SUBJECT: Application for a Change in Zoning for Lands Located at 3089 Binbrook Road West (Glanbrook) (PED07293) (Ward 11)

RECOMMENDATION:

That approval be given to Zoning Application ZAR-07-063, by Losani Homes, owner, for a change in zoning from the Existing Residential “ER” Zone to the Residential “R4-222” Zone in order to permit the future development of a single detached dwelling on a separate lot, for the southerly portion of the lands located at 3089 Binbrook Road West (Glanbrook), as shown on Appendix “A” to Report PED07293, on the following basis:

(a) That the subject lands be rezoned from the Existing Residential “ER” Zone to the Residential “R4-222” Zone.

(b) That the draft By-law, attached as Appendix “B” to Report PED07293, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(c) That the amending By-law be added to Schedule “H”, of Township of Glanbrook Zoning By-law No. 464.

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

Tim McCabe
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The purpose of the application is for a change in zoning in order to permit the future development of a single detached dwelling on a separate lot with frontage on Great Oak Trail (see Appendix “A”).

The proposed change in zoning has merit and can be supported as it is consistent with the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and conforms to the Hamilton-Wentworth Official Plan, the Township of Glanbrook Official Plan and the Binbrook Village Secondary Plan. The proposal is compatible with existing and planned land uses in the surrounding area. In addition, approval of the application will satisfy a condition of approval for Consent Application GL/B-07:114.

BACKGROUND:

Proposal

The applicant has applied for a change in zoning from the Existing Residential “ER” Zone to the Residential “R4-222” Zone for lands located at 3089 Binbrook Road West (see Appendix “A”). The effect of the application is to permit the future development of a single detached dwelling on a separate lot with frontage on Great Oak Trail.

On July 11, 2007, the owner received approval of an Official Plan Amendment application to re-designate the southerly portion of the subject lands from “Binbrook Community Core” to “Residential” on Schedule “A” Land Use Plan, and from “Community Core” to “Low Density Residential” on Schedule “B” Binbrook Village Land Use Plan. The application was approved on the basis that the re-designation of the rear portion of 3089 Binbrook Road West represents a logical extension of the existing residential designation without jeopardizing the viability of the northerly portion of the subject lands to be developed for future commercial purposes.

Consent Application GL/B-07:114

Consent Application GL/B-07:114 was approved by the Committee of Adjustment on October 18, 2007. The purpose of the application is to create one new lot for a single detached dwelling with frontage on Great Oak Trail, and to retain one lot with frontage on Binbrook Road West containing an existing dwelling for future commercial purposes. The application was approved subject to conditions, including approval of the subject rezoning application (see Appendix “C” – Condition No. 2).

A survey of the proposal, attached as Appendix “D”, shows the new lot (Part 6 on Reference Plan 62R-17464) created through the approved Consent Application. The newly created lot fronting on Great Oak Trail will have a frontage of approximately 15.24 metres and a lot area of approximately 452.55 square metres. The retained lot on Binbrook Road West (see Part 5 - Appendix “D”), will have a frontage of 30.04 metres and a lot area of approximately 1,280.99 square metres.
Details of Submitted Application

Location: 3089 Binbrook Road West (see Appendix “A”) Part 6, 62R-17464 (see Appendix “D”)

Owner: Losani Homes

Agent: Armstrong Hunter & Associates

Property Description (total rezoned lands):

Frontage: 15.24 metres on Great Oak Trail
Area: 452.55 square metres
Servicing: Full municipal services on Great Oak Trail

EXISTING LAND USE AND ZONING:

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<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tr>
<td>Subject Lands</td>
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<td>Existing Residential “ER” Zone</td>
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<tr>
<td>Surrounding Lands</td>
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<td>North</td>
<td>Residential - Single Detached Dwellings</td>
<td>Existing Residential “ER” Zone</td>
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<td>South</td>
<td>Residential – Street Townhouse Dwellings</td>
<td>Residential Multiple “RM2-201” Zone</td>
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<td>East</td>
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<td>Existing Residential “ER” Zone</td>
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<td>West</td>
<td>Residential – Single Detached Dwellings</td>
<td>Existing Residential “ER” 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 and Growth Plan for the Greater Golden Horseshoe (Places to Grow).

   (ii) It conforms to the Hamilton-Wentworth Official Plan, the Township of Glanbrook Official Plan and the Binbrook Village Secondary Plan.
(iii) It implements Council’s recent approval of Official Plan Amendment No. 61 on the subject lands to permit the proposed development.

(iv) The proposed change in zoning satisfies a condition of approval for Consent Application GL/B-07:114, which was approved by the Committee of Adjustment on October 18, 2007 (see Appendix “C” – Condition No. 2).

