SUBJECT: Application for Change in Zoning for Lands Located at 487 Glover Road (Stoney Creek) (PED06066) (Ward 11)

RECOMMENDATION:

That approval be given to Zoning Application ZAR-05-112, by P. Ventresca and O. Ciamacco, owners, for a change in zoning from the Rural Residential “RR” Zone to the Single Residential “R3” Zone (Block 1), and the site-specific Single Residential “R3-22” Zone (Block 2), for the lands located at 487 Glover Road (Stoney Creek), as shown on Appendix “A” to Report PED06066, on the following basis:

(a) That “Block 1” be rezoned from the Rural Residential “RR” Zone to the Single Residential “R3” Zone.

(b) That “Block 2” be rezoned from the Rural Residential “RR” Zone to the site-specific Single Residential “R3-22” Zone.

(c) That the draft By-law, attached as Appendix “B” to Report PED06066, which has been prepared in a form satisfactory to the City Solicitor, not be enacted by City Council, until an archaeological assessment has been completed to the satisfaction of the Director, Development and Real Estate, and the Ministry of Culture.

(d) That the amending By-law be added to Schedule “A”, Map No. 2, of Zoning By-law No. 3692-92.
(e) That the proposed change in zoning conforms to the Hamilton-Wentworth Official Plan and the Stoney Creek Official Plan.

______________________________________________________________

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 the development of Block “1” for two new single detached dwelling lots, and the future development of Block “2” in conjunction with adjoining lands for future single detached dwellings (see Appendix “A”). The proposal has merit and can be supported since it implements the “Residential” designation of the City of Stoney Creek Official Plan and the “Low Density Residential” designation in the Urban Lakeshore Area Secondary Plan. The proposal is an appropriate infill development that efficiently uses urban land and existing services, and fulfills a condition of severance approval.

**BACKGROUND:**

The subject property is approximately 0.34 hectares (0.73 acres) in area and contains a two-storey single detached dwelling. The proposed development will be phased. Part of Block “1” will proceed in accordance with the proposed Single Residential “R3” Zone requirements. Two lots have been created through recent consent applications (see Appendix “C”); the remaining portion of the Block contains the existing single residential dwelling, which will be developed into two future building lots providing for a total of four lots on Glover Road. Block “2” will proceed at a future date, in accordance with the Single Residential “R3-22” Zone requirements in conjunction with the adjoining lands to the west known as the “Bridgeport” draft plan of subdivision (see Appendices “A” and “D”). Ultimately, the two Blocks would have a total of eight single detached dwelling lots (see Appendix “D”).

**Consent Applications SC/B-02: 56 & 57**

The applicant previously submitted two concurrent consent applications to the Committee of Adjustment in order to sever the subject lands into two building lots (see Appendix “C”). Approval was conditionally granted by the Committee of Adjustment on August 2, 2005. Conditions of approval include the requirement to receive final approval of the Zoning Amendment (see Appendix “C”). The larger portion of 487 Glover Road has been retained by the owner and is intended for future development (see Appendix “D”).
SUBJECT: Application for Change in Zoning for Lands Located at 487 Glover Road (Stoney Creek) (PED06066) (Ward 11) - Page 3 of 8

Location: 487 Glover Road (Stoney Creek)

Owners: P. Ventresca and O. Ciamacco

Property Description:
- Frontage: 50.292 metres
- Depth: 67.67 metres
- Lot Area: 0.34 hectares

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>North</td>
<td>Vacant</td>
<td>Single Residential “R3-22” Zone</td>
</tr>
<tr>
<td>South</td>
<td>Single Residential Dwelling</td>
<td>Rural Residential “RR” Zone</td>
</tr>
<tr>
<td>East</td>
<td>Single Detached Dwellings/Vacant</td>
<td>Rural Residential “RR” Zone, Single Residential “R3” Zone and Single Residential “R3-24” Zone</td>
</tr>
<tr>
<td>West</td>
<td>Vacant</td>
<td>Neighbourhood Development “ND” Zone</td>
</tr>
</tbody>
</table>

ANALYSIS/RATIONALE:

1. The proposed Zoning 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 with and implements the “Urban Area” policies of the Hamilton-Wentworth Official Plan.

   iii) The proposal conforms with and implements the “Residential” designation of the Official Plan and the “Low Density Residential” designation of the Lakeshore Area Secondary Plan.
iv) The proposed development is compatible with existing and planned single detached residential dwellings in the neighbourhood and is in keeping with the character of the surrounding area.

v) The proposal implements a condition of approval for the related severance applications.

2. The proposed residential development is within 100 metres of Lake Ontario and, thereby, may have archaeological potential. The applicant has been advised of this and has retained a professional archaeologist to conduct an assessment of the subject lands to potentially mitigate, through preservation or resource removal and documentation, any adverse impacts to any significant archaeological resources found. In this regard, the owner/applicant has done their due diligence by undertaking an archaeological assessment, the completion of which is imminent. Accordingly, rather than implementing a Holding By-law provision, it is recommended that the enactment of the implementing Zoning By-law be held in abeyance until such time that the Director of Development and Real Estate and the Ministry of Culture are satisfied with the archaeological assessment.

