SUBJECT: An Application for a Change in Zoning for the Property Located at 11 Lakeside Drive (Stoney Creek) (PED06227) (Ward 11)

RECOMMENDATION:

That approval be given to Zoning Application ZAR-06-46, by Ward Kohlberger, owner, for a change in zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R1” Zone, to permit the construction of a single detached dwelling for the property located at 11 Lakeside Drive, as shown on Appendix “A” to Report PED06227, on the following basis:

(a) That the subject lands be rezoned from the Neighbourhood Development “ND” Zone to the Single Residential “R1-16” Zone.

(b) That the draft By-law, attached as Appendix “C” to Report PED06227, which has been prepared in a form satisfactory to the City Solicitor, not be enacted by City Council until such time the applicant deeds sufficient lands to the City to establish Lakeside Drive as an 18 metre wide road allowance.

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

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The purpose of the application is for a change in zoning to permit the construction of a single detached dwelling on the lands known as 11 Lakeside Drive (see Appendix A).
The proposed change in zoning has merit and can be supported since it conforms to the “Residential” designation of the City of Stoney Creek Official Plan, and the Bayview Neighbourhood Plan, and is compatible with uses in the surrounding area.

**BACKGROUND:**

**Proposal**

The owner, Ward Kohlberger, has applied to amend the Zoning By-law in order to permit the construction of a single detached dwelling on the subject property located at 11 Lakeside Drive (See Appendix “A”). The existing single detached dwelling would be demolished to allow for the new construction.

The current zoning does not permit the demolition of the existing dwelling and the construction of a new one. The subject lands are currently privately serviced and, with this application, the subject lands will be municipally serviced.

**Location:** 11 Lakeside Drive (Stoney Creek)

**Owner/Applicant:** Ward Kohlberger

**Property Description:**

- Frontage: 145.307m
- Depth: 76.450m
- Lot Area: 11,167.5 sq.m

**Servicing:** Full municipal services available (Cove Crescent)

**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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<tbody>
<tr>
<td>South</td>
<td>Residential</td>
<td>Single Residential “R3-4” Zone</td>
</tr>
<tr>
<td>North</td>
<td>Residential</td>
<td>Single Residential “R2” Zone</td>
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<tr>
<td>East</td>
<td>Residential</td>
<td>Single Residential “R1” Zone</td>
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<tr>
<td>West</td>
<td>Residential</td>
<td>Neighbourhood Development “ND” Zone</td>
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</tbody>
</table>

**ANALYSIS/RATIONALE:**

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

   (i) The proposed change in zoning is consistent with the Provincial Policy Statement.
The proposed change in zoning conforms with the Hamilton-Wentworth Official Plan and the “Residential” designation of the City of Stoney Creek Official Plan.

The proposed change in zoning implements the “Low Density Residential” designation in the Bayview Neighbourhood Plan.

The proposed change in zoning and development plan allows for the construction of a single detached dwelling on full municipal servicing while ensuring that the proposed future road network of the Bayview Neighbourhood Plan can still be implemented. (see Appendix “B”)

The application originally proposed to bring full municipal services across private property from Jones Road westerly to the subject lands using private easements. The applicant has agreed to bring full servicing from Cove Crescent, at the City’s request, to the subject lands. The applicant will be required to register an easement over the 0.3 metre reserve held by the City on Cove Crescent.

A neighbour has raised concerns about a strip of land adjacent to the southerly lot line of 11 Lakeside Drive that is owned by a third party that is not maintained on a regular basis. This neighbour has requested that the City facilitate a deal between the owner of the strip of land and owner of the subject lands. Staff has forwarded this concern to the owner of the subject lands.

The owners of 8 Lakeside Drive would also like to connect to the servicing if is to be brought in from Jones Road through a private easement. As the City is requiring that the subject lands be serviced from Cove Crescent to reduce the need for a private easement, there will be no opportunity for the landowners at 8 Lakeside Drive to connect to servicing. This neighbour also raised concerns regarding a collapsed metal stormwater pipe. The subject lands will also be draining their stormwater runoff to Cove Crescent and shall be graded accordingly.

**ALTERNATIVES FOR CONSIDERATION:**

If the application is not approved, the lands could only be used for the range of uses permitted under the current Neighbourhood Development “ND” Zone, which includes an addition to the existing single detached dwelling.

**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 Zoning By-law Amendment.
POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the application is consistent with the policies that focus on growth in settlement areas, Policy 1.1.3.1. As the nature of the application is for a change in zoning to allow for the demolition and replacement of the existing single family dwelling with a newly constructed single family dwelling, the proposal is consistent with the policies of the PPS.

Hamilton-Wentworth Official Plan

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans, will be concentrated in the Urban Areas. As the nature of the application is for a change in zoning to allow for demolition and replacement of the existing single family dwelling with a newly constructed single family dwelling, where full municipal services are available, the proposal is in conformity with the policies of the Hamilton-Wentworth Official Plan.

City of Stoney Creek Official Plan

The subject property is designated “Residential” in the City of Stoney Creek Official Plan. Single detached dwellings are permitted. However, Policy 3.1.2.13 states:

“New private roads shall not be established unless such are contained within a plan of condominium registered under the Condominium Act. The long term goal of Council shall be the incorporation of all private roads into the Public Road System after they have been widened and upgraded to Municipal standards. However, prior to such improvements there has to be a demand to upgrade the road in either a request for new development, a petition from the residents, or as a requirement of the Municipality. If the road is to be upgraded by private initiative, all costs are to be borne by the proponents.”

