SUBJECT: Applications for a Draft Plan of Subdivision and for a Change in Zoning for Lands Located at 1324 and 1328 Upper Sherman Avenue, Hamilton (PED07058) (Ward 7)

RECOMMENDATION:

(a) That approval be given to amended Subdivision Application 25T200616, ADJ Ventures Inc., Owner, to establish a draft plan of subdivision comprising three blocks for freehold townhouses and one block for a common element condominium roadway and parking, on lands located at 1324 and 1328 Upper Sherman Avenue (Hamilton) (as shown on Appendix “C” to Report PED07058), subject to the following conditions:

(i) That this approval apply to the Draft Plan of Subdivision 25T-200616, prepared by S.D. McLaren, OLS, as certified on January 11, 2007, and redline revised showing three blocks for freehold townhouses and one block for a common element condominium roadway and parking, attached as Appendix “C” to Report PED07058, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by the City Council and with the following special condition included therein:

(1) That the subdivider shall be required to pay for the cost of future urbanization of that portion of Upper Sherman Avenue adjacent to the entire frontage of the subdivision, to the satisfaction of the Manager of Development Engineering.
(ii) Acknowledgement that there will be no City share for any municipal works associated with this development; and,

(iii) That the payment of Cash-in-Lieu of Parkland will be required for the development prior to the issuance of each building permit for the blocks within the plan. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of the first building permit for each block;

all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

(b) That approval be given to amended Zoning Application ZAC-06-27, ADJ Ventures Inc., Owner, for a change in zoning from the “AA” (Agricultural) District to the “RT-30/S-1574” (Street - Townhouse) District, Modified, to permit a maximum nineteen freehold townhouse units, on the lands known as 1324 and 1328 Upper Sherman Avenue (Hamilton), as shown on Appendix “A” to Report PED07058, on the following basis:

(i) That the subject lands be rezoned from the “AA” (Agricultural) District to the “RT-30/S-1574” (Street - Townhouse) District, Modified.

(ii) That the draft By-law, attached as Appendix “B” to Report PED07058, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

The applicant has submitted applications for a draft plan of subdivision and change in zoning to facilitate the development of nineteen freehold townhouse units fronting onto a common element condominium road.

This proposal has merit and can be supported since the draft plan of subdivision and change in zoning are consistent with the Provincial Policy Statement and comply with the Hamilton-Wentworth Official Plan, the City of Hamilton Official Plan, and the approved Rushdale Neighbourhood Plan.
SUBJECT: Applications for a Draft Plan of Subdivision and for a Change in Zoning for Lands Located at 1324 and 1328 Upper Sherman Avenue, Hamilton (PED07058) (Ward 7) - Page 3 of 13

BACKGROUND:

The proposed development applications are for a change in zoning and approval for a draft plan of subdivision, for lands located at 1324 and 1328 Upper Sherman Avenue, as shown on Appendix “A”. The plan of subdivision (Appendix “C”) is comprised of four blocks. Blocks 1, 2 and 3 are to be subdivided through a future application to remove part lot control to create seven, five and seven freehold street townhouse lots, respectively (Appendix “D”). Each unit will have an attached garage and minimum 5.5 metre driveway length. The proposed lots range in size from 117m² to 214m², and have frontages ranging from 6.91 metres to 11.69 metres. Block 4 will be developed as a common element condominium roadway and parking area. The applicant has filed a related plan of condominium application for the common element road and parking area.

The proposal is generally consistent with the “RT-30/S-1574” (Street - Townhouse) District; however, site-specific modifications are being proposed. The proposed modifications would allow for a public road to include a private road within a registered Plan of Condominium for the purposes of determining frontage and setbacks; a 3.0 metre minimum front yard setback to the front face of a dwelling, and a minimum 5.5 metres front yard setback to an attached garage; a minimum rear yard of 6.0 metres; a minimum lot area of 117m²; a parking stall size of 2.7 metres by 5.5 metres; a minimum of nine visitor parking spaces; a reduced side yard of 0.5 metres for accessory structures; and a maximum of nineteen units. These modifications are addressed in the Analysis/Rationale Section of the report.

