

CITY OF HAMILTON

PLANNING AND DEVELOPMENT DEPARTMENT
Development Division

Report to: Mayor and Members Hearings Sub-Committee	Submitted by: Lee Ann Coveyduck General Manager
Date: August 30, 2002	Prepared by: Greg Macdonald
File: ZAC-02-37	(905) 546-4283

SUBJECT: Application for a Change in Zoning for the West Portion of the Property Located on the North Side of Barton Street West, Between Crooks Street and Magill Street (Former City of Hamilton) (PD02188) (Ward 1)

RECOMMENDATION:

That approval be given to **Zoning Application ZAC-02-37, 1251239 Ontario Inc. (c/o Mitchell Fasken), owner,** for a change in zoning from “L-mr-1” (Planned Development – Multiple Residential) District to “RT-20” (Townhouse - Maisonette) District, to permit the development of the subject lands for seventeen townhouse dwelling units, as shown on the attached map marked as Appendix “A” to Report PD02188, on the following basis:

- (a) That the subject lands be rezoned from “L-mr-1” (Planned Development – Multiple Residential) District to “RT-20” (Townhouse - Maisonette) District;
- (b) That the “RT-20” (Townhouse – Maisonette) District regulations, applicable to Blocks 1 and 2, as set out under Section 10E of Zoning By-law No. 6593, be modified to include the following variance as a special provision:
 - (i) That notwithstanding Section 18A.(1)(b) of Zoning By-law No. 6593 a minimum of 5 visitor parking spaces shall be provided;
- (c) That the “RT-20” (Townhouse - Maisonette) District regulations, applicable to Block 1, as set out under Section 10E of Zoning By-law No. 6593, be modified to include the following variance as a special provision:
 - (i) That notwithstanding Section 10E.(4)(a) of Zoning By-law No. 6593, a front yard depth of at least 2.4 metres shall be provided and maintained;
- (d) That the “RT-20” (Townhouse – Maisonette) District regulations, applicable to Block 2, as set out under Section 10E of Zoning By-law No. 6593, be modified to include the following variances as special provisions:

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- (i) That notwithstanding Section 10E.(4)(b) of Zoning By-law No. 6593, a westerly side yard depth of at least 2.4 metres shall be provided and maintained;
 - (ii) That notwithstanding Section 10E.(8)(a) of Zoning By-law No. 6593, the required privacy area for the single family dwelling units shall consist of courtyards that are screened on one side by a garage at the front of the dwelling units;
 - (iii) That notwithstanding Section 18A.(29) of Zoning By-law No. 6593 the entrances for the parking spaces shall be located a minimum of 0.5 metres from the entrance to the individual driveway; and,
 - (iv) That notwithstanding Section 18.(4)(iv) of Zoning By-law No. 6593, a detached garage shall be permitted in the front yard.
- (e) That the General Manager, Planning and Development Department be authorized and directed to prepare a By-law, in a form satisfactory to Corporate Counsel, to amend Zoning By-law No. 6593 and Zoning District Map W-11 for presentation to Council;
- (f) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - , and that the subject lands on Zoning District Map W-11 be noted as S - ;
- (g) That the Strathcona Neighbourhood Plan be amended to redesignate the subject lands from “Park & Recreational” and “Open Space” to “Attached Housing” upon finalization of the By-law; and,
- (h) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

Explanatory Note

The purpose of the By-law is to provide for a change in zoning from “L-mr-1” (Planned Development – Multiple Residential) District to “RT-20” (Townhouse – Maisonette) District, Modified for the west portion of the property located on the north side of Barton Street West between Crooks Street and Magill Street, as shown on the attached map marked as Appendix “A” to Report PD02187.

The effect of the By-law is to permit the development of the subject property for 17 (seventeen) townhouse dwelling units comprised of three townhouse blocks (see Appendix “B”). Parking will be provided in garages attached to the dwelling units or in detached garages located in the front of the individual units to create private courtyards. The By-law also provides for the following variances as special requirements:

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- A minimum front yard depth of 2.4 m shall be provided for the townhouse units in Block 1;
- A minimum side yard depth of 2.4 m shall be provided for the townhouse units in Block 2;
- The required privacy areas for the townhouse units in Block 2 will be provided in a courtyard;
- Five visitor parking spaces shall be provided;
- The entrances for the parking spaces for the townhouse units in Block 2 will be located a minimum of 0.5 metres from the entrances to the individual driveways; and,
- The detached accessory garages for the townhouse units in Block 2 will be permitted in the front of the dwelling unit.

