SUBJECT: Application for a Change in Zoning for the Property Located at 333 Springbrook Avenue (Ancaster) (PED07065) (Ward 12)

RECOMMENDATION:

That approval be given to Zoning Application ZAC-06-83, by 800064 Ontario Inc. (c/o A. Di Silvestro), owner, for changes in zoning from the Agricultural “A” Zone to the Residential “R4-548” Zone (Block “1”), to permit 2 new single detached dwellings on separate lots, and from the Agricultural “A” Zone to the Residential “R4-555” Zone (Block “2”), to permit the existing dwelling or 2 new single detached dwellings on separate lots, on the property located at 333 Springbrook Avenue (Ancaster), as shown on Appendix “A” to Report PED07065, on the following basis:

(a) That Block “1” be rezoned from the Agricultural “A” Zone to the Residential “R4-548” Zone;

(b) That Block “2” be rezoned from the Agricultural “A” Zone to the Residential “R4-555” Zone;

(c) That the draft By-law, attached as Appendix “B” to Report PED07065, which has been prepared in a form satisfactory to the City Solicitor, be forwarded to City Council for enactment; and,

(d) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the Ancaster Official Plan.

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

The application is for a change in zoning in order to permit single detached dwellings on the property located at 333 Springbrook Avenue. Specifically, the zoning would permit an existing single detached dwelling to remain fronting onto Springbrook Avenue, while surplus frontage could be added to adjacent land to the north to create a second lot for a single detached dwelling. The zoning would also permit 2 dwellings on separate lots to be located on a future road to the east upon finalization of land assembly with abutting lands (see Appendix “C”).

The application has merit and can be supported as it is consistent with the Provincial Policy Statement and conforms with and implements the Hamilton-Wentworth and Ancaster Official Plans and the Meadowlands Neighbourhood IV Secondary Plan.

BACKGROUND:

Proposal

The application is for changes in zoning from the Agricultural “A” Zone to the Residential “R4-548” Zone (Block “1”) and the Residential “R4-555” Zone (Block “2”), to permit single detached dwellings on separate lots on the property located at 333 Springbrook Avenue (see Appendix “C”). The zoning for Block “2” would also permit the existing dwelling to remain. The proposed zoning provides modifications to permit a maximum lot coverage of 45%, applicable to both blocks. Block “2” would require a minimum lot frontage of 15m on Springbrook Avenue and a minimum front yard of 6.0m. The modified zoning for Block “2” would also permit the existing deck to be located with a setback of 2.4m from the future rear lot line, and the existing dwelling to be located with a minimum 7.4m rear yard setback. Block “1” would permit a minimum lot area of 370 square metres, except 500 square metres for a corner lot, a minimum front yard of 3.0m to the dwelling (6.0m to a garage) and a minimum exterior side yard setback of 3.0m for a corner lot. The proposal is consistent with the Council approved zoning for the surrounding lands (“Springbrook Meadows” draft plan of subdivision - see Appendix “D”).

Location: 333 Springbrook Avenue (Ancaster)

Owner/Applicant: 800064 Ontario Inc. (c/o A. Di Silvestro)

Property Description:
- Frontage: 30.48m
- Depth: 60.96m
- Lot Area: 1,858m²

Servicing: Full municipal services upon future upgrading of Springbrook Avenue and development of adjacent subdivision.
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>
<td>Subject Lands</td>
<td>Single detached dwelling (garage to be removed or relocated)</td>
<td>Agricultural “A” Zone</td>
</tr>
<tr>
<td>North</td>
<td>Single detached dwellings</td>
<td>Agricultural “A” Zone (Residential “R4-548” and “R4-549” Zones under appeal)</td>
</tr>
<tr>
<td>South</td>
<td>Vacant</td>
<td>Agricultural “A” Zone</td>
</tr>
<tr>
<td>East</td>
<td>Vacant</td>
<td>Agricultural “A” Zone (Residential “R4-548” and “R4-549” Zones under appeal)</td>
</tr>
<tr>
<td>West</td>
<td>Single detached dwellings</td>
<td>Agricultural “A” Zone</td>
</tr>
</tbody>
</table>

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 and implements the “Urban Area” designation of the Hamilton-Wentworth Official Plan and the “Residential” designation of the Ancaster Official Plan.
   
   (iii) It conforms with and implements the “Low Density Residential” designation of the Meadowlands Neighbourhood IV Secondary Plan.
   
   (iv) It is consistent with the Residential “R4-548” and “R4-549” zoning of abutting lands to the north and east that was approved by Council, but are under appeal to the Ontario Municipal Board.

2. The proposed changes in zoning would implement consistent zoning that was approved on lands to the north and east through Zoning Application ZAC-05-55 and implementing By-law No. 06-168. This zoning relates to proposed draft plan of subdivision “Springbrook Meadows” (see Appendix “D”). The Zoning and Subdivision were approved by Council in 2006, but have since been appealed to the Ontario Municipal Board. A hearing is scheduled in February 2007.