3. The proposed rezoning recommendation for Block “2” of the subject lands is consistent with the zoning to the west (Bridgeport Subdivision) and the rest of the Trillium Neighbourhood. The site-specific Single Residential “R3-22” Zone was recommended through rezoning application ZAC-03-39 and established via amending By-law No. 05-007. These modifications relate to minor changes to yard setbacks. In this regard, the implementing By-law will only be a mapping change with no amending text. Block “1” of the subject lands will be developed in accordance with the parent Single Residential “R3” Zone requirements.

ALTERNATIVES FOR CONSIDERATION:

Should the application for amendment to the Zoning By-law not be approved, development of the subject lands could not proceed in accordance with the Council approved Official Plan and Secondary Plan and the approved severance applications, thereby, only permitting the existing single detached residential dwelling.

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 amendment to the Zoning By-law.
POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The application is consistent with the policies that focus growth in settlement areas 1.1.3.1.

Policy 1.1.1(c) 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 which maintain the heritage integrity of the site may be permitted. Accordingly, the owner will be required to retain a qualified archaeologist to prepare an archaeological assessment to the satisfaction of the Director of Development and Real Estate, and the Ministry of Culture.

Hamilton-Wentworth Official Plan

The subject lands are designated “Urban Area” in 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 will facilitate the development of the lands for residential purposes and on full municipal services, the proposal conforms to the policies 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 Area Secondary Plan of the City of Stoney Creek Official Plan. The following policies, among others, would be applicable to the proposed development:

“Residential

1.2.9 Council shall encourage the provision of a full range of housing types and prices throughout the municipality and, where appropriate, residential intensification will be encouraged subject to Policies A.1.2.18, A.1.2.20, A.1.2.21 and A.1.2.22 and other policies of the Plan.

1.2.12 The Residential Densities within the respective Residential land use designations identified by the SECONDARY PLANS shall be as follows:
a) LOW DENSITY – approximately 1 to 29 units per Net Residential Hectare. This designation permits predominantly single family detached, duplex and semi-detached dwellings. These types of dwellings are to be generally located at the interior of Residential neighbourhoods adjacent to local roads.

1.2.14 Within each of the Secondary Plan’s Residential Density designations outlined in Policy 1.2.12 of this Subsection, the Zoning By-law will restrict the uses of any site to one or more of the dwelling unit types permitted within that designation. Such restrictions will be implemented to preserve the character of a neighbourhood and to promote compatibility of dwelling unit types with surrounding existing and proposed land uses.

1.2.20 In the development of new residential areas, and as far as practical in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of residential amenity:

a) Provision and maintenance of adequate off-street parking.

b) Provision, improvement and/or maintenance of on-site landscaping.

c) The provision and maintenance of adequate separation distances and the placement of buffering features between residential uses of differing densities as well as other land uses.

In addition, residential development and/or infilling within developed neighbourhoods shall not be on a scale so as to create a land use conflict with surrounding uses.

Historic and Architectural Resources

5.2.3 Should sites with archaeological significance within the City warrant conservation, Council shall consult with the appropriate Provincial Ministry for advice concerning the conservation and protection of such sites.”

Neighbourhood Plan

The subject lands are identified as “Low Density Residential” in the approved Trillium Neighbourhood Plan. The proposed development conforms to the Neighbourhood Plan.
RELEVANT CONSULTATION:

Corporate Services Department (Budgets Section)

The Budgets Section has advised that there is a Municipal Act Sanitary Sewer rate in the amount of $12,824.68. Paying the required amounts will be a condition of building permit(s) issuance.

Ministry of Transportation (MTO) - Central Region Operations

The MTO has advised that building/land-use permits for all buildings and structures within 46 metres (150 feet) from the QEW property limit, and 396 meters from the intersection of QEW and Glover Road, will be required. Permits will be required prior to any grading and construction on this site. Separate building/land-use permits will be required for each stormwater management pond servicing this site. Sign permits will also be required.

MTO will also require that any new structures, above or below ground, be setback a minimum distance of 14 metres from the highway property line. This includes any new buildings, internal roads, essential parking, catch basins, fire routes, stormwater management ponds and any other essential structure(s) for the development. The applicant should be made aware that Ministry permits are required for all structures above and below ground, located within the Ministry’s permit control area.

Subsequent requests will require the applicant to submit a site plan, a survey plan, a site servicing and grading plan. A stormwater management report detailing the intended treatment of calculated runoff for 5, 10, 50 and 100 years storms will be required.

The following Departments and Agencies had no comments or objections:

- Public Works Department (Operations and Maintenance Division - Traffic)
- Public Works Department (Operations and Maintenance Division - Forestry)
- Public Works Department (Capital Planning and Implementation Division - Parks)
- Hamilton Conservation Authority
- Hamilton Hydro
- Bell Canada

Public Consultation

The Public Participation Policy, adopted by Council on May 29, 2003, provides 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 considered within one year of other public involvement and participation opportunities. There were no interested parties in attendance at the Committee of Adjustment Meeting. In accordance with the requirements of the Planning Act, notice of the Public
Meeting was circulated to sixty property owners within 120 metres of the subject property. No comments have been received to date. In addition, a Public Notice Sign was erected on the property on January 12, 2006.

