CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

<table>
<thead>
<tr>
<th>TO:</th>
<th>Chair and Members Planning Committee</th>
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<tbody>
<tr>
<td>WARD(S) AFFECTED:</td>
<td>WARD 15</td>
</tr>
</tbody>
</table>

| COMMITTEE DATE: | June 18, 2013 |

| SUBJECT/REPORT NO: | Application for Amendment to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 99 Wellington Street (Flamborough) (PED13092) (Ward 15) |

| SUBMITTED BY: | Tim McCabe General Manager Planning and Economic Development Department |
| PREPARED BY: | Daniel Barnett (905) 546-2424 Ext. 4445 |

| SIGNATURE: | |

| RECOMMENDATION | |

That approval be given to **Zoning Application ZAR-12-038, by Maureen Laughlin**, for a change in zoning from the Urban Residential (Single Detached) “R1-5” Zone, to the Urban Residential (Single Detached) “R1-61” Zone, with a Special Exception, to facilitate the severance of an existing corner lot for the creation of one additional single detached residential lot, on lands located at 99 Wellington Street (Flamborough), as shown on Appendix “A” to Report PED13092, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED13092, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the amending By-law be added to Section 6 of Zoning By-law No 90-145-Z as “R1-61”.

Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
EXECUTIVE SUMMARY

The purpose of this application is for a change of zoning to facilitate a condition of severance required through approval of Application FL/B-12:92, which sought to subdivide the existing lot in order to create one additional lot for a new single detached residential dwelling (see Appendix “D”).

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement, and conforms to the Places to Grow Plan, the Hamilton-Wentworth Official Plan, and the Town of Flamborough Official Plan. The proposed rezoning is considered to be compatible with the existing development in the surrounding area.

In order to recognize the existing dwelling, and to permit the establishment of a new dwelling on the lands to be severed from the rear of the subject lands, staff is establishing a site-specific Residential “R1” Zone to recognize the legal non-conforming interior side yard and exterior side yard of the existing dwelling, to decrease the minimum lot area requirement, and to increase the lot coverage of the lands to be severed.

Alternatives for Consideration - See Page 13.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: None.

Staffing: None.

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.

HISTORICAL BACKGROUND (Chronology of events)

Severance Applications FL/B-11:107 and FL/B-12:92:

On November 30, 2011, the applicant submitted an application for severance (FL/B-11:107) in order to divide the lands located at 99 Wellington Street into two lots for single detached dwellings (see Appendix “D”). Through the review of the severance application, it was noted that the proposed lots would not comply with the site-specific Urban Residential (Single Detached) “R1-5” Zone with respect to lot area for both the lands to be severed and lands to be retained, and lot frontage for the lands to be severed. As a consequence, given the nature and scale of the required modifications to the existing standards, and as the proposal is to establish residential lots, staff required, as a condition of consent approval, that the applicant apply for and receive formal
approval of an application for rezoning. On January 12, 2012, the Committee of Adjustment approved the severance application subject to the requested conditions, which included among others, that the applicant apply for and receive rezoning approval (see Appendix “G” - Condition 4).

However, the conditions of severance approval must be satisfied within 1 year of approval, and the application for rezoning was not submitted until the end of September 2012, which left insufficient time to process the rezoning application and finalize the application within the 1 year time limit. As such, on November 9, 2012, the applicant resubmitted a new severance application (FL/B-12:92) identical to the previous severance in order to establish a new 1 year time limit. The severance application was approved by the Committee of Adjustment on December 13, 2012, and was once again subject to the requested conditions, which included among others, that the applicant receive final approval of the Zoning Application (see Appendix “C” - Condition 5).

Proposal:

The subject property is zoned Urban Residential (Single Detached) “R1-5” Zone. The subject property is located at the northeast corner of Wellington Street and Churchill Avenue. The lands to be conveyed will have a lot frontage of 21.34m on Churchill Avenue and a lot area of 487.8 sq. m., and the lands to be retained will have a lot frontage of 22.86m on Wellington Street and a lot area of 721 sq. m. (see Appendix “D”).

The site-specific modifications for the interior side yard and exterior side yard for the lands to be retained are required to recognize the existing dwelling, and will only apply to the dwelling existing on the date of the passing of the By-law. Any future dwelling or addition to said dwelling will be required to meet the setback requirements of the “R1” Zone.

Finally, as the lands to be severed will not meet the minimum lot area requirement of 665 sq. m. that is required in the “R1” Zoning, a site-specific modification to reduce the lot area is required. In order to facilitate the building envelope proposed by the applicant, a site-specific modification to increase the lot coverage from 25% to 31% has been requested.

Chronology:

November 30, 2011: The applicant applied for a severance application (FL/B-11:107) to subdivide the property at 99 Wellington Street in order to create 1 additional single detached residential dwelling lot fronting on Churchill Avenue.
January 12, 2012: Severance Application FL/B-11:107 was approved by the Committee of Adjustment, subject to conditions, including approval of rezoning.

September 25, 2012: The applicant applied for a rezoning application to facilitate the condition of severance approval.

October 19, 2012: The application for rezoning was deemed to be complete.