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The applicants have proposed to rezone the subject lands from “L-mr-1” (Planned Development – Multiple Residential) District to “RT-20” (Townhouse - Maisonette) District, Modified. The property is located on the north side of Barton Street West, between Crooks Street and Magill Street. Only the west portion of the property is subject to the zoning application. The east portion of the property will be rezoned at a later date.

The subject land is currently vacant, was previously owned by Canadian National Railway (CN), and a service station that was on the subject lands has been removed. The proposed change in zoning would permit 17 townhouse dwelling units within three blocks on an internal access drive. The townhouses would have attached garages except for a small number of units with detached garages. The townhouse units in Block 2 are proposed to have courtyards between the individual dwelling units and the garages.

The modified zoning would permit a number of variances that are required to develop the property in accordance with the submitted preliminary site plan (see Appendix “B”). The variances are mostly the result of the irregular shape of the subject lands, and the unique design of the townhouse dwellings, particularly the units in Block 2. These variances include:

- reduced front and side yard setbacks;
- reduced visitor parking spaces;

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- parking spaces being located adjacent to access drives;
- privacy areas consisting of courtyards; and,
- detached garages being located in the front yard.

These variances can be supported as they are minor in nature, are necessary for the development of the subject lands, and would not result in any impacts on neighbouring properties.

The proposed change in zoning has merit as it complies with the residential policies of the Official Plan. The principle of multiple residential development on the subject property was established in the previous zoning application (ZAC-97-15), which rezoned the property from “K” (Heavy Industry, Etc.) District to “L-mr-1” (Planned Development – Multiple Residential) District. This brought the zoning of the subject land into conformity with the “Residential” Official Plan designation. The proposed townhouse development contributes to a variety of housing styles and densities in the Strathcona Neighbourhood. The proposal would also provide a transition between the industrial properties to the north and the lower density residential development to the south and west.

The previous use of the subject property was a service station, and the subject properties proximity to industry and a rail yard result in potential impacts from noise and contamination. A Record of Site Condition (RSC) and noise study are therefore required. A noise study has been submitted and is currently under review. Decommissioning of the service station and remediation of the property has occurred but a Record of Site Condition is still required to ensure the property can safely be utilised for residential development. The “RT-20” District is subject to site plan control. Final approval of the noise assessment, submission and acknowledgement of a signed RSC, and severance of the subject property will be conditions of approval of the site plan control application. Therefore a holding provision is not required.

BACKGROUND:

Proposal

The application is for a change in zoning from “L-mr-1” (Planned Development – Multiple Residential) District to “RT-20” (Townhouse - Maisonette) District, Modified to permit the development of the subject lands for 17 (seventeen) townhouse dwelling units within three blocks (see Appendix “B”). Access to the individual units will be provided via an internal private drive. Parking will be accommodated in attached garages and in a small number of detached garages associated with townhouse block 2 (see Appendix “B”). In addition to the proposed change in zoning the applicant has requested a number of variances to develop the subject property in accordance with the preliminary site plan. These include reduced setbacks, visitor parking, accessory buildings in the front yards, courtyards for privacy areas and reduced driveway lengths.

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Zoning Application ZAC-97-15

Council approved Zoning Application ZAC-97-15 in June, 1997. The property was rezoned from “K” (Heavy Industry, Etc.) District to “L-mr-1” (Planned Development – Multiple Residential) District. This established the principle of future multiple residential development on the subject lands. Under the “L-mr-1” District provisions, the subject property could only be rezoned to a “RT” district that permit townhouses, or the “DE” Districts and “E-2” District that permit multiple dwellings. The rezoning of the property to “L-mr-1” (Planned Development – Multiple Residential) District was a condition of approval of Consent Application B-96:08. The change in zoning to a residential district brought the subject property into conformity with the “Residential” Official Plan designation of the subject lands.

