SUBJECT: Removal of ‘H’ Holding Symbol from Lands Located at 1564 Second Concession Road West (Former Town of Flamborough) (PED06004) (Ward 14)

RECOMMENDATION:

That approval be given to Zoning Application ZAH-05-05, Dirk and Carolann Zwart, owners, for removal of the ‘H’ Holding symbol, for lands located at 1564 Second Concession Road West (former Town of Flamborough), as shown on Appendix “A” to Report PED06004, on the following basis:

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

(b) That the Draft By-law, attached as Appendix “B” to Report PED06004, which has been prepared in a form satisfactory to Corporate Counsel, 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 the application is for removal of an ‘H’ Holding symbol. The lands have recently received final consent approval and the removal of the Holding symbol is required to permit a future residential dwelling on the severed parcel. 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. Based on the above, the Zoning Amendment application for the removal of the ‘H’ Holding symbol can be supported.

BACKGROUND:

The subject lands, known municipally as 1564 Second Concession Road West, comprise the portion of the applicant’s holdings, which are zoned Settlement Residential Holding “R2”(H) Zone and are located in the south-east quadrant of the Orkney Settlement Area (see Appendix “A”).

A severance was granted provisional approval on November 24, 2005, through Committee of Adjustment Application FL/B-04:186 to divide the owner’s 13.99 hectare property (13.97 ha. after road widening) into separate parcels. The retained parcel, (Appendix “C”) on the westerly portion of the subject lands, comprises an area of 0.54 hectares (1.33 acres) to accommodate the owner’s existing dwelling. Most of the land on the retained parcel is zoned Settlement Residential Holding “R2”(H) Zone, however, the westerly portion is zoned Conservation Management “CM” Zone (Appendix “A”).

The severed parcel (Appendix ”C”), comprising an area of 13.43 hectares (33.19 acres), includes lands zoned “R2 (H)” Zone, which are situated on the northerly part of these lands, having 35.47 metres (116.37 feet) of frontage on Second Concession Road West. The “R2(H)” zoned portion of these lands are located within the Orkney Settlement Area and would allow for the development of a new single detached dwelling following the removal of the ‘H’ Holding symbol. The balance of the severed lands are located outside of the Settlement Area and are zoned Agricultural “A” Zone and Conservation Management “CM” Zone (Appendix “A”). The severed parcel is intended to be sold to a purchaser for continued agricultural use and for residential purposes through the development of a new single detached dwelling.

The severance was finalized on December 1, 2005, with the completion of the required conditions which included the submission of a deposited Reference Plan and the dedication of a 3.0467 metre road widening (Appendix “D”). No variances were required for the approval of the severance. The removal of the ‘H’ Holding symbol was not a condition of the severance but is required prior to the issuance of a building permit for the development of a new single detached dwelling on the severed parcel.
Details of Submitted Application

Owner: Dirk and Carolann Zwart

Agent: Tom Smart, BLS Planning Associates Inc.

Location: 1564 Second Concession Road West, Flamborough (See Appendix “A”)

Property Size:

<table>
<thead>
<tr>
<th></th>
<th>Retained Parcel</th>
<th>Severed Parcel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frontage</td>
<td>62.65 metres</td>
<td>35.47m</td>
</tr>
<tr>
<td>Depth</td>
<td>67.84 metres</td>
<td>452.63m</td>
</tr>
<tr>
<td>Area</td>
<td>0.54 Ha.</td>
<td>13.43 Ha.</td>
</tr>
</tbody>
</table>

Existing Land Use and Zoning:

<table>
<thead>
<tr>
<th></th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Lands:</td>
<td>1 Single detached dwelling</td>
<td>Settlement Residential Holding “R2(H)” Zone, Conservation Management “CM” Zone, Agricultural “A” Zone</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Surrounding Lands:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>West</td>
<td>Single detached dwelling</td>
<td>Settlement Residential Holding “R2(H)” Zone</td>
</tr>
<tr>
<td>North</td>
<td>Single detached dwellings</td>
<td>Settlement Residential “R2” Zone, Agricultural “A” Zone</td>
</tr>
<tr>
<td>East</td>
<td>Church</td>
<td>Institutional “I” Zone, Agricultural “A” Zone</td>
</tr>
<tr>
<td>South</td>
<td>Agriculture</td>
<td>Agricultural “A” Zone and Conservation Management “CM” Zone</td>
</tr>
</tbody>
</table>

ANALYSIS/RATIONALE:

1. The proposal has merit and can be supported for the following reasons:
   (i) It is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan.
   (ii) It conforms to the “Settlement Residential” policies of the Flamborough Official Plan.
(iii) It is compatible with the surrounding Rural Settlement Area and would allow for development which is consistent with the Flamborough Zoning By-law for this area.

2. The ‘H’ Holding symbol was applied to residential properties within Rural Settlement Areas for which further planning approvals would be required in order to develop the properties for residential purposes. With the finalization of the consent (Committee of Adjustment Application FL/B-04:186), it is now appropriate for the Holding symbol to be lifted.

3. There are no planning issues associated with the proposed ‘H’ Holding removal which were identified through the circulation of the application to internal departments and external agencies.

**ALTERNATIVES FOR CONSIDERATION:**

Should this application not be approved, the future owner of the severed parcel 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: No implications on financial resulting.

Staffing: No implications on staffing resulting.

Legal: Council approval of a By-law Amendment to remove the ‘H’ 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 subject lands “Settlement Area” and the policies permit the proposed residential 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” (Orkney) within the Hamilton-Wentworth Official Plan. The proposal for removal of the ‘H’ Holding symbol conforms with the Plan.
Flamborough Official Plan

The subject lands are designated “Settlement Residential” within the Orkney Rural Settlement Area of the Flamborough Official Plan. Policy B.10.6 states that the permitted use in the “Settlement Residential” designation shall be single detached dwellings. The Site-Specific policy for the Orkney Settlement Area requires new residential lots to have a minimum area of 0.5 acres.

The proposed removal of the ‘H’ Holding Symbol conforms with the policies of the Official Plan.

RELEVANT CONSULTATION:

Department/Agencies with no concerns or objections:

- Traffic Engineering Section, Operations and Maintenance Division, Public Works Department.
- Budgets and Finance, Corporate Services Department.
- Grand River Conservation Authority.

Public Consultation

Council’s new Public Participation Policies, as adopted on May 29, 2003, are not applicable as a Public Meeting is not required under the Planning Act, and the application is a legislative requirement to remove the ‘H’ Holding symbol.

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
Participation in community life is 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

:CT
Attachs. (4)
Appendix "A" to Report PED06004

Location Map

File Name/Number: ZAH-05-05
Date: June 3, 2005

Planning and Economic Development Department

Subject Property
1564 Second Concession Road West

Boundary of Owner's Property Holdings

Site of Application

Ward 14 Keymap N.T.S

T&C File Name:
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 90-145-Z (Flamborough),
respecting lands known municipally as 1564 Second
Concession Road West, in the Geographic Township of
Beverly, now in the City of Hamilton

WHEREAS the City of Hamilton Act, 1999, Statues 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 the day of , 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-46 (Orkney) 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(H)” Zone to the Settlement Residential “R2” Zone, 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” 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-05-05
Schedule "A"

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

Subject Property
1564 Second Concession Road West (Flamborough)

Lands to be rezoned from Settlement Residential Holding "R2(H)" Zone to Settlement Residential "R2" Zone.

Planning and Economic Development Department

Hamilton

T&C File Name:
Plan Showing Owner's Lands and Proposed Severance
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 1584, 2nd Concession Road West, and being composed of Part of lot 26, Concession 1, formerly in the Town of Beverly Flamborough, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent BLS Planning Associates (T.W. Smart) on behalf of owners Dirk and Carolann Zwart, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of an irregular shaped parcel of land having a frontage on 2nd Concession Road West of 35.5 m (116.5'), and an area of 13.43 ha. (33.20 acres) containing two existing metal clad buildings for agricultural purposes, and to retain a parcel of land having a frontage of 82.65 m (205.6'), and an area of 0.56 ha. (1.39 acres) containing an existing single family dwelling for residential purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application IS APPROVED for the following reasons:

1. The proposal does not conflict with the intent of the Hamilton-Wentworth and Township of Flamborough Official Plans.
2. The Committee considers the proposal to be in keeping with development in the area.
3. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.

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 Owner be required to dedicate to the City a road allowance widening of approximately 3.6467 m from the subject lands on 2nd Concession Road West.
3. The applicant shall receive final approval of any variances from the requirements of the Zoning By-law as determined necessary by the Planning and Development Department (Building & Licensing Division).

DATED AT HAMILTON this 24th day of November, 2004.

D. Smith, Chairman

[Signatures]

Committee of Adjustment Decision
THE DATE OF GIVING OF THIS NOTICE OF DECISION IS December 1st, 2004. HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (December 1st, 2005) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).


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