SUBJECT: Application for a Change in Zoning for Lands Located at 253 Golf Links Road (Ancaster) (PED07223) (Ward 12)

RECOMMENDATION:

That approval be given to Zoning Application ZAR-07-024, Mark Cosens, owner, for a change in zoning from the Residential “R1-441” Zone to the Residential “R1” Zone, to permit two single detached dwellings on separate lots, on lands located at 253 Golf Links Road, as shown on Appendix “A” to Report PED07223, on the following basis:

(a) That the subject lands be rezoned from the Residential “R1-441” Zone to the Residential “R1” Zone.

(b) That the Draft By-law, attached as Appendix “B” to Report PED07223, 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 Town of 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 two single detached dwellings on separate lots, as shown on Appendix “C”. Final approval of this application for rezoning fulfils a condition imposed through the provisional approval of Consent Application AN/B-06:141 (Appendix “D” - Condition 2).

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 Town of Ancaster Official Plan. The proposal is compatible with existing and planned development in the neighbourhood.

BACKGROUND:

The purpose of the application is to change the zoning from the current Residential “R1-441” Zone to the Residential “R1” Zone for lands located at 253 Golf Links Road (see Appendix “A”). The effect of the application is to facilitate the development of two single detached dwellings on separate lots (see Appendix “C”). The subject property is currently vacant.

Consent Application AN/B-06:141

Consent application AN/B-06:141 for the subject lands was granted provisional approval on October 18, 2006, by the Committee of Adjustment (see Appendix “D”), and will allow the property to be severed into two lots, as shown on Appendix “C”. A condition of this approval requires final approval of the subject zoning application (Appendix “D” - Condition 2).

Details of Submitted Application:

Owner/Applicant: Mark Cosens
Location: 253 Golf Links Road (see Appendix “A”).
Description: Frontage: 61.65m
Depth: 55.9m Maximum
Area: 3,267.2 sq.m.
EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th></th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tbody>
<tr>
<td><strong>Subject Lands:</strong></td>
<td>Vacant Property</td>
<td>Residential “R1-441” Zone</td>
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<tr>
<td><strong>Surrounding Lands:</strong></td>
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<tr>
<td>North</td>
<td>Single Detached Dwellings</td>
<td>Deferred Development “D” Zone</td>
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<tr>
<td>South</td>
<td>Golf Course</td>
<td>Private Open Space “O1” Zone</td>
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<tr>
<td>East</td>
<td>Single Detached Dwellings</td>
<td>Residential “R-1” Zone</td>
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<tr>
<td>West</td>
<td>Single Detached Dwellings</td>
<td>Deferred Development “D” Zone</td>
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ANALYSIS/RATIONALE:

1. The proposal has merit and can be supported for the following reasons:
   i) It is consistent with the Provincial Policy Statement.
   ii) It is in conformity with the Hamilton-Wentworth Official Plan and the “Residential” policies of the Town of Ancaster Official Plan.
   iii) It is compatible with existing and planned development in the neighbourhood and allows appropriate infill development which will make use of the existing services.
   iv) It implements a condition of provisional approval for Consent Application AN/B-06:141.

2. The current Residential “R1-441” Zone on the subject land provides only the following permitted use: “Only one single detached dwelling on the entire 0.3 hectare property and accessory structures thereto.” The applicant requires the removal of this provision in order to facilitate severance application AN/B-06:141.

3. The minimum lot frontage requirement of 24 metres in the proposed Residential “R1” zoning will prevent the property from being severed into more than two lots.
The proposal maintains the following provisions which currently apply:

- Minimum lot area of 800 square metres.
- Minimum rear yard setback of 7.5 metres.
- Maximum height of 10.5 metres.
- Minimum front yard of 7.5 metres.
- Minimum side yard setback of 2.5 metres.
- Maximum lot coverage of 35%.

4. The introduction of two single detached dwellings on separate lots is appropriate on this site as this proposal is compatible with the existing lot sizes, frontages, setbacks, heights and density of existing dwellings in the area. The proposed zoning for the subject lands will maintain a compatible scale and massing of development with the neighbouring area. The provisions in the proposed zoning accommodate the proposed severance. Staff is satisfied that the proposal conforms to the "Residential" policies of the Town of Ancaster Official Plan.

5. There is an existing watermain, storm sewer, and sanitary sewer of sufficient size and capacity on Golf Links Road to service this development directly.

6. The lands are subject to conditions under the severance application (Appendix "D"). All engineering concerns related to the drainage and grading of the subject lands will be dealt with through a Consent Agreement, which the owner is required to enter into as a condition of severance approval (Condition 3). Staff notes that no road widening is required.

7. Staff notes that the property has archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any soil disturbance. The applicant is advised to consider the monitoring of any grading, mechanical excavation, construction-related landscaping, staging areas, or other soil disturbances arising from this project, by an Ontario-licensed archaeologist. If archaeological resources are identified on-site, further Stage 3 Testing and Stage 4 Mitigation may be required, as determined by the Ontario Ministry of Culture.

Should deeply buried archaeological remains be found on the property during construction activities, the Ontario Ministry of Culture (MCL) should be notified immediately (519-675-7742). In the event that human remains are encountered during construction, the applicant/landowner should immediately contact both MCL and the Registrar or Deputy Registrar of the Cemeteries Regulations Unit of Government Services (416-326-8392). The applicant has been advised of this provincial requirement.
**ALTERNATIVES FOR CONSIDERATION:**

If the application is denied, the application for consent to sever (AN/B-06:141) will be deemed refused and the applicant has the option of using the property for one single detached dwelling in accordance with the current Residential “R1-441” 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 change in zoning.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

This application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application is consistent. Staff recognizes that the application has shown proper regard towards focusing growth in settlement areas, as per Policy 1.1.3.1.

