SUBJECT: Application for a Change in Zoning for Lands located at 1244 Upper Gage Avenue (Hamilton) (PED05181) (Ward 7)

RECOMMENDATION:

That approval be given to Zoning Application ZAC-05-73, Violante Spadafora, owner, for a change in zoning from the “AA” (Agricultural) District and the “C” (Urban Protected Residential, etc.) District to the “C” (Urban Protected Residential, etc.) District, Modified, (Block “1”) to recognize the existing single-detached dwelling on a separate lot, from the “AA” (Agricultural) District to the “R4” (Small Lot Single Family Detached) District (Block “2”) to permit three new single detached dwellings on separate lots, and from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District (Block “3”) to permit one new single detached dwelling on a separate lot, for lands located at 1244 Upper Gage Avenue (Hamilton), as shown on Appendix “A” to Report PED05181, on the following basis:

(a) That Block “1” be rezoned from the “AA” (Agricultural) District and the “C” (Urban Protected Residential, etc.) District to the “C” (Urban Protected Residential, etc.) District, Modified.

(b) That Block “2” be rezoned from the “AA” (Agricultural) District to the “R4” (Small Lot Single Family Detached) District.

(c) That Block “3” be rezoned from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District.

(d) That the Draft By-law, attached as Appendix “B” to Report PED05181, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.

(e) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.
(f) That upon finalization of the implementing By-law, the Randell Neighbourhood Plan be amended to change the designation of the eastern portion of the subject lands from “Attached Housing” to “Single and Double” Residential.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

The purpose of the application is to change the zoning of the subject lands to permit four new single detached dwellings and to recognize one existing single detached dwelling on separate lots, as shown on Appendix “A”. An amendment to the Randell Neighbourhood Plan will also be required to change the designation of the eastern portion of the subject lands from “Attached Housing” to “Single and Double” Residential.

The proposal has merit and can be supported since the changes in zoning are consistent with the Provincial Policy Statement and conform with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan. The proposal is compatible with existing and planned development in the neighbourhood. In addition, final approval of the application for rezoning fulfills a condition imposed through the provisional approval of Consent Applications HM/B-05:153, HM/B-05:154 and HM/B-05:155 (Appendix “C”).

**BACKGROUND:**

**Proposal**

The purpose of the application is to change the zoning of the subject lands at 1244 Upper Gage Avenue (as shown on Appendix “A”) from the “AA” (Agricultural) District and the “C” (Urban Protected Residential, etc.) District to the “C” (Urban Protected Residential, etc.) District, Modified, (Block “1”) to recognize the existing single-detached dwelling on a separate lot, from the “AA” (Agricultural) District to the “R4” (Small Lot Single Family Detached) District (Block “2”) to permit three new single detached dwellings on separate lots, and from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District (Block “3”) to permit one new single detached dwelling on a separate lot when combined with lands to the east.

The applicant has requested that the “C” (Urban Protected Residential, etc.) District provisions be modified for Block “1” in order to recognize the location of the existing single family residential dwelling. Specifically, to reduce the minimum front yard setback from 6 metres to 1.25 metres.
Consent Applications HM/B-05:153, HM/B-05:154 and HM/B-05:155

Consent applications HM/B-05:153, HM/B-05:154 and HM/B-05:155 for the subject lands were granted provisional approval on August 24, 2005, by the Committee of Adjustment (see Appendix “C”). The approval will allow the property to be severed into five lots, as shown on Appendix “D”. Parts 1, 5 and 4 will be conveyed for the proposed single family dwellings fronting onto Rexford Drive, Part 2 will be conveyed for a proposed single family dwelling fronting onto Upper Gage Avenue, and Part 3 will be retained for the existing single family dwelling fronting onto Upper Gage Avenue. A condition of this approval requires final approval of the subject zoning application.