Details of Submitted Application

Applicant/Owner: ADJ Adventures Inc.
Agent: Dan Valentini
Location: 1324 & 1328 Upper Sherman Avenue

Description:

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
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</thead>
<tbody>
<tr>
<td>Total Area</td>
<td>0.38 hectares (0.95 acres)</td>
</tr>
<tr>
<td>Frontage</td>
<td>44.5 metres (145.6 feet)</td>
</tr>
<tr>
<td>Depth</td>
<td>86.2 metres (282.9 feet)</td>
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Circulation of the proposed applications to various City Departments and outside agencies resulted in no significant issues with respect to the proposed zone changes, although a number of requests to impose specific conditions of draft approval for the proposed plan of subdivision were received. Planning staff’s evaluation of the proposed applications is set out below.

1. This proposal has merit and can be supported for the following reasons:

   (i) The proposed draft plan of subdivision and change in zoning are consistent with and implement Policies 1.1.3 and 1.4.3 of the Provincial Policy Statement.

   (ii) It conforms to the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan,

   (iii) It implements the “Attached Housing” designation of the approved Rushdale Neighbourhood Plan; and,

   (iv) The proposed townhouse development on a private condominium road is an appropriate example of a residential infill development that makes use
2. The Owner will be required to pay for the future urbanization of Upper Sherman Avenue adjacent to the entire frontage of the subject lands, as recommended in special condition (a)(i)(1).

3. The preliminary site plan is comprised of three blocks of street townhouses, and a common element condominium road and parking area, as shown on Appendix “D”. Blocks 1, 2 and 3 of the draft plan of subdivision are to be developed for a total of nineteen freehold townhouse units. The grouping of townhouse units will include 7 units in Block 1, 5 units in Block 2, and 7 units in Block 3. The preliminary site plan meets the provisions of the RT-30 (Street - Townhouse) District, save and except for the requested site-specific Zoning By-law provisions, as outlined below:

**Road Frontage**

The definition of a public road has been amended to include a private road within a registered plan of condominium as the freehold townhouse lots will front onto the common element condominium road. Although the internal road is private, it will technically be considered as a public road for the purposes of measuring front yard setbacks and other By-law standards applicable to street townhouses. This modification will also allow for individual lot ownership with each unit having vehicular access through the common element condominium road and access to the visitor parking area.

**Front Yard Setbacks**

The applicant proposes a minimum 3.0 metre front yard setback to the front face of a dwelling and a minimum 5.5 metre setback to an attached garage. The reduction in the setback from the front face of a dwelling from 6.0 metres will allow for the dwellings to be brought closer to the private street without adversely impacting the streetscape. As well, the 5.5 metre depth to an attached garage is sufficient to provide one surface parking space for each unit and is consistent with the parking space dimensions of the City’s new Downtown Zoning By-law. Lastly, as the building envelope can be brought closer to the private street, a 6.0 metre rear yard amenity space can be maintained which will provide appropriate setback from existing residential areas.

**Rear Yard Setback**

The “RT-30” (Street - Townhouse) District requires a standard minimum rear yard depth of 7.5 metres. The applicant is proposing a rear yard depth of 6.0 metres for Blocks 1 and 3, and 7.0 metres for Block 2, as shown on Appendix “D”. The
reduction in the minimum rear yard is considered minor as the reduced area will still allow for an adequate private amenity space for each dwelling unit and appropriate area for grading and drainage of the site.

Minimum Lot Area

Zoning By-law 6593 requires a minimum lot area of 180m$^2$ for street townhouses within the “RT-30” (Street – Townhouse) District. The applicant is proposing a range of lots from 117m$^2$ to 214m$^2$. The reductions in minimum lot area are appropriate due to the reductions in the rear yard and front yard setbacks. The alternative development standards proposed facilitate the proposed form of development and allow for an appropriate level of residential intensification.

