SUBJECT: Application to Amend Ancaster Zoning By-law No. 87-57 for the Property Located at 78-80 Southcote Road (Ancaster) (PED08225) (Ward 12)

RECOMMENDATION:

That the approval be given to Zoning By-law Amendment Application ZAR-08-038, by 1739060 Ontario Inc., owner, for a change in zoning from the Existing Residential “ER” Zone to the Existing Residential “ER-578” Zone, to legalize the existing semi-detached dwellings on lands located at 78-80 Southcote Road (Ancaster), as shown on Appendix “A” to Report PED08225, on the following basis:

(a) That the Draft By-law, attached as Appendix “B” to Report PED08225, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

(b) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Town of Ancaster Official Plan.

Tim McCabe
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The purpose of the proposed Zoning By-law Amendment is to legalize the existing semi-detached dwellings located at 78-80 Southcote Road. Approval of the application is a condition of approval of Severance Application AN/B-08:59 (see Appendix “C” - Condition 2).
The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement, conforms to the Hamilton-Wentworth Official Plan and the Ancaster Official Plan. The proposal is compatible with the surrounding neighbourhood and provides for a range of housing types.

BACKGROUND:

Proposal:

The purpose of the proposed Zoning By-law Amendment is to modify the Existing Residential “ER” Zone to legalize the existing semi-detached dwellings as a permitted use.

Consent Application AN/B-08:59:

Consent Application AN/B-08:59 was approved on July 3, 2008, in order to convey a parcel of land known as 80 Southcote Road, and to retain a parcel of land known as 78 Southcote Road. Both 78 and 80 Southcote Road contain an existing semi-detached dwelling unit (see Appendix “D”). The purpose of the application was to enable each half of the existing semi-detached dwelling to be conveyed separately. Applying for and receiving approval of a change in zoning was one of the conditions of approval (see Appendix “C” – Condition 2).

Details of Submitted Application

Location: 78-80 Southcote Road, Ancaster

Owner: 1739060 Ontario Inc.

Applicant: Nick Augerinos

Property Size (78 Southcote Road):
- Frontage: 11.43 metres
- Lot Depth: 72.57 metres
- Area: 0.083 ha.

Property Size (80 Southcote Road):
- Frontage: 11.43 metres
- Lot Depth: 72.57 metres
- Area: 0.083 ha.
Existing Land Use and Zoning:

<table>
<thead>
<tr>
<th>Subject Lands:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Lands:</td>
<td>Semi-Detached Dwelling</td>
<td>Existing Residential “ER” Zone</td>
</tr>
<tr>
<td>Surrounded Lands:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>West</td>
<td>Single Detached Dwellings</td>
<td>Existing Residential “ER” Zone</td>
</tr>
<tr>
<td>North</td>
<td>Single Detached Dwellings</td>
<td>Existing Residential “ER” Zone</td>
</tr>
<tr>
<td>East</td>
<td>Vacant</td>
<td>Deferred Development “D” Zone</td>
</tr>
<tr>
<td>South</td>
<td>Single Detached Dwellings</td>
<td>Existing Residential “ER” 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 with the Hamilton-Wentworth Official Plan.
   
   (ii) It conforms with the “Residential” designation of the Ancaster Official Plan.
   
   (iii) The proposal is compatible with surrounding residential uses and provides for a variety of housing options within the community.
   
   (iv) It implements a Condition of Approval of Consent Application AN/B-08:59 (see Condition 2 - Appendix “C”).

2. The Zoning By-law Amendment is necessary in order to facilitate the approval of Consent Application AN/B-08:59, which was approved to allow a conveyance of a parcel of land (80 Southcote Road) containing one half of an existing semi-detached dwelling, and to retain a parcel of land (78 Southcote Road) containing the remaining one half of an existing semi-detached dwelling. The use is a legally established non-conforming semi-detached dwelling. The application will legalize the existing semi-detached dwelling.

As a semi-detached dwelling is not a permitted use in the Existing Residential “ER” Zone, it would be appropriate to apply the standard regulations for a semi-detached dwelling from the Residential “R5” Zone.

The lot frontages of 78 and 80 Southcote Road are 11 metres each, whereas a minimum lot frontage of 9 metres is required for a semi-detached dwelling under the Residential “R5” Zone. The proposed lots also meet all the other standard regulations for a semi-detached dwelling under the Residential “R5” Zone, including minimum lot area, front yard, side yard, and rear yard.
ALTERNATIVES FOR CONSIDERATION:

If the application is denied, then approval to the Consent Application AN/B-08:59 will not be possible, as receiving approval for a change in zoning is a condition of Consent Approval. As the semi-detached unit is an existing use, the dwelling would remain as a legal non-conforming use.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: No financial implications.

Staffing: No staffing implications.

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 is consistent with the policies that focus on settlement areas (Policy 1.1.3.1) with regards to densities and efficient use of land and resources. The application is also consistent with the policies that focus on housing (Policy 1.4.3) with regards to providing for a range of housing types and densities to meet projected demands of current and future residents.

As the nature of the application is for a change in zoning to recognize the existing semi-detached dwelling, the proposal is consistent with the Provincial Policy Statement.

Hamilton-Wentworth Official Plan

The subject property is designated “Urban Area” in the Hamilton-Wentworth Official Plan. Policy C.3.1 outlines a wide range of urban uses, as defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. As the application is to permit a semi-detached dwelling where full municipal services are available, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

Town of Ancaster Official Plan

The subject property is designated “Residential” on Schedule “B”, Land Use Plan for the Urban Area in the Town of Ancaster Official Plan. The following policies would apply, among others:
“4.4.1 The predominant use of lands designated Residential on Schedule “B” shall be for dwellings in areas which will be supplied with urban services (sanitary and storm sewers and watermains).

4.4.2 Types of residential development permitted in the Residential designation shall be single detached dwellings, semi-detached dwellings, townhousing, low-rise apartments and innovative forms of attached housing.

4.4.6 Although single detached dwellings shall predominate, Council shall encourage a broad range and mix of residential units in terms of lot size, unit size, type, and tenure. The range and mix of residential units shall be suitable for different income groups, age levels, lifestyles and household structures. In accordance with the Land Use Planning for Housing Policy Statement, Council shall endeavour to achieve a housing mix where at least 25% of all new residential units are affordable."

Based on the above, the application would conform to the “Residential” designation as semi-detached dwellings are permitted and the application would continue to provide for a mix of residential dwelling types as envisioned by the plan.

**RELEVANT CONSULTATION:**

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

- Water and Wastewater Infrastructure, Public Works Department
- Environmental Planning Section, Capital Planning and Implementation Division
- Horizon Utilities
- Hydro One

Budget and Finance Division, Corporate Services Department, has advised that the owner/applicant be aware of the revised annual amount of $40.16, effective January 1, 2009, for sanitary sewer local improvement charge collected through the property taxes until December 31, 2015.

Traffic Engineering and Operations Section, Public Works Department, has advised that there are no boulevard agreements in place for the former Town of Ancaster, and that parking is prohibited on the boulevard.

Southcote Road is subject to reconstruction and widening. It has been advised that the short access that links the two existing driveways encroaches into the road allowance, and that if any road work is carried out by the City in this road allowance in the future, this access would not be replaced.
Public Consultation

In accordance with the Public Participation Policy approved by Council, preliminary consultation shall not be required if the application is part of the implementation of a Planning Study or other application, such as a consent application, which has been approved within one year of other public involvement and participation opportunities. The subject rezoning application is part of the implementation of Consent Application AN/B-08:59, which was conditionally approved in July, 2008 (see Appendix “C”). Therefore, preliminary circulation was not required. There were no concerns or opposition from the public with regards to the consent application.

Notice of Public Meeting was given in accordance with the requirements of the Planning Act. In addition, a Public Notice Sign was erected on the property in late July, 2008.

A total of 58 notices were circulated on July 25, 2008. One member of the public was provided with general information about the application in response to their inquiries. No further responses were received.

**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
A variety of housing options is provided in the community.

**Environmental Well-Being is enhanced.** ☑ Yes  ☐ No
The proposed rezoning will maintain ecological function and prevent unnecessary development in the agricultural areas.

**Economic Well-Being is enhanced.** ☑ Yes  ☐ No
Affordable housing is provided in the community.

**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
Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: ZAR-08-038
Date: July 17, 2008

Appendix "A"

Scale: N.T.S.
Planner/Technician: TL / NH

Subject Property

78 & 80 Southcote Road

To permit the modification of the Zoning to permit a semi-detached dwelling located at 78 & 80 Southcote Road.

Ward 12 Key Map N.T.S.
CITY OF HAMILTON

BY-LAW NO. _____

To Amend Zoning By-law No. 87-57 (Ancaster), respecting lands located at 78-80 Southcote 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 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. 87-57 (Ancaster) was enacted on the 22nd 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 _____ of Report _____ of the Economic Development and Planning Committee, at its meeting held on the _____ day of ____, 2008, 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 (the Official Plan of the 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. That Map 1 of Schedule “B” of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing from the Existing Residential “ER” Zone to the Existing Residential “ER-578” Zone, the lands the extent and boundaries of which are shown on Schedule “A” annexed hereto and forming part of this by-law.

2. Section 34: Exceptions of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following subsection:

“ER-578”

(a) That notwithstanding the provisions of Subsection 10.1, “Permitted Uses” of Section 10: Existing Residential “ER” Zone, a semi-detached dwelling and uses, buildings, and structures accessory thereto shall also be permitted, in accordance with Subsection 13.2 “Regulations” of Section 13: Residential “R5” Zone.

PASSED and ENACTED this ______ day of ______, 2008

_________________________________________  _______________________________________
Fred Eisenberger                            Kevin C. Christenson
Mayor                                      Clerk

ZAR-08-038
This is Schedule "A" to By-Law No. 08-
Passed the .......... day of ................., 2008

Clerk

Mayor

Schedule "A"

Map Forming Part of
By-Law No. 08-_____

to Amend By-law No. 87-57

78 & 80 Southcote Road
Change in zoning from the existing
Residential "ER" Zone to the
Existing Residential "ER-578" Zone

Place a block of text here.
APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. AN/B-08:59
SUBMISSION NO. B-59/08

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 numbers 78 and 80 Southcote Road, formerly in the Town of Ancaster, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent Frank Sondola on behalf of the owner 1739060 Ontario Inc., for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a parcel of land (80 Southcote Road) measuring 11.43m² (37.5') x 72.57m² (238.1') containing an existing semi-detached dwelling for residential purposes, and to retain a parcel of land (78 Southcote Road) measuring 11.43m² (37.5') x 72.57m² (238.1') containing an existing semi-detached dwelling for 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. The owner shall apply for and receive rezoning approval of the subject lands to the satisfaction of the Manager of Development Planning.

3. The applicant/owner must either provide separate independent sewer and water services to both the severed and retained lands or alternatively, if they already exist, provide proof thereof to the satisfaction of the Planning and Economic Development Department, Development Engineering (West) Division.

4. The owner shall pay the required commutation amount of Local Improvement Charges to Budgets & Finance, City of Hamilton, City Centre.

5. 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 settling up a new tax account for the newly created lot.

DATED AT HAMILTON this 3rd day of July, 2008.

M. Dudzić, Chairman

C. Lewis

D. Smith

D. Serwatuk
THE DATE OF GIVING OF THIS NOTICE OF DECISION IS July 10th, 2008.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS
NOTICE OF DECISION (July 10th, 2009) 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 July 30th, 2008.

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