Details of Submitted Application

Owner:  Violante Spadafora
Agent:  A. J. Clarke and Associates Ltd. (Stephen Fraser)
Location:  1244 Upper Gage Avenue
Description:  Frontage on Upper Gage Avenue:  15.43 metres
Frontage on Rexford Drive:  33.53 metres
Area:  2,224m²

EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject Lands</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Detached Dwelling</td>
<td>“C” (Urban Protected Residential, etc.) District; “AA” (Agricultural) District</td>
<td></td>
</tr>
<tr>
<td>North</td>
<td>Residential (Single Detached)</td>
<td>“C” (Urban Protected Residential, etc.) District; and “C” (Urban Protected Residential, etc.) District, Modified</td>
</tr>
<tr>
<td>South</td>
<td>Residential (Single Detached)</td>
<td>“R-4” (Small Lot Single Family Detached) District; and “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified</td>
</tr>
<tr>
<td>East</td>
<td>Residential (Block Townhouses)</td>
<td>“E” (Multiple Dwellings) District, Modified</td>
</tr>
<tr>
<td>West</td>
<td>Residential (Single Detached)</td>
<td>“C” (Urban Protected Residential, etc.) District</td>
</tr>
</tbody>
</table>
ANALYSIS/RATIONALE:

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

   (i) The proposed change in zoning is consistent with the Provincial Policy Statement and it conforms to the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

   (ii) The proposal is compatible with existing and planned development in the neighbourhood.

   (iii) The proposal will contribute to the mix of available housing in the Randell Neighbourhood.

   (iv) It implements a condition of provisional approval for Consent Applications HM/B-05:153, HM/B-05:154 and HM/B-05:155 (Appendix “C”), which requires the applicant/owner to receive final approval of this Zoning Amendment Application.

2. The applicant has submitted a sketch with their application, attached as Appendix “D”, which has been reviewed against the standard requirements of the “C” (Urban Protected Residential, etc.) District and the “R4” (Small Lot Single Family Detached) District.

   The “C” (Urban Protected Residential, etc.) District requires a minimum front yard setback of 6.0m. However, the existing single family dwelling, which is located on the lands to be retained (Part 3 Appendix “D”), is setback 1.25m (once a road widening is dedicated to the City of Hamilton) from Upper Gage Avenue. This reduction is necessary to accommodate the widening and a modification has been added to the draft By-law to permit this reduced front yard. The existing single family dwelling and proposed single family dwelling lot (Part 2 Appendix “D”) fronting onto Upper Gage Avenue will meet all other requirements of the “C” (Urban Protected Residential, etc.) District, including the minimum lot width of 12 metres, minimum lot area of 360 square metres, minimum rear yard of 7.5 metres and minimum side yards of 1.2 metres.

   The proposed single family dwelling lots fronting onto Rexford Drive will meet the minimum average lot width of 10 metres and the minimum average lot area of 306 square metres of the “R4” (Small Lot Single Family Detached) District. The “R-4” (Small Lot Single Family Dwelling) District permits a minimum zero side yard on one side of a lot containing a single family dwelling. The proposed lots are to be developed with a zero side yard and, as such, the applicant has been granted provisional approval through Severance application HM/B-05:155 for two maintenance easements in favour of two of the proposed lots fronting onto Rexford Drive, identified as Parts 1 and 5 on Appendix “D”.

   The proposed changes in the zoning, the existing single family dwelling and the proposed single family dwellings meet the requirements of the “C” and “R4” Districts and the randell Neighbourhood, respectively.
3. The proposal allows for a logical extension of the “C” (Urban Protected Residential, etc.) District along Upper Gage Avenue, and the logical extension of the small lot development along Rexford Drive. The scale and character of the existing residential area will be enhanced, since the proposed zoning requires compatible lot frontages, lot areas, building height, and setbacks to those existing in the surrounding neighbourhood.

4. Policy 1.7.1(e), of the Provincial Policy Statement, requires that long term economic prosperity will be supported by planning so that sensitive land uses are appropriately designed, buffered and separated from each other to prevent adverse effects from odour, noise and other contaminants, and to minimize risk to public health and safety. Due to the proximity of the subject lands to the Lincoln Alexander Parkway and Upper Gage Avenue, a noise assessment is required to investigate the noise levels on the site and to determine the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment’s recommended sound level limits. A noise assessment was submitted for review and was found to be in accordance with the Ministry of the Environment’s guidelines, subject to all dwelling units being supplied with a central air conditioning system, all dwelling units being constructed with minimum double pane windows of 3 mm glass thickness, and warning clauses being included in the consent agreement and being identified in all offers to purchase and lease. Additionally, the noise assessment recommends that the proposed dwelling unit fronting onto Upper Gage Avenue meet noise construction criteria.