Bayview Neighbourhood Plan

The subject property is designated “Low Density Residential” in the Bayview Neighbourhood Plan (see Appendix “B”). The Bayview Neighbourhood Plan proposes Lakeside Drive to become a full municipal road, and Cove Crescent to extend through to Lakeside Drive. The proposed location for the new dwelling will not hinder the fulfilment of the neighbourhood plan (see Appendix “E”). Appropriate setbacks can be provided if Lakeside Drive is brought to municipal standards (18 metre right-of-way), and Cove Crescent is extended to Lakeside Drive. To ensure the dwelling is constructed in the location indicated on Appendix “E”, site-specific provisions for front and side yard setbacks are included in the site-specific By-law. The change in zoning conforms to the “Low Density Residential” policies.
The following Departments and Agencies had no comments or objections:

- Corporate Services Department (Budgets Section).
- Public Works Department (Open Space Development and Park Planning Section).
- Public Health Services (Health Protection Branch).
- Public Works Department (Forestry and Horticulture).
- Hamilton Conservation Authority.
- Hamilton-Wentworth District School Board.

PUBLIC CONSULTATION

In accordance with the 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 114 notices were circulated. Three comments were received (see Appendix “D”). One letter was received in support of this application, another letter addressing property standard concerns about an adjacent property, and the third letter received discussing the proposed servicing. Both of these letters stated they did not have an objection to the applicant’s proposal. A discussion of these concerns is included 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
Shelter, care and satisfying employment are accessible to all Hamiltonians.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Human health and safety are protected.

Economic Well-Being is enhanced. ☐ Yes ☑ No

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

:KW
Attachs. (5)
Subject Property
11 Lakeside Drive
Change from Neighbourhood Development “ND” Zone to Single Residential “R1” Zone

Appendix "A" to Report PED06227 Page 1 of 1
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 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 of the former area municipalities 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. Map No. 2 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended by changing the zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R1-16” Zone, the lands comprised of 11 Lakeside Drive, the extent of boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That subsection 6.2.7, “Special Exemptions” of Section 6.2, Single Residential “R1” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special provision “R1-16” to include the following:

“R1-16 Lakeside Drive, Schedule “A”, Map No. 2

Notwithstanding the provisions of paragraphs (c) and (d) of Section 6.2.3 of the Single Residential “R1” Zone, on those lands zoned “R1-16” by this By-law, the minimum front yard shall be 20 metres, the minimum easterly side yard shall be 42 metres and the minimum westerly side yard shall be 65 metres.”

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

ZAR-06-46
This is Schedule "A" to By-Law No. 06—

Passed the .................... day of ...................., 2006

Clerk

Mayor

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Schedule “A”

Map Forming Part of By-law No. 06-_____

to Amend By-law No. 3692-92

Subject Property
11 Lakeside Drive

Change from Neighbourhood Development “ND” Zone to Single Residential “R1” Zone
Public Response to Application

West, Kristen

From: PHILIP BIRD
Sent: Tuesday, June 20, 2006 4:10 PM To:
West, Kristen
Cc: DARLENE BIRD
Subject: FILE: ZAR-06-46

FILE: ZAR-06-46

Re: Our telephone conversation today and subsequent conversation with Steve Ryan regarding 11 Lakeside Drive, Stoney Creek, Zoning Amendment.

From:

Darlene & Philip Bird
8 Lakeside Drive,
Stoney Creek, L8E SCt

I have 2 questions regarding the rezoning survey.

1. If application is granted to allow a 200 mm sewage branch tie-in at Jones Road; will we be able to tie-in to the same line in order to get rid of the temporary waste sewage holding tank presently installed in our front yard. We are aware that there would be a financial implication with regard to it's installation. I understand that our present installation is not a desirable solution and the permit requires us to actively pursue an alternative means of disposal.

2. The second query concerns the "concrete culvert" indicated on the North East corner of the survey enclosed with your letter. There is no concrete culvert. There is, however, an old metal pipe that has collapsed. If this is opened up, it will likely flood my foundation weeping tiles and subsequently, my basement. The storm sewer outlet used to discharge into my back yard but no longer does due to its collapse.

Lastly, we have no concerns at all with the rezoning application.

Best Regards,

Philip & Darlene Bird.

6/20/2006
14 Cove Crescent  
Stoney Creek, Ont.  
L8E 5A3  
June 23, 2006

Subject: File # ZAR-06-46

Dear Ms West,

Thank you for your letter of June 12 regarding the above zoning change request. We take no exception to this request, but are curious about a rumoured plan to further sub-divide this parcel, and we do have a concern related to adjoining lands.

As the nearest house on Cove Crescent to this proposed development, we are concerned about an "orphan" strip of land, presently owned by a local builder, that runs around the north-east corner of Cove Crescent. While a strip nearest the road is mowed on occasion, there is an area left unmowed with weeds that reach two to three feet high. It is also a collection area for neighbours' yard waste as well as trash from those who we have seen drive up in trucks and dump who-knows-what.

We would like to see this area owned and taken care of by someone whose property abuts this land. Part of this applies to the subject property in your letter. Should this land remain "orphaned", we will always live across from an unimproved waste-land, which was not our information at the time we purchased our house.

Is there any way that the City can facilitate a deal between the present owner and the applicant in your letter such that this parcel would extend up the embankment and right to the curb of Cove Cr.? This way it could be fenced off or at least looked after better than is now the case.

We appreciate anything that can be done to help this happen.

Yours truly,

~

Ron and Johanna Harrod
June 26, 2002

File #
ZAR-06-46

Dear Mr. West:

I am writing to support this application. I think the project will enhance the neighborhood. Please keep me informed regarding this matter.

Yours Very Truly,

Michael Schwenger