Parking Stall Dimensions

Zoning By-law 6593 requires a parking stall to be a minimum 2.7 metres in width and 6.0 metres in length. The proposed modification for a 5.5 metre length is appropriate to provide one surface parking space for each of the freehold units. This is consistent with the parking space dimensions of the City’s new Downtown Zoning By-law, which is intended to be implemented throughout the entire City of Hamilton.

Required Visitor Parking

Zoning By-law 6593 does not require visitor parking for street townhouses, however, the issue is a concern to staff and the applicant as there is no public street created with parking. As a result, the common element condominium will be required to provide and maintain a minimum of nine visitor parking spaces, in addition to the two parking spaces for each townhouse unit (one provided in the garage and one in the driveway).

Reduced Side Yard Setback for Accessory Structures

The development will be eligible for municipal waste pick-up, however, it will be required to provide a fully enclosed roofed over bin on the site. The full enclosure is considered an accessory structure which is not permitted in a side yard. Due to the configuration of the site, the applicant has designed the development to place the garbage enclosure in an area that will have minimal impact to residents and neighbouring properties (see Appendix “D”). As a result, a minimum 0.5 metre side yard is proposed for the garbage enclosure.

Maximum Number of Units

To address and control issues related to density, bulk and mass through the development of the site, and to create a form that is appropriate for the
neighbourhood, the “RT-30/S-1574” (Street - Townhouse) District, Modified will permit a maximum number of nineteen units on the subject property.

4. There is an existing watermain on Upper Sherman Avenue of sufficient size and capacity to service the proposed development directly. As well, there is an established municipal sanitary and storm easement, Registered as LT/256930, over Parts 8, 9, 10, 11 and 12 of Plan 62M-620 located west and adjacent to the subject lands.

5. In response to the pre-circulation of the application five letters were received from neighbouring property owners via e-mail (Appendix “E”). The issues raised in these letters are addressed below:

Density

The application proposes a gross site density of 20/upa, which is comparable with the density of an adjacent townhouse condominium development at 1336 Upper Sherman Avenue, south of the site. It is staff’s opinion that the form and density are compatible with the surrounding area as an adequate privacy and buffer distance can be met for all units. As well, the applicant has revised the plan and reduced the number of units from twenty-one (Appendix “F”) to nineteen (Appendix “D”) to address this concern. No traffic concerns have been raised by the Public Works Department regarding the proposed density.

Privacy

The preliminary site plan proposes 6.0 metre rear yards for Blocks 1 and 3 as permitted by the site-specific zoning, while Block 2 has a 7.0 metre rear yard. The minimum rear yard requirements applicable to street townhouses are 7.5 metres and 6.0 metres for block townhouses. As the form of development is effectively block townhouses, the reduced rear yard setback can be supported. The permitted maximum height of 11.0 metres for the townhouse units is consistent with the “RT-20” (Townhouse – Maisonette) District, “C” (Urban Protected Residential, etc.) District, and the “R-4” (Small Lot Single Family Dwelling) District provisions which surround the site. Lastly, the development pattern of the site has been reconfigured to reduce the number of residential units, orientate the units backyard to backyard with the surrounding development, and to require a centralized driveway to reduce potential impacts from vehicular traffic (Initial Proposal - Appendix “F”).

Traffic Safety and Congestion

Concerns were raised with respect to proper sight lines for the new private road from the development and congestion on Upper Sherman Avenue. The Traffic Engineering & Operations Section raised no concerns with respect to the volume
of traffic that would be generated from the site. As well, the Traffic Engineering and Operations Section was involved early-on in the design process to ensure that there would be safe sight lines for the proposed development. The location of the driveway, as shown on Appendix “D”, has been recommended to the applicant by the Traffic Engineering and Operations Section. As well, through the Site Plan Control process, the applicant will be required to maintain and provide a 3 metre by 3 metre visibility triangle on each side of the driveway. Lastly, as recommended by the Traffic Engineering and Operations Section, the mouth of the driveway has been widened to 7.0 metres before tapering down to 6 metres.

Construction Impacts

Concerns with respect to noise, dust and mud as the result of construction were raised. Through the Site Plan Control process, standard erosion and sediment control fencing are engineering standards that apply to all developments in order to control mud and dust. The proposed development will be subject to these standards and any additional requirements imposed through the Site Plan Control process. As well, the Standard Form Subdivision Agreement requires the Owner to prevent earth and debris from being tracked onto streets outside the property, and to clean any debris as a result of construction activities. Securities are held by the City of Hamilton to ensure the work, if required, is completed under the agreement. Lastly, if required the City’s Noise Control By-law can be used to enforce potential impacts from construction.

Grading

Concerns were raised with respect to the amount of grading that would have to be done on-site due to a large drop on the site. The details of grading and the need for any retaining walls or fill will be addressed through the Standard Form Subdivision Agreement and Site Plan Control process.

Tree Preservation

Concerns were raised with respect to the preservation of trees on site. City staff has identified that there are municipal trees on site which will have to be addressed through a Tree Management Plan, which will be implemented through the Standard Form Subdivision Agreement and Site Plan Control process. As well, through the Site Plan Control process, the applicant will be required to prepare a Landscaping Plan for the development which will address tree preservation and landscaping for the site.
Impact on Property Values/Taxation

Concerns were raised with respect to impacts on property values and taxation of existing properties. Staff is unaware of any information or data to support this concern.

6. In accordance with the City of Hamilton’s Parkland Dedication By-law, the application is subject to a Cash-in-Lieu of parkland dedication payment. Given that the subject lands are not designated for a future park, the City does not require the inclusion of parkland dedication into the draft plan of subdivision. Therefore, in accordance with the City By-laws, a cash payment to the City of Hamilton, to the equivalent value of 1ha/300 units will be required prior to the issuance of building permits.

7. Approval of this Draft Plan of Subdivision will be subject to the Standard Form Subdivision Agreement with the one special condition for paying frontage costs for urbanization of Upper Sherman.

ALTERNATIVES FOR CONSIDERATION:

If the applications are denied, then the applicant has the option of using the property for the current range of “AA” (Agricultural) District 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 applications for a Zoning By-law Amendment and a Draft Plan of Subdivision.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The applications are consistent with Policy 1.1.3 of the PPS, which focuses growth in settlement areas, and which requires planning authorities to identify and promote opportunities for intensification within.

Policy 1.4.3 states that Planning Authorities shall provide for a range of housing types and densities by permitting and facilitating all forms of housing and all forms of residential intensification. As well, development is to be directed towards locations with appropriate levels of infrastructure and public service facilities and which efficiently use
land, resources and infrastructure. Development standards for residential intensification which facilitate a compact form are to be promoted.

The proposed freehold townhouses fronting onto a private condominium road create a new style of housing within the Rushdale Neighbourhood. Municipal water, sewer and storm services and road infrastructure exist in the neighbourhood to service the development. The form of development makes an efficient use of the land to create a development that is compatible with the surrounding developed area. Lastly, the proposed modifications to the “RT-30” (Street - Townhouse) District reduce front yard setbacks to facilitate the form of development.

Policy 2.6.2 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 maintains the heritage integrity of the site will be permitted. The applicant submitted an archaeological assessment prepared by New Directions Archaeology Limited to the Ministry of Culture in July of 2006. A letter from the Ministry of Culture, dated November 17, 2006, states that Provincial concerns for cultural heritage have been fully met and the standard draft plan of subdivision condition has been satisfied.

In addition, Policy 1.1.1 (c) outlines that healthy, liveable and safe communities are sustained by avoiding developments and land use patterns which may cause environmental or public health and safety concerns. Furthermore, Policy 1.7.1 (e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, and aggregate activities) and sensitive land uses are appropriately designed, buffered and separated from each other to prevent adverse effects from odour, noise and other contaminants, and to minimize risk to public health and safety. Due to the proximity of the subject lands to Upper Sherman Avenue, staff requires that the owner investigate noise levels on the site as a requirement in the Standard Form Subdivision Agreement.

**Hamilton-Wentworth Official Plan**

The subject lands are 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. 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 applications are for the development of a residential plan of subdivision and common element condominium roadway and parking on full municipal services, the proposal conforms with the policies of the Hamilton-Wentworth Official Plan.
The subject property is designated “Residential” in the City of Hamilton Official Plan. The following policies of the City of Hamilton Official Plan, among others, are applicable to the proposed development:

“A.2.1.1 The primary uses permitted in the areas designated on Schedule “A” as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing, where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the need of present and future residents. Accordingly, Council will:

v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview.”

Therefore, as the applications are for a change in zoning and residential plan of subdivision which recognizes the scale and character of the surrounding existing residential area, the proposal complies with the City of Hamilton Official Plan.

Rushdale Neighbourhood Plan

The subject lands are designated as “Attached Housing” in the Rushdale Neighbourhood Plan. The proposed form of townhouses is consistent with the Rushdale Neighbourhood Plan.

RELEVANT CONSULTATION:

Agencies/Departments Having No Comment or Objections

- Public Works Department, Strategic and Environmental Planning.
- Public Works Department, Traffic Planning.
- Parking Services.
Public Health and Community Services Department, Culture and Recreation.
Public Health and Community Services Department, Environmental Health/Infectious Diseases.
Corporate Services Department – Budgets and Finance Division.
Hamilton Conservation Authority.
Hamilton-Wentworth Catholic School Board.
Hamilton-Wentworth District School Board.
Hamilton Hydro Inc.
Canada Post.

Public Works Department – Urban Forestry and Planning

Urban Forestry and Planning has identified that there are municipals trees on the site along Upper Sherman Avenue. The treatment of these trees will have to be addressed through a Tree Management Plan at the Site Plan Control stage.

Public Works Department – Capital Planning and Implementation Division, Open Space Development and Park Planning Section

The Open Space Development and Park Planning Section has advised that the applicant will be required to prepare a streetscape plan prepared by a full member of the Ontario Association of Landscape Architects (OALA) and to the satisfaction of the Director of Capital Planning and Implementation. This item is addressed through the Standard Form Subdivision Agreement.

Lastly, the Section advises that any entrance features as part of the condominium development shall remain in private ownership on private lands controlled by the condominium.

Bell Canada

Bell Canada has requested that prior to commencing any works within the Plan that the developer confirms that existing communication/telecommunication infrastructure is in place. This condition is addressed in the Standard Form Subdivision Agreement. As well, Bell Canada has requested that a condition requiring the developer to enter into a Letter of Understanding for underground servicing be imposed on the draft plan of subdivision. This condition is also addressed in the Standard Form Subdivision Agreement.

Union Gas

Union Gas has advised that the necessary easements will have to be provided for the installation of services. This condition is addressed in the Standard Form Subdivision Agreement.
Public Consultation

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, this application was pre-circulated to 106 property owners within 120 metres of the subject lands. Five written responses were received via e-mail. Concerns were raised with respect to density, privacy, traffic congestion, construction impacts, grading, tree preservation and property values. These issues have been discussed in more detail in the Analysis/Rationale Section of this report.

In accordance with the requirements of the Planning Act, notice of the Public Meeting will be provided to the same property owners and a sign posted on the site.

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
Infrastructure and compact, mixed use development minimize 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
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 6593
Respecting the Properties Located at 1324 & 1328 Upper Sherman Avenue

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 Hamilton” 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 the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

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. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:
1. That Sheet No. E-27c of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing the zoning from the “AA” (Agricultural) District to the “RT-30/S-1574” (Street - Townhouse) District, Modified, the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That the “RT-30” (Street - Townhouse) District regulations as contained in Section 10F of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following:

   a) That notwithstanding Section 4(3)b and Section 10F(4) of Zoning By-law 6593, for the purposes of frontage, a private road within a Registered Plan of Condominium shall be considered a public highway.

   b) That notwithstanding Section 10F(4)(a), a minimum front yard depth of 3.0 metres to the front face of a dwelling and 5.5 metres to an attached garage shall be provided and maintained.