**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
  Arts, culture, archaeological and cultural heritage are supported and enhanced, through the requirement for an archaeological assessment.

- **Environmental Well-Being is enhanced.** ☑ Yes ☐ No
  Human health and safety 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

JM

Attachs. (5)
Subject Property
487 Glover Road (Stoney Creek)

Block 1 - Change in zoning from the Rural Residential "RR" Zone to the Single Residential "R3" Zone

Block 2 - Change in zoning from the Rural Residential "RR" Zone to the site specific Single Residential "R3-22" Zone.
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting Lands located at 487 Glover 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 area municipality known as "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 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. 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 06-________ of the Planning and Economic Development Committee at its meeting held on the ______ day of ______, 2006, 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, on the following basis:

   (i) That Block “1” be rezoned from the Rural Residential “RR” Zone to the Single Residential “R3” Zone; and

   (ii) That Block “2” be rezoned from the Rural Residential “RR” Zone to the Single Residential “R3-22” Zone,
2. That 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 “R3” Zone provisions, and the special requirements of the Single Residential “R3-22” Zone.

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 , 2006.

MAYOR

CLERK

ZAC-05-112
Schedule "A"

Map Forming Part of
By-Law No. 06-____
to Amend By-Law No. 3692-92

Planning and Economic Development Department

Hamilton

Subject Property
487 Glover Road (Stoney Creek)

Block 1 - Change in zoning from the Rural Residential "RR" Zone to the Single Residential "R3" Zone.

Block 2 - Change in zoning from the Rural Residential "RR" Zone to the site specific Single Residential "R3-22" Zone.
APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. SC/B-02:56
SUBMISSION NO. B-56/02

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 487 Glover Road, formerly in the City of Stoney Creek, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION, AS AMENDED, by the agent John C. Pelech on behalf of the owners Osvaldo Ciamacco and Pantillo Ventresca, 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 3 on sketch) measuring 12,573m² (41.25') x 33,853m² (111') for single family residential purposes, and to retain a parcel of land (Parts 1 & 2 on sketch) having a frontage of 37.719m (123.75'), and an area of 2,977.67m² (0.73 acres) containing an existing two storey 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 owner/applicant submit a Deposited Ontario Land Surveyor's Reference Plan to the Development Planning East Team.

3. That the owner/applicant obtain final approval of a rezoning application to rezone the newly created lots from Rural Residential "RR" Zone to Single Residential "R3" Zone.

4. The applicant shall submit survey evidence that the existing dwelling complies with the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any necessary variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building & Licensing Division).

5. The owner enter into a Consent Agreement with the City of Hamilton for grading purposes for the creation of the 2 lots.

6. The owner pay all costs for the future urbanization of Glover Road for the development of the two proposed residential lots. These costs will be calculated on the total frontage of the created residential lots.

7. That the owner/applicant pay the total actual sewer rate and connection fee imposed under Section 7, By-law No. 01-035 (Glover Road) of $12,824.68 to the Corporate Service Department, Budget & Finance, City Hall.

8. That the owner/applicant satisfy the requirements of the Public Health and Community Services Department (Health Protection Branch) with regard to the 3 inch white PVC pipe capped approximately 10 feet from the North East corner of the house on the retained land.
DATED AT HAMILTON this 5th day of July, 2005.

M. Dudzic, Chairman

C. Lewis

R. Nairn

V. Abraham

D. Drury

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS July 13th, 2005. HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (July 13th, 2005) 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 August 2nd, 2005.

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.
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 487 Glover Road, formerly in the City of Stoney Creek, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION, AS AMENDED, by the agent John C. Pelech on behalf of the owners Osvaldo Ciamacco and Panfio Ventresca, 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 2 on sketch) measuring 12.573m (41.25') x 33.833m (111') for single family residential purposes, and to retain a parcel of land (Part 1 on sketch) having a frontage of 25.146m (82.5'), and an area of 2,552.29m² (0.63 acres) containing an existing two storey 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 owner/applicant submit a Deposited Ontario Land Surveyor's Reference Plan to the Development Planning East Team.

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5. The owner enter into a Consent Agreement with the City of Hamilton for grading purposes for the creation of the 2 lots.

6. The owner pay all costs for the future urbanization of Glover Road for the development of the two proposed residential lots. These costs will be calculated on the total frontage of the created residential lots.

7. That the owner/applicant pay the total actual sewer rate and connection fee imposed under Section 7, By-law No. 01-035 (Glover Road) of $12,824.68 to the Corporate Service Department, Budget & Finance, City Hall imposed under SC/B-02:56.

8. That the owner/applicant satisfy the requirements of the Public Health and Community Services Department (Health Protection Branch) with regard to the 3 inch white PVC pipe capped approximately 10 feet from the North East corner of the house on the retained land.

....../2
DATED AT HAMILTON this 6th day of July, 2005.

M. Dudzic, Chairman

C. Lewis

V. Abraham

R. Nair

D. Drury

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS July 13th, 2005. HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (July 13th, 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 August 2nd, 2005.

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