SUBJECT: Application for a Change in Zoning for the Rear Portion of Lands Located at 9854 Twenty Road West, Glanbrook (PED07190) (Ward 11)

RECOMMENDATION:

That approval be given to Zoning Application ZAR-07-017, by Robert Takast, owner, for a change in Zoning from the Existing Residential “ER” Zone to the Residential “R4-221” Zone, in order to permit the future development of two single-detached dwellings on the rear portion of the lands located at 9854 Twenty Road West, as shown on Appendix “A” to Report PED07190, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED07190, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the amending By-law be added to Schedule “E”, of Zoning By-law No. 464.

(c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Township of Glanbrook Official Plan.
EXECUTIVE SUMMARY:

The purpose of the application is for a change in zoning to permit the future development of two single-detached dwellings with frontage on Kopperfield Lane, which were recently severed. The proposed change in zoning has merit and can be supported as it conforms to the Township of Glanbrook Official Plan, would establish zoning consistent with adjacent properties on Kopperfield Lane, and would implement a condition of approval for the approved severances.

BACKGROUND:

Proposal

The purpose of the application is for a change in zoning for the rear portion of lands located at 9854 Twenty Road West in order to permit the future development of two single-detached dwellings, having frontage on Kopperfield Lane, in accordance with approved Consent Applications GL/B-06:158 and GL/B-06:159. The lots created through severance will require the following zoning modifications, which will be incorporated into the amending By-law (see Appendix ‘B’):

- Minimum Lot Frontage of 11.0 metres.
- Minimum Interior Lot Area of 350.0 square metres.
- Minimum Front Yard Setback of 6.0 metres.
- Maximum Lot Coverage will not apply.

The retained portion of 9854 Twenty Road West contains a single-detached dwelling. Appendix “E” shows the draft reference plan for 9854 Twenty Road West, and the two new lots to be created through the approved Consent Applications.

Consent Applications GL/B-06:158 and GL/B-06-159

Consent Applications GL/B-06:158 and GL/B-06:159 were approved by the Committee of Adjustment on November 1, 2006. The purpose of the Severance Applications is to create two lots for single-detached dwellings with frontage on Kopperfield Lane, and to retain one lot containing an existing single-detached dwelling fronting onto Twenty Road West. The applications were approved, subject to conditions, including the approval of the subject rezoning application (see Appendices “C” and “D” – Condition 5).

As a condition of severance approval, the upgrades to the Twenty Road Sanitary Sewer pumping station were to be completed prior to the endorsement of any deeds (see Appendix “C” – Condition 10 and Appendix “D” – Condition 9). Staff has since received confirmation that all works have been completed and the pumping station capacity in this catchment area is no longer of concern for this development.
SUBJECT: Application for a Change in Zoning for the Rear Portion of the Lands Located at 9854 Twenty Road West, Glanbrook (PED07190) (Ward 11) - Page 3 of 7

Location: 9854 Twenty Road West (see Appendix ‘A’)

Owner/Applicant: Robert Takast

Lot Size:
- **Area:** 4,110.19 square metres
- **Frontage:** 23.19 metres
- **Depth:** 177.24 metres

Servicing: Municipal Servicing

EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th></th>
<th><strong>Existing Land Uses</strong></th>
<th><strong>Existing Zoning</strong></th>
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<tbody>
<tr>
<td><strong>Subject lands</strong></td>
<td>Single-detached Dwelling</td>
<td>Existing Residential “ER” Zone</td>
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<tr>
<td><strong>Surrounding Lands</strong></td>
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<tr>
<td>North</td>
<td>Single-detached Dwellings</td>
<td>Residential “R3-140” Zone and Residential “R3-143” Zone</td>
</tr>
<tr>
<td>South</td>
<td>Golf Course</td>
<td>Private Open Space “OS1” Zone</td>
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<tr>
<td>East</td>
<td>Single-detached Dwelling</td>
<td>Existing Residential “ER” Zone</td>
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<tr>
<td>West</td>
<td>Single-detached Dwelling</td>
<td>Existing Residential “ER” Zone, Residential “R4-188” Zone, and Residential “R4-197” Zone</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.
   
   (ii) It conforms with the “Urban Area” designation of the Hamilton-Wentworth Official Plan.
   
   (iii) It conforms with the “Residential” designation of the Township of Glanbrook Official Plan.
   
