SUBJECT: Application for a Modification in Zoning for Registered Plan of Subdivision 62M-1048, “Hemlock Meadows”, (Stoney Creek) (PED06138) (Ward 10)

RECOMMENDATION:

That approval be given to Zoning Application ZAR-06-014, by DiCarlo Custom Homes and Vallorani Construction, applicant, for a further modification to the Single Residential “R3-17” Zone in order to permit an increase in the maximum permitted lot coverage from 40 percent to 50 percent for lands located within the Registered Plan of Subdivision 62M-1048, “Hemlock Meadows”, shown on Appendix “A” to Report PED06138, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED06138, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the proposed change in zoning is in conformity with 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 further modification to the Single Residential “R3-17” Zone in order to permit an increase in the maximum permitted lot coverage from 40 percent to 50 percent for twenty-seven lots within Registered Plan of Subdivision 62M-1048, “Hemlock Meadows”.

The proposal has merit and can be supported since the modification conforms with the Hamilton-Wentworth Official Plan, the City of Stoney Creek Official Plan and the Poplar Neighbourhood Plan. The proposal is considered to be compatible with the surrounding neighbourhood.

**BACKGROUND:**

Proposal

The applicant has applied to further modify the Single Residential “R3-17” Zone in order to increase the maximum permitted lot coverage from 40 percent to 50 percent. The increase in lot coverage corresponds to the previously approved site-specific “R3-17” zoning by allowing for the implementation of the reduced front and rear yard setbacks.

**Zoning and Subdivision Applications ZAC-02-91/25T-200217**

Twenty-seven lots for single detached dwellings were created through Subdivision Application 25T-200217 (see Appendix “C”). Rezoning Application ZAC-02-91 allowed for a reduction in the minimum required front yard setback from 6.0 metres to 3.0 metres, except 5.8 metres to an attached garage. The application also permitted a reduction in the rear yard from the minimum required 7.5 metres to 7.0 metres.

**Minor Variance Application SC/A-06:52**

On March 15, 2006, the Committee of Adjustment approved Minor Variance application SC/A-06:52 to permit a lot coverage of 45% on Lot 25, Registered Plan 62M-1048. There were no appeals and the variance was final and binding on April 4, 2006.

**Details of Submitted Application**

**Location:** North Side of Hemlock Avenue, West of Ferris Park, between Madoc Street and Valrose Drive

**Owner:** Berrisfield Estates (Hamilton) Ltd.

**Applicant:** DiCarlo Custom Homes and Vallorani Construction Ltd.

**Lot Size:**
- Area: 1.42 hectares
- Frontage: 69.78 metres
- Depth: 203 metres

**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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</thead>
<tbody>
<tr>
<td>North</td>
<td>Single Detached Dwellings</td>
<td>Single Residential “R2” and “R3” Zone</td>
</tr>
<tr>
<td>South</td>
<td>Single Detached Dwellings</td>
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<tr>
<td>East</td>
<td>City Park</td>
<td>Park “P” Zone</td>
</tr>
<tr>
<td>West</td>
<td>Single Detached Dwellings</td>
<td>Single Residential “R2” Zone</td>
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</tbody>
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ANALYSIS/RATIONALE:

1. The proposal has merit and can be supported for the following reasons:
   - (i) It conforms with the “Urban Area” designation of the Hamilton-Wentworth Official Plan.
   - (ii) It conforms with the “Residential” designation of the Stoney Creek Official Plan.
   - (iii) The proposed modification allows for the flexibility of dwelling design while implementing the previously approved site-specific zoning which permits reduced front and rear yard setbacks.

2. The intent of the maximum lot coverage provision, which includes the dwelling and any accessory structures, is to ensure that the development maintains an appropriate scale and mass, and that there is sufficient space for amenity and drainage purposes. The Hamilton Conservation Authority and the Development Engineering Section were consulted and they have no concerns regarding grading and drainage. The location of the dwellings on the properties is controlled by the setbacks from the property lines, and, since these are not being further reduced, the proposed increase in lot coverage is considered appropriate.

3. Seven responses to the public circulation were received (see Appendix “D”). The concerns included traffic congestion, access to the park, and the dwellings being out of character with the neighbourhood. Traffic issues were addressed through the Subdivision process and it was determined that the proposed subdivision would not have an impact on the operating level of service of the road. The walkway from Apple Place to the park will remain open. Reduced front and rear yard setbacks were permitted through Rezoning Application ZAC-02-91. These
setbacks will be maintained allowing for an adequate parking space in the front yard and adequate amenity in the rear yard.

**ALTERNAUTIVES FOR CONSIDERATION:**

Should the application be denied, the proposed dwellings would be required to meet the maximum permitted lot coverage of 40 percent.