October 26, 2012: Notice of Complete Application was mailed to all residents within 120m of the subject property.

November 5, 2012: The Public Notice sign was posted on the subject property.

November 9, 2012: The applicant re-applied for severance (FL/B-12:92) to divide the property at 99 Wellington Street in order to create 1 additional single detached residential dwelling lot because the applicant determined that they would not be able to satisfy all of the conditions of Application FL/B-11:107 within the prescribed 1 year time period.

December 13, 2012: The new severance application was approved by the Committee of Adjustment, subject to conditions, including a condition of rezoning.

April 26, 2013: Notice of Public Meeting was mailed to all residents within 120m of the subject property.

Details of Submitted Application:

Location: 99 Wellington Street (Flamborough)

Owner: Maureen Laughlin

Applicant: Maureen Laughlin

Property Description: Frontage: 22.86m
Lot Depth: 52.88m
Area: 1,208.9 sq. m.
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Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork

EXISTING LAND USE AND ZONING:

<table>
<thead>
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<th>Subject Lands:</th>
<th>Existing Land Use</th>
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<tr>
<td>Residential Dwelling</td>
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Surrounding Lands:

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<tr>
<td>Residential Dwelling</td>
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POLICY IMPLICATIONS

Provincial Policy Statement:

The application has been reviewed with respect to the Provincial Policy Statement (PPS) policies that contribute to the development of healthy, liveable, and safe communities, as contained in Section 1.1.1. The subject lands are considered to be within a Settlement Area, as defined by the PPS. As such, the application is consistent with Policy 1.1.3.1 with respect to focusing growth and regeneration within existing Settlement Areas. As the proposal is to facilitate a severance for the creation of one additional lot for a single detached residential dwelling within the Urban Area, the proposal is consistent with the Provincial Policy Statement.

Provincial Growth Plan for the Greater Golden Horseshoe:

The application has been reviewed with respect to the Provincial Growth Plan for the Greater Golden Horseshoe (Places to Grow). The application conforms with the policies that manage growth within the built up area, as per the policies contained in Section 2.2.2 of the Places to Grow Plan.
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Hamilton-Wentworth Official Plan:

The subject property is designated “Urban Area” in the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban uses, determined through Area municipal Official Plans and based on full municipal services, will be concentrated in the Urban Area. Policy 3.1.1 encourages compact, mixed-use to ensure people are close to shopping and their workplace, and that growth can be accommodated within the existing Urban Area.

As the proposal is to facilitate a severance for the creation of one additional lot for a single detached residential dwelling within the “Urban Area”, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

Town of Flamborough Official Plan:

The subject property is designated “Urban Residential” in the Town of Flamborough Official Plan, which permits:

“A.2.1 The uses permitted in areas designated as “Urban Residential” on Schedule ‘A’, shall be detached and semi-detached single dwellings; low to medium density linked multiple unit dwellings; apartment units; converted dwellings; quadruplex dwellings; shared accommodation; rooming and boarding house; and other suitable forms of dwellings.”

The proposal is to establish 1 additional lot for the creation of a new single detached dwelling, which conforms to Policy A.2.1 of the Town of Flamborough Official Plan.

“A.2 Objectives:

- To ensure that new Urban Residential development or redevelopment is compatible with the existing and proposed development.”

The above objectives are to be achieved through satisfying, in particular, the following policies:

“E.3.2.1 Residential Intensification involves the creation of additional housing units, generally in existing areas. Intensification may include conversion and the creation of additional units, infilling, redevelopment, and temporary mobile dwellings, which are defined as follows:

ii) Infilling is the use of vacant land for new residential development either by adding a new unit to an individual site or on newly created lots or sites, predominately in built-up areas.”
As the proposal is to facilitate the creation of one additional residential lot within the built-up area, the proposal would be considered residential intensification in the form of infill development.

The following policy provides the context in which to assess the appropriateness of the proposed development:

“E.3.2.4 Infilling, as defined in Section E.3.2, may be permitted on lands designated Settlement Residential and in the Urban Area, subject to consideration of the following, where applicable:

i) As a concept and guideline for the consideration of infilling and applications in the Urban Area, compatibly means mutually tolerant and capable of existing together in harmony in the same area. Compatibility should not be narrowly interpreted to mean “the same as” or even as “being similar to”. In the final analysis, the goal of this policy is to allow for intensification which does not cause an unacceptable impact upon the existing neighbourhood.”

The proposal is required to facilitate an additional dwelling unit that, subject to the recommended performance standards, would be mutually tolerant and exist in harmony with the character of the area, in general, and the lot fabric and scale of units within the area, in particular.

“ii) When considering infilling development, regard will be had to the following criteria to determine the compatibility of the proposal:

   a. Lot size, building setback, density, and the height and mass of buildings in the surrounding area;

   b. Impact on the existing streetscape and landscape, and opportunities to maintain and/or enhance the existing streetscape.”

