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”.


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 Councils’ 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
EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject Lands</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Vacant</td>
<td>“AA” (Agricultural) District</td>
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<tr>
<td>Surrounding Lands</td>
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<tr>
<td>North</td>
<td>Single Detached Dwelling</td>
<td>“C” (Urban Protected Residential, etc.) District</td>
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<tr>
<td>East</td>
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<tr>
<td>South</td>
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<tr>
<td>West</td>
<td>Single Detached Dwelling</td>
<td>“C” (Urban Protected Residential, etc.) District</td>
</tr>
</tbody>
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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.
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.
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.
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.
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)
Subject Lands
Lands located at the rear of 819 Rymal Road East (Hamilton)
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,
(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 “B” to Report PED06346
(Page 3 of 3)

Subject Property
Lands located at the rear of 819 Rymal Road East

Block 1 – Change in zoning from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District

Block 2 - Change in zoning from the “AA” (Agricultural) District to the “C” – “H” (Urban Protected Residential, etc. - Holding) District

Schedule "A"

Map Forming Part of
By-Law No. 06—
to Amend By-Law No. 6593

Planning and Economic Development Department

Hamilton

Subject Property
Lands located at the rear of 819 Rymal Road East

Block 1 – Change in zoning from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District

Block 2 - Change in zoning from the “AA” (Agricultural) District to the “C” – “H” (Urban Protected Residential, etc. - Holding) District

Scale: Not to Scale
File Name/Number: ZAR-05-108
Date: July 31, 2006
Planner/Technician: SM/NB

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

Clerk

Passed the ………………… day of …………………, 2006

Mayor
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 Hystop, 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 (.509a) for single family residential purposes, and to retain a vacant parcel of land (Part 2 on sketch) measuring 15.51m x 36.63m (.509a) 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-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, 2006.

[Signatures]

Mr. Dubeck, Chairman

C. Lewis

D. Servatuk

D. DeLallo

D. Drury

R. Naim

V. Abraham

....../2
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,

Paul Silvestri
Silvestri Investments

Attachments (2)

CC Robert Walters, Senior Project Mgr

World-wide commercial & residential developer