5. The existing road allowance width of Rexford Drive is 20.12m as designated in the Hamilton Official Plan. No further road allowance widenings are, therefore, required on Rexford Drive. The designated road allowance width of the subject section of Upper Gage Avenue is 36.58m. In order to establish this width, the owner will be required to dedicate approximately 3.048m across the entire frontage of the lands, both severed and retained, on Upper Gage Avenue, as a condition of consent approval.

There are existing public watermains and separate storm and sanitary sewers on both Rexford Drive and Upper Gage Avenue to service the subject lands. However, there are outstanding servicing costs associated with the municipal services located on Rexford Drive. A condition of provisional approval of the severance applications requires the owner to pay all outstanding servicing costs as they relate to the entire frontage of the subject lands onto Rexford Drive.

6. Should the application be approved, an amendment to the Randell Neighbourhood Plan would be required, to re-designate the eastern half of the subject lands from “Attached Housing” to “Single and Double” Residential. This amendment can be supported since the proposal is compatible with existing adjacent residential uses in the neighbourhood.
ALTERNATIVES FOR CONSIDERATION:

If the application is denied, then the applicant has the option of using the property for the current range of “AA” (Agricultural) District uses and “C” (Urban Protected Residential, etc.) District uses.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial - N/A.
Staffing - N/A.
Legal - As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a change in Zoning.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The proposal falls within the parameters and is consistent with the Provincial Policy Statement (PPS).

Hamilton-Wentworth Official Plan

The subject property is designated “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 3.1 states that a wide range of urban uses, based on full municipal services, will be concentrated in the Urban Areas. As well, Policy 3.1 outlines that these areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

Therefore, as the nature of the application is to amend the Zoning By-law to allow for the development of four new single family dwellings on the site, the proposal conforms to the Hamilton-Wentworth Official Plan policies.

City Of Hamilton Official Plan

The subject property is designated “Residential” in the City of Hamilton Official Plan. The following policies of the City of Hamilton Official Plan, among others, are applicable to the proposed development:

“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
SUBJECT: Application for a Change in Zoning for Lands located at 1244 Upper Gage Avenue (Hamilton) (PED05181) (Ward 7) - Page 7 of 8

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.

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.”

The City of Hamilton Official Plan encourages a variety of dwelling types in areas designated “Residential”. The proposal for the development of four new single family dwellings on the subject property will be compatible with existing adjacent residential uses in accordance with the Official Plan criteria and will contribute to the mix of available housing in the neighbourhood. The proposal will ensure that the residential character of the neighbourhood will be maintained. Adequate services are also available. As such, the proposal conforms to the City of Hamilton Official Plan.

Neighbourhood Plan

The subject property is designated “Single and Double” Residential (western half) and “Attached Housing” (eastern half) within the Randell Neighbourhood Plan. The “Single and Double” Residential designation permits the proposed single family residential uses. However, the “Attached Housing” designation permits a more intense residential use such as townhouses. An amendment to the Randell Neighbourhood Plan is required to re-designate the eastern half of the site from “Attached Housing” to “Single and Double” Residential.

RELEVANT CONSULTATION:

The following Departments/Agencies had no comments or objections:

- Public Works Department (Traffic Engineering and Operations Section).
- Corporate Services Department (Budget & Fiscal Policy Services).
- Corporate Services Department (Revenues Division).
- Hamilton Hydro.
- Union Gas.
Public Consultation

The Public Participation Policy, approved by Council on May 29, 2003, states that preliminary circulation shall not be required if the application is part 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. In this regard, preliminary circulation is not required. The consent applications to sever the subject land to facilitate the development of four new single detached dwelling lots were provisionally approved by the Committee of Adjustment on August 24, 2005. No letters were received in response to the circulation of the severance applications, and no residents were in attendance at the Committee of Adjustment hearing. Notice of the Public Meeting for this Zoning Amendment Application will be circulated to all property owners within 120 metres of the subject lands and a notice of the meeting will be posted on the property in accordance with the regulations of the Planning Act.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

- Community Well-Being is enhanced. ☑ Yes ☐ No
  The public are involved in the definition and development of local solutions.

- Environmental Well-Being is enhanced. ☑ Yes ☐ No
  Ecological function and the natural heritage system are protected.

- Economic Well-Being is enhanced. ☑ Yes ☐ No
  Investment in Hamilton is enhanced and supported.