As the proposal is to create one additional lot for a single detached residential dwelling, and the lands to be severed and lands to be retained will have a lot frontages similar in size to the other lots along Churchill Avenue between Parkside Drive and Elgin Street, the proposed development is considered to satisfy the policies of the Town of Flamborough Official Plan. The proposal will maintain a compatible lot size, building setback, density, and height to that of the surrounding area and will maintain the existing streetscape character. Therefore, the proposal conforms to the policies of the Town of Flamborough Official Plan.
New Urban Hamilton Official Plan (Under Appeal):

The Urban Hamilton Official Plan received Ministerial Approval from the Ministry of Municipal Affairs and Housing on March 16, 2011, and is currently under appeal.

The subject property is designated as “Neighbourhoods” in the New Urban Hamilton Official Plan.

“E.3.2.1 Areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities, as well as supporting uses intended to serve the local residents.

E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 - Urban Land Use Designations:

a) Residential dwellings, including second dwelling units and housing with supports.”

As the proposal is to facilitate the creation of one additional single detached residential lot, the proposal conforms to Policy E.3.2.3.

“E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood, in accordance with Section B.2.4 - Residential Intensification and other applicable policies of this Plan.”

The proposed lands to be severed and lands to be retained will be similar in size and scale to other residential lots in the neighbourhood on, or adjacent to, Churchill Avenue, the proposed lots will enhance and be compatible to the scale and character of the existing residential neighbourhood and, as such, the proposal conforms to the policies of the Urban Hamilton Official Plan.

“F.1.14.3.1 Consents for new lot creation, for both the severed and retained lands, for residential uses in the Neighbourhoods designation shown on Map E-1 - Urban Land Use Designation, shall be permitted, provided the following conditions are met:

d) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy, and overview;
e) The lots are fully serviced by municipal water and wastewater systems; and,

f) The lots have frontage on a public road.”

Based on the foregoing, the proposed lots will enhance and be compatible to the scale and character of the residential neighbourhood and, as the properties will have full municipal services and frontage on a public road, the proposal would conform to Policy F.1.14.3.1 of the Urban Hamilton Official Plan.

### RELEVANT CONSULTATION

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

- Taxation Division, Corporate Services Department.
- Hamilton Municipal Parking System.

**Traffic Engineering and Operations Section (Public Works Department):**

Separate access is required for the retained and severed lands, and an Access Permit will be required for any new or change in access.

**Operations and Waste Management Division (Public Works Department):**

Operations and Waste Management staff notes that “Residential” developments are eligible for weekly collection of garbage, organic recyclable material, and leaf and yard waste through the City of Hamilton, subject to compliance with specifications indicated by the Waste Management Division, and subject to compliance with the City’s Solid Waste Management By-law 09-067.

**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 a Consent Application, which was conditionally approved by the Committee of Adjustment on January 12, 2012 (see Appendix “G” - Condition 4). No objections to the proposed severance were made, either in writing or in person, with respect to the severance application. Therefore, preliminary circulation was not required, however, notice of complete application was circulated to 70 property owners within 120m of the subject lands, in October 2012, and
a Public Notice Sign was also posted on the subject lands at that time. In response to the Public Notice Sign, a new resident to the neighbourhood made representation in respect to the rezoning application and expressed concerns with respect to the height of the proposed dwelling and the resulting loss of privacy. These issues have been addressed in the Analysis/Rationale for Recommendation section of this Report.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

(include Performance Measurement/Benchmarking Data, if applicable)

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 Places to Grow Plan, Hamilton-Wentworth Official Plan, Town of Flamborough Official Plan, and New Urban Hamilton Official Plan.

   ii) It is compatible with the type and form of development in the surrounding neighbourhood.

   iii) It implements a condition of approval for related Severance Application (FL/B-12:92) (see Appendix "C" - Condition 5).

2. The subject property is located at the northwest corner of Wellington Street and Churchill Avenue. There is an existing dwelling on the subject property (see Appendix “D”), which necessitates the following By-law modifications.

   **Requested By-law Modifications (Lands to be Retained):**

<table>
<thead>
<tr>
<th>Urban Residential Standard “R1” Zone:</th>
<th>Recommended Site-Specific “R1-61” Zone:</th>
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<tbody>
<tr>
<td>(Single Detached) &quot;R1-5&quot;:</td>
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<tr>
<td>i) Interior Side Yard Setback: 1.2m (minimum)</td>
<td>i) Interior Side Yard Setback: 1.2m (minimum)</td>
</tr>
<tr>
<td>ii) Exterior Side Yard Setback: 7.5m (minimum)</td>
<td>ii) Exterior Side Yard Setback: 7.5m (minimum)</td>
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<tr>
<td>iii) Interior Side Yard Setback: 0.6m (minimum)</td>
<td>iii) Exterior Side Yard Setback: 3.6m (minimum)</td>
</tr>
</tbody>
</table>

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The site-specific modifications to the “R1-61” Zone (lands to be Retained) will be discussed in the following section:

**Interior Side Yard:**

Section 6.2 g) of the Town of Flamborough Zoning By-law 90-145-Z states that a minimum interior side yard setback of 1.2m is required. The intent and purpose of requiring a minimum interior side yard setback of 1.2m is to maintain the streetscape character of the area and to maintain adequate space for access, maintenance, and drainage. The existing dwelling has an interior side yard setback of 0.67m, which will not be changed as a result of the proposed lot creation and, therefore, the existing streetscape character will be maintained, and the existing space for access, maintenance, and drainage will be maintained. The proposed modification is, therefore, to recognize the existing situation. Staff recommends that the proposed modification be applicable only to the dwelling existing on the date of the passing of this By-law, and that any new dwelling in the future be required to maintain the minimum 1.2m side yard setback.