**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 application is consistent with the principles and policies of the PPS.

**Hamilton-Wentworth Official Plan**

The subject property is designated as “Urban Area” within the Hamilton-Wentworth Official Plan. The proposal conforms with the Hamilton-Wentworth Official Plan policies.

**City of Stoney Creek Official Plan**

The subject lands are designated “Residential” on Schedule ‘A’ – General Land Use Plan and “Elementary School” on Schedule ‘A1’ – Western Development Area Secondary Plan. The following policy, among others, is applicable to the proposed development:

“A.1.2.17 Where an Elementary School site shown on a Secondary Plan is deemed surplus to the needs of the relevant School Board, such a site may be developed for low density residential uses and/or for park purposes without an amendment to this Plan provided that an amendment to the implementing Zoning By-law is approved.”

Based on the foregoing, the proposal conforms to the “Residential” and “Elementary School” designations of the Official Plan.
SUBJECT: Application for a Modification in Zoning for Registered Plan of Subdivision 62M-1048, “Hemlock Meadows”, (Stoney Creek) (PED06138) (Ward 10) - Page 5 of 5

Neighbourhood Plan

The subject lands are designated “Low Density Residential” on the approved Poplar Park Neighbourhood Plan. The proposal conforms to the Neighbourhood Plan.

RELEVANT CONSULTATION:

The following Departments and Agencies had no comments or objections:

- Corporate Services Department (Budgets Section).
- Public Works Department (Traffic Engineering and Operations Section).
- Public Works Department (Forestry and Horticulture Section).
- Hamilton Conservation Authority.

PUBLIC CONSULTATION

In accordance with the new Public Participation Policy that was approved by Council on May 29, 2003, this application and notice of Public Meeting was circulated to all property owners within 120 metres of the subject property. A total of one-hundred and thirty-two notices were circulated. Eight responses were received (see Appendix “D”), and the concerns raised are discussed in the Analysis/Rationale Section of this report.

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
A public walkway is provided to connect Apple Place with Ferris Park.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Stormwater Management is not being impacted.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Compact development minimizes land consumption and servicing costs.

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

:DF
Attachs. (4)
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 3692-92 (Stoney Creek), as Amended by By-law No. 04-235, Respecting “Hemlock Meadows”, Plan 62M-1048

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 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. That Section 6.4.7, “Special Exemptions”, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by modifying special provision “R3-17”, to include the following paragraph after the first paragraph:

“Notwithstanding the provision of Paragraph (g) of Section 6.4.3 of the Single Residential “R3” Zone, on those lands zoned “R3-17” by this By-law, the maximum lot coverage shall be 50%.”

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 Single Residential "R3-17" Zone provisions, subject to the special requirements referred to in Section 1.

3. The City 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-06-14
Fama, Danielle

-----Original Message-----
From: Angelo Profetto
Sent: Tuesday, March 21, 2006 7:13 PM
To: Fama, Danielle
Subject: Zoning By-law amend. ZAR-06-14

Dear Mrs. Fama,

I am writing on behalf of the people of Hemlock Ave Stoney Creek in regards to new Zoning area ZAR -06-14. Since I cannot ever get in touch with Mrs. Pearson councillor for our ward, I thought I will send you this message. We do not oppose the new By-law on Hemlock Ave, we just want a "Round-Around-Island" on Henley and Hemlock since these new homes will bring more traffic and more congestion to this area. Maria Pearson had told me that the only time this Island can be constructed the new homes were going to be built. Therefore, this is our only request and I am hoping she keeps her word! This "Round-round" is a necessity to our community to control the speed and congestion once the new homes are built. Please contact me at home

  thanking you in advance regarding this matter.

Have a Nice Day!
-----Original Message-----
From: Wade Lockley
Sent: Friday, March 24, 2006 11:55 AM
To: Fama, Danielle
Cc: Kathy Rankin's Work
Subject: Zoning By-Law Amendment ZAR-06-14

Hi Danielle,

We have recently received a notification of Zoning By-Law Amendment File No ZAR-06-14 and we are very concerned about the zoning change. It looks to us the change will close the park entrance at the end of our cul-de-sac. Danielle can you tell us if this is what the developer is intending to do. The main reason we moved here was the easy access to the park and it is a major selling feature.

Please advise, thanks.

Wade Lockley & Kathy Rankin
31 Apple Place
Stoney Creek
L8E 3V2
Fama, Danielle

From: Fabrizio Albini
Sent: Friday, March 31, 2006 7:17 AM
To: Fama, Danielle
Subject: Hemlock Meadows - Stoney Creek

Hello,

I noticed the sign for an information meeting regarding a change in zoning for the lots in Hemlock Meadows (Sasha Court). The builders, DiCarlo Homes and Vallorani Homes, plan to build on 50% of the lot area instead of 40%.

Has this change already been approved? (I've noticed that a house is already being built in the survey.)

Is this meeting simply for information sharing or is it to decide whether or not this request should be approved?

Thank you,
Fabrizio Albini
March 30, 2006

City of Hamilton
Planning and Economic Development Department
Development and Real Estate Division (East)
City Hall, 71 Main Street West, 6th Floor
Hamilton ON L8P 4Y5

Attention: Peter J. De lulio, Senior Project Manager

Dear Sir:

Re: Preliminary Circulation, Zoning By-law Amendment ZAR-06-14
File: ZAR-06-14

This letter is in regard to the proposed Zoning By-law amendment to modify the maximum permitted lot coverage from 40 percent to 50 percent of Hemlock Meadows.

Our objection to the proposed amendment, is that the City of Hamilton has established building by-laws for a reason, which are usually for the benefit and protection of the City and its Taxpayers. These by-laws have been well thought out by staff and approved by City Council. Therefore, there is no reason to start making exceptions every time a builder would like to squeeze more money out of a parcel of land and build larger homes on smaller lots.

The Hemlock Meadows development has smaller lots than the existing surrounding established properties, and with the 40 percent coverage the backyards are small. With a 50 percent coverage, they would be even smaller. Since these houses would be built further back on their lot, they will be overpowering the backyards of the existing properties. Therefore reducing the already limited open space in existing properties backyards and affecting privacy, peace and enjoyment of life. The cliché “a man’s home is his haven” will become a thing of the past.

Hemlock Meadows is a new survey and we believe it should blend in with the existing established neighborhood. However, by increasing the permitted lot coverage to 50 percent would only create a wall of large homes overpowering the existing ones.

We appreciate and thank you that you will take these comments and concerns into serious consideration.

Yours truly,

Signature

JUE & ROSALIA LUNGARE
Name
41 HEARTHSIDE CRES
SYDNEY CREEK
Address
March 30, 2006

City of Hamilton
Planning and Economic Development Department
Development and Real Estate Division (East)
City Hall, 71 Main Street West, 6th Floor
Hamilton ON L8P 4Y5

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We appreciate and thank you that you will take these comments and concerns into serious consideration.

Yours truly,

JANET AND ALDO MOSTACCI

Signature

JANET AND ALDO MOSTACCI

Name

34 Heartside Cres,

Address

Storey Creek.
March 30, 2006

City of Hamilton
Planning and Economic Development Department
Development and Real Estate Division (East)
City Hall, 71 Main Street West, 6th Floor
Hamilton ON L8P 4V5

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We appreciate and thank you that you will take these comments and concerns into serious consideration.

Yours truly,

[Signature]
Mary Piskune

[Address]
24 Heartside Cres.
Stoney Creek, Ont L8E 4L6
March 30, 2006

City of Hamilton
Planning and Economic Development Department
Development and Real Estate Division (East)
City Hall, 71 Main Street West, 6th Floor
Hamilton ON L8P 4Y5

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We appreciate and thank you that you will take these comments and concerns into serious consideration.

Yours truly,

[Signature]

David & Frances Manns

Name

32 Heardside Cres.

Stoney Creek ON L8E4L6

Address
FROM SALVATORE PETRELLA  
45 HERTHSIDE CIR.  
STONEY CHEEK HTT

DEAR MADAMS  
DANIELLE FANIA + MARIA PEARSON  

I am writting on convetsation that we had on phone in  
reguard of letter that you have send out for the people near  
by the development that is going on by Hemlock-By Di Carlo Cont.  
This people first they applied for one thing, and were having  
 lots of problems to recive the so they had to stay with 40 percent,  
coverage on the lot, now that they have recived the 40 percent  
coverage how they change their mind and apply for  
50 percent coverage on this lots, this is no good for us people  
living in the same area because, if you cover 50 percent  
of this lots this place will look like a condominium,  
area will look like all house and no land, if we cover  
50 per cent of the lot will look like a condominium complex  
instead of a house complex.  
Our houses they do not cover 50 percent of the lot  
why this people should have the privelage to put a building  
on this lots and occypie 50 per cent of this land  
this is a No, No because if you apply for one  
thing first you shouldn't change your mind as you go  
along and I hope that the senior project manager  
Mr. Peter J. De Iulio does not change is mind either  
and I hope that couisel maria pearson will go  
along with what I am suggesting.  

YOURS TRULY  
SALVATORE PETRELLA

PLEASE SEND copie TO couISel maria pearson and  
MR PETER J. DE IULIO senior project manager  
DEVELOPMENT EAST SECTION  
PLANNING