3. The applicant has submitted a sketch of the subject lands delineating the proposed “R4-548” and “R4-555” zoning (see Appendix “C”). The proposed “R4-
548” zoning would apply to Block “1”. This portion of the subject property would be developed with blocks of land within the “Springbrook Meadows” subdivision (see Appendix “D”) to create 2 full lots and 1 partial lot for single detached dwellings which would have frontage on a future road. Block “2” (see Appendix “C”) would be rezoned “R4-555” in order to permit the existing lot having frontage onto Springbrook Avenue. Any surplus frontage not needed for the existing lot would be added to land to the north to create an additional lot.

The following modifications would apply to the “R4-555” Zone from the “R4” standards (applicable to Block “2”):

- Minimum lot frontage of 15m, whereas 12m is required;
- Maximum lot coverage of 45%, whereas 35% is required;
- Minimum front yard of 6.0m, whereas 7.5m is required;
- An existing deck is permitted to be located a minimum 2.4m from a rear lot line, whereas 6.0m is required (see discussion below); and,
- An existing dwelling is permitted to maintain a 7.4m rear yard setback, whereas 7.5m is required (see discussion below).

The following modifications would apply to the Residential “R4-548” Zone (applicable to Block “1”):

- Minimum lot area of 370 square metres whereas 400 square metres is required and 500 square metres for a corner lot (note that no future corner lot would be located at 311 Springbrook Avenue);
- Maximum lot coverage of 45%, whereas 35% is required;
- Minimum front yard of 3.0m to the dwelling and 6.0m to a garage, whereas 7.5m is required; and,
- Minimum exterior side yard of 3.0m for a corner lot, whereas 5.2m is required (note that no corner lot is located at 311 Springbrook Avenue).

The proposed zoning modifications can be supported as they implement consistent zoning approved but under appeal for lands to the north and east of 333 Springbrook Avenue. The zoning modifications implement design elements within the Meadowlands Neighbourhood IV Secondary Plan while also maintaining the existing larger lot residential character of Springbrook Avenue.

4. The front portion of the subject property (see Appendix “C”) contains an existing single detached dwelling with detached garage. The detached garage will be relocated or demolished upon subdivision of the property as it is partially located
on the rear portion of the property which is to be severed in the future to create lots fronting onto a future roadway. The existing single detached dwelling would provide a 7.43m setback to the future to create lots fronting onto a future road. In addition, a deck at the back of the dwelling is setback 2.48m from the future rear lot line.

In this regard, the proposed “R4-555” Zone would permit the existing deck to be located a minimum 2.4m from a rear lot line. This provision can be supported as the modification is worded such that it only applies to an existing deck as of the date of passage of the Zoning By-law. A modification to permit a minimum rear yard setback of 7.4m can also be supported as the reduction is minor in nature and the modification would also only apply to the existing dwelling at 333 Springbrook Avenue.

It must be noted that should the northerly portion of Block “2” (see Appendix “C”) be severed and added to lands to the north, this lot would have dual zoning (“R4-549” and “R4-555” Zones). However, this dual zoning would not have any implications as the zoning modifications in both zones are the same, except for the site-specific provisions in the “R4-555” Zone for an existing deck and rear yard setback for an existing dwelling, which would not apply to a newly constructed dwelling.

5. All issues pertaining to payment for urbanization of Springbrook Avenue, provisions for servicing, and contribution to Storm Water Management facilities will be addressed when the subject lands are further subdivided either through consent or amendments to the “Springbrook Meadows” subdivision. The urbanization of Springbrook Avenue, in front of 333 Springbrook Avenue, including the installation of full municipal sewers, is required as part of the “Springbrook Meadows” subdivision. Construction of the future road to the east of the subject property is also a requirement of the “Springbrook Meadows” subdivision.

**ALTERNATIVES FOR CONSIDERATION:**

Should the application be denied, the lands can only be utilized for uses permitted within the Agricultural “A” Zone, which would include one single detached dwelling. The lands could not be redeveloped for their intended use of single detached dwellings in accordance with the Meadowlands Neighbourhood IV Secondary Plan.

**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 application is consistent with respect to the Provincial Policy Statement in that the application focuses growth in settlement areas.

However, Policy 2.6.2 of the Provincial Policy Statement (PPS) outlines that development and site alteration may be permitted on lands containing archaeological resources, or areas of archaeological potential, if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration that maintains the heritage integrity of the site will be permitted. Therefore, clearance of an archaeological assessment from the Director of Development and Real Estate, and the Ministry of Culture is required.