Consent Application B-96:08

The Committee of Adjustment approved Consent Application B-96:08 in November, 1996. The application was to sever a 0.98 ha property from the larger holdings of Canadian National Railway to the north and east. The applicants indicated that the future use of the property was for residential development and the application was approved conditional upon a Zoning By-law amendment to rezone the severed lands to an appropriate residential district. The approval was appealed to the Ontario Municipal Board (OMB) by the applicants as they felt that completing a rezoning application within one year was too onerous. Upon submission of zoning application ZAC-97-15 in April, 1997 the condition of approval of Consent Application B-96:08 was amended to specify that the lands be rezoned to “L-mr-1” (Planned Development – Multiple Residential) District. The OMB hearing was adjourned as the zoning application was completed within one year of approval of the consent application. The consent was finalized in September, 1997.

Applicant

1251239 Ontario Incorporated (c/o Mitchell Fasken), owner.

LOT SIZE AND AREA:

The subject lands have:

- A frontage of 77m;
- A maximum depth of 95m; and,
- A lot area of approximately 8,094 m² (.81 ha)

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EXISTING LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
<u>Subject Lands</u>	Vacant	"L-mr-1" (Planned Development – Multiple Residential) District.
<u>Surrounding Land Uses</u>		
North	Industrial property and railway yard	"K" (Heavy Industry, Etc.) District.
East	Industrial property	"K" (Heavy Industry, Etc.) District.
South	Single and two family dwellings	"D" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District.
West	Single and two family dwellings (under construction)	"D" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

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. There are no financial or staffing implications related to the proposed change in zoning.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The proposal has sufficient regard to the Provincial Policy Statement (PPS). The proposal is within an established urban area and the proper redevelopment and intensification of underutilised properties is supported by the PPS. The PPS also encourages residential intensification to create new housing units and encourages housing forms and densities designed to be affordable to a broad range of incomes. The proposal meets the intent of these policies. However, the PPS also requires that sensitive land uses be buffered from major facilities and that contaminated sites are restored as conditions of development approval.

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Region of Hamilton-Wentworth Official Plan

The subject lands are designated “Urban” in the Region of Hamilton-Wentworth Official Plan. The Regional Official Plan requires that contaminated sites be remediated as a condition of development approval. Subject to confirmation that the subject property is not contaminated or that any contamination has been remediated, the proposal does not conflict with the policies of the Region of Hamilton-Wentworth Official Plan (2000).

City of Hamilton Official Plan

The subject property is designated “Residential” on Schedule ‘A’ – Land Use Concept of the City of Hamilton Official Plan. The following policies of the City of Hamilton Official Plan apply:

- “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.

- A.2.1.13 Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services.

- A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:
 - i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
 - ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.

- A.2.1.15 Prior to the approval of RESIDENTIAL development adjacent to railway rights of way, Council will have regard for the requirements of Subsections B.3.5, C.2 and C.9.

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B.3.5.2 Council recognizes the concern of the railway companies with regards to the potential incompatibility between major residential and institutional development and redevelopments adjacent to RAILWAY rights-of-way. In this regard, such development will be subject to the provisions of Subsections A.2.1, C.2.4 and C.9.

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

- i) Provision and maintenance of adequate off-street parking;
- iii) Improvement and maintenance of street landscaping;
- vii) The maintenance of adequate separation distances and the placement of buffering features between RESIDENTIAL and Industrial Uses.

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

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 needs of present and future residents. Accordingly, Council will:

- iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure 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;
- 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;
- vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be “affordable” to Hamilton residents;

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- ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents.”

The proposed change in zoning complies with the intent of the Official Plan.

Neighbourhood Plan

The subject lands are designated “Park & Recreational” and “Open Space” in the approved Strathcona Neighbourhood Plan. The proposal does not comply with the Plan. Approval of this application would necessitate the redesignation of the subject lands to “Attached Housing”.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

- The Planning and Development Department (Development Engineering) have no comments or objections to the proposed change in zoning.
- The Planning and Development Department (Building and Licensing Division) have advised that:

- “1. The applicant is requesting that a portion of the lands, presently zoned “L-mr-1”, be rezoned to “RT-20”. The “RT-20” District permits townhouse dwellings.

Section 3.(9) of By-law 6593 states that a building may be erected within one or more districts applicable to the lot where the use is permitted in each of the districts.

As a townhouse dwelling is only permitted in the “RT-20” District and not in the “L-mr-1” District, the use would not be permitted.

If the area to remain, zoned “L-mr-1” is severed from the portion zoned “RT-20”, then the use would be permitted.

I have reviewed compliance with the Zoning By-Law as if the “RT-20” section is a separate lot.

2. The maximum height permitted is three (3) storeys and 11m. The applicant is proposed a height of two (2) storeys; however, the actual height of the townhouse dwelling has not been provided. As such, compliance cannot be determined.

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3. Front Yard

Barton Street East has been considered the front lot line. The “RT-20” District states that where a yard abuts a street, a depth of not less than 6.0m (19.69’) shall be provided from the street line. The setback of 2.4m for Block 1 does not conform. Additionally, although a dimension has not been provided for the setback of Block 3 from the street line, it does not appear to conform.

East Side Yard

A minimum width of 6.0m (19.69’) is required as Block 3 has windows or habitable rooms facing this yard. A width of 12.25m has been provided, which complies.

Compliance for Block 2 (Units 7 – 14) cannot be determined as it is unclear whether Unit 14 has windows of habitable rooms along the east side of this unit. The proposed depth of 3.68m will comply if no windows are provided. However, if habitable rooms with windows are along this side of the building, a minimum width of 6.0m shall be provided.

West Side Yard

A minimum width of 6.0m (19.69’) is required as Block 1 has windows of habitable rooms facing this yard. A width of 8.20m has been provided, which complies.

The proposed 2.4m side yard width for Block 2 (Units 7 – 14) does not conform to the minimum 3.0m requirement. If there are windows of habitable rooms along Unit 7, an increased setback of 6.0m (19.69’) is required.

4. As plans have not been submitted showing the elevation of all blocks, this Department cannot confirm compliance with the following regulations. Further, the site plan does not provide setbacks between blocks which should be shown.

Distance Between Buildings

In an “RT-20” District, there shall be provided and maintained within the district where there is more than one building on a lot,

- (a) a distance not less than 3.5m (11.48’) between two exterior walls containing no window or windows; (79-288) (80-049)

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- (b) a distance not less than 9.0m (29.53') between two exterior walls, one or which contains at least one window to a habitable room; (79-288) (80-049)
- (c) a distance of not less than 15.0m (49.21') between two exterior walls each of which contains at least one window to a habitable room. (79-288) (80-049)

5. A lot depth of 30m (98.43') shall be provided. The site plan does not show the lot depth.

The proposed lot area of 6902.27m² complies with the 3910 m² requirement.

A lot width of 23m (75.46') is required. Although the dimension has not been shown, the lot appears to exceed this requirement. This dimension should be clarified.

6. A privacy area, screened on two sides by a screen 1.2m to 2.0m in height and having a depth not less than 2.5m (8.20'), shall be provided. Details of the privacy area for each single family dwelling unit has not been provided to determine compliance.

7. Parking

- (i) A total of twenty-three (23) parking spaces are required for the seventeen (17) townhouse dwellings.

$$17 \times 1.3 = 22.1 \rightarrow 23 \text{ parking spaces}$$

Of those, six (6) of the twenty-three (23) are required for visitor parking, complete with signage indicating these spaces are maintained for the exclusive use for visitors.

Although the site plan indicates that seven (7) visitor spaces have been provided, only five (5) spaces are shown on the site plan which does not comply.

- (ii) The manoeuvring space/aisle width of 6.0m conforms as does the 8.75m access driveway.
- (iii) The required parking spaces shall be 2.7m wide and 6.0m long. The proposed visitors spaces, being 2.75m wide by 5.5m long, do not comply.

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Additionally, the size of spaces within the attached double car garage do not comply as a length of 5.79m (18') is provided. Please note that the width of 5.49m (19') complies for two (2) car widths (2.7m x 2 = 5.4m required).

It appears that the size of the single car garage 2.74m (9') x 6.1m (20') complies.

- (iv) Pursuant to Section 18A.(29), where a parking space for a townhouse dwelling is covered and attached to or enclosed within a dwelling unit, the entrance to the parking space shall be located not less than 6.0m from the entrance to the individual driveway.

The driveways to Units 1 to 6 and 15 to 17 conform. The driveways to Units 7 to 14 do not conform although driveway lengths have not been provided. It appears that Unit 10 may have the required driveway length; however, this dimension should be verified.

- (v) A 1.5m planting strip, as defined, together with a 1.2m to 2.0m visual barrier is to be provided for that portion of the parking area abutting the residential "D" District to the west. The setback to the west property line, together with planting strip and visual barrier, has not been shown.

Additionally, the parking area cannot be located in the required 6.0m front yard. The parking areas for Units 1 to 17 are in the required front yard.

8. The designer shall ensure that the fire access route conforms to the Ontario Building Code."
- The Transportation, Operations and Environment Department (Roads and Traffic Division) have no comments pertaining to the zoning application but have advised of a number of issues that can be addressed through the Site Plan Control Application.

CITY STRATEGIC COMMITMENT:

The proposed change in zoning is consistent with the City of Hamilton Strategic Plan that amongst other priorities supports sustainable development in accordance with the goal of contributing to a balanced community. Providing diverse housing options in all neighbourhoods of the city would meet the strategic goal of making Hamilton a great city in which to live.

The proposed change in zoning would not have any negative social, health, or environmental impacts. The environmental remediation that has occurred on the

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property and the future landscaping associated with the townhouse development will serve to rehabilitate an underused industrial property. The proposal meets the goals of Vision 2020 in that the proposal does not contribute to urban sprawl and promotes development in the core.

COMMENTS:

1. The proposed change in zoning complies with the intent of Official Plan.
2. The subject lands are designated “Park & Recreational” and “Open Space” in the approved Strathcona Neighbourhood Plan. The proposal does not comply with the Plan. Approval of this application would necessitate the redesignation of the subject lands to “Attached Housing”. This redesignation would be consistent with the “Residential” Official Plan designation of the subject property and the current and proposed zoning of the subject property. The neighbourhood plan was not redesignated through zoning application ZAC-97-15 in 1997 as the type of multiple-residential development (i.e. townhouses or apartments) on the subject property was not known at that time.
3. In addition to the proposed change in zoning, the following special provisions are included in the implementing By-law:
 - A minimum front yard depth of 2.4 m shall be provided for the townhouse units in Block 1;
 - A minimum side yard depth of 2.4 m shall be provided for the townhouse units in Block 2;
 - The required privacy areas for the townhouse units in Block 2 will be provided in a courtyard;
 - Five visitor parking spaces shall be provided;
 - The entrances for the parking spaces for the townhouse units in Block 2 will be located a minimum of 0.5 metres from the entrances to the individual driveways; and,
 - The detached accessory garages for the townhouse units in Block 2 will be permitted in the front of the dwelling unit.

The above noted variances are the result of the irregular shape of the subject property and were identified from the preliminary site plan submitted with the zoning application (see Appendix “B”). A chart comparing the existing zoning requirements and requested variances is provided in Appendix “C”. A review of the planning merits and recommendation of the requested variances is also provided in Appendix “C”. The Building and Licensing Division have also identified that deficient parking space sizes are being shown for the double garages. A minor design change could accommodate conforming parking and as such, this variance is not required.

4. The proposed change in zoning can be supported for the following reasons:

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- i) The proposed change in zoning is consistent with and implements the “Residential” designation in the Official Plan.
 - ii) The principle of multiple residential development for the subject property was established through the previous rezoning of the subject property to “L-mr-1” (Planned Development – Multiple Residential) District. It was determined that multiple-family residential uses would be suitable at this location.
 - iii) The Official Plan promotes and encourages a variety of housing styles, types and densities in all residential areas of the City. In addition, a range of new dwellings that are affordable to all residents is also encouraged. The proposed townhouse development would provide this range of housing options.
 - iv) The location of the proposed townhouse development on the periphery of the neighbourhood would implement the Official Plan policy that residential types not be mixed indiscriminately, but arranged in a gradation. The subject property is located adjacent to industrial property on the north and east and is located on an arterial road.
 - v) The proposed townhouses are a redevelopment of a former industrial property. The Official Plan encourages residential development in place of non-residential uses that has regard to setbacks, coverage, vegetation, and overview. The proposed townhouse units would be setback from any industrial uses by a steep wooded slope and landscaping provided through the Site Plan Control process would serve to buffer the townhouses from residences to the west. In addition, the property is located close to outdoor recreational areas (Dundurn Park), public transit, and commercial areas.
5. The Zoning By-law permits buildings to be erected on a property that contains more than one district only when the use is permitted in both districts. Townhouses are permitted in the “RT-20” (Townhouse – Maisonette) District, but not the “L-mr-1” (Planned Development – Multiple Residential) District. As such, the west portion of the property subject to the zoning application will be required to be severed from the portion of the property that is to remain “L-mr-1” District as a condition of Site Plan Control approval.
6. Prior to final approval of any residential development of the subject property, the applicants must submit a signed Record of Site Condition (RSC) to the satisfaction of the Planning and Development Department and the Ministry of the Environment (MOE). Two phases of environmental remediation have been completed but a formal RSC has not yet been submitted. In addition, a noise study was submitted to the Department that is still under review. The study

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concluded that the existing industrial facilities do not emit sound levels in excess of MOE guidelines but that a number of recommendations pertaining to warning clauses, building materials, and townhouse design be implemented.

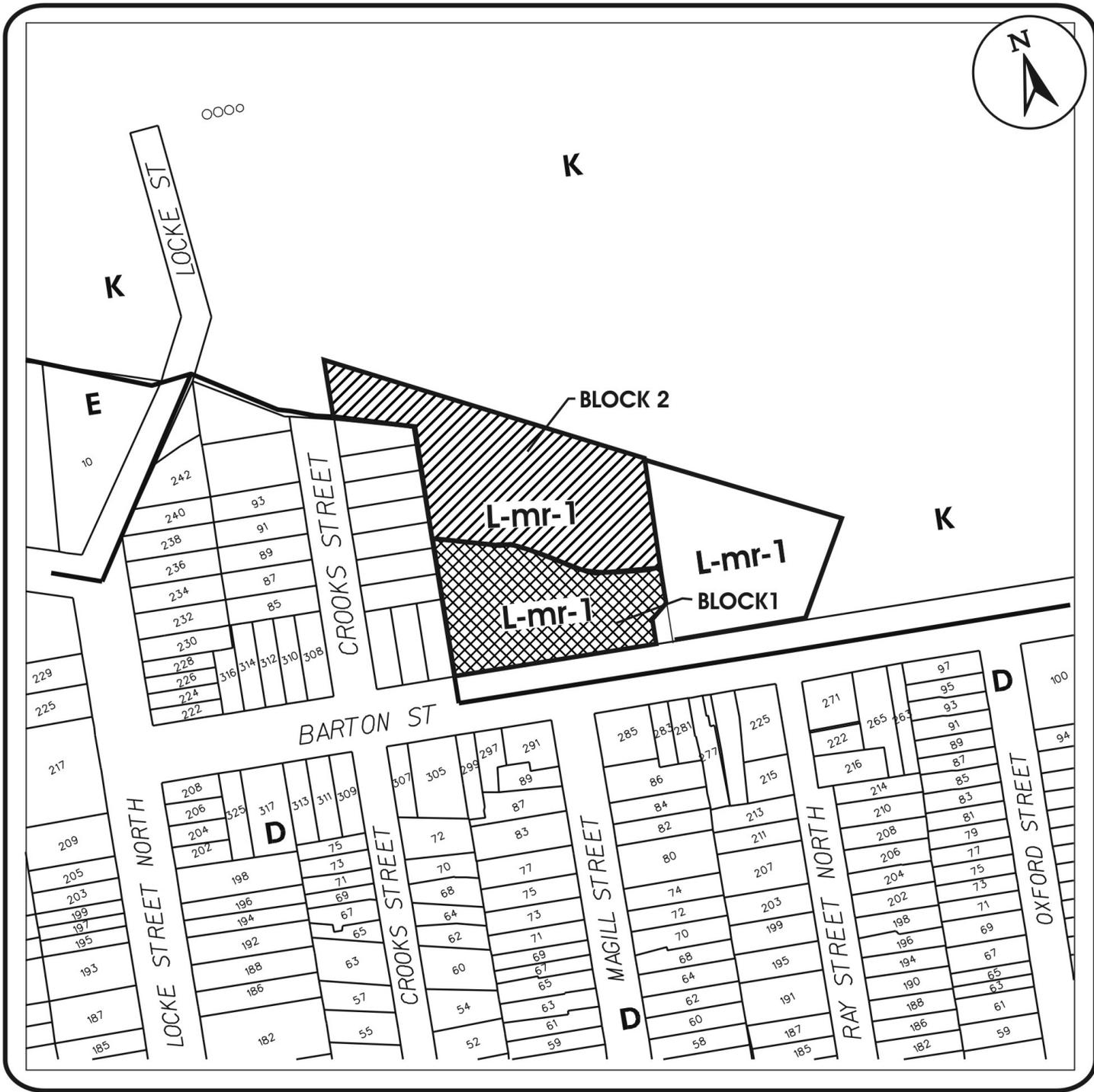
The “RT-20” (Townhouse – Maisonette) District is subject to Site Plan Control. As the principle for residential development on the subject property has already been established, environmental remediation undertaken, and a noise study submitted but not yet approved, a holding provision is not necessary. Submission of a signed RSC, approval of the noise study (and incorporation of its recommendations) can be accommodated through conditions of approval of a Site Plan Control Application.

CONCLUSION:

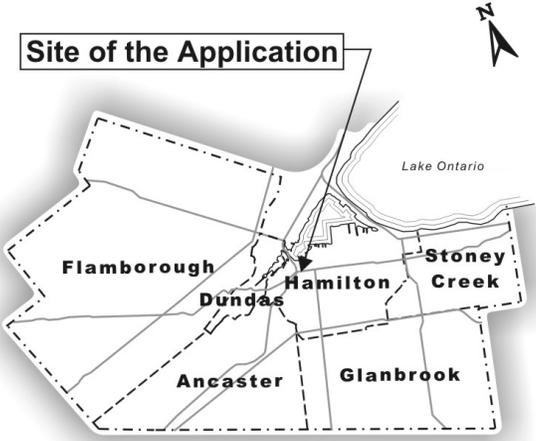
Based on the foregoing, the application can be supported.

:GM

Attachs. (3)



Site of the Application



CITY OF HAMILTON
PLANNING AND DEVELOPMENT DEPARTMENT

Location Map



Subject Property
Block 1- Change in zoning from "L-mr-1"
(Planned Development- Multiple Residential) District to "RT-20"
(Townhouse - Maisonette) District, Modified



Block 2- Change in zoning from "L-mr-1"
(Planned Development- Multiple Residential) District to "RT-20"
(Townhouse - Maisonette) District, Modified

Filename/number
ZAC-02-37

Date
August 14, 2002

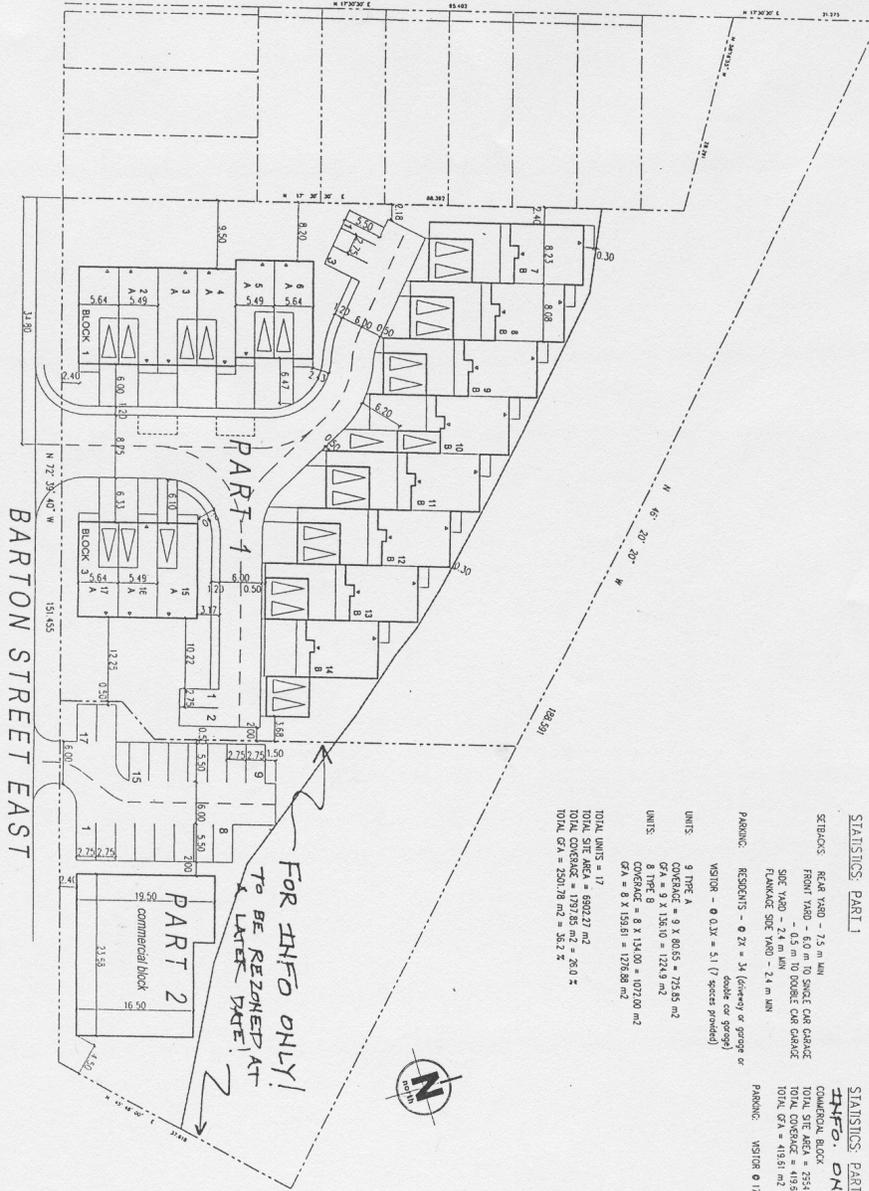
Technician:
NM

Map Not to Scale

Appendix "A"

City of Hamilton

CROOKS STREET



FOR INFO ONLY!
TO BE REZONED AT
A LATER DATE!

STATISTICS PART 1

SETEBACKS REAR YARD - 7.5 m MIN
FRONT YARD - 6.0 m TO SINGLE CAR GARAGE
SIDE YARD - 2.4 m MIN
FLANKING SIDE YARD - 2.4 m MIN
PARKING RESIDENTS - 0.2x = 34 (Covered or garage or double car garage)
VISITOR - 0.1x = 51 (Covered or garage)
UNITS 9 TYPE A
COVERABLE = 9 X 80.65 = 725.85 m²
GFA = 9 X 136.10 = 1224.9 m²
UNITS 9 TYPE B
COVERABLE = 8 X 134.00 = 1072.00 m²
GFA = 8 X 159.51 = 1276.88 m²
TOTAL UNITS = 17
TOTAL SITE AREA = 3999.27 m²
TOTAL COVERABLE = 1797.85 m²
TOTAL GFA = 2501.78 m² = 36.3 %

STATISTICS PART 2

COMMERCIAL BLOCK
TOTAL SITE AREA = 2534 m²
TOTAL COVERABLE = 195.51 m² = 7.7 %
TOTAL GFA = 195.51 m² = 7.7 %
PARKING VISITOR 0.17

BARTON STREET EAST

APPENDIX "B"
TO REPORT P002188

Appendix “C” to Report PD02188

Zoning Attribute	Zoning Requirement	Requested Variance	Planning Comments
Front yard depth	6.0m	2.4m (Block 1)	The proposed setback is consistent with the existing setback of dwellings on the south side of Barton Street West and can be supported.
West side yard depth	3.0m (where there are no windows of habitable rooms).	2.4m (Block 2)	The proposed variance for a 0.6m deficient side yard is minor in nature, would not impact adjacent properties as no side windows are proposed and can be supported.
Privacy area	Privacy areas are required that are screened on two sides by a 1.2m to 2.0m high screen.	The privacy areas will be courtyards in the front yard screened by the dwelling units and garages (Block 2)	The proposed courtyards meet the intent of the By-law in that a screened privacy area is being provided. Due to the irregular shape of the property, the variance is necessary for appropriate development.
Visitor parking spaces	7 visitor parking spaces	5 visitor parking spaces	The townhouse units in Block 2 have double garages and the remaining units have single garages. The Traffic Division has no objection to the proposed reduction in parking, therefore the variance can be supported.
Driveway length	6.0m	0.5m (Block 2)	The 8.5m wide internal driveway would provide sufficient manoeuvring space for the units with double garages. The proposed variance would not adversely effect neighbouring lands. The Traffic Division has no objection to the proposed variance and therefore it can be supported.
Location of accessory buildings	Permitted in rear yard only	Front yard (Block 2)	The garages for Block 2 are proposed to be detached from the dwelling units and provided in the front yard. This would not impact neighbouring lands and is appropriate for the desirable development of the land and therefore can be supported.