**Exterior Side Yard:**

Section 6.2 h) of the Town of Flamborough Zoning By-law 90-145-Z states that a minimum exterior side yard setback of 7.5m is required. The intent and purpose of requiring a minimum exterior side yard setback of 7.5m is to maintain the streetscape character of the area and to maintain adequate sight lines for traffic. The existing dwelling has an exterior side yard setback of 3.68m, which will not be changed as a result of the proposed lot creation and, therefore, the existing streetscape character and sight line will be maintained. The proposed modification is to recognize the existing situation and can be supported. Staff recommends that the proposed modification be applicable to only the dwelling existing on the date of the passing of this By-law, and that any new dwelling in the future be required to provide the minimum 7.5m side yard setback.

**Requested By-law Modifications (Lands to be Severed):**

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<th>Urban Residential: (Single Detached)</th>
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<th>Recommended Site-Specific “R1-61” Zone:</th>
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<tbody>
<tr>
<td>&quot;R1-5&quot;:</td>
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</tr>
<tr>
<td>i) Lot Area: 975 sq. m. (minimum)</td>
<td>i) Lot Area: 665 sq. m. (minimum)</td>
<td>i) Lot Area: 487 sq. m. (minimum)</td>
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<tr>
<td>iii) Lot Coverage: 25% (maximum)</td>
<td>iii) Lot Coverage: 25% (maximum)</td>
<td>iii) Lot Coverage: 31% (maximum)</td>
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</table>

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The site-specific modifications to the “R1-61” Zone (lands to be Severed) will be discussed in the following section:

Lot Area:

Section 6.2 a) of the Town of Flamborough Zoning By-law 90-145-Z states that a minimum lot area of 665 sq. m. is required. The intent and purpose of requiring a minimum lot area of 665 sq. m. is to maintain the streetscape character of the area and ensure that a suitable size dwelling can be established on-site with adequate parking and amenity space. The subject property is the last large lot on Churchill that has not yet been severed. The proposed lot area of 487 sq. m. for the lands to be severed will be similar in size to the lots at 6, 7, 9, 10, 22, 25, and 26 Churchill Avenue, which have lot areas of 550 sq. m. and, therefore, the proposed lot will maintain the streetscape character of the area. The smaller lot size for the lands to be severed is required for the existing dwelling on the lands to be retained with adequate rear yard amenity space. A smaller lot area for the lands to be severed facilitates a larger lot area for the lands to be retained, which is more in keeping with the character of the lots along Wellington Street which have larger lot frontages and lot areas. The subject property will maintain a ground floor building envelope of 148 sq. m., will maintain 160 sq. m. of rear yard private amenity space, and will provide adequate on-site parking. Therefore, the proposed modification for lot area can be supported.

Lot Coverage:

Section 6.2 d) of the Town of Flamborough Zoning By-law 90-145-Z states that a maximum lot coverage of 25% is permitted. The intent and purpose of restricting the maximum lot coverage to 25% is to maintain the streetscape character of the area and to maintain adequate porous land area for drainage purposes. The applicant is proposing a lot coverage of approximately 31% for the lands to be severed, which is considered to be a minor increase. As the lot will be marginally smaller than that of surrounding properties, and as the proposed increase is for 5.5%, the potential dwelling size will be similar to other dwellings in the neighbourhood and will, therefore, maintain the streetscape character of the area.

3. There are existing municipal watermains and sanitary sewers within both Wellington Street and Churchill Avenue right-of-way that will provide adequate municipal services. As a condition of consent, the owner will be required to enter into and allow to be registered on title, a Consent Agreement with the City of Hamilton to accommodate the grading and drainage of the subject lands (see Appendix “C” - Condition 8). As the existing road allowance on Wellington Street and Churchill Avenue is at the required road width, no additional lands are required for road widening purposes.
4. The subject property meets one of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential, in that the property is within 300m of a primary watercourse or permanent waterbody, 200m of a secondary watercourse or seasonal waterbody, or 300m of a prehistoric watercourse or permanent waterbody. As such, a condition of the Severance Application (FL/B-12:92) requires an Archaeological Assessment to be undertaken and reviewed, to the satisfaction of the Director of Planning (see Appendix “C” - Condition 3).

5. Following the notice of complete application, staff received one letter of objection (see Appendix “F”). The resident’s concerns are in respect to the height of the proposed dwelling and the associated loss of privacy that the dwelling would create. Policy F.1.14.3.1 d) of the Urban Hamilton Official Plan requires that: “new lot creation must reflect the general scale and character of the established development pattern by taking into account lot frontage and area, building height, coverage, mass, setbacks, privacy, and overview.” The applicant is not proposing any modification to the maximum permitted height of 11m. The dwelling on the lands to be severed will be setback a minimum of 7.5m from the property at 107 Wellington Street. This lot line was previously a side lot line and only required a 1.2m setback, therefore, the proposal increases the setback from the property at 107 Wellington Street by 6.3m. With respect to the lands to be retained, the existing dwelling will be retained so the existing height will be maintained and there will be no change with respect to overview. As the proposed development will maintain existing permitted setbacks and building height, and as a visual barrier will be maintained along the northerly property line, adequate privacy will be maintained for the neighbouring property.

ALTERNATIVES FOR CONSIDERATION
(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

If the proposed rezoning application is not approved, the applicant would not be able to finalize Severance Application FL/B-12:92, and could continue to utilize the property for residential purposes in the form of one single detached dwelling.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:

Strategic Priority #2:

Valued & Sustainable Services

WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.
Strategic Objective:

2.2 Improve the City's approach to engaging and informing citizens and stakeholders.

APPENDICES / SCHEDULES

- Appendix “A”: Location Map
- Appendix “B”: Draft By-law and Schedule A Map
- Appendix “C”: Decision for Severance Application FL/B-12:92
- Appendix “D”: Concept/Survey Plan
- Appendix “E”: Staff Comments for Severance Application FL/B-12:92
- Appendix “F”: Letter of Objection
- Appendix “G”: Decision for Severance Application FL/B-11:107

:DB
Attachs. (7)
Location Map

File Name/Number: ZAR-12-038
Date: October 19, 2012
Appendix "A"
Scale: N.T.S.
Planner/Technician: DB/AL
Subject Property

99 Wellington Street
Appendix “B” to Report PED13092 (Page 1 of 3)

Authority: Item Planning Committee Report 13- (PED13092)
CM: 

Bill No. 

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 90-145-Z (Flamborough), as Amended,
Respecting Lands located at 99 Wellington Street, (Flamborough)

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 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 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 of 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 the Council of the City of Hamilton, in adopting Item of Report 13- of the Planning Committee, at its meeting held on the day of , 2013, 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 No. A-31, attached to and forming part of Zoning By-law 90-145-Z (Flamborough), as amended, is hereby further amended by changing the zoning from the “R1-5” Urban Residential (Single Detached) Zone to the “R1-61” Urban Residential (Single Detached) Zone, Modified;
on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That the "R1" (Urban Residential (Single Detached)) District regulations, as contained in Section 6 of Zoning By-law No. 90-145-Z, be modified to include the following special requirements:

   "R1-61” (See Schedule A-31)

   Permitted Uses:

   (a) Subsection 6.1 shall apply.

   Zoning Provisions:

   (a) Minimum interior side yard setback for a dwelling existing on the date of the passing of this By-law being the _____ day of _____, 2013: 0.6m

   (b) Minimum exterior side yard setback for a dwelling existing on the date of the passing of this By-law being the _____ day of _____, 2013: 3.6m

   (d) Lot Area (minimum): 485 sq. m.

   (e) Lot Coverage (maximum): 31%

   (f) All other zone provisions of Sub-section 6.2 shall apply.

3. That 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 _____, 2013.

_________________________________________  ________________________________
R. Bratina                                  Rose Caterini
Mayor                                      Clerk

ZAR-12-038
Schedule "A"

Map Forming Part of By-Law No. 13-

to Amend By-law No. 90-145-Z

Subject Property
99 Wellington Street

Change in Zoning from the Urban Residential (Single Detached) "R1-5" Zone, to the Urban Residential (Single Detached) "R1-61" Zone
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 99 Wellington Street, formerly in the Town of Flambough, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the owner Maureen Grace Laughlin, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a vacant parcel of land, being Part 1 on the attached reference plan 62R-19399, measuring approximately 21.34m along Churchill Street by 22.86m with an area of 481m2 for residential purposes and to retain a parcel of land, being Part 2 on the attached reference plan 62R-19399, measuring approximately 22.86m along Wellington Street by 31.55m with an area of 721m2 containing the existing dwelling known municipally as 99 Wellington Street to be used for residential purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out in paragraph three above, IS APPROVED for the following reasons:

1. The proposal does not conflict with the intent of the Hamilton-Wentworth and Town of Flambough Official Plans.

2. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.

3. The Committee considers the proposal to be in keeping with development in the area.

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/applicant agree to include the following warning clause in the consent/development agreement and in all purchase and sale and/or lease/rental agreements:

“Purchasers/tenants are advised that sound levels due to increasing road and rail traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality's and the Ministry of the Environment's noise criteria.”

3. That the proponent shall carry out an archaeological assessment of the portion of the property to be conveyed and mitigate, through preservation of resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Tourism, Culture and Sport.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Tourism, Culture and Sport (MTCS) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTCS and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8322).
4. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation to the satisfaction of the Planning and Economic Development Department (Building Services Division).

5. The owner shall receive final approval of the Zoning By-law Amendment Application File # ZAR-12-038.

6. The owner shall demolish and/or move all buildings and structures located on the lands to be conveyed to the satisfaction of the Planning and Economic Development Department (Building Services Division). May be subject to a demolition permit issued in the normal manner. A survey will be required to confirm that the buildings and/or structures (including the above ground pool) have removed from the lands to be conveyed or moved to a location on the lands to be retained in compliance with the zone regulations.