Implementation of the requirement for an archaeological assessment will be undertaken when an application is made to sever the lands for their intended future use of multiple single detached dwellings. It should be noted that the applicant for the proposed change in zoning is the same as for the development of the proposed draft plan of subdivision to the north and east. An archaeological assessment is required as a condition of approval for the proposed draft plan of subdivision, and the applicant has confirmed that it will also encompass the subject lands.

Hamilton-Wentworth Official Plan

The subject property is designated “Urban Area” in the Hamilton-Wentworth Official Plan. The proposal conforms with the Plan. Policies requiring full municipal services to be provided in the urban area will be addressed by requiring these full services prior to any further subdivision on the subject lands.

Ancaster Official Plan

The subject property is designated “Residential” in the Ancaster Official Plan and “Low Density Residential” in the Meadowlands Neighbourhood IV Secondary Plan. The proposed changes in zoning to permit single detached dwellings conform with and implement the Ancaster Official Plan.

RELEVANT CONSULTATION:

The following Departments and Agencies had no comments or objections:

- Corporate Services Department (Budgets Section); and,
- Public Works Department (Traffic Engineering and Operations Section).
Public Consultation

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, the application was circulated to 9 property owners within 120 metres of the subject property. In addition, a Public Notice sign was erected on the property in November, 2006. To date, no comments have been received.

Notice of the Public Meeting for this rezoning application will be circulated to property owners within 120 metres of the subject lands and through a sign posted on the property in accordance with the requirements of the Planning Act.

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
Shelter, care and satisfying employment are accessible to all Hamiltonians.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Ecological function and the natural heritage system are protected.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Infrastructure and compact, mixed use development minimize land consumption and servicing costs.

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

:GM
Attachs. (4)
Subject Property
333 Springbrook Avenue, Ancaster

Block 1
Change in Zoning from the Agricultural “A” Zone to the Residential “R4-548” Zone

Block 2
Change in Zoning from the Agricultural “A” Zone to the Residential “R4-549” Zone

File Name/Number: ZAC-06-83
Date: October 31st, 2006
Scale: N.T.S.
Planner/Technician: GM/MF
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 87-57 (Ancaster),
Respecting Lands Located at 333 Springbrook Avenue

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 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 “The Corporation of the Town of Ancaster” and is the successor to the former Regional Municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 87-57 (Ancaster) was enacted on the 22nd day of June 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

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. 87-57 (Ancaster), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Ancaster) in accordance with the provisions of the Planning Act;

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

1. Schedule “B” of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing from the Agricultural "A" Zone:

   (a) to the Residential “R4-548” Zone, the lands comprised in Block “1”; and,
(b) to the Residential “R4-555” Zone, the lands comprised in Block “2”;

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

2. That Section 34: Exceptions of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following subsections:

R4-548 That notwithstanding the provisions of paragraphs (a), (c), (d) and (e)(ii) of Subsection 12.2 “Regulations” of Section 12: Residential “R4” Zone, and Schedule “C”, the following special provisions shall apply to the lands zoned “R4-548”:

Regulations:

(a) Minimum Lot Area: 370 square metres, except for a corner lot, where the minimum lot area shall be 500 square metres.

(b) Maximum Lot Coverage: 45 percent.

(c) Minimum Front Yard: 3.0 metres to the dwelling and 6.0 metres to a garage shall be provided.

(d) Minimum Side Yard: On a corner lot, the minimum side yard abutting a street shall be 3.0 metres.

R4-555 That notwithstanding the provisions of paragraphs (b), (c), (d), and (f) of Subsection 12.2 “Regulations” of Section 12: Residential “R4” Zone, paragraph (a) of Section 9.10 of Section 9: General Provisions for Residential Zones, and Schedule “C”, the following special provisions shall apply to the lands zoned “R4-555”:

Regulations:

(a) Minimum Lot Frontage: 15 metres.

(b) Maximum Lot Coverage: 45 percent.

(c) Minimum Front Yard: 6.0 metres.

(d) The minimum setback from a rear lot line for a dwelling existing on the day of the passing of this By-law, being the day of , 2007, shall be 7.4 metres.
(e) The minimum setback from a rear lot line for a deck existing on the day of the passing of this By-law, being the day of _, 2007, shall be 2.4 metres.

3. That the amending By-law be added to Map 1 of Schedule B of Ancaster Zoning By-law No. 87-57.

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

__________________________________________  _____________________________
MAYOR                              CLERK

ZAC-06-83
Schedule “A”
Map Forming Part of By-law No. 07-_____ to Amend By-law No. 87-57

Subject Property
333 Springbrook Avenue, Ancaster

Block 1
Change in Zoning from the Agricultural “A” Zone to the Residential “R4-548” Zone

Block 2
Change in Zoning from the Agricultural “A” Zone to the Residential “R4-555” Zone

This is Schedule “A” to By-Law No. 07—
Passed the ________________ day of ________________ 2007

Clerk

Mayor

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT