SUBJECT: Application to Amend Hamilton Zoning By-law No. 6593 for the Property Located at 545 Eaglewood Drive (Hamilton) (PED09051) (Ward 7)

RECOMMENDATION:

That Zoning By-law Amendment Application ZAR-08-053, by Frisina Developments Inc., Owner, for a change in zoning from the “C”-'H' (Urban Protected Residential, etc. - Holding) District to the “C” (Urban Protected Residential, etc.) District, to permit a single detached residential dwelling unit on lands located at 545 Eaglewood Drive, as shown in Appendix “A” to Report PED09051, be Denied for the following reasons:

(a) That the requisite condition for the removal of the ‘H’ Holding Provision requiring land assembly with the adjacent lands (Block 23, Registered Plan 62M-622) has not been satisfied; and,

(b) That approval of the application would preclude orderly development with the adjacent lands.

Tim McCabe
General Manager
Planning and Economic Development Department
SUBJECT: Application to Amend Hamilton Zoning By-law No. 6593 for the Property Located at 545 Eaglewood Drive (Hamilton) (PED09051) (Ward 7) - Page 2 of 8

**EXECUTIVE SUMMARY:**

The purpose of the application is to effectively remove the ‘H’ Holding Provision of the subject lands, and to permit the construction of one single detached residential unit located at 545 Eaglewood Drive, Hamilton (see Appendix “A”).

The application cannot be supported as the requisite condition for removal of the ‘H’ Holding Provision requiring land assembly with the adjacent lands (Block 23 of Registered Plan 62M-622) has not been satisfied. Also, approval of the application would preclude orderly development with the adjacent lands.

**BACKGROUND:**

**Proposal:**

The subject lands are located at 545 Eaglewood Drive, and represent approximately 569.8 square metres of land with frontage on the south side of Eaglewood Drive (see Appendix “A”). Block 23 of 62M-622 is approximately 128 sq.m. in size, with frontage on the south side of Eaglewood Drive, and is immediately east of 545 Eaglewood Drive. The block is part of Registered Plan 62M-622 (Eaglewood Manor), which was registered in 1989.

Currently, the subject lands are zoned “C”-'H' (Urban Protected Residential, etc. - Holding) District, which permits single detached residential dwelling units. There is a Holding Provision in place until such time that the subject lands are assembled with Block 23 of Registered Plan 62M-622 for the purpose of ensuring orderly development.

The purpose of this Zoning By-law Amendment application is to rezone the “C”-'H' (Urban Protected Residential, etc. - Holding) District to the “C” (Urban Protected Residential, etc) District. The effect of the proposal is to permit the construction of a single detached residential dwelling on the subject lands without satisfying the Holding Provision, as set out in the approved site-specific Zoning By-law Amendment.

**Consent Applications HM/B-05:198 and HM/B-05:200**

In 2005, the applicant submitted Consent Application HM/B-05:198 in order to permit the conveyance of 819 Rymal Road East and sever the rear of the property, measuring approximately 31 metres by 36.6 metres, for single family residential purposes (see Appendix “B”). The applicant also submitted Consent Application HM/B-05:200 in order to permit the conveyance of a vacant parcel of land on Eaglewood Drive for single family residential purposes, and to retain a vacant parcel of land located at 551 Eaglewood Drive for single family residential purposes (see Appendix “C”).

The consent applications were conditionally approved on November 16, 2005, including the condition to receive Zoning By-law Amendment approval for ZAR-05-108 (Condition 2 - Appendices “B” and “C”). The consent applications became final in October 2006. It is noted that no appeals were made to these consent applications.
The applicant submitted Zoning By-law Amendment Application ZAR-05-108 for a change in zoning from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District for lands located at 551 and 545 Eaglewood Drive to permit two single detached residential dwellings. The adjacent landowner of Block 23 of 62M-622 objected to the application as land assembly was required with 545 Eaglewood Drive as a condition of Draft Plan of Subdivision approval. The initial purpose of Block 23 was to be used as part of the development of 545 Eaglewood Drive in order to maintain orderly residential development. The Zoning By-law Application was subsequently appealed to the OMB on the grounds that Council did not make a decision on the application within the prescribed time period (OMB Case Number PL060310).