7. The owner shall submit survey evidence that the existing structures located on the lands to be retained conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Services Division).

8. That the Owner enters into, and the City of Hamilton register, a Consent Agreement to deal with issues including, but not limited to: grading and drainage; inspection of grading and services to be installed; and securities for items such as estimated cost of services to be installed, lot grading, driveway approaches, and any damages to the existing City infrastructure or public property during construction.

9. The owner submit to the Committee of Adjustment office an administration fee of $15.30 payable to the City of Hamilton to cover the costs of setting up a new tax account for the newly created lot.

10. The owner shall pay any outstanding penalty taxes and/or all other charges owing to the City Treasurer.

DATED AT HAMILTON this 13th day of December, 2012.

[Signatures]

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS December 20th, 2012.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (December 20th, 2013) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(4)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS January 9th, 2013.

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

NOTE TO BE INCLUDED IN DECISION IF APPROVED:

1. Based on the attached plans and on this application being approved with all conditions being met, the owner/applicant should be made aware that the lands to be conveyed will be assigned the municipal address of 21 Church Street and that the lands to be retained will remain as 99 Wellington Street.
CONSOLIDATION REPORT
SEVERANCES

The attached comments have been reviewed with regard to Committee of Adjustment Severance File FL/B-12:92 (99 Wellington St., Flamborough) and the following is submitted:

Should the Committee grant the severance, an approval should 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/applicant agree to include the following warning clause in the consent/development agreement and in all purchase and sale and/or lease/rental agreements:

   "Purchasers/tenants are advised that sound levels due to increasing road and rail traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality's and the Ministry of the Environment's noise criteria."

3. That the proponent shall carry out an archaeological assessment of the portion of the property to be conveyed and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Tourism, Culture and Sport.

   Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Tourism, Culture and Sport (MTCS) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTCS and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).

4. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation to the satisfaction of the Planning and Economic Development Department (Building Services Division).

5. The owner shall receive final approval of the Zoning By-law Amendment Application File # ZAR-12-038.

6. The owner shall demolish and/or move all buildings and structures located on the lands to be conveyed to the satisfaction of the Planning and Economic Development Department (Building Services Division). May be subject to a demolition permit issued in the normal
manner. A survey will be required to confirm that the buildings and/or structures (including the above ground pool) have removed from the lands to be conveyed or moved to a location on the lands to be retained in compliance with the zone regulations.

7. The owner shall submit survey evidence that the existing structures located on the lands to be retained conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Services Division).

8. That the Owner enters into, and the City of Hamilton register, a Consent Agreement to deal with issues including, but no limited to: grading and drainage; inspection of grading and services to be installed; and securities for items such as estimated cost of services to be installed, lot grading, driveway approaches, and any damages to the existing City infrastructure or public property during construction.

9. The owner submit to the Committee of Adjustment office an administration fee of $15.30 payable to the City of Hamilton to cover the costs of setting up a new tax account for the newly created lot.

10. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

NOTE (TO BE INCLUDED IN DECISION IF APPROVED):

1. Based on the attached plans and on this application being approved with all conditions being met, the owner / applicant should be made aware that the lands to be conveyed will be assigned the municipal address of 21 Church Street and that the lands to be retained will remain as 99 Wellington Street.
Appendix "E" to Report PED13092 (Page 3 of 8)

FL/B-12:92 (99 Wellington Street, Flamborough)

December 13th, 2012

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – West:

The applicant is proposing to sever lands located at 99 Wellington Street for the creation of a residential lot fronting on Churchill Street. The applicant previously received severance approval in January of 2012; however, as the applicant will not be able to clear all the conditions of severance within 1 year of approval, the applicant has re-applied for severance approval.

Niagara Escarpment Plan

The subject lands are located within the Niagara Escarpment Plan Area and are designated as "Urban Area". Staff note that the subject lands are located outside of the Niagara Escarpment Commission's Development Control Area.

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 growth in settlement areas 1.1.3.1.

However, Policy 1.7.1 (e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered and separated from one another to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety. Staff note that the subject lands are to be developed for residential purposes and are located within approximately 60 metres from Parkside Drive and 245 metres from a Canadian Pacific Railway Corridor. As such, should the Committee approve the subject application, staff require the fulfillment of condition No. 1 stated below.

Hamilton-Wentworth Official Plan

The subject property is designated as "Urban Area" within the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. These areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

The subject property meets three of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
2) In an area of sandy soil in areas of clay or stone; and,
Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the Provincial Policy Statement apply to the subject application. If this severance is granted, staff require that the condition No. 2 as stated below be included.

**Town of Flamborough Official Plan**

The subject property is designated "Urban Residential" in the Town of Flamborough Official Plan. Policy A.2.1 states "The uses permitted in areas designated Urban Residential on Schedule "A", shall be: detached and semi-detached single dwellings; low to medium density linked multiple unit dwellings; apartment units; converted dwellings; quadruplex dwellings; shared accommodation; rooming and boarding house; and other suitable forms of dwellings."

