SUBJECT: Application to Amend the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 144 McNiven Road, Ancaster (PED07038) (Ward 12)

RECOMMENDATION:

That approval be given to Zoning Application ZAR-06-60, Mario Zecchini owner, for a further modification to the “R5-456” (Residential) Zone to add a triplex dwelling within the existing building as an additional permitted use, for the property located at 144 McNiven Road (Ancaster), as shown on Appendix “A” to Report PED07038, on the following basis:

(a) That the draft By-law, attached as Appendix “C” to Report PED07038, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

(b) That the proposed modification in zoning conforms to the Hamilton-Wentworth Official Plan and the Town of Ancaster 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 existing semi-detached dwelling to be converted to a triplex dwelling.

The proposal has merit and can be supported as the proposed modification to the zoning is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan and the Residential policies of the Town of Ancaster Official Plan. The proposal efficiently uses urban land and is compatible with adjacent land uses.

BACKGROUND:

Proposal

The applicant is requesting a further modification to the current “R5-456” (Residential) Zone to permit the conversion of the existing semi-detached dwelling into a triplex dwelling (Appendix “B”). Conversion of the existing building will be completed through the building permit process upon approval of this application.

Modifications to the By-law will include an alteration to the definition of the defined term “Dwelling, Triplex” by including vertical, as well as horizontal divisions, between units. The present definition requires that the units only be separated horizontally, which limits conversion of the existing dwelling. This amendment is necessary to permit a wider range of options for the owner in converting the existing dwelling to a triplex. The amending By-law will also contain specific provisions for minimum lot area and frontage to recognize the existing lot, and for minimum parking for a triplex dwelling.

The subject lands are located along McNiven Road, southwest of the intersection of Mohawk Road and McNiven Road, as shown on Appendix “A”.

Location: 144 McNiven Road, Ancaster

Owner: Mario Zecchini

Property Description:

- Frontage: 22.42 metres
- Depth: 48.52 metres
- Lot Area: 1310 square metres
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></td>
<td>Semi-Detached</td>
<td>“R5-456” (Residential) Zone</td>
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<tr>
<td></td>
<td>Dwelling</td>
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Surrounding Lands:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Single Detached Dwelling</td>
<td>“ER” (Existing Residential) Zone</td>
</tr>
<tr>
<td>East</td>
<td>Townhouse Complex</td>
<td>“RM3-313” (Residential Multiple) Zone</td>
</tr>
<tr>
<td>South</td>
<td>Single Detached Dwelling</td>
<td>“ER” (Existing Residential) Zone</td>
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<tr>
<td>West</td>
<td>Single Detached Dwelling</td>
<td>“ER” (Existing Residential) Zone</td>
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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.
   
   
   iii) The proposed development is compatible with the surrounding area and efficiently uses urban land.

2. The property has full municipal services (sewers and watermain) available and connected to the existing building. No additional upgrade to the existing City service mains will be necessary to support this proposed increase in unit count.

3. The “R5-456” (Residential) Zone presently permits the property to be utilized for a single detached dwelling and a semi-detached dwelling, with modifications, to permit the required parking to be provided within the entire zoned area rather than within each unit’s lot area. The recommended modifications will add the use of a triplex dwelling only within the existing building, with a modification to the By-law’s definition of “Dwelling, Triplex” to permit the separation between units to
include vertical, as well as horizontal, divisions to allow flexibility in converting the existing semi-detached dwelling to three units. A triplex dwelling is limited to the existing building to retain the existing residential character of the area. The site is within proximity of an arterial street and would be compatible with the surrounding uses including the townhouse complex located across the street to the east.

4. The established lot frontage and area of the subject lands satisfies the minimum lot frontage and area requirements for a triplex dwelling, which is a permitted use within the “RM5” (Residential Multiple) Zone. The current “R5-456” (Residential) Zoning of the subject lands does not permit a triplex dwelling as-of-right and, therefore, provides no minimum lot area and lot frontage or minimum parking requirements for such use. As such, the proposed zoning requires a triplex dwelling to meet the subject lot’s established frontage and area, with a minimum of 2 parking spaces per unit in accordance with the standard parking requirements for a triplex dwelling in the “RM5” (Residential Multiple) Zone.