An OMB Hearing was scheduled for August 21, 2006. However, there had been discussions between the City and the Owner in an attempt to resolve the matter. As a result, the OMB agreed to adjourn the Hearing to allow staff to bring the Zoning By-law Application forward to the Planning and Economic Development Committee and Council for their consideration (see Appendix “E”).

The Zoning By-law Amendment was Council approved in September 2006 to change the zoning of 551 Eaglewood Drive to the “C” (Urban Protected Residential, etc.) District to permit one single detached residential dwelling, and to change the zoning of 545 Eaglewood Drive to the “C”-“H” (Urban Protected Residential, etc. - Holding) District to permit one single detached residential dwelling. The Holding Provision was placed on the subject property until such time that Block 23 of 62M-622 is assembled with the subject lands. The appeal to ZAR-05-108 was withdrawn in August 2008, as the Zoning By-law Amendment was approved in 2006, and the basis for the appeal (i.e. no decision) was no longer applicable. As such, the Zoning By-law came into force and effect in early October 2006.

Details of Submitted Application

Location: 545 Eaglewood Drive

Owner/Applicant: Frisina Developments Inc.

Property Description: Frontage: 14.335m (approx.)
Lot Depth: 36.628 metres (measured from west lot line)
Area: 569.8 square metres
EXISTING LAND USE AND ZONING:

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ANALYSIS/RATIONALE:

1. The proposal does not have merit and cannot be supported for the following reasons:

   (i) The requisite condition for the removal of the 'H' Holding Provision requiring land assembly with the adjacent lands (Block 23, Registered Plan 62M-622) has not been satisfied; and,

   (ii) Approval of the application would preclude orderly development with the adjacent lands.

2. Registered Plan 62M-622 (Eaglewood Manor) is located immediately to the east and north of the subject lands. The subdivision was registered in 1989, and included 18 residential lots to permit single detached residential dwelling units, and 7 blocks for residential uses, including single detached and townhouse dwelling units. Block 23 is a remnant parcel, and it was intended that Block 23 (along with Blocks 24 and 25) be assembled with future residential lots immediately adjacent to 62M-622 (see Appendix “D”). Blocks 24 and 25 were assembled with residential dwelling units in Registered Plan 62M-806. However, Block 23 has not been assembled.
The assembly of land with Block 23 is important because the remnant parcel of land would be too small in size, and the lot frontage would be too narrow to permit development, leaving the parcel undevelopable.

A zoning amendment application was approved by Council in September, 2006 to rezone the land from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District on 551 Eaglewood Drive, and the “C”-“H” (Urban Protected Residential, etc. - Holding) District. The Holding Provision prohibits development of the subject lands until such time that Block 23 of 62M-622 is assembled with the subject land. The OMB appeal was closed in August, 2008 as a result of the approval of ZAR-05-108.

To date, the applicant and the owner of Block 23 have not been able to reach a satisfactory agreement to facilitate land assembly. Attempts by staff to mediate a settlement have been unsuccessful.

3. Staff has indicated that the subject property meets two of the 11 criteria used by the City of Hamilton and the Ministry of Culture for determining archaeological potential:

1. Within 250 metres of a known archaeological site/in an area dense with archaeological sites; and,

2. Within 100 metres of a historic transportation corridor.

While the applicant will not be required to conduct an archaeological assessment, the applicant should be advised that the subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances, and the applicant is advised to conduct a Stage 1 and 2 archaeological assessment prior to such impacts in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Testing and Stage 4 Mitigation may be required, as determined by the Ontario Ministry of Culture. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Culture.

Should deeply buried archaeological remains be found on the property during any of the above development activities, the Ontario Ministry of Culture (MCL) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the applicant/landowner should immediately contact both MCL and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government Services (416.326.8392).
ALTERNATIVES FOR CONSIDERATION:

If the application is denied, then the Holding Provision will remain on the parcel until Block 23 of Registered Plan 62M-622 is assembled with the subject lands. Once land assembly occurs with Block 23, construction of a single detached residential dwelling can commence once the Holding 'H' Provision has been removed.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: No financial implications.

Staffing: No staffing implications.