   (iv) It conforms with the “Low Density” designation of the North-West Glanbrook Planning Area.
(v) The proposed change in zoning satisfies a condition of approval for Consent Applications GL/B-06:158 and GL/B-06:159, which were approved by the Committee of Adjustment in November 2006 (see Appendices "C" and "D" – Condition 5).

2. The North-West Glanbrook Planning Area designates the subject property as “Low Density Residential”. Policy B.2.1.11(a), permits a maximum net residential density of 25 units per net hectare. The proposal will create a net residential density of approximately 7.31 units per net hectare and is, therefore, consistent with the “Low Density Residential” designation.

3. In order to implement the approved severance applications, the following additional modifications will be incorporated into the amending Zoning By-law:

- A minimum lot frontage of 11.0 metres, whereas 12.0 metres is required.
- A minimum interior lot area of 350 square metres, whereas 400 square metres is required.
- The maximum lot coverage shall not apply.
- A minimum front yard setback of 6.0 metres, whereas 7.5 metres is required.

There is a range in lot frontages from 11.8 metres to 14.9 metres, and a range in lot areas from 345 square metres to 445 square metres for existing lots fronting onto Kopperfield Lane. The modifications for minimum lot frontage and minimum lot area can be supported as the newly created lots would be compatible with the existing lots fronting onto Kopperfield Lane.

The modification of the minimum front yard setback, to permit a minimum of 6.0 metres, can be supported as 6.0 metres is sufficient for providing a legal 3.0 metre by 6.0 metre parking space, as required in the By-law. In addition, enabling a reduced front yard ensures sufficient rear yard amenity area. The reduced front yard is consistent with the “R3-140" Zone and “R3-143” Zone to the north of the subject land, and the “R4-188” Zone and “R4-197” Zone to the west of the subject land, which also permit a 6.0 metre front yard.

The applicant has requested that the maximum lot coverage not apply to the two newly created lots. The setbacks established in the Residential “R4” Zone will restrict the proposed single-detached dwellings to a size and location that is appropriate and consistent with the surrounding area.

The proposed modifications are considered to be minor in nature and appropriate for the desired development of the subject lands, and implement conditions of approval for Consent Applications GL/B-06:158 and GL/B-06:159 (see Appendices “C” and “D” – Condition 6).
Subject: Application for a Change in Zoning for the Rear Portion of the Lands Located at 9854 Twenty Road West, Glanbrook (PED07190) (Ward 11)

- Page 5 of 7

Alternatives for Consideration:

In the event Council does not approve the proposed changes in zoning, the conditions of Consent Applications GL/B-06:158 and GL/B-06:159 will not be satisfied and the lands will be subject to the regulations in the Existing Residential "ER" Zone, applicable to the subject lands, and the Committee of Adjustment Approval shall lapse.

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 Zoning By-law Amendment.

Policies Affecting Proposal:

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction of provincial interest related to land use planning and development. The Planning Act requires that, in exercising any authority that affects planning matters, planning authorities shall be consistent with policy statements issued under the Act. The application is consistent with the Provincial Policy Statement, since Policy 1.1.3.1 states that settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

Hamilton-Wentworth Official Plan


Township of Glanbrook Official Plan

The subject land is designated “Residential” in the Township of Glanbrook Official Plan. Schedule ‘F’ - SPECIAL HOUSING POLICY AREAS, identifies the area within which the subject land is located, as 'New Communities'.

“B.2.1.19 (d) Residential Intensification shall be encouraged as a means of increasing the amount of available housing stock within Existing Residential Areas. Council encourages and supports the provision of opportunities for residential intensification within Existing Residential Areas, as identified on Schedule “F” – Special Housing Policy Areas, provided the additional housing blends with the scale, urban design and community characteristics of the neighbourhood and subject to the pertinent criteria established in Policy B.2.1.17 of this Plan.”
Policy B.2.1.17 goes on to promote a variety and mix of housing types, as well as tenure options. The proposal will allow two new single-detached dwellings at the rear of 9854 Twenty Road West, fronting onto Kopperfield Lane. The proposed lots will be consistent with the surrounding area, provide new residential stock, and accommodate the identified form of residential intensification. The proposal conforms to the policies of the “Residential” designation and implements the Special Housing Policy Area policies.

North-West Glanbrook Planning Area

“B.2.1.25.1 (a)(iv) Future residential development shall consider and be sensitive to existing residential development, and shall also provide for the redevelopment of the vacant portions of existing large lot residential development.

B.2.1.25.2 (iv) The rear portion of existing large lot residential development fronting Glancaster Road and Twenty Road West shall be encouraged to be redeveloped in conformity with the designation identified on Schedule “G” North-West Glanbrook Planning Area Land Use Plan, and in conformity with the other relevant policies of this Plan.

B.2.1.25.2 (v) To minimize conflicts, new residential development proposed to be developed contiguous to the existing large lot residential development shall be restricted to low density residential development.”

The application provides for the development of the vacant rear portion of a property fronting onto Twenty Road West, in the form of single-detached dwellings. The proposal conforms to the policies of the North-West Glanbrook Planning Area.

RELEVANT CONSULTATION:

The following Departments and Agencies had no comments or objections:

- Traffic Engineering & Operations Section, Public Works Department
- Water & Waste Water Treatment Section, Public Works Department
- Strategic & Environmental Planning Section, Public Works Department
- Forestry & Horticulture Section, Public Works Department
- Hamilton Conservation Authority
- Bell Canada
- Horizon Utilities

PUBLIC CONSULTATION

The Public Participation Policy, that was approved by Council on May 29, 2003, provides that preliminary consultation shall not be required if the application is part of the implementation 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. The rezoning application is required as part of the conditions of approved Severance Applications GL/B-06:158 and GL/B-06:159, therefore, preliminary circulation was not required. One e-mail was received prior to the Committee of Adjustment meeting, with concerns regarding a decline in lot sizes on Twenty Road West and capability of the existing septic system for the retained portion of land, fronting onto Twenty Road West. These issues were addressed at the Committee of Adjustment meeting (see Appendix “C” and “D” – Condition 7), and no further correspondence has been received. Notice of Public Meeting was given in accordance with the requirements of the Planning Act. In addition, a Public Notice Sign was erected on the property on May 15, 2007.

**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 proposal provides for consistent development along Kopperfield Lane.

**Environmental Well-Being is enhanced.** ✏️ Yes ☐ No
The proposal is an appropriate form of residential intensification.

**Economic Well-Being is enhanced.** ✏️ Yes ☐ No
The proposal provides new housing stock for the City of Hamilton.

**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

:SH

Attaches. (5)
Appendix 'A' to Report PED07190

Location Map

File Name/Number: ZAR-07-017
Date: April 25, 2007

Appendix "A"  Scale: N.T.S.

Subject Property
9854 Twenty Road West

Change in zoning from the Existing Residential "ER" Zone to the Residential "R4-221" Zone.
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands located at 9854 Twenty Road West

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 Township of Glanbrook" 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 of the former area municipalities 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. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993;

AND WHEREAS the Council of the City of Hamilton, in adopting Section ______ of Report 07-____ of the Economic Development and Planning Committee at its meeting held on the _____ day of _______, 2007, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton and the Official Plan of the former Township of Glanbrook;

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

1. Schedule “E”, appended to and forming part of By-law No. 464 (Glanbrook) is amended by changing the zoning from the Existing Residential “ER” Zone to the Residential “R4-221” Zone, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That Section 44, "Exceptions to the Provisions of this By-law", of Zoning By-law No. 464, be amended by adding the following:

"R4-221

Notwithstanding the minimum lot frontage, minimum lot area, maximum lot coverage and minimum front yard setback regulations of Subsection 16.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) of SUBSECTION 16.1 (SINGLE DETACHED DWELLING) of SECTION 16: RESIDENTIAL “R4” ZONE, the following regulations shall apply to those lands zoned site specific Residential "R4-221":

REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 16.1 (SINGLE DETACHED DWELLING)

(i) Minimum Lot Frontage: 11.0 metres
(ii) Minimum Lot Area: 350 square metres
(iii) Maximum Lot Coverage shall not apply.
(iv) Minimum Front Yard: 6.0 metres"

3. 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 Residential “R4” Zone provisions, subject to the special requirements referred to in Section 2.

4. 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 _____, 2007.

