SUBJECT: Application for a Change in Zoning for a Portion of the Lands Located at 27 Oldoakes Place (Ancaster) (PED08069) (Ward 12)

RECOMMENDATION:

That approval be given to Zoning Application ZAR-06-96, Roselyn Burwell, owner, for a change in zoning from the Open Space “O2” Zone to the Residential “R2” Zone to permit a proposed one storey, two-car attached garage for an existing single detached dwelling, for a portion of the lands located at 27 Oldoakes Place (Ancaster), as shown on Appendix “A” to Report PED08069 on the following basis:

(a) That the subject lands be rezoned from the Open Space “O2” Zone to the Residential “R2” Zone.

(b) That the Draft By-law, attached as Appendix “B” to Report PED08069, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth and Ancaster Official Plans.

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

The purpose of the application is to change the zoning of the subject lands to permit a proposed one storey, two-car attached garage for an existing single detached dwelling, as shown on Appendix “C”.

The proposal has merit and can be supported since the change in zoning is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan and the Ancaster Official Plan. The proposal is compatible with existing and planned development in the neighbourhood.

BACKGROUND:

Proposal

The purpose of the application is for a change in zoning from the Open Space “O2” Zone to the Residential “R2” Zone for a portion of the lands located at 27 Oldoakes Place in Ancaster (Appendix “A”) to permit a proposed one storey, two-car attached garage for the existing dwelling on the lands (see Appendix “C”).

Approved Plan of Subdivision

The subject property, known as Block 13 of Plan 62M-660 “Oldoakes Place Subdivision”, registered June 7, 1990, was created as part of the 5% parkland dedication required under the Planning Act.

Declaration of Surplus Property

On February 23, 2005, Council resolved that Block 13, Plan 62M-660 (subject lands), be declared surplus and sold as per the requirements of the City of Hamilton in accordance with the “Procedural By-law for the Sale of Land”, being By-law 04-299. The applicant purchased the surplus lands from the City of Hamilton in April of 2006 with the intent to rezone them to an appropriate residential zone. The proceeds from the sale were allocated to the City’s Parkland Reserve Fund.

Details of Submitted Application

<table>
<thead>
<tr>
<th>Owner:</th>
<th>Roselyn Burwell</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant:</td>
<td>Warner Burwell</td>
</tr>
<tr>
<td>Location:</td>
<td>27 Oldoakes Place</td>
</tr>
</tbody>
</table>

Description: | Frontage: | 6.378 metres |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Depth:</td>
<td>Irregular</td>
</tr>
<tr>
<td>Area:</td>
<td>768.9 square metres</td>
</tr>
</tbody>
</table>
SUBJECT: Application for a Change in Zoning for a Portion of the Lands Located at 27 Oldoakes Place (Ancaster) (PED08069) (Ward 12) - Page 3 of 8

EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th></th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Subject Lands</strong></td>
<td>Vacant</td>
<td>Open Space “O2” Zone</td>
</tr>
<tr>
<td><strong>Surrounding Lands</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North</td>
<td>Vacant/Wooded</td>
<td>Deferred Development “D” Zone</td>
</tr>
<tr>
<td>East</td>
<td>Residential (Single Detached)</td>
<td>Residential “R3” Zone</td>
</tr>
<tr>
<td>South</td>
<td>Residential (Single Detached)</td>
<td>Residential “R2” Zone</td>
</tr>
<tr>
<td>West</td>
<td>Residential (Single Detached)</td>
<td>Residential “R2” and “R3” Zones</td>
</tr>
</tbody>
</table>

ANALYSIS/RATIONALE:

1. The proposed change in zoning has merit and can be supported for the following reasons:
   
   (i) It is consistent with the Provincial Policy Statement.

   (ii) It conforms to the Hamilton-Wentworth Official Plan and the Ancaster Official Plan.

   (iii) It is compatible with the existing land uses and zoning in the surrounding area.

2. The requested residential zoning was applied to the majority of the lots fronting onto Oldoakes Place. The subject property was originally dedicated to the former Town of Ancaster for park purposes, which has since been declared surplus by the City of Hamilton (February 23, 2005) and sold to the applicant, an abutting property owner.

