultural) District</td>
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<tr>
<td>South</td>
<td>Residential (Single Detached)</td>
<td>“C” (Urban Protected Residential, etc.) District</td>
</tr>
<tr>
<td>West</td>
<td>Agricultural (Single Detached Dwelling and Farm Buildings )</td>
<td>“AA” (Agricultural) District</td>
</tr>
</tbody>
</table>

ANALYSIS/RATIONALE:

Circulation of the proposed application to various City departments and outside agencies resulted in no significant issues with respect to the proposed zone change. Planning staff’s evaluation of the proposed application is set out below.

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

   (i) It is consistent with the Provincial Policy Statement.

   (ii) It is in conformity with the Hamilton-Wentworth Official Plan, the “Residential” policies of the City of Hamilton Official Plan, and the “Single and Double Residential” designation of the Sheldon Neighbourhood Plan.

   (iii) It is compatible with existing and planned development in the neighbourhood and is an appropriate infill development which will make use of the existing services.

   (iv) It implements a condition of provisional approval for Consent Application HM/B-07:03 (Appendix “D” – Condition 2), which requires the owner to receive final approval of this Zoning Application.
2. The current “AA” (Agricultural) District zoning on the subject lands requires a minimum lot area of 12,000 square metres and the proposed “C” (Urban Protected Residential, etc.) District zoning requires a minimum lot area of 360 square metres. As an “AA” (Agricultural) District zoned property, the existing lot is undersized, being 1,858 square metres of area. As the lands are located within the “Urban Area” of the Hamilton-Wentworth Official Plan and are not in agricultural production, the proposed change in zoning to “C” (Urban Protected Residential, etc.) District to facilitate the creation of two 929 square metre lots is appropriate for the site.

3. The minimum frontage requirement of 12 metres in the proposed zoning will prevent the property from being severed into more than two lots.

The applicant has indicated that the design for the proposed dwelling on the severed lands will be the same as the design of the existing dwelling on the retained lands (Appendix “C”). The proposed zoning requires a minimum rear yard setback of 7.5 metres, providing adequate outdoor amenity area, and allows a maximum height of 11 metres (two and a half storeys), to which the existing dwelling appears to conform. A front yard of at least 6.0 metres and minimum side yards of 1.2 metres are required in the “C” District, which will ensure streetscape compatibility and adequate parking areas, and adequate space for maintenance, access and drainage. The existing dwelling appears to conform to the minimum front and side yard requirements.

4. The introduction of an infill dwelling on a separate lot is appropriate on this site as this proposal is compatible with the existing lot sizes, frontages, setbacks, heights and density of existing dwellings in the area. The proposed zoning for the subject lands will maintain a compatible scale and massing of development with the neighbouring area. The provisions in the proposed zoning accommodate the proposed severance. As such, staff is satisfied that the proposal complies with the “Residential” policies of the City of Hamilton Official Plan.

5. There is an existing watermain, storm sewer and sanitary sewer of sufficient size and capacity on Rymal Road West to service this development directly.

6. The lands are subject to conditions under the Severance Application which require the owner/applicant to dedicate a road widening to the City of Hamilton along the frontage of their property adjacent to Rymal Road West to allow for an 18.288m width of road allowance from the centreline (Appendix “D” – Condition 3). All other engineering concerns related to the drainage and grading of the subject lands will be dealt with through a Consent Agreement, which the owner is required to enter into as a condition of severance approval (Appendix “D” – Condition 5).
ALTERNATIVES FOR CONSIDERATION:

If the application is denied, the application for consent to sever (HM/B-07:03) will lapse and the applicant has the option of using the property for the current range of “AA” (Agricultural) District uses.

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

This application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application is consistent with the statement. Staff recognizes that the application has shown proper regard towards focusing growth in settlement areas, as per Policy 1.1.3.1.

Hamilton-Wentworth Official Plan

The subject property is designated “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 3.1 states that a wide range of urban uses, based on full municipal services, will be concentrated in Urban Areas. As well, Policy 3.1 outlines that these areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

Therefore, as the nature of the application is to amend the Zoning By-law to allow for the creation of a new lot and the development of one new single detached dwelling, the proposal conforms to the Hamilton-Wentworth Official Plan policies.

City of Hamilton Official Plan

The subject property is designated “Residential” in the City of Hamilton Official Plan. The following policies of the City of Hamilton Official Plan, among others, are applicable to the proposed development:

“A.2.1.1 The primary uses permitted in the areas designated on Schedule “A” as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly Council will:

   iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview.”

As the nature of the application allows an appropriate opportunity for infill that recognizes the scale and character of the existing area, the proposal conforms to the “Residential” policies of the City of Hamilton Official Plan.

Sheldon Neighbourhood Plan

The subject lands are designated “Single and Double” Residential in the approved Sheldon Neighbourhood Plan. The proposal conforms.