Fred Eisenberger
Mayor

Kevin C. Christenson
City Clerk

ZAR-07-017
Appendix "B" to Report PED07190
Page 3 of 3

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

Schedule "A"

Map Forming Part of By-Law No. 07-______
to Amend By-law No.464

Subject Property: 9854 Twenty Road West

Change in zoning from the Existing Residential "ER" Zone to the Residential "R4-221" Zone.
APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. GL/B-06:158
SUBMISSION NO. B-158/06

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 9854 Twenty Road West, formerly in the Township of Glanbrook, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent Turkstra, Mazza Associates (Paul Mazza) on behalf of the owners Robert George and Laurie Elizabeth Takast, 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 23.47m (77') x 31m (101.7') for single family residential purposes, and to retain a parcel of land measuring 23.47m (77') x 141.28m (463.5') 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 owner/applicant submit a Deposited Ontario Land Surveyor’s Reference Plan to the Development Planning East Team.

3. That the owner/applicant demonstrate how the retained portion and the proposed two new residential lots will be serviced to the satisfaction of the Manager of Development Engineering and the Manager of the Building and Licensing Department.

4. That the owner/applicant shall conduct an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading or soil disturbances shall take place on the subject property prior to the approval of the Director of Development and Real Estate and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

5. That the owner/applicant apply for and receive final approval of a rezoning application to rezone the conveyed lands to an appropriate residential zone.

6. The applicant shall receive final approval of any variances from the requirements of the Zoning by-law as determined necessary by the Planning and Development Department, (Building & Licensing Division).

7. The applicant provide evidence from a qualified professional that the existing septic systems will be in compliance with the Ontario Building Code with respect to their location to the new property lines and that the septic system shall be located entirely within the lands to be retained.

This decision is now final and binding. The said applicant has been notified.

[Signature]
Secretary-Treasurer
8. That the owner enters into a consent agreement with the City of Hamilton 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.

9. That the owner dedicate sufficient lands along the frontage of the retained lands to establish a road allowance of 13 m from the original centerline of construction of Twenty Road.

10. That the upgrades to the Twenty Road Sanitary Sewer Pumping Station and the installation of the sanitary sewer forcemain have been completed and Commissioned by the City Of Hamilton to the satisfaction of the General Manager of Public Works prior to endorsement of any deed.

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

12. 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 costs of setting up new tax accounts for the newly created lots.

DATED AT HAMILTON this 1st day of November, 2006.

M. Dudzic, Chairman

R. Naim

D. Serwatuk

D. DeLullo

D. Drury

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS November 8th, 2006. HEREFIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (November 8th, 2007) 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 November 28th, 2006.

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.
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 9854 Twenty Road West, formerly in the Township of Glanbrook, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent Turkstra, Mazza Associates (Paul Mazza) on behalf of the owners Robert George and Laurie Elizabeth Takast, 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 11.7m² (38.36'²) x 31m (101.7') for single family residential purposes, and to retain a vacant parcel of land measuring 11.7m² (77'²) x 31m (101.7') for single family 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 owner/applicant submit a Deposited Ontario Land Surveyor's Reference Plan to the Development Planning East Team.

3. That the owner/applicant demonstrate how the retained portion and the proposed two new residential lots will be serviced to the satisfaction of the Manager of Development Engineering and the Manager of the Building and Licensing Department.

4. That the owner/applicant shall conduct an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading or soil disturbances shall take place on the subject property prior to the approval of the Director of Development and Real Estate and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

5. That the owner/applicant apply for and receive final approval of a rezoning application to rezone the conveyed lands to an appropriate residential zone.

6. The applicant shall receive final approval of any variances from the requirements of the Zoning by-law as determined necessary by the Planning and Development Department (Building & Licensing Division).
7. The applicant provide evidence from a qualified professional that the existing septic systems will be in compliance with the Ontario Building Code with respect to their location to the new property lines and that the septic system shall be located entirely within the lands to be retained.

8. That the owner enters into a consent agreement with the City of Hamilton 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.

9. That the upgrades to the Twenty Road Sanitary Sewer Pumping Station and the installation of the sanitary sewer forcemain have been completed and Commissioned by the City Of Hamilton to the satisfaction of the General Manager of Public Works prior to endorsement of any deed.

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

11. 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 costs of setting up new tax accounts for the newly created lots.

DATED AT HAMILTON this 1s day of November, 2006.

M. Dudzic, Chairman
R. Naim
D. DeLullo

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS November 8th, 2006.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (November 8th, 2007) 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 November 28th, 2006.

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