3. The proposed zoning is to accommodate a proposed attached garage (see Appendix “C”). The proposal is compatible with existing uses within the immediate area. The proposed zoning allows for an extension of the abutting “R2” zoning and will provide uniform zoning on the property. The Residential “R2” Zone requires a minimum lot area of 700 square metres and a minimum lot
frontage of 21 metres. The lot conforms to the minimum lot area and frontage provisions.

4. There are existing sanitary sewer, storm sewer and watermain services for the subject lands. As the proposal is for an attached garage to the existing dwelling at 27 Oldoakes Place, new connections to these services are not necessary. The subject property is located within the “Oldoakes Place Subdivision”, within which there is an existing stormwater management pond on Lot 1 (3 Oldoakes Place – Appendix “A”) designed to accommodate only 12 residential building lots and the current park use of the subject lands. The dwelling on Lot 1 appears to have been built low, and there is a concern that the proposed garage will increase run-off into the stormwater management pond. The applicant has submitted details for a proposed infiltration trench to be constructed in conjunction with the proposed residential garage structure on the subject lands to address the drainage concerns (Appendix E).

Development Engineering staff has reviewed the proposal submitted by Lamarre Consulting and finds the proposed infiltration trench design to be satisfactory in addressing stormwater management concerns. The Building Services Division has confirmed that a building permit for the proposed garage can only be issued if Building Service’s staff is satisfied that grading and drainage on the site are appropriately addressed. As such, the applicant will be required to demonstrate, to the satisfaction of the Manager of Design and Construction, that all additional drainage created by the proposed building addition will be contained on-site without negatively impacting the adjacent lands, prior to the issuance of the building permit.

5. Pre-circulation was sent to all property owners within 120 metres of the subject property. In total, 16 notices were sent, and two phone calls and one written reply were received. The two phone calls were to request clarification on the application, and the concerns raised in the letter are as follows (attached as Appendix D):

- Currently the subject site is untidy and misused as an access to parking in the back-yard.
- The garage would allow for more “clutter” in the area.
- Creation of more noise if garage is used as a workshop.
- Creation of more congestion on the street and a safety issue for children.
- Creation of a situation where vehicle headlights will be shining into dwellings.
• Reduction of greenspace which has already been eroded.

• This residential lot will not fit in with the streetscape character.

In response to the concerns raised by the resident, staff notes the following:

• The completion of the attached garage would provide an additional 52 square metres of inside space for storage, reducing the need for outdoor storage.

• No additional dwelling or business is proposed for the site. The permitted uses on the subject lands would include only a single detached dwelling and accessory structures. Any additional uses on the lands would require a further rezoning.

• No increase in traffic and congestion is expected, as the use of the existing dwelling will not change.

• Currently, there are no play structures on the property and the site is not actively used by the community as a park. There is a steep grade to the property and there is evidence of debris dumping on the site. As the lands are vacant, the City of Hamilton deemed them to be surplus, as retaining the lands as an undersized and underused parkette requires ongoing security and maintenance to prevent dumping. In addition, the net proceeds from the sale were contributed to the Parkland Dedication Reserve Fund to purchase or develop parkland.

• The orientation of the garage, in staff’s opinion, will not create a situation which would adversely affect neighbouring property owners.

• All parking requirements for the dwelling must be met on-site.

• The re-zoning will allow for a continuous streetscape character.

**ALTERNATIVES FOR CONSIDERATION:**

If the application is denied, the applicant has the option of using the property for the current range of Open Space “O2” Zone uses.

**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 change in Zoning.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

The proposal falls within the parameters and is consistent with the Provincial Policy Statement (PPS).

**Hamilton-Wentworth Official Plan**

The subject property is designated “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 3.1 states that a wide range of urban uses, based on full municipal services, will be concentrated in Urban Areas.

Therefore, as the nature of the application is to amend the Zoning By-law to allow for the construction of a one storey, two-car attached garage for the existing dwelling on the site, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

**Ancaster Official Plan**

The subject property is designated “Residential” on Schedule 'B' – Urban Area Land Use Plan of the Ancaster Official Plan. The following policies of the Ancaster Official Plan, among others, are applicable to the proposed development:

- **4.4.1** The predominant use of the lands designated Residential on Schedule B shall be for dwellings in areas which will be supplied with urban services (sanitary and storm sewers and watermains). Other uses which are sometimes considered necessary to serve the needs of the residents may also be permitted such as schools, parks, community centres, churches, day nurseries and public utilities.

- **4.4.2** Types of residential development permitted in the Residential designation shall be single detached dwellings, semi-detached dwellings, town-housing, low-rise apartments and innovative forms of attached housing.

- **4.4.4** Certain lands designated Residential by this Plan in the Urban Area shall be developed by integrating road systems, accommodating the community requirements of the residents, assuring compatibility of dwelling types and other uses, and such other matters deemed necessary in order to achieve an orderly and integrated growth of the Urban Area.”
Based on the foregoing, the proposal complies with the “Residential” policies of the Ancaster Official Plan, and maintains compatibility with the surrounding land. The existing pattern of the streetscape would be maintained, and the lot size, building setbacks, density, height and mass of the addition to the existing dwelling would be compatible with the character of the area, as discussed in the Analysis/Rationale Section of this report.

RELEVANT CONSULTATION:

The following Departments/Agencies had no comments or objections:

- Budgets and Finance Division, Corporate Services Department.

- Open Space, Capital Planning and Implementation Division, Public Works Department.

- Hydro One.

- Union Gas.

Hamilton Municipal Parking System:

Parking Services has indicated that the applicant/owner should be aware that all parking requirements must be met on-site.

Public Consultation

In accordance with the Council’s Public Participation Policy, this application was pre-circulated to 16 property owners within 120 metres of the subject lands. In addition, a Public Notice sign was posted on the property in January of 2007.

One written comment and two phone calls were received, which are discussed in the Analysis/Rational Section of this report.

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
Ecological function and the natural heritage system 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

:LB
Attachs. (5)
CITY OF HAMILTON

BY-LAW NO. [Redacted]

To Amend Zoning By-law No. 87-57 (Ancaster), as amended, Respecting a Portion of the Lands Located at 27 Oldoakes Place (Ancaster)

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 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 [Redacted] of Report [Redacted] of the Economic Development and Planning Committee at its meeting held on the [Redacted] day of [Redacted], 2008, 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. That Map 5 to Schedule “A” of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing from the Open Space “O2” Zone to the Residential “R2” Zone, the lands the extent and boundaries of which are shown on Schedule “A” annexed hereto and forming part of this by-law.

2. That 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 [redacted] day of [redacted], 2008.

_________________________________________  __________________________________________
Fred Eisenberger                                Kevin Christensen
Mayor                                          Clerk

ZAR-06-096
Appendix “B” to Report PED08069
Page 3 of 3

This is Schedule "A" to By-Law No. 08-
Passed the .......... day of ................., 2008

Clerk

Mayor

Schedule "A"

Map Forming Part of
By-Law No. 08-_____ 
to Amend By-law No. 87-57

Subject Property

27 Oldoakes Place

Change in Zoning from Open Space "O2" Zone to Residential "R2" Zone.
January 23rd 2007

Attention: Laurielle Brooks, Planning Technician
City Of Hamilton Planning Economic Development Dept.
71 Main St. West 7th Floor.
Hamilton, ON.
Fax (905)-546-4202

File No. ZAR-06-96

I wish to add my comments to the following change in zoning from O2 to R2 regarding 27 Oldoakes Place.

As an open space, the area is already untidy, littered, and misused as an entrance way for parking into the back yard? Dirt bike-riding and other activities not worth mentioning.

This one storey two car garage would serve as a means to further clutter an area which is already cluttered.

It would create more noise as it would be used as a workshop, and create more congestion, with more vehicles coming onto a street filled with children, posing a further safety hazard to these children. As well lights would be shining into the homes of residents during all hours of the night, specifically in the a.m. hours.

This would also take away from the green space which has been eroded, and make this residential lot's on the street look rather awkward.

Not an aesthetic quality?
27 OLD OAKES - GARAGE ROOF SOAKAWAY PIT

900 ft² GARAGE \Rightarrow 83.6 m²

REQUIRED VOLUME = .025 m × 83.6 m² = 2.1 m³

TRENCH EACH SIDE OF GARAGE 9 m in LENGTH

FILL TRENCH WITH 50 mm UNIFORM GRANULAR (CLEAR STONE)

VOLUME = 9 × 2 × 0.6 × 0.6 × 4

= 2.6 m³

SCREEN AT INLET

OVERFLOW PIPE ~ 0.3 m

FILLED WITH 50 mm UNIFORM STONE WRAPPED IN NON WOVEN GEOTEXTILE