**RELEVANT CONSULTATION:**

The following Departments/Agencies had no comments or objections:

- Public Works Department, Traffic Engineering and Operations Section.
- Public Works Department, Strategic and Environmental Planning Section.
- Public Works Department, Operations and Maintenance Division, Forestry and Horticulture Section.
- Corporate Services Department, Taxation Division.
- Corporate Services Department, Budgets and Finance Division.
- Union Gas.
- Horizon Utilities.
- Hydro One.
- Niagara Escarpment Commission.
- Bell Canada.

Hamilton Municipal Parking System:

Parking Services has indicated that the applicant/owner should be aware that all parking requirements must be met on-site for the newly created and retained lots. The proposed zoning requires two parking spaces per dwelling, which can be accommodated on each of the proposed lots.
Public Consultation

The Public Participation Policy, approved by Council on May 29, 2003, states that preliminary circulation shall not be required if the application is part of a Planning Study or other application, such as a consent application, which has been approved within one year of other public involvement and participation opportunities. In this regard, preliminary circulation is not required. Consent Application HM/B-07:03 to sever the subject land to facilitate the development of one new single detached dwelling lot was provisionally approved by the Committee of Adjustment on February 21, 2007. No written responses were received, and no residents were in attendance at the Committee of Adjustment meeting with concerns regarding the Consent Application.

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, and 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

:LB
Attachs. (4)
Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: ZAR-07-005
Date: March 8th, 2007
Appendix “A”
Scale: N.T.S.
Planner/Technician: LB/MF

Subject Property

118 Rymal Road West

Site of Application

Ward 8 Keymap N.T.S.
CITY OF HAMILTON

BY-LAW NO. [Bill No.]

To Amend Zoning By-law No. 6593
Respecting the lands located at 118 Rymal Road West, Hamilton

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 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 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 Economic Development and Planning Committee at its meeting held on the ___ day of ___, 2007, 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. W-9d of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by:

(a) changing the zoning from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District;

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, extended 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” (Urban Protected Residential, etc.) District provisions applicable to the lands described in Section 1.

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 [redacted] day of [redacted], 2007.

Fred Eisenberger
Mayor

Kevin C. Christenson
City Clerk

ZAR-07-005
Schedule "A"

Map Forming Part of By-Law No. 07-____
to Amend By-law No. 6593

Subject Property
118 Rymal Road West
Change in Zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

Clerk

Mayor

This is Schedule "A" to By-Law No. 07-
Passed the ........... day of ....................., 2007

Scale: N.T.S.

File Name/Number: ZAR-07-005

Date: March 16 2007

Planner/Technician: LB/MF
Appendix "C" to Report PED07169 (Page 1 of 1)

Application to rezone entire property.

LOT 16

P.L.N. 16911 - 0031 (L.T)

N 71° 28' 15" W 30.48

CONCESSION

P.L.N. 16911 - 0026 (L.T)

P.L.N. 16911 - 0027 (L.T)

RYMAL ROAD WEST

(ROAD ALLOWANCE BETWEEN THE TOWNSHIPS OF BARTON AND GLANFORD
(FORMERLY THE KING'S HIGHWAY No. 53))
APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. HM/B-07:03
SUBMISSION NO. B-03/07

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 118 Rymal Road West, in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the owners Romel Talya and Amarni Estrada, 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 15.24m (50') x 60.99m (200') for single family residential purposes, and to retain a parcel of land measuring 15.24m (50') x 60.99m (200') containing an existing single family dwelling for residential purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application IS APPROVED for the following reason:

1. The Committee is of the opinion that a plan of subdivision of the lands is not necessary, in this case, for the proper and orderly development of the municipality.

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 lands be zoned to the satisfaction of the Manager, Development Planning.

3. That the owner dedicates to the City of Hamilton by deed, sufficient lands from the lands to be severed and retained for road allowance widening purposes, to establish the widened limit of Rymal Road West, 60 feet (18.288m) from the original centreline of road construction. The widening shall be based on MTO plan P-1944-1.

4. That the owner makes a cash payment to the City of Hamilton for the future urbanization costs of Rymal Road West (severed portion only) based on the current New Road Servicing Rate in the year that final approval is obtained.

5. That the Owner enters into, and registers on the title of the lands, a Consent Agreement with the City of Hamilton to the satisfaction of the Manager of Development Engineering to deal with the grading and drainage on the subject lands. The applicant shall demonstrate to the satisfaction of the Manager of Development Engineering that all drainage from the site shall be taken to a suitable outlet.

6. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

7. That the owner submit to the Committee of Adjustment Office an administration fee of $15.00, payable to the City of Hamilton, to cover the cost of setting up a new tax account for the newly created lot.

DATED AT HAMILTON this 21st day of February, 2007.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF
THIS NOTICE OF DECISION (February 28th, 2008) 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

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