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☐ Yes ☑ No

:DF

Attaches. (4)
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 6593
Respecting Lands Located at 1244 Upper Gage Avenue

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" 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 the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Section __________ of Report of the Planning and Economic Development Committee at its meeting held on the __________ day of __________ 2005, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Sheet No. E-38b of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended,
(a) by changing from “AA” (Agricultural) District and “C” (Urban Protected Residential, etc.) District to “C” (Urban Protected Residential, etc.) District, Modified (Block “1”);

(b) by changing from “AA” (Agricultural) District to “R4” (Small Lot Single Family Detached) District (Block “2”); and,

(c) by changing from “AA” (Agricultural) District to “C” (Urban Protected Residential, etc.) District (Block “3”);

the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That the “C” (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the lands identified as Block “1” in Section 1 of this by-law, be modified to the extent only of the following special requirement:

   (a) That notwithstanding Section 9 (3) (i) of Zoning By-law No. 6593, for the building existing on the day of 2005, the minimum front yard shall be 1.25 metres.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C" District and "R4" District provisions, subject to the special requirement referred to in Section 2.

4. By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 19B as Schedule S-1538.

5. Sheet No. E-38b of the District Maps is amended by marking the lands referred in Section 1(a) of this by-law as S-1538.

6. 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 , 2005.

MAYOR

CLERK

ZAC-05-73
Schedule "A"

Map Forming Part of
By-Law No. 05-
to Amend By-Law No. 6593

Subject Property
1244 Upper Gage Avenue

Block "1" - Change in Zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to the "C/S-1638" (Urban Protected Residential, etc.) District, Modified.

Block "2" - Change in Zoning from the "AA" (Agricultural) District to the "R4" (Small Lot Single Family Detached) District

Block "3" - Change in Zoning from the "AA" (Agricultural) District to the "C" (Urban Protected Residential, etc.) District

Planning and Economic Development Department
Hamilton
COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. HMB-05-153
SUBMISSION NO. B-152/05

IN THE MATTER OF The Planning Act, R.S.O. 1990, Chapter P13, Section 53(1);

AND IN THE MATTER OF the Premises known as Municipal number 1244 Upper Gage Avenue, in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent A.J. Clarke & Associates Ltd. (Stephen Fraser) on behalf of the owner Vidaniie Spadaforn, 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 (Parts 1, 4 & 5 on attached sketch) having a frontage of 33.7m and an area of 1,221.0m² for single family residential purpose, and to retain a parcel of land (Parts 2 & 3 on attached sketch) having a frontage of 30.69m and an area of 1,765.0m² containing an existing single family dwelling on Part 3 (to remain) and accessory building on Part 3 (to be removed) for residential purpose.

THE DECISION OF THE COMMITTEE IS:

That the said application IS APPROVED for the following reason:

1. The Committee is of the opinion that a plan of subdivision of the lands is not necessary, in this case, for the proper and orderly development of the municipality.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions.

1. The owner shall submit a deposited Ontario Land Surveyor’s Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar.

2. That the applicant receives final approval of re-zoning application ZAC-05-73 to the satisfaction of the Manager, Development Planning.

3. That the applicant receives final approval of the Neighbourhood Plan Amendment to the satisfaction of the Manager, Development Planning.

4. That the existing accessory building at the rear of Part 3 be removed.

5. That sufficient land be dedicated to the City of Hamilton along the entire frontage of both the lands to be severed and retained, approximately 3.048 m, in order to establish the designated road allowance width of Upper Gage Avenue at 36.58 m.

6. That the owner enter into a Consent Agreement with the City of Hamilton for the purpose of, but not limited to, lot grading.

7. That the owner pay all outstanding servicing costs as they relate to the entire frontage of the subject lands onto Rexford Drive.
DATED AT HAMILTON this 24th day of August, 2005.

D. Drury, Acting Chairman

C. Lewis

R. Nairn

V. Abraham

D. Servatuk

D. DeLullo

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS August 31st, 2005. HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (August 31st, 2006) 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 September 20th, 2005.