Policy E.3.2.4 states "Infilling as defined in section E.3.2 may be permitted on lands designated Settlement Residential and in the Urban Area subject to consideration of the following, where applicable:

i) As a concept and guideline for the consideration of infilling and applications in the Urban Area, compatibility means mutually tolerant and capable of existing together in harmony in the same area. Compatibility should not be narrowly interpreted to mean "the same as" or even as "being similar to". In the final analysis, the goal of this policy is to allow for intensification which does not cause an unacceptable impact upon the exiting neighbourhood.

ii) When considering infilling development, regard will be had to the following criteria to determine the compatibility of the proposal:

a. Lot size, building setback, density and the height and mass of buildings in the surrounding area;

b. Impact on the existing streetscape and landscape and opportunities to maintain and/or enhance the existing streetscape;

c. Provision of adequate off-street parking;

d. Proposed building separation and possible buffering provisions and impacts on existing and proposed privacy areas;

e. Impacts on historical and heritage features and amenities;

f. The contribution of the proposed use to the provision of affordable housing;
g. The proposal can be adequately serviced with water, sewage disposal, roads, garbage collection, and utilities so as not to compromise the Town's financial ability to provide such services; and,

h. Other actions which may be deemed necessary through the Zoning By-law or Site Plan approval process."

As the proposal is to sever the existing residential lot in order to create one additional residential lot that is compatible with the surrounding residential properties, the proposal conforms to the policies of the Town of Flamborough Official Plan.

Town of Flamborough Zoning By-law

The subject property is zoned Urban Residential (Single Detached) "R1-5" Zone, modified, in the Town of Flamborough Zoning By-law, to which the proposed use complies.

The lands to be retained meet the minimum lot frontage requirement of 22m with a lot frontage of 31.55m, but the lands to be severed will not comply with the lot frontage requirement with a lot frontage of 21.34m. Both the lands to be severed and the lands to be retained will not meet the minimum lot area requirement of 975m² of the "R1-5" Zone, with a lot area of 491 sq. m. for the lands to be severed and 721 sq. m. for the lands to be retained. Accordingly, the severance will create lots that do not comply with the provisions of the "R1-5" zone. Therefore, consent approval should be made conditional on the applicant receiving final approval of an application for Rezoning.

Staff note that the surrounding properties on Churchill Street are zoned Urban Residential (Single Detached) "R1-3" Zone, Modified, in the Town of Flamborough Zoning By-law to which the proposed lots are similar. Accordingly, staff is of the opinion that the severance will be consistent with the streetscape character of the area.

Recommendation:

Staff recommends that the proposed severance be Approved, subject to the following Condition:

CONDITIONS (IF APPROVED):

1. That the owner/applicant agree to include the following warning clause in the consent/development agreement and in all purchase and sale and/or lease/rental agreements:

   "Purchasers/tenants are advised that sound levels due to increasing road and rail traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality's and the Ministry of the Environment's noise criteria."

   ...
2. That the proponent shall carry out an archaeological assessment of the portion of the property to be conveyed and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Tourism, Culture and Sport.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Tourism, Culture and Sport (MTCS) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTCS and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).

3) That the owner/applicant apply for and receive final approval of an application for Rezoning to the satisfaction of the Manager of Development Planning.

NOTE (TO BE INCLUDED IN DECISION IF APPROVED):

1. Based on the attached plans and on this application being approved with all conditions being met, the owner / applicant should be made aware that the lands to be conveyed will be assigned the municipal address of 21 Church Street and that the lands to be retained will remain as 99 Wellington Street.

Building Services Division:

COMMENTS:

1. The applicant should obtain an appropriate municipal address for the proposed parcel to be conveyed from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.

2. While not shown on the Site Plan submitted, the applicant has submitted a grading plan with a Zoning By-law Amendment Application (File # ZAR-12-038) which shows both an above ground pool and shed on the portion of the lands to be conveyed. This Division does not have record of building permits being issued for an accessory building or a swimming pool fence. Demolition or removal of the accessory building and the above ground pool on the lands to be conveyed shall be a condition of consent. Demolition of the accessory building is subject to a demolition permit issued in the normal manner.

3. The location of the existing dwelling located on the lands to be retained has not been shown on the submitted survey; therefore, this Division cannot confirm zoning compliance for the lands to be retained.
4. Variances for lot width for the lands to be conveyed and lot area for both the lands to be conveyed and retained will be required for zoning compliance. Be advised that the applicant has made an application to rezone both the lands to be conveyed and the lands to be retained to permit the intended development.

5. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.

CONDITIONAL UPON:

1. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation to the satisfaction of the Planning and Economic Development Department (Building Services Division).

2. The owner shall receive final approval of the Zoning By-law Amendment Application File # ZAR-12-038.

3. The owner shall demolish and/or move all buildings and structures located on the lands to be conveyed to the satisfaction of the Planning and Economic Development Department (Building Services Division). May be subject to a demolition permit issued in the normal manner. A survey will be required to confirm that the buildings and/or structures (including the above ground pool) have removed from the lands to be conveyed or moved to a location on the lands to be retained in compliance with the zone regulations.

4. The owner shall submit survey evidence that the existing structures located on the lands to be retained conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Services Division).

Development Engineering – West:

Information:

1. There is an existing 150mm diameter watermain on Wellington Street and on Churchill Avenue adjacent to the subject lands to service this site directly.

2. There is an existing 200mm diameter sanitary sewer on Wellington Street and on Churchill Avenue adjacent to the subject lands to service this site directly.

3. There is an existing 375mm diameter storm sewer on Wellington Street and on Churchill Avenue adjacent to the subject lands to service this site directly.

4. The City has no road widening requirements on this section of Wellington Street and Churchill Avenue.

.../6
Recommendation:

1. That the Owner enters into, and the City of Hamilton register, a Consent Agreement to deal with issues including, but no limited to: grading and drainage; inspection of grading and services to be installed; and securities for items such as estimated cost of services to be installed, lot grading, driveway approaches, and any damages to the existing City infrastructure or public property during construction.

Source Water Planning

No Comment

Hamilton Municipal Parking System (Parking Services):

No Comment

PUBLIC WORKS DEPARTMENT

Traffic, Engineering and Operations Division:

Separate access to the retained and severed lands is required. An Access Permit from Municipal Parking will be required for any new or change to an access. Details about the permit process can be obtained from Dave Lavalle at ext 4578.

CORPORATE SERVICES:

Budget & Fiscal Policy Services (local improvement charges):

Budgets, Taxation & Policy (outstanding taxes):

The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

See attached for additional comments.
Dear Mr. Barnett,

My husband and I have just bought a home next to 99 Wellington street in Waterdown. Reference number: ZAR-12-038

Our home is 107 Wellington street. I am concerned about this new development as we do not want a house invading the back yard privacy of our home.

I would not dispute a one story home being built. However, I have a strong objection to a two story home being developed and peering down into our backyard.

Please forward me a copy of the complete notice of application. Can you please inform me if this new property being developed will be a one story or two story home? Please clarify.

Sincerely

Niamh O’Flaherty
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 99 Wellington Street, Formerly in the Town of
Flamborough, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the owners Daniel and Maureen Laughlin, for
consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the
conveyance of a vacant parcel of land measuring approximately 21.34m along Churchill Street by
22.86m with an area of 491m$^2$ for residential purposes and to retain a parcel of land measuring
approximately 22.86m at Wellington Street by 31.55m with an area of 721m$^2$ containing the
existing dwelling known municipally as 99 Wellington Street to be used for residential purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out in paragraph three above, IS APPROVED for the following
reasons:

1. The Committee is of the opinion that the proposal does not offend the intent of the
Hamilton-Wentworth and Town of Flamborough Official Plans.

2. The Committee is satisfied that a plan of subdivision is not necessary for the proper and
orderly development of the lands.

3. The Committee considers the proposal to be in keeping with development in the area.

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/applicant agree to include the following warning clause in the
consent/development agreement and in all purchase and sale and/or lease/rental
agreements:

"Purchasers/tenants are advised that sound levels due to increasing road and rail traffic
may occasionally interfere with some activities of the dwelling occupants as the sound
levels may exceed the Municipality's and the Ministry of the Environment's noise
criteria."

3. That the proponent shall carry out an archaeological assessment of the portion of the
property to be conveyed and mitigate, through preservation or resource removal and
documentation, adverse impacts to any significant archaeological resources found. No
demolition, grading, construction activities, landscaping, staging, stockpiling or other soil
disturbances shall take place on the subject property prior to the approval of the Director
of Planning confirming that all archaeological resource concerns have met conservation
requirements. All archaeological reports shall be submitted to the City of Hamilton
concurrent with their submission to the Ministry of Tourism, Culture and Sport.

Should deeply buried archaeological materials be found on the property during any of
the above development activities the Ontario Ministry of Tourism, Culture and Sport
4. That the owner/applicant apply for and receive final approval of an application for Rezoning to the satisfaction of the Manager of Development Planning.

5. That the Owner enters into, and registers on the title of the lands, a Consent Agreement with the City of Hamilton to the satisfaction of the Acting Manager of Engineering Design and Construction to deal with the grading and drainage on the subject lands. The applicant shall demonstrate to the satisfaction of the Acting Manager of Engineering Design and Construction that all drainage from the site shall be taken to a suitable outlet.

6. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

7. The owner submit to the Committee of Adjustment office an administration fee of $15.30 payable to the City of Hamilton to cover the costs of setting up a new tax account for the newly created lot.

DATED AT HAMILTON this 12th day of January, 2012,

M. Duzic, Chairman

L. Gaddye

I. Dunlop

D. Serwatuk

D. Smith

K. Audziss

W. Pearce

V. Abraham

HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (January 19th, 2013) 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 February 8th, 2012.

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

NOTE (TO BE INCLUDED IN DECISION IF APPROVED):

1. Based on the attached plans and on this application being approved with all conditions being met, the owner / applicant should be made aware that the lands to be conveyed will be assigned the municipal address of 21 Churchill Street and that the lands to be retained will remain as 99 Wellington Street.