**ALTERNATIVES FOR CONSIDERATION:**

Should the proposed application for amendment to the Zoning By-law be denied, the subject lands may be used in accordance with the “R5-456” (Residential) 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 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/urban 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. As the nature of the application is to permit the conversion of the existing building to a triplex, the proposal is consistent with the policies of the Hamilton-Wentworth Official Plan.

Town of Ancaster Official Plan

The subject property is designated “Residential” on Schedule “A” – Land Use Concept. The following policies from the Town of Ancaster Official Plan, among others, are applicable to the proposal:

“4.4.1 The predominant use of lands designated RESIDENTIAL on Schedule B shall be for dwellings in areas which are supplied with urban services (sanitary and storm sewers and watermains).

4.4.2 The types of residential uses permitted in the RESIDENTIAL designation shall be single detached dwellings, semi-detached dwellings, townhouse, low-rise apartments and innovative forms of attached housing. Various types of dwellings are included within this designation.

4.4.10 It is the intent of Council that Residential Intensification be encouraged in existing residential buildings that are capable of accommodating the additional units. The intensification will be subject to the ability of existing municipal services to accommodate the additional units.”

The proposed Zoning Amendment affecting the subject land will add a triplex dwelling within the existing building as a permitted use to the current “R5-456” (Residential) Zone. The subject proposal is a form of intensification which takes advantage of the existing infrastructure, while adding to available housing stock. Based on this, the proposal complies with the Town of Ancaster Official Plan.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Agencies/Departments Having No Comment or Objections:

- Public Works Department (Strategic & Environmental Planning Section)
- Public Works Department (Traffic Engineering & Operations Section)
- Planning and Economic Development Department (Municipal Parking System)

Corporate Services Department (Budgets and Finance Division)

The applicant is advised of the annual amount of $55.56 for sanitary sewers and connections expiring December 31, 2015.
Public Consultation

This application was subject to the Public Participation Policy that was approved by Council on May 29, 2003. The initial Pre-Circulation letter was circulated on September 29, 2006 to 58 property owners within 120 metres of the subject property. A Public Notice sign was also posted on the subject lands in the latter part of September 2006. No responses were received regarding this application from any property owner.

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, 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
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

:SB
Attachs. (3)
Further Modification to the “R5-456” (Residential) Zone to add a Triplex Dwelling within the Existing Building as a Permitted Use
CITY OF HAMILTON

BY-LAW NO. ________

To Amend Zoning By-law No. 87-57, (Ancaster)
Respecting Lands Located at 144 McNiven Road, Ancaster

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

AND WHEREAS the Council of the City of Hamilton, in adopting Section _______ of Report 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 in accordance with the provisions of the Planning Act;

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

1. That Exception “R5-456” of Section 34: Exceptions of By-law 87-57 be amended by adding the following thereto:

   Notwithstanding any provisions to the contrary of Sections 3 or 13 of Zoning By-law No. 87-57, as amended, the following provisions shall also apply to
the lands described as Part of Lot 47, Concession 2, municipally known as 144 McNiven Road:

a) Permitted uses: A Triplex Dwelling shall be permitted only within the building existing on the date of the passing of this By-law, being the day of , 2007.

b) Definition: “Dwelling, Triplex” shall mean a building divided horizontally or vertically or a combination thereof, into three dwelling units.

c) Minimum lot frontage for a Triplex Dwelling: 22.4 metres

d) Minimum lot area for a Triplex Dwelling: 1,300 square metres

e) Parking for a Triplex Dwelling: Minimum 2 parking spaces per unit.

2. 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 
ZAR-06-60

CLERK
Schedule "A"

Map Forming Part of By-Law No. 07-____

to Amend By-law No. 87-57

Subject Property
144 McNiven Rd
Further Modification to the "R5-456" (Residential) Zone.

This is Schedule "A" to By-Law No. 07-

Passed the .......... day of ......................, 2007

Clerk

Mayor

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT