SUBJECT: Removal of ‘H’ Holding Symbol from Lands Located at 397 Old Brock Road (Former Town of Flamborough) (PED06033) (Ward 14)

RECOMMENDATION:

That approval be given to Zoning Application ZAH-05-11, Don and Donna Attridge, owners, for removal of the ‘H’ Holding symbol from the Settlement Residential Holding “R2-14(H)” Zone, to permit the development of a single detached dwelling on a new lot located at 397 Old Brock Road (former Town of Flamborough), as shown on Appendix “A” to Report PED06033, on the following basis:

(a) That the subject lands be rezoned from the Settlement Residential Holding “R2-14(H)” Zone to the Settlement Residential “R2-14” Zone.

(b) That the Draft By-law, attached as Appendix “B” to Report PED06033, 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 Official Plan and the Flamborough Official Plan.
EXECUTIVE SUMMARY:

The purpose of this application is to remove the ‘H’ Holding symbol for a new lot located at 397 Old Brock Road, (former Town of Flamborough), as shown on the attached Appendix “A”.

The proposal is consistent with the principles and policies of the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan and the Flamborough Official Plan. As a severance for the property has been approved, the condition for removal of the ‘H’ Holding symbol has been satisfied.

Based on the above, the Zoning Amendment application for the removal of the ‘H’ Holding symbol can be supported.

BACKGROUND:

Proposal

The applicant has applied to remove the Holding ‘H’ symbol from the subject lands (see Appendix “A”) in order to permit the construction of a single detached dwelling on a parcel created by severance within the Greensville Settlement Area.

When Flamborough Zoning By-law No. 90-145-Z was enacted by the former Town of Flamborough on November 5, 1990, a number of properties within Rural Settlement Areas, without any development proposals, were zoned with a ‘H’ Holding symbol. These Holding symbols were to remain until such time as the Town approved further planning applications for the lands. Given that the lands have been approved for a severance that complies with the existing zoning, the ‘H’ Holding symbol can be lifted.

On October 27, 2004, the Committee of Adjustment granted provisional approval to Consent Application No. FL/B-04:109 to permit the creation of a 0.8 hectare (1.9 acres) parcel for the purpose of a single detached dwelling. The consent is final and binding.

Details of Submitted Application

Owner: Don and Donna Attridge

Property Size:  
Frontage: 35.0 metres  
Depth: 207.3 metres  
Area: 0.8 hectare
**Subject Lands**

<table>
<thead>
<tr>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vacant</td>
<td>Settlement Residential Holding “R2-14 (H)” Zone</td>
</tr>
</tbody>
</table>

**Surrounding Land Use**

- **Lands to the North**: Single Family Dwellings; Settlement Residential Holding “R2-14 (H)” Zone; Settlement Residential “R2-21” Zone
- **Lands to the East**: Single Family Dwelling; Settlement Residential Holding “R2-14 (H)” Zone
- **Lands to the West**: Vacant; Settlement Residential Holding “R2 (H)” Zone
- **Lands to the South**: Single Family Dwelling; Settlement Residential Holding “R2-14 (H)” Zone

**Analysis/Rationale:**

The lands are designated as “Settlement Residential” in the Flamborough Official Plan and zoned Settlement Residential Holding “R2-14(H)” in Zoning By-law No. 90-145-Z, as amended. The approval of severance application, FL/B-04:109, satisfies the condition of removing the ‘H’ Holding symbol.

The “R2-14(H)” Zone requires a minimum lot area of 0.2 hectares (0.49 acres) and a minimum lot frontage of 30 metres (98.43 feet). Therefore, the lot meets the requirements of the “R2-14(H)” Zone.

The severed lot will be serviced using a private well and septic system. The servicing details were reviewed and subsequently approved, in response to a condition of severance application, FL/B-04:109. In accordance with the Town of Flamborough Official Plan, all development in a rural settlement area shall be required to provide an adequate supply of potable water and septic disposal capability to the satisfaction of the Regional Department of Health Services. As noted above, this item has been addressed.

The removal of the ‘H’ Holding symbol is required prior to the development of the subject lands.
Should this application not be approved, the applicant will not be able to proceed with the development of a single detached dwelling on a lot that has been approved through the severance process.

Financial/Staffing/Legal Implications:

Financial: N/A.

Staffing: N/A.

Legal: Council approval of a By-law Amendment to remove the Holding symbol is required under the Planning Act. A Public Hearing is not required, however, notice of the intent to pass the By-law must be given.

Policies Affecting Proposal:

Greenbelt Plan, 2005

The Greenbelt Plan designates the site “Protected Countryside” and the Town/Village policies are applicable and permit the proposed use.

Provincial Policy Statement

The application is consistent with the principles and policies of the Provincial Policy Statement.

Hamilton-Wentworth Official Plan

The subject property is designated as “Rural Settlement Area (Greensville)” within the Hamilton-Wentworth Official Plan. Policy 3.2.1.6 outlines that limited development within Rural Settlement Areas may occur by means of severance if in conformity with the Secondary Plan, and if located in a manner that will not interfere with future development. Therefore, as the nature of the application is to remove the existing ‘H’ Holding symbol to facilitate an appropriate residential development of the site, the proposal is in conformity with the Hamilton-Wentworth Official Plan.

Flamborough Official Plan

The proposal conforms to the Flamborough Official Plan as the subject lands are designated “Settlement Residential” in both the Town of Flamborough Official Plan and the Greensville Secondary Plan.
With respect to Holding By-laws, the Official Plan states that Council may consider passing a By-law to remove the 'H' Holding symbol when the lands have adequate services for the proposed development, the development is consistent with the other provisions of the Official Plan, and the proposed development is permitted by the Zoning By-law.

**RELEVANT CONSULTATION:**

**Agencies/Departments Having No Comment or Objections**

- Budgets and Finance, Corporate Services Department.
- Operations and Maintenance, Public Works Department.

**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
Shelter, care and satisfying employment are accessible to all Hamiltonians.

**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

;SM
Attachs. (2)
Change in Zoning from the Settlement Residential Holding "R2-14(H)" Zone to the Settlement Residential "R2-14" Zone

Ward 14

Keymap

N.T.S
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 90-145-Z (Flamborough),
respecting lands known municipally as 397 Old Brock
Road, in the Geographic Township of West
Flambourough, now in the City of Hamilton

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 Flamborough” and is
the successor of the former Regional Municipality, namely, “The Regional Municipality of
Hamilton-Wentworth”;

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official
Plans of the former area municipalities and the Official Plan of the former regional municipality
continue in force in the City of Hamilton until subsequently amended or repealed by the
Council or the City of Hamilton;

AND WHEREAS Zoning By-law No. 90-145-Z (Flamborough) was enacted on the 5th day of
November, 1990, and approved by the Ontario Municipal Board on the 21st day of December,
1992;

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 Flamborough) in accordance with the provisions of the
Planning Act;

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 __, 2006, recommended that Zoning By-law No. 90-145-Z (Flamborough), be amended as hereinafter provided;
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Schedule A-37 of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by changing the zoning from the Settlement Residential Holding “R2-14(H)” Zone to the Settlement Residential “R2-14” Zone on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

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 “R2-14” Zone provisions referred to in Section 7 of Zoning By-law No. 90-145-Z.

3. 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 , 2006.

____________________________________  ________________________________________
MAYOR                                    CLERK

ZAH-05-11
Appendix “B” to Report PED06033

Subject Property
397 Old Brock Road
Change in Zoning from the Settlement Residential Holding “R2-14(H)” to the Settlement Residential “R2-14” Zone

Schedule "A"

Map Forming Part of By-Law No. 06—
to Amend By-Law No. 90-145-Z

Scale: Not to Scale
File Name/Number: ZAH-05-11
Date: January 10, 2006
Planner/Technician: SM/MC

Planning and Economic Development Department
Hamilton