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.
Appendix "C" to Report PED05181 (Page 3 of 6)

COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT: LAND SEVERANCE

APPLICATION NO. HM/06-05:154
SUBMISSION NO. B-154/05

IN THE MATTER OF The Planning Act, R.S.O. 1990, Chapter P13, Section 53(1);

AND IN THE MATTER OF the Premises known as Municipal number 1244 Upper Gage Avenue, in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent A.J. Clarke & Associates Ltd. (Stephen Fraser) on behalf of the owner Violante Spadafora, 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 (Part 2 on attached sketch) having a frontage of 15.26m and an area of 901m² for single family residential purposes, and to retain a parcel of land (Part 3 on attached sketch) having a frontage of 15.42m and an area of 864m² containing an existing single family dwelling (to remain) and accessory building (to be removed) for residential purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application IS APPROVED for the following reason:

1. The Committee is of the opinion that a plan of subdivision of the lands is not necessary, in this case, for the proper and orderly development of the municipality.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions.

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar.

2. That the applicant receives final approval of re-zoning application ZAC-05-73 to the satisfaction of the Manager, Development Planning.

3. That the applicant receives final approval of the Neighbourhood Plan Amendment to the satisfaction of the Manager, Development Planning.

4. That the existing accessory building at the rear of Part 3 be removed.

5. That sufficient land be dedicated to the City of Hamilton along the entire frontage of both the lands to be severed and retained, approximately 3.648 m, in order to establish the designated road allowance width of Upper Gage Avenue at 36.58 m.

6. That the owner enter into a Consent Agreement with the City of Hamilton for the purpose of, but not limited to, lot grading.

7. That the owner pay all outstanding servicing costs as they relate to the entire frontage of the subject lands onto Ruxford Drive.
DATED AT HAMILTON this 24th day of August, 2005.

D. Drury, Acting Chairman
C. Lewis
R. Nair

V. Abraham
D. Sivasubramani
D. DeLillo

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS August 31st, 2005.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS
NOTICE OF DECISION (August 31st, 2005) 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 September 20th, 2005.

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.
Committee of Adjustment
City Hall
7th floor, 71 Main Street West
Hamilton, ON L8P 4P2
Telephone (905) 546-2421, ext. 4221
Fax (905) 544-4202

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. HM/B-05:155
SUBMISSION NO. B-155005

IN THE MATTER OF The Planning Act, R.S.O. 1990, Chapter P13, Section 53(1):

AND IN THE MATTER OF the Premises known as Municipal number 1244 Upper Gage Avenue,
in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent A.J. Clarke & Associates Ltd
(Stephen Fraser) on behalf of the owner Violante Spadafora, 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 (Part 5 on attached sketch) having a frontage of 10.5m and an area of 378m² for single
family residential purposes, and to retain two vacant parcels of land, (Part 1 on attached sketch)
having a frontage of 10.7m and an area of 348m² and (Part 4 on attached sketch) having a
frontage of 12.4m and an area of 484m² both for single family residential purposes and to
establish two maintenance or zero lot line easements over parts 4 and 5.

THE DECISION OF THE COMMITTEE IS:

That the said application IS APPROVED for the following reason:

1. The Committee is of the opinion that a plan of subdivision of the lands is not necessary, in
this case, for the proper and orderly development of the municipality.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P.
13, the said application shall be subject to the following conditions.

1. The owner shall submit a deposited Ontario Land Surveyor’s Reference Plan to
the Committee of Adjustment Office, unless exempted by the Land Registrar.

2. That the applicant receives final approval of re-zoning application ZAC-05-73 to the satisfaction of the Manager, Development Planning.

3. That the applicant receives final approval of the Neighbourhood Plan Amendment
to the satisfaction of the Manager, Development Planning.

4. That the existing accessory building at the rear of Part 3 be removed.

5. That sufficient land be dedicated to the City of Hamilton along the entire frontage
of both the lands to be severed and retained, approximately 3.048 m, in order to
establish the designated road allowance width of Upper Gage Avenue at 36.58 m.

6. That the owner enter into a Consent Agreement with the City of Hamilton for the
purpose of, but not limited to, lot grading.

7. That the owner pay all outstanding servicing costs as they relate to the entire
frontage of the subject lands onto Rexford Drive.

.../2
DATED AT HAMILTON this 24th day of August, 2005.

D. Drury, Acting Chairman

C. Lewis

R. Nairn

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS August 31st, 2005.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (August 31st, 2005) 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 September 20th, 2005.

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