(v) It is considered to be compatible with the existing development in the immediate area.

2. The Binbrook Village Secondary Plan, as amended, designates the subject property as “Low Density Residential”. Policy B.2.2.3.3.2.1(b) permits a maximum net residential density of 30 units per net hectare. The proposal will create a net residential density of approximately 22 units per net hectare and is, therefore, consistent with the “Low Density Residential” designation.

3. The proposal represents an opportunity for residential intensification on an existing large residential lot. The proposed development is considered compatible with the scale and character of the existing and future residential uses planned for the area since the proposed zoning provides for a compatible lot frontage, lot area, building height, and setbacks to those existing in the surrounding neighbourhood.

4. The applicant has requested that the subject lands be rezoned to the Residential “R4-222” Zone (see Appendix “E”), a site-specific zoning that has been applied to in the Fairgrounds East subdivision located northwest of the subject lands. The Residential “R4-222” Zone is an appropriate zone for these subject lands as well because it is compatible with the existing zoning and scale of development in the area. The minimum lot frontage of 10.0 metres and minimum lot area of 280 square metres are appropriate for the subject lands as these requirements would not facilitate a future severance on the property. The minimum yard setbacks are also compatible with existing low density residential development in the surrounding area.

5. The existing road allowance width of Great Oak Trail is 26 metres, as designated in the Township of Glanbrook Official Plan. No further widenings are required. There are existing public watermains, sanitary sewers and storm sewers on Great Oak Trail to service the subject lands.

**ALTERNATIVES FOR CONSIDERATION:**

If Council does not support the proposed change in zoning, the conditions of Consent Application GL/B-07:114 will not be satisfied and the Committee of Adjustment Approval will lapse. The lands would then be subject to the regulations of the Existing Residential “ER” Zone.
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 Policy 1.1.3.1 of the Provincial Policy Statement, which focuses growth in settlement areas.

Policy 1.7.1(e) of the PPS outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety. Due to the proximity of the subject lands to Binbrook Road, Consent Application GL/B-07:114 contains a specific condition of approval (see Appendix “C” – Condition No. 3), which requires a noise warning clause to be included in the consent agreement and all purchase of sale and/or lease agreements.

Growth Plan for the Greater Golden Horseshoe (Places to Grow)

The application is consistent with the intensification policies of the Growth Plan for the Greater Golden Horseshoe 2006. Section 2.2.2 indicates that population growth will be accommodated by directing a significant portion of new growth to the built-up areas of the community through intensification.

This application is consistent with the Growth Plan for the Greater Golden Horseshoe 2006, since it proposes to create an additional residential unit within the Urban Area.

Hamilton-Wentworth Official Plan

The subject lands are designated “Urban” in the Hamilton-Wentworth Official Plan. Policy C-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 ninety-six percent (96%) of new residential housing units in the Region to the year 2020.

As the nature of the application is to change the existing zoning designation to facilitate approved Consent Application GL/B-07:114 to allow for residential development of the property, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

Township of Glanbrook Official Plan

The subject property is designated “Residential” on Schedule ‘A’ – Land Use Plan, “Low Density Residential” on Schedule ‘B’ – Binbrook Village Land Use Plan, and “Special Policy Area 3 – New Communities” on Schedule ‘F’ – Special Housing Policy Areas in the Township of Glanbrook Official Plan. The following policies of the Township of Glanbrook Official Plan, among others, are applicable to the proposed development:

“B.2.1.1  The predominant use of lands designated Residential on Schedule “A” – Land Use Plan shall be residential dwellings. It is intended that the Township provide for a variety and mix of housing types to address all housing needs throughout the Township, including but not limited to, single detached dwellings, semi-detached dwellings, townhouses and apartments. Innovative housing types may also be considered by Council.

B.2.1.10  The specific residential density for lands designated “Residential” in this Plan will be initially identified and delineated in the applicable Secondary Plan as Low, Medium or High Density Residential development areas.

B.2.1.19  Residential Intensification

(a)  Residential Intensification, according to the Provincial Policy Statement on Land Use Planning for Housing, is defined as the creation of new residential units or accommodation in existing buildings or on previously developed, serviced land, generally including, but not limited to, the following:

(i)  Creation of lodging houses.
(ii) Creation of accessory apartments.
(iii) Conversion of non-residential structures to residential use.
(iv) Infill.
(v) Redevelopment.

