SUBJECT: Application for a Change in Zoning for the Property Located at 480 Jones Road (Stoney Creek) (PED05124) (Ward 11)

COMMENDATION:

That approval be given to Zoning Application ZAR-05-68, Lucio Falasca, owner, for a change in zoning from the Rural Residential “RR” Zone to the Single Residential “R4-14” Zone, to permit the development of a single detached dwelling for the lands known municipally as 480 Jones Road (Stoney Creek), as shown on Appendix “A” to Report PED05124, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED05124, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.

(b) That the amending By-law be added to Schedule “A”, Map No. 2, of Zoning By-law No. 3692-92.

(c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Official Plan of the City of Stoney Creek.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The purpose of the application is for a change in zoning to permit a single detached dwelling to be constructed on a new lot located at 480 Jones Road, in accordance with approved Consent Application SC/B-05:76.
The proposed change in zoning has merit and can be supported as it conforms to the Official Plan of the City of Stoney Creek, would establish Single Residential “R4” zoning consistent with the adjacent properties to the north with frontage on Jones Road, and would implement the approved severance. Planning staff supports the approval of the proposed change in zoning.

BACKGROUND:

Proposal

The purpose of the application is for a change in zoning from the Rural Residential “RR” Zone to the Single Residential “R4-14” Zone, for a parcel of land fronting onto Jones Road, in order to permit a single detached dwelling to be built on a newly created lot in accordance with approved Consent Application SC/B-05:76. The proposed lot would have a frontage of approximately 10.0 metres and an area of approximately 370.00 square metres, while the retained portion would have a lot frontage of approximately 16.0 metres and an area of approximately 595.0 square metres (see Appendix “C” to Report PED05124). The applicant is proposing two lots, one containing an existing dwelling and the second lot for a single detached dwelling (as shown in Appendix “C”, in accordance with Consent Application SC/B-05:76).

Consent Applications SC/B-05:76

Consent Application SC/B-05:76 was approved on May 4, 2005 (see attached Appendix “D”). The purpose of the application was to create a single detached residential lot with frontage on Jones Road, and to retain a lot containing an existing single detached dwelling fronting onto Jones Road. The application was approved subject to the following conditions:

1. That the owner shall submit a deposited Ontario Land Surveyor’s Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar.

2. That the owner/applicant submits a deposited Ontario Land Surveyor’s Reference Plan to the Development Planning East Team.

3. That the owner/applicant apply for, and receive, final approval of a routine re-zoning application for the subject lands, including the reduced side yard for the existing single detached dwelling.

4. That the owner enters into a Consent Agreement with the City of Hamilton.
5. That the owner dedicates a 5m x 5m daylighting triangle to the City of Hamilton at the intersection of Jones Road and Pisa Drive.

6. That the existing building, known as 480 Jones Road, which is the retained parcel, will be required to change the municipal number to 478 Jones Road. The parcel to be conveyed shall become known as 480 Jones Road. A ‘Change of Address Request Form’ is required to be submitted, with the applicable fee of $115.00.

Details of Submitted Application

Owner: Lucio Falasca

Agent: Emilio D’ Ortenzio

Location: 480 Jones Road, Stoney Creek

Description: Frontage: Approximately 26.0m (Jones Road)
Depth: Approximately 36.0m
Area: Approximately 965.0m² (0.09ha)

Servicing: Full municipal services

Existing Land Use and Zoning

<table>
<thead>
<tr>
<th>Subject Lands</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tbody>
<tr>
<td>Residential</td>
<td>“RR” (Rural Residential) Zone</td>
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<tr>
<th>Surrounding Lands</th>
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<tbody>
<tr>
<td>North</td>
<td>Single Detached Dwellings</td>
<td>“R4” (Single Residential - Four) Zone</td>
</tr>
<tr>
<td>South</td>
<td>Single Detached Dwellings</td>
<td>“R3” (Single Residential - Three) Zone</td>
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<tr>
<td>East</td>
<td>Street Townhouse Dwellings</td>
<td>“RM2” (Multiple Residential - Two) Zone</td>
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<tr>
<td>West</td>
<td>Single Detached Dwellings</td>
<td>“R2” (Single Residential – Two) Zone</td>
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ANCIAL/STAFFING/LEGAL IMPLICATIONS:

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. There are no financial or staffing implications related to the proposed change in zoning.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides 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 proposed change in zoning permits two smaller lots, which is a form of residential intensification. The application is consistent with the Provincial Policy Statement that promotes growth in settlement areas.

Hamilton-Wentworth Official Plan

The subject property is designated as “Urban” within the Hamilton-Wentworth Official Plan. Policy 3.1 of the Plan 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. Furthermore, the Plan establishes a land use strategy for the Urban Area that consists of a compact urban form including mixed use areas.

Therefore, as the nature of the application is for the rezoning of the subject lands to facilitate future residential development, the proposal conforms with the intent of the Hamilton-Wentworth Official Plan.

City of Stoney Creek Official Plan

The subject property is designated “Residential” on Schedule ‘A’, General Land Use Plan and Low Density Residential on Schedule ‘A4’, Urban Lakeshore Secondary Plan, in the Official Plan for the City of Stoney Creek. The proposal conforms to the “Residential” and “Low Density Residential” designations.
Neighbourhood Plan

The subject lands are designated “Low Density Residential” in the Trillium Neighbourhood Plan, which was approved by Council on July 11, 1995, and most recently amended on October 26, 1999. The proposal conforms to this designation.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The following Departments and Agencies had no comments or objections:

- Public Works Department (Traffic Engineering and Operations Section)
- Public Health and Community Services Department (Health Protection Branch)
- Corporate Services Department (Budgets, Taxation and Policy Division)

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 Application, SC/B-05:76, which included public involvement. No public concerns were expressed during the consent application process. On this basis, the application was exempted from the preliminary circulation requirements. To date, no phone calls or letters have been received.