   c) That notwithstanding Section 10F(4)(b), a minimum rear yard depth of not less than 6.0 metres shall be provided and maintained.

   d) That notwithstanding Section 10F(6)(i), a lot area of not less than 117.0 square metres for each single family dwelling unit shall be provided.

   e) That notwithstanding Section 18A(7) of Zoning By-law 6593, every parking space other than a parallel space, shall have dimensions not less than 2.7 metres wide and 5.5 metres long.

   f) That a minimum of nine (9) visitor parking spaces shall be provided within a common element condominium parking area in the “RT-30/S-1574” District, Modified.

   g) That notwithstanding Section 18(4)(iv) an accessory structure shall be permitted in the side yard and shall be setback a minimum 0.5 metres from a side lot line.

   h) That a maximum of nineteen dwelling units shall be permitted within the “RT-30/S-1574” District, Modified.

3. 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 “RT-30” (Street - Townhouse) District provisions, subject to the special requirements referred to in Section 2 of this By-law.

4. That By-law No. 6593 (City of Hamilton) is amended my adding this By-law to Section 19B as Schedule S-1574.
5. Sheet No. E-27c of the District Maps is amended by marking the land referred to in Section 1 of this By-law as S-1574.

6. 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                                              CLERK

ZAC-06-27
Appendix "B" to Report PED07058
Page 4 of 4

Schedule "A"
Map Forming Part of By-Law No. 07-____ to Amend By-law No. 6593

Subject Property
1324 and 1328 Upper Sherman Avenue, Hamilton.

Change in Zoning from "AA" (Agricultural) District to "RT-30/S-1574" (Street – Townhouse) District, Modified.
I live directly across from the proposed site on Upper Sherman. How will this project effect traffic, noise and construction dust in the surrounding area. Being a little selfish, my concern is how this will effect my families and pets day to day life. I am not thrilled with with the thought of construction vehicles blocking traffic, the mud they will create in the streets, and the dust and dirt being generated in the surrounding area. Also what is the proposed timeline. Thank you for your time.

Andrew Gyorgyfi

Dear Mr. Deiacco,

I am responding to the letter sent to my home on April 24, 2006 about the application for zoning change in reference to file no.ZAC-06-27. My home is adjacent to the subject property and I am thankful to have the opportunity to express my comments on this development. It is my understanding that the City of Hamilton has been promoting the planting of trees in our fair city. Hamilton is blessed with beautiful treed areas present in our many city parks, historical and private homes as well as near our waterways and the escarpment. Therefore, I would like to implore the Planning Department of The City of Hamilton to stress to the proposed developer of ZAC-06-27, to take the UTMOST CARE and protection in saving the mature trees on the property in question. These trees provide shade, home for wildlife and foremost, beauty, pride and pleasure for the neighbourhood. In the increasingly developed areas of Hamilton Mountain, we are in desperate need for our city planners to play a leading role in keeping our neighbourhoods clean, safe and beautiful. Affordable housing is necessary, but GOOD planning can protect these mature trees from destruction. I look forward to your report on this application and any other information. Thank you.

Sincerely,
(Mrs.) Barbara Hall

Keep in touch.

May 5, 2006

Dear Simon Deiacco:

Re: File ZAC-06-27
1324 & 1328 Upper Sherman Avenue

This letter is in response to your invitation for comments on the application for rezoning of the above mentioned properties. After a great deal of serious thought
and consultation with my neighbours we are of the opinion that the application should be rejected.

The Applicant desires to build 22 condominium and freehold townhouse units in a parcel of land that we believe is too small for such a concentration of homes. If the homes were allowed to be built and they each had a modest amount of square footage then we can only assume that they would have 3 levels. Any homes built closest to Upper Sherman which is the highest elevation of the lot would give those homeowners a clear and unobstructed view of everyone’s backyard along Ruby Street. There would be absolutely no privacy for those residents. In addition the residents of the townhouse units in 1334 Upper Sherman would also have a clear view of the backyards of Ruby St. and Rushdale because the tree cover would be eliminated from the lot in question.