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 proposal is consistent with Policy 1.1.3.1 that encourages growth to be focused in Settlement Areas. However, staff is of the opinion that the intent of the Provincial Policy Statement (PPS) would not be fully implemented because it does not promote a land use pattern that efficiently uses land, as per Policy 1.1.3.2a, which states that "Land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources.

Hamilton-Wentworth Official Plan

The subject property is designated “Urban Area” in the Hamilton-Wentworth Official Plan. Policy C.3.1 outlines that a wide range of urban uses, as defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. As the application is to permit the change of the current zoning from the “C”-’H’ (Urban Protected Residential, etc. - Holding) District to the “C” (Urban Protected Residential, etc.) District to permit one single family residential detached dwelling where full municipal services are available, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan. However, the Hamilton-Wentworth Official Plan does not contemplate the appropriateness of assembling remnant parcels of land for future development purposes.

City of Hamilton Official Plan

The subject property is designated “Residential” on Schedule “A”, Land Use Concept Plan in the City of Hamilton Official Plan, and permits the construction of one single detached residential dwelling unit on the subject lands. The following policies would apply:
A.2.1.6 Where compatible uses are permitted, to preserve the amenities of and support Residential Uses in the area, new development will, subject to the Zoning By-law:

i) Be required to be provided with adequate yards, off street parking and loading, landscaping, screening, buffering, or other such measures as determined by Council.

C.7.3v) Encourage new Residential development that provides a range of dwelling types at densities and scales 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.

However, Subsection D.3.3.i) allows Council to apply a Holding Provision “when land assembly is required in order to permit orderly development or redevelopment”, which is the basis of the Holding Provision on the subject lands. It is the position of staff that the Holding Provision placed on the subject lands be upheld in order for the applicant to assemble the remnant parcel prior to the development of the subject lands, as this is good planning, and was the basis for the previous zoning approval which facilitated development of the applicant’s remaining lands. Therefore, although the proposed single detached residential dwelling unit is permitted within the “Residential” designation, the proposal to remove the Holding Provision without satisfying the condition of land assembly conflicts with the intent of the City of Hamilton Official Plan with respect to ensuring orderly and efficient development.

Eleanor Neighbourhood Plan

The subject lands are designated “Single and Double Residential”, and permits the construction of a single detached residential dwelling on the subject lands. The proposal conforms with the approved Neighbourhood Plan.

RELEVANT CONSULTATION:

Agencies/Departments Having no Comment or Objections

- Strategic Planning Section, Capital Planning and Implementation Division.
- Environmental Planning Section, Capital Planning and Implementation Division, Public Works Department.
- Urban Forestry Planning, Public Works Department.
- Traffic Planning, Public Works Department.
Corporate Services, Taxation has advised that there is outstanding property tax payment.

PUBLIC CONSULTATION

In accordance with Council’s Public Participation Policy, this application was pre-circulated to all property owners within 120 metres of the subject property, and a sign was posted on the site in late November, 2008. A total of 248 notices have been circulated. There were no letters received for this proposal. However, one resident had called and inquired about the Zoning By-law Amendment application.

Notice of Public Meeting was given in accordance with the requirements of the Planning Act through the circulation to property owners within 120 metres of the subject lands and through the posting of a sign on the property.

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
A variety of housing options is provided in the community. However, the remnant parcel will compromise the efficient use of the land in the community.

Environmental Well-Being is enhanced. ☑ Yes □ No
The proposed rezoning will maintain ecological function and prevent unnecessary development in the agricultural areas.

Economic Well-Being is enhanced. □ Yes  ☑ No
This application will facilitate the construction of the single detached residential dwelling, however, it will leave the remnant parcel of undevelopable land within the urban boundary.

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

:TL
Attachs. (6)
Subject Property

545 Eaglewood Drive

Change in Zoning from the "C-H" (Urban Protected Residential, etc.) District to the "C" (Urban Protected Residential, etc.) District to permit a single detached residential dwelling.
APPENDIX “B” TO REPORT PED09051 (PAGE 1 OF 3)

Committee of Adjustment, City Hall
7th floor, 71 Main Street West
Hamilton, ON L8P 4Y5
Telephone (905) 546-2434, ext. 4221
Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. HM/B-05:198
SUBMISSION NO. B-198/05

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 819 Rymal Road East, in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent Al Frisina on behalf of the owner the Estate of Jean Alice Hyslop, 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 (Part 1 on sketch) measuring 31.03m x 36.63m (120'= x 120') for single family residential purposes, and to retain a parcel of land (Part 2 on sketch) measuring 31.44m x 36.66m (120' x 120') containing an existing single family dwelling and frame garage (both to be demolished) 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 final approval of Zoning Application ZAR-05-108 be received.

3. That the existing dwelling and frame garage be demolished.

4. That the Owner pay for the future urbanization of Rymal Road East based on the New Road Servicing Rate for the year that final approval is obtained.

5. That the Owner pay all outstanding servicing costs as a condition of severance approval, to the satisfaction of the Manager of Development Engineering.

6. That the Owner enter into and register a Consent Agreement with the City of Hamilton to the satisfaction of the Manager of Development Engineering.

DATED AT HAMILTON this 16th day of November, 2005.

M. Duzic, Chairman

C. Lewis

D. Serwatuk

D. Drury

R. Naim

V. Abraham
THE DATE OF GIVING OF THIS NOTICE OF DECISION IS November 23rd, 2005.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE
OF DECISION (November 23rd, 2006) 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 December 13th, 2006.

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.
COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. HM/B-05:200
SUBMISSION NO. B-200/05

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 819 Rymal Road East, in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent Al Frisina on behalf of the owner the Estate of Jean Alice Hyslop, 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 (Part 1 on sketch) measuring 15.52m x 36.63m for single family residential purposes, and to retain a vacant parcel of land (Part 2 on sketch) measuring 16.51m x 36.63m for single family residential purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application IS APPROVED for the following reasons:
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 final approval of Rezoning Application ZAR-05-108 be received.
3. That the existing dwelling and frame garage be demolished.
4. That the Owner pay for the future urbanization of Rymal Road East based on the New Road Servicing Rate for the year that final approval is obtained.
5. That the Owner pay all outstanding servicing costs as a condition of severance approval, to the satisfaction of the Manager of Development Engineering.
6. That the Owner enter into and register a Consent Agreement with the City of Hamilton to the satisfaction of the Manager of Development Engineering.

DATED AT HAMILTON this 16th day of November, 2005.

[Signatures]

M. Dudziak, Chairman
C. Lewis
D. DeLillo
R. Nairn
D. Serwadd
D. Drury
V. Abraham
THE DATE OF GIVING OF THIS NOTICE OF DECISION IS November 23rd, 2005.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS
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REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD
MAY BE FILED IS December 13th, 2005.

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

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Development and Real Estate Division

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<tr>
<th>Report to:</th>
<th>Chair and Members Planning &amp; Economic Development Committee</th>
<th>Submitted by:</th>
<th>Lee Ann Covyduck General Manager Planning and Economic Development Department</th>
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<tr>
<td>Prepared by:</td>
<td>Shannah Murray (905) 546-2424, Ext. 4424</td>
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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at the Rear of 819 Rymal Road East (PED06346) (Ward 7)

RECOMMENDATION:

That approval be given to Zoning Amendment Application ZAR-05-108, Frisina Developments Inc., c/o Al Frisina, owner, for changes in zoning from the "AA" (Agricultural) District, to the "C" (Urban Protected Residential, etc.) District, and "C" - 'H' (Urban Protected Residential, etc. - Holding) District, to permit the development of the lands for two single detached dwellings for the property located at the rear of 819 Rymal Road East (Hamilton), as shown on Schedule "A" to Appendix "B" of Report PED06346, on the following basis:

(a) That Block "1" be rezoned from the "AA" (Agricultural) District, to the "C" (Urban Protected Residential, etc.) District.

(b) That Block "2" be rezoned from the "AA" (Agricultural) District, to the "C" – 'H' (Urban Protected Residential, etc. - Holding) District.

(c) That the amending By-law apply the Holding provisions of Section 36 (1) of the Planning Act, R.S.O., 1990, to Block "2", as shown on Appendix "A" by introducing the Holding symbol 'H' as a suffix to the proposed Zoning District. The Holding provision will prohibit the development of the subject lands until such time as:
SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at the Rear of 819 Rymal Road East (PED06346) (Ward 7) - Page 2 of 8

i) The lands described as Block "2" on Schedule "A" of Appendix "B" are assembled with Block 23, Registered Plan 62M-622 to ensure orderly development with adjacent lands.