CITY STRATEGIC COMMITMENT:

The proposed zone change is consistent with the objectives of sustainable development in that it will increase the local housing supply in the community in a manner that makes efficient use of existing services and infrastructure. The proposal would not have any negative environmental, social, or economic impacts, meeting the Strategic Goals of the City of Hamilton.

COMMENTS:

1. The proposal has merit and can be supported for the following reasons:

   (i) It conforms with the “Urban” designation of the Hamilton-Wentworth Official Plan.

   (ii) It conforms with the “Residential” and “Low Density Residential” designations of the City of Stoney Creek Official Plan.
(iii) It conforms with the “Low Density Residential” designation in the approved Trillium Neighbourhood Plan.

(iv) The proposed change in zoning satisfies a condition of approval of Consent Application SC/B-05:76, which was approved by the Committee of Adjustment in May 2005.

2. The “R4” (Single Residential – Four) Zone requires a minimum interior lot area of 310.0 square metres, with a minimum lot frontage of 10.0 metres and a minimum corner lot area of 400.0 square metres, with a minimum lot frontage of 13.0m. Both the severed and retained lots maintain the minimum requirements in accordance with the “R4” Zone.

A variance will be required to the Zoning By-law for the retained lot to permit a minimum northerly side yard of 0.94m instead of the minimum required 1.25m. As the dwelling on the retained lot is existing, the requested modification to the proposed zoning will recognize the existing situation.

3. There are full municipal services available to service the lands on Jones Road.

4. All issues pertaining to grading, drainage, servicing, and land dedication will be addressed through conditions of approved Consent Application SC/B-05:76.

CONCLUSION:

Based on the foregoing, the application for a change in zoning can be supported.

:SM

Attachs. (4)
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property Located at 480 Jones Road

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 municipality known as the “The Corporation of the City of Stoney Creek” 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. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS the Council of the City of Hamilton, in adopting Section of Report 05- of the Planning and Economic Development Committee at its meeting held on the day of , 2005, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986;

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

1. Map No. 2 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended by changing the zoning from the Rural Residential “RR” Zone to the Single Residential “R4-14” Zone, on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.
2. That Section 6.5.7, “Special Exemptions”, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special provision “R4-14”, to include the following:

“R4-14  480 Jones Road, Part of Lots 7 & 8, Registered Plan 428
Schedule “A”, Map No. 2

Notwithstanding the provisions of Paragraph (d) of Subsection 6.5.3 Zone Regulations, of the Single Residential “R4” Zone, a minimum northerly side yard of 0.94 metres shall be provided for the single detached dwelling existing on the date of the passing of this by-law being __________. ”

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Single Residential "R4" Zone provisions, subject to the special requirements referred to in Section 2.

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

PASSED and ENACTED this day of , 2005.

________________________________________  ______________________________
MAYOR  CLERK

ZAR-05-68
Appendix “B” to Report PED05124 (Page 3 of 3)

Change in Zoning from Rural Residential “RR” Zone to the Single Residential “R4-14” Zone

Schedule "A"

Map Forming Part of By-Law No. 05-____ to Amend By-Law No. 3692-92

Subject Property
480 Jones Road
Change in Zoning from Rural Residential “RR” Zone to the Single Residential “R4-14” Zone
Appendix "D" to Report PED05124

COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT\LAND SEVERANCE

APPLICATION NO. SC/B-05:76
SUBMISSION NO. B-76/05

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 480 Jones Road, formerly in the City of Stoney Creek, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent Emilio D’Ortenzio on behalf of the owners Lucio and Tracey Falasca, for consent under Section 53(1) of the Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a vacant parcel of land measuring 10.06m x 36.87m² for single family residential purposes, and to retain a parcel of land measuring 16.15m x 36.91m² containing an existing dwelling for residential purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application IS APPROVED for the following reason:

1. The Committee is of the opinion that a plan of subdivision of the lands is not necessary, in this case, for the proper and orderly development of the municipality.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions.

1. The owner shall submit a deposited Ontario Land Surveyor’s Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar.

2. That the owner/applicant submit a Deposited Ontario Land Surveyor’s Reference Plan to the Development Planning East Team.

3. That the owner/applicant apply for and receive final approval of a routine re-zoning application for the subject lands including the reduced side yard for the existing single detached dwelling.

4. That the Owner into a Consent Agreement with the City of Hamilton; and,

5. That the Owner dedicate a 5m x 5m daylighting triangle to the City of Hamilton at the intersection of Jones Road and Pisa Drive.

6. The existing building known as 480 Jones road, which is the retained parcel, will be required to change the municipal number to 478 Jones Road. The parcel to be conveyed shall become known as 480 Jones Road. A “Change of Address Request Form” shall have to be returned with the applicable fee of $115.00

DATED AT HAMILTON this 4th day of May, 2005.

M. Dudo, Chairman

V. Abrahams

C. Lewis

D. Servats

R. Nair

D. Drury

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS May 11th, 2005.

HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (May 11th, 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 May 31st, 2005.

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