(b)  Residential intensification shall be encouraged on the lands identified on Schedule “F” – SPECIAL HOUSING POLICY AREAS as Non-Residential Areas, Existing Residential Areas and New Communities, subject to the following criteria:

(i)  The physical ability of the existing building and/or site to accommodate the identified form of residential intensification.
(ii) The ability of the existing municipal and community services to accommodate new households in the affected area.

(iii) The potential demand for the types of accommodation which could be produced through various forms of residential intensification based upon the housing needs of the municipality.

(c) Council supports and encourages residential development such as infilling, redevelopment, and the conversion of residential and non-residential structures that make more efficient use of the existing building stock and/or physical infrastructure, provided the development is compatible and complementary to the established development pattern.

(f) Council supports and encourages all forms of Residential Intensification within the New Communities, as identified on Schedule “F” – SPECIAL HOUSING POLICY AREAS, subject to the pertinent criteria established in Policy B.2.1.17.

B.2.2 Binbrook Village Secondary Plan

B.2.2.2 Development Objectives

B.2.2.2.1 Residential

(a) To establish four residential neighbourhoods which are diverse in population, scaled for the pedestrian, can accommodate cars and transit, and have a well-defined public realm.

(b) To create safe, efficient and attractive residential neighbourhoods consisting of a range and mix of housing types, including low, medium and high density residential development.

(c) To provide a flexible variety of housing types and designs at a range of prices, including affordable residential units.

(d) To encourage the reuse of existing large residential lots to maximize the efficient uses of urban land and services.

(e) To ensure new residential development considers and is sensitive to existing residential uses and other existing and permitted uses in Binbrook Village.

(f) To create an identifiable, functional and useable community focal point for all residential neighbourhoods.
(g) To integrate residential neighbourhoods with parkland and schools in order to provide a functional, efficient, practical, safe and visually pleasing living environment.

(h) To create linkages from residential neighbourhoods to the Community Core and other lands uses.

(i) To create visually unifying neighbourhoods with a clear identity.

B.2.2.3 DEVELOPMENT POLICIES

B.2.2.3.3.2 Densities

B.2.2.3.3.2.1 Low Density Residential

(a) Low Density Residential shall consist primarily of single detached dwellings. Semi-detached dwellings, duplexes and cluster homes may also be permitted.

(b) The net residential density of low-density residential development shall not exceed 30 units per net residential hectare (approximately 10 units per net acre).

As outlined above, the “Residential” designation permits the proposed single detached dwelling. Also, the “Low Density Residential” designation within Binbrook Village permits a maximum net Residential Density of 30 units per hectare. The proposal will create a Net Residential Density of approximately 22 units per hectare, which is consistent with the density envisioned for the area.

In accordance with the residential intensification policies outlined above, the proposal to create one new single detached residential dwelling unit within the “New Communities” Special Policy Area makes efficient use of the existing infrastructure and is compatible with, and complementary to, the established development pattern in the neighbourhood.

Finally, the proposal is consistent with Binbrook Village Secondary Plan development objectives and policies, since it is sensitive to the surrounding residential development, and encourages redevelopment of existing large residential lots to maximize efficient use of urban land and services.

Therefore, the proposal for single detached residential development conforms to the “Residential”, “Low Density Residential”, and “Special Policy Area 3 – New Communities” designations in the Township of Glanbrook Official Plan.

RELEVANT CONSULTATION:

The following Departments and Agencies had no comments or objections:

- Public Works Department (Traffic Engineering and Operations Section)
Public Consultation

In accordance with the Council approved Public Participation Policy, pre-circulation of the application was not required since the property was also subject to an Official Plan Amendment in July 2007, and a concurrent Consent Application, both of which are a public process.

The consent application to sever the subject land to facilitate the development of one new single detached dwelling lot was conditionally approved by the Committee of Adjustment on October 18, 2007. No letters were received in response to the circulation of the severance application. In addition, no formal responses were received in response to the Official Plan Amendment circulation. In accordance with the provisions of the Planning Act, 75 notices of complete application were mailed to all property owners within 120 metres of the subject property. To date, no submissions have been received.

Further, a Public Notice sign was posted on the property on October 12, 2007, and Notice of the Public Meeting was given 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
The proposal creates a consistent and compatible built form and zoning on Great Oak Trails.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
The proposal applies the principles of intensification and best use of available land.

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

:JD
Attachs. (5)
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands located at 3089 Binbrook 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 (the Official Plan of the former Township of Glanbrook);

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

1. Schedule “H”, 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 “R4-222” Zone, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.
2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Residential “R4-222” Zone provisions.

3. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this [__] day of [__], 2007.

__________________________________________  _________________________________________
Fred Eisenberger                                Kevin C. Christenson
Mayor                                           Clerk

ZAR-07-063
Schedule "A"

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

Subject Property
3089 Binbrook Road West

Change in Zoning from Existing Residential "ER" Zone to Residential "R4-222" Zone
Committee of Adjustment
Hamilton City Centre
4th floor, Suite 400, 77 James St. N.
Hamilton, ON L8R 2K3
Telephone (905) 546-2424, ext. 4221
Fax (905) 546-4202

Hamiton

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. GL/B-07:114
SUBMISSION NO. B-114/07

IN THE MATTER OF The Planning Act, R.S.O. 1990, Chapter P13, Section 53(1);

AND IN THE MATTER OF the Premises known as Municipal number 3089 Binbrook Road West,
formerly in the Township of Glenbrook, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent Armstrong Hunter & Associates (Paul
Moore) on behalf of the owner Losani Homes (Fred Losani), 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 having a frontage (on Great Oak Trail) of 15.24m and an area of 452.55m² for residential
purposes, and to retain a parcel of land having a frontage of 29.981m and an area of
1280.778m² 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 applicant/owner received final approval of Rezoning Application ZAR-07-003.

3. That the owner/applicant agree to include the following noise warning clause in the
consent agreement and in all purchase for sale and/or lease agreements:

"Purchasers/tenants are advised that sound levels due to increasing road traffic may
occasionally interfere with some activities of the dwelling occupants as the sound levels
may exceed the Municipality's and the Ministry of the Environment's noise criteria."

4. 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 Services Division).

5. That the Owners enter into and register a Consent Agreement with the City of Hamilton
to the satisfaction of the Manager of Development Engineering for the purpose of, but
not limited to lot grading of the two residential properties on the subject land.

6. The applicant shall pay the required commutation amount of Local Improvement
Charges on the severed portion to the Department of Finance.

7. The driveway to the existing dwelling must be relocated so that all driveway elements,
including curve radius are outside the daylight triangle, to the satisfaction of the Public
Works Department (Traffic Engineering and Operations Section).
8. 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 lot.

NOTE (TO BE INCLUDED IN DECISION):

1. Based on this application being approved and all conditions being met, the owner/applicant should be made aware that the lands to be conveyed will be assigned the municipal address of 15 Great Oak Trail, and that the lands to be retained will remain as 3089 Binbrook Road West.

DATED AT HAMILTON this 18th day of October, 2007.

M. Dudzic, Chairman

M. Switzer

C. Lewis

D. Serwatuk

L. Gaddye

D. Drury

L. Tew

V. Abraham

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS October 25th, 2007. HEREBIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (October 25th, 2008) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS November 14th, 2007.

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.
Notwithstanding the 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, for those lands zoned “R4-222”, the following regulations shall apply:

(a) Minimum Lot Frontage: 10 metres, except 11.8 metres for a corner lot.

(b) Minimum Lot Area: 280 square metres, except 330 square metres for a corner lot.

(c) Maximum Lot Coverage: N/A.

(d) Minimum Front Yard: 4.5 metres to the dwelling, except 6.0 metres to the attached garage.

(e) Minimum Side Yard:

   (i) On a corner lot the minimum side yard abutting the flankage street shall be 3.0 metres, except that an attached garage which fronts on the flankage street shall not be located within 6.0 metres of the flankage street line.

   (f) Minimum Rear Yard: 7 metres.

   (g) Maximum Height: 10.7 metres.

   (h) Minimum Parking Requirements:

      Pursuant to the provisions of Subsections 7.35, 11.5 and 11.6 of this By-law. In addition, the parking space size shall have a minimum width of 2.6 metres and have a minimum length of 5.5 metres. Stairs, to a maximum of 3 risers, and a door swing shall be permitted to encroach into the interior garage parking space.
In addition to the provisions of paragraphs (a) and (b) of Subsection 7.26 \textbf{ENCROACHMENT INTO YARDS}, on those lands zoned “R4-222”, the following regulations shall apply:

(i) Covered porches may project into any required front yard a distance of not more than 3.0 metres.

(ii) Bay windows either with or without foundations may project into any required front, rear, or flankage yards a distance of not more than 0.9 metres.

(iii) Stairs may project into any required front yard a distance of not more than 4.5 metres.

(iv) A covered porch may encroach into a required flankage yard a distance of not more than 1.8 metres.

In addition to the definition of “Daylight Triangle” in \textbf{SECTION 4, DEFINITIONS}, the following shall apply:

For the purposes of determining \textbf{FRONT LOT LINE}, and \textbf{EXTERIOR SIDE LOT LINE} abutting a street, a daylight triangle is deemed not to exist, provided that the minimum distance of the prescribed setbacks, in the By-law, is maintained”.}"