City Council may remove the 'H' symbol and, thereby, give effect to the "C" District provisions, by enactment of an amending By-law once the condition is satisfied.

(d) That the draft By-law, attached as Appendix "B" to Report PED06346, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

(e) That the proposed change in zoning conforms to 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 applicant is requesting a Zoning By-law Amendment to permit the subject lands to be developed for two single detached dwellings.

The proposal has merit and can be supported as the change in zoning is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan and the general residential policies of the City of Hamilton Official Plan. The proposed development efficiently uses urban land and is compatible with adjacent land uses.

BACKGROUND:

Proposal

The applicant is requesting a change in zoning from the "AA" (Agricultural) District to the "C" (Urban Protected Residential, etc.) District (Block 1) and the "C" – 'H' (Urban Protected Residential, etc. – Holding) District (Block 2). Development of Block 1 can proceed immediately, while the lands located within Block 2 will be placed in a Holding Zone until such time that the lands are assembled with Block 23, Registered Plan 62M-622 for the purpose of ensuring orderly development with adjacent lands, as shown on the sketch attached as Appendix "C".
SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at the Rear of 819 Rymal Road East (PED06346) (Ward 7) - Page 3 of 8

Related to this application is the subdivision located east of the subject property known as "Eaglewood Manor", which was approved in 1988. As a result of this approval, three blocks of land were created on the westerly boundary of that parcel for the purpose of future residential development. Block 23 was one of those blocks, and through a previous subdivision process, it was determined that it be required to be developed in conjunction with lands to the west. As a result, Block 2, as shown on Schedule "A" of Appendix "B", will require assembly with Block 23 prior to the lands being permitted to proceed with development.

The proposed two lots for single detached dwellings will implement zoning provisions in accordance with the "C" (Urban Protected Residential, etc.) District.

Consent Applications HM/B-05:198 and 200

Consent Application HM/B-05:198 permits the conveyance of a vacant parcel of land having a frontage of 31.03 metres and a lot area of 1,139.6 square metres for the purpose of being further subdivided for residential use. Consent Application HM/B-05:200 permits the creation of two lots for single detached dwellings with frontage on Eaglewood Drive, one having a lot frontage of 15.52 metres, the second having 14.33 metres, and both lots having areas of approximately 570.0 square metres. Consent Applications HM/B-05:198 and HM/B-05:200 were approved subject to conditions, including the subject rezoning, on November 16, 2005, by the Committee of Adjustment (see Appendix "D").

The subject zoning amendment application has been appealed to the Ontario Municipal Board pursuant to Section 34(11) of the Planning Act, R.S.O. 1990, c.P.13, as amended, on the basis of Council's failure to deal with the application within 120 days of it being received by the City. However, there have been discussions between the City and the owner in an attempt to have the matter resolved. As a result, the Ontario Municipal Board has agreed to the adjournment of the scheduled Hearing date of August 21, 2006, allowing time for staff to bring the subject Zoning Amendment Application forward to the Planning and Economic Development Committee and Council for their consideration.

Location: 819 Rymal Road East (rear lands)

Owner: Frisina Developments Inc.

Property Description:
- Frontage: 31.03 metres
- Depth: 36.63 metres
- Lot Area: 1,139.6 square metres
SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at the Rear of 819 Rymal Road East (PED06346) (Ward 7) - Page 4 of 8

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ANALYSIS/RATIONALE:

1. The proposed Zoning By-law Amendment has merit and can be supported for the following reasons:
   
   i) The proposal is consistent with the Provincial Policy Statement.
   
   ii) The proposal conforms to and implements the “Urban Area” policies of the Hamilton-Wentworth Official Plan.
   
   iii) The proposal is consistent with the “Residential” designation of the Official Plan.
   
   iv) The proposed development is compatible with the surrounding area.

2. The “C” (Urban Protected Residential, etc.) District requires a minimum lot frontage of 12.0 metres, and a minimum lot area of 360.0 square metres. The two proposed lots maintain the minimum requirements in accordance with the requested zoning district.

3. There are public watermains and separate storm and sanitary sewers on both Rymal Road East, and Eaglewood Drive to service the subject lands.
SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at the Rear of 819 Rymal Road East (PED06346) (Ward 7) - Page 5 of 8

4. All issues relating to site grading, drainage, and servicing will be addressed through a Consent Agreement imposed as a condition of severance approval through Consent Applications HM/B-05:198 and HM/B-05:200.

5. In response to the posting of the Public Notice sign on the subject property, one letter of objection (see Appendix “E”) was received from an adjoining property owner regarding the assembly of an adjacent parcel of land known as Block 23, Registered Plan 62M-622. As a result, staff is recommending that Block 2, as shown on the attached Appendix “B” as Schedule ‘A’, be placed in a Holding District until such time as land assembly occurs with this block to the east.

ALTERNATIVES FOR CONSIDERATION:

Should the proposed application for amendment to the Zoning By-law be denied, the uses permitted on the subject lands shall be in accordance with the “A” (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 applications for Official Plan and Zoning By-law Amendments.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the application is consistent with the policies that focus growth in settlement areas.

Hamilton-Wentworth Official Plan

The subject property is designated as “Urban Area” within the Hamilton-Wentworth Official Plan. Policy 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. As well, the Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.
SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at the Rear of 819 Rymal Road East (PED06346) (Ward 7) - Page 6 of 8

Therefore, as the nature of the application is for the rezoning of the subject lands to facilitate the development of the lands for residential purposes where municipal services are available, the proposal conforms with 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 following policies from the City of Hamilton Official Plan, among others, are applicable to the proposal:

“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.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

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.”

The proposed Zoning Amendment application is to rezone the subject parcel of land from the existing “AA” (Agriculture) District to a “C” (Urban Protected Residential, etc.) District, to allow for the development of single detached dwellings. The subject proposal is considered an infill development. The conditionally approved lots, in accordance with the Consent Applications, are taking advantage of the existing infrastructure, while adding to available housing stock. Based on this, the proposal complies with the City of Hamilton Official Plan.
SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at the Rear of 819 Rymal Road East (PED06346) (Ward 7) - Page 7 of 8

Neighbourhood Plan

The subject lands are designated “Residential – Single and Double” in the approved Eleanor Neighbourhood Plan. The proposed lots conform with the intent of the Neighbourhood Plan.

RELEVANT CONSULTATION:

The following Departments and Agencies had no comments or objections:

- Public Works Department (Strategic & Environmental Planning Section)
- Public Works Department (Traffic Engineering & Operations Section)
- Planning & Economic Development Department (Municipal Parking System)
- Corporate Services (Budgets and Finance)

Public Consultation

The Public Participation Policy, adopted by Council on May 29, 2003, states that preliminary circulation shall not be required if the application is part of the implementation of another application, such as a consent application, which has been approved within one year of other public involvement and participation opportunities. The property was the subject of Consent Applications, HM/B-05:198 and HM/B-05:200, which included public involvement. On this basis, the application was exempted from the preliminary circulation requirements.

A Public Notice sign was posted on the subject lands early in December 2006. One letter was received objecting to the subject application on the basis that an adjacent parcel of land (Block 23, Registered Plan 62M-622), must be assembled with the subject property. Further explanation can be found in the Analysis/Rationale Section of this Report.

The Notice of Public Meeting was circulated and posted on the Public Notice sign as of August 18, 2006.

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.
SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at the Rear of 819 Rymal Road East (PED06346) (Ward 7) - Page 8 of 8

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

:SM

Attachs. (5)
CITY OF HAMILTON

BY-LAW NO. _________

To Amend Zoning By-law No. 6593 (Hamilton), respecting the rear lands of 819 Rymal Road East located at Part of Lot 7, Concession 8 (Geographic Township of Barton)

WHEREAS the City of Hamilton Act, 1999, Statues 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-38e of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), are amended,

   (a) by changing from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District, for the lands comprised of Block “1”; and,
Appendix “E” to Report PED09051 (Page 11 of 15)

Appendix “B” to Report PED06346
(Page 2 of 3)

(b) by changing from the “AA” (Agricultural) District to the “C” – ‘H’ (Urban Protected Residential, etc. – Holding) District. For the lands comprised of Block “2”;

the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That the ‘H’ symbol applicable to the lands referred to in Section 1 of this By-law shall be removed conditional upon,

i) That the lands contained within Block 2 as shown on attached Schedule “A” being assembled with Block 23, Registered Plan 62M-622 to ensure orderly development with adjacent lands.

City Council may remove the ‘H’ symbol and, thereby give effect to the “C” (Urban Protected Residential, etc.) District, by enactment of an amending By-law once the above condition has been fulfilled.

3. 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.

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 , 2006.

_____________________________  ______________________________
MAYOR  CLERK

ZAR-05-108
Appendix "D" to Report PED06346 (Page 1 of 1)

HAMilton

Committee of Adjustment, City of Hamilton
8th Ave, 70 Main Street West
Hamilton, ON L8L 1Y5
Telephone (905) 546-2054, Ext. 4271
Fax (905) 546-2332

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. HMIB-05:200
SUBMISSION NO. B-200005

IN THE MATTER OF The Planning Act, R.S.O. 1990, Chapter P.13, Section 53(1).

AND IN THE MATTER OF the Premises known as Municipal number 819 Rymal Road East, in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent Al Frisina on behalf of the owner the Estate of Jean Alice Hyslop, 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 (Part 1 on sketch) measuring 15.52m (50.82 ft) x 36.09m (118.34 ft) for single family residential purposes, and to retain a vacant parcel of land (Part 2 on sketch) measuring 15.51m (50.83 ft) x 36.09m (118.34 ft) 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 final approval of Rezoning Application ZAR-65-108 be received.

3. That the existingle dwelling and frame garage be demolished.

4. That the Owner pay for the future urbanization of Rymal Road East based on the New Road Servicing Rate for the year that final approval is obtained.

5. That the Owner pay all outstanding servicing costs as a condition of severance approval, to the satisfaction of the Manager of Development Engineering.

6. That the Owner enter into and register a Consent Agreement with the City of Hamilton to the satisfaction of the Manager of Development Engineering.

DATED AT HAMILTON this 16th day of November, 2005.

[Signatures]

D. DeLlano

D. Diuro

R. Nair

[Signatures]

[Signatures]

[Signatures]

[Signatures]
December 20, 2005

Paul Mallard
City of Hamilton
71 Main Street W.
Hamilton, ON
L8P 4Y5

Dear Sir,

Further to our letter of November 8, 2005 to the Committee of Adjustment, we wish to further object to Mr. Frasina’s application for rezoning on the following basis.

Silvestri Investments is the current owner of Block 23 of Eaglewood Manor, which abuts the lands currently owned by the applicant. As a condition of development, under the subdivision agreement, Block 23 was to form part of any future development to the west of Eaglewood Manor.

We are requesting that Block 23 form part of the lands being rezoned and further that the applicant enter into an agreement to purchase Block 23.

If you should have any questions or comments in regards to the above, please contact this office.

Sincerely,

[Signature]

Paul Silvestri
Silvestri Investments

Attachments (2)

CC Robert Walters, Senior Project Mgr
Lee, Timothy

From: Thompson, Jason
Sent: Monday, December 15, 2008 4:46 PM
To: Lee, Timothy
Cc: John, Edward
Subject: FW: 545 Eaglewood Drive_File # ZAR-08-053

FYI

-----Original Message-----
From: Bill Baxter [mailto:]
Sent: Tuesday, December 02, 2008 10:58 AM
To: Thompson, Jason
Subject: Re: 545 Eaglewood Drive_File # ZAR-08-053

Jason,

We asked James Webb to file a letter of objection to the change in zoning for 545 Eaglewood Drive. However, we have not been able to reach him.

Therefore, please consider this as our formal objection to the change in zoning, on the grounds that it does not meet good planning practice. The Subdivision Agreement for Eaglewood Manor, clearly states that Block 19 of Eaglewood Manor, is to be joined together with any future development to the west, so as not to create any remnant parcels of land.

We trust this meets with your approval.

Sincerely,

William A. Baxter, C.E.T.
Project Manager
Silvestri Investments

12/23/2008