I have no school age children any longer but my neighbours do and according to them there is an existing problem of overcrowding. The Catholic school children must be bussed. Children from the townhouse units in 1334 Upper Sherman must walk around to Ruby St. to pick up the bus. As it stands now the bus is filled to capacity. Let’s alleviate the school situation with the existing residents first before adding more children to be bussed.

Over the last few years Upper Sherman has become heavier with vehicular traffic. Anyone trying to make a left from Ruby St. onto Upper Sherman has to be wary of northbound vehicles on Upper Sherman due to a visibility problem. There is a change in elevation such that a vehicle does not become visible to a waiting vehicle on Ruby Street until they are parallel to 1328 Upper Sherman. As it stands now it is a dangerous situation and can only be exacerbated by any addition of more vehicles coming and going from the lot in question.

As hazardous this corner may be to motorists it is doubly so for pedestrians trying to cross the street. HSR was aware of this problem years ago when they moved the bus sign for this very reason. The nearest crosswalk with lights is almost 400 meters away from Ruby St. Human Nature as it is people will jay walk to get to the bus stop. Increasing the population density now would not be helpful.

What is of most concern to me and my neighbours is how any construction can be done in the lot without some major adverse affect on the abutting properties. I cannot do justice in describing the physical characteristics of the lot. There are severe drops in elevation around the lot and in one large section there is an almost vertical drop of almost 20 feet. Any construction at the top of the lot would need blasting. There is an underground stream that runs its course along the back of the properties of Ruby St. and flows into a storm sewer behind 14 Ruby St. We are concerned of any structural damage done to our foundations due to blasting and of any possible flooding by the grading that will take place.
So that you may actually get an understanding of our concerns me and my neighbours propose that you and Councillor Kelly meet us in an on site inspection at your convenience. If our concerns have merit it may be easier for us to express them where you can see the lot in question that rely on our inadequate words. If our fears are without foundation, then you may be able to allay them.

You have all my contact information above and I hope to hear from you soon with a date for the on site inspection.

Thank You
Marian, Mario Glavac

Hi Simon,

With regard to File No. ZAC-06-27, I would like to know whether that plot of land is able to accommodate the number of 22 condominium and freehold townhouse units. What impact will this number of townhouse units have on the water, sewer and normal 'runoff' of water from rain/snow to the surrounding area (which is lower).

As well, with regards to traffic, the 'crest of the hill' is situated in the location referred to in File No. ZAC-06-27. I have concerns regarding the number of cars that will be trying to enter Upper Sherman at that crest -- there appears to be the potential for numerous accidents. How will this matter be addressed, as there is the potential for two-cars/unit = 44 cars per the suggestion of 22 townhouses for that segment of land.

I would like to receive a copy of the staff report.

With thanks,

Joan Wylie


Simon M. Deiaco,
City of Hamilton
Planning & Economic Development,
Development and Real Estate Division
City Hall, 71 Main Street West,
Hamilton, ON L8P 4Y5

Dear Mr. Deiaco,

I am writing you concerning File No. ZAC-06-27 which involves rezoning of land deemed agricultural to Townhouse-Maisonette - RT-20. The area specified
presently has two houses on it and is to have 22 condominium, freehold townhouses built upon it.

I am concerned about this building project for fear of it debasing my property value as well as causing even more traffic snarls than we already have on Upper Sherman. With twenty-two more units going in, there would be a possibility of 44 more cars needing to get in and out of this complex.

When I moved to Hamilton over four years ago, I hoped to find a small townhouse complex which would not have the possibility of becoming poorly maintained and overrun by a lot of children and pets. I fear that this would or certainly could end up the case if these homes go up in such a small confined area.

Are you prepared to widen Upper Sherman and put in more traffic lights to allow for residents to freely come and go as needed? I personally find the prospect of this complex and rezoning troublesome to say the least. If I had a vote on it, I would vote "No".

Thank you for your attention in this matter.

Yours truly,

Rev. Rasma Caune