**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. As well, Policy 3.1 outlines that these 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 is to amend the Zoning By-Law to allow for the creation of a new lot and the development of two new single detached dwellings, the proposal conforms to the Hamilton-Wentworth Official Plan policies.

**Town of Ancaster Official Plan**

The subject property is designated “Residential” in the Town of Ancaster Official Plan. The following policies of the Town of Ancaster Official Plan, among others, are applicable to the proposed development:

“4.4.1 The predominant use of lands designated Residential on Schedule “B” shall be for dwellings which will be supplied with urban services (sanitary and storm sewers and watermains).
4.4.10 Council recognizes that Residential Intensification is an important component in reducing housing costs. Accordingly, Residential Intensification shall be encouraged, where appropriate, on the basis of the following criteria:

a) That Residential Intensification complements the established development pattern by taking into consider natural vegetation, lot frontage and areas, building heights, coverage, mass, setbacks, privacy and overview.

b) Compliance with the other objectives of this Plan."

As the nature of the application allows an appropriate opportunity for infill that recognizes the scale and character of the existing area, the proposal conforms to the “Residential” policies of the Town of Ancaster Official Plan.

**RELEVANT CONSULTATION:**

The following Departments/Agencies had no comments or objections:

- Hamilton Emergency Services and Communications Department.
- Culture and Recreation Division, Community Services Department.
- Planning, Transit Division, Public Works Department.
- Capital Planning and Implementation Division, Public Works Department.
- Bell Canada.
- Horizon Utilities.
- Hydro One.

**Budgets and Finance Division, Corporate Services Department**

The Budgets and Finance Division notes that the applicant/purchaser must pay the local improvement sewer charge commutation amount of $573.20, as of August 31, 2007.

**Taxation Division, Corporate Services Department**

The Taxation Division notes that there is an outstanding balance of taxes, in the amount of $1,374.52, up to the end of August, 2007.

**Traffic Engineering and Operations Section, Public Works Department**

The Traffic Engineering and Operations Section notes that an Access Permit will be required for any new or changed access.
Forestry and Horticulture Section, Public Works Department

The Forestry and Horticulture Section notes that there are several mature trees located on the road allowance of Golf Links Road.

The Forestry and Horticulture Section requests that all trees within this development be identified as Municipal or Private, and that a Tree Management Plan be submitted. This matter is addressed as a condition of severance application AN/B-06:141 (Appendix “D” - Condition 8).

The Forestry and Horticulture Section also notes that the owner will require a permit for the removal of Private Heritage trees, which will be identified through the Tree Management Plan.

Public Consultation

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, this application was pre-circulated to all property owners within 120 metres of the subject property on May 25, 2007. A total of 24 notices were circulated. A sign was posted on the property on July 12, 2007. To date, no formal responses have been received. Notice of the Public Meeting has been given in accordance with the requirements of the Planning Act.

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
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

:DB

Attaches. (4)
Appendix “A” to Report PED07223 (Page 1 or 1)

Location Map

File Name/Number: ZAR-07-024
Date: August 24, 2007

Appendix “A”

Subject Property

- 253 Golf Links Road, Ancaster

Ward 12 Key Map
CITY OF HAMILTON

BY-LAW NO. 87-57

To Amend Zoning By-law No. 87-57 (Ancaster), as amended, respecting lands located at 253 Golf Links Road (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 000 of Report PED07223 of the Economic Development and Planning Committee at its meeting held on the 000 day of 000, 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 (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. Map 5 to Schedule “A” of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing from the Residential “R1-441” Zone to the Residential “R1” Zone, the lands the extent and boundaries of which are shown on Schedule “A” annexed hereto and forming part of this by-law.

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.

_________________________________________  _______________________________________
Fred Eisenberger                                    Kevin Christensen
Mayor                                             Clerk

ZAR-07-024
Schedule "A"

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

to Amend By-law No. 3692-92
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 253 Golf Links Road, formerly in the Town of Ancaster, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent Robert Wynne on behalf of the owner Mark William Cosens, 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 28.85m (94.9') x 58m (190') for single family residential purposes, and to retain a vacant parcel of land measuring 35m (115') x 56m (183.7') for single family 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 property be rezoned to allow two single detached dwellings (one on each lot) on separate lots, to the satisfaction of the Manager, Development Planning.

3. That the owner enters into a consent agreement with the City of Hamilton to deal with the grading and drainage on the subject lands. The applicant shall demonstrate to the satisfaction of the Manager of Development Engineering that all drainage from the site shall be taken to a suitable outlet.

4. That the owner be required to have the existing private drain video inspected in the presence of City Of Hamilton staff in order to determine if the private drain can be reused, or that the owner install a new private service at their sole expense.

5. That the owner pays all outstanding servicing costs to the City Of Hamilton for Municipal services adjacent to the severed and retained lands fronting onto Golf Links Road.

6. Pay the required commuters amount of Local Improvement Charges to Corporate Services, Budgets, Taxation & Policy, City Hall.
7. That the owner submit to the Committee of Adjustment office an administration fee of $15.00, payable to the City of Hamilton, to cover the cost of setting up new tax accounts for the newly created lot.

8. The owner/applicant shall satisfy the requirements of the Public Works Department, Operations and Maintenance Division, Forestry & Horticulture Section (Tree Management Plan).

DATED AT HAMILTON this 18th day of October, 2006.

M. Dudzo, Chairman

V. Abraham

C. Lewis

D. Sarwatuk

D. DeLullo

D. Dury

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS October 25th, 2006. HEREAFTER NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (October 25th, 2007). 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 November 14th, 2006.

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