SUBJECT: Application for a Change in Zoning for Lands Located at 112 Marion Street (Glanbrook) (PED07217) (Ward 11)

RECOMMENDATION:

That approval be given to Zoning Application ZAR-07-026, by John Voortman Jr. and Dave Burtt, owners, for changes in Zoning from the Existing Residential “ER” Zone to the Residential “R1” Zone (Block 1) and the Residential “R1-226” Zone (Block 2), to permit the future development of three single detached dwellings on separate lots for lands located at 112 Marion Street (Glanbrook), as shown on Appendix “A” to Report PED07217, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED07209, which has been prepared in a form satisfactory to the City Solicitor, not be enacted by City Council until an archaeological assessment has been completed, to the satisfaction of the Director of Planning and the Ministry of Culture.

(b) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the Township of Glanbrook Official Plan.

Tim McCabe
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The purpose of the application is for changes in zoning to permit the future development of three single detached dwellings, on separate lots, having frontage on Marion Street and Aberdeen Avenue (Glanbrook).

The proposed changes in zoning have merit and can be supported as they are consistent with the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and conform to the Hamilton-Wentworth Official Plan, the Township of Glanbrook Official Plan and the Mount Hope Urban Settlement Area Plan. The proposal is compatible with existing and planned land uses in the surrounding area. In addition, approval of the application fulfills conditions of approval for Consent Applications GL/B-07:62 and GL/B-07:63.

BACKGROUND:

Proposal

The applicant has applied for changes in zoning from the Existing Residential “ER” Zone to the Residential “R1” Zone (Block 1) and the Residential “R1-226” Zone (Block 2), for lands located at 112 Marion Street (see Appendix “A”). The effect of the application will permit the development of three new single detached dwellings on separate lots.

Approval of the proposal will fulfill conditions of approval for Consent Applications GL/B-07:62 (see Appendix “C” – Condition No. 3) and GL/B-07:63 (see Appendix “D” – Condition No. 3), which creates two lots having frontage onto Marion Street and one lot having frontage onto Aberdeen Avenue. Appendix “E” is a sketch of the proposal, which shows the new lots created through the approved Consent Applications. The newly created lot fronting on Aberdeen Avenue will have a frontage of approximately 22.86 metres and a lot area of approximately 1,045.16 square metres. The newly created lots on Marion Street will be configured with the northerly lot having a frontage of approximately 23.72 metres and a lot area of approximately 893 square metres; and the southerly lot having a frontage of approximately 22 metres and a lot area of approximately 865.20 square metres.

The applicant has also requested a zoning modification for Block “2” (see Appendix “A”) in order to reduce the exterior side yard setback from 6.0 metres to 4.5 metres.

Consent Applications GL/B-07:62 and GL/B-07:63

Consent Applications GL/B-07:62 and GL/B-07:63 (112 Marion Street) were approved by the Committee of Adjustment on June 20, 2007. The purpose of the applications is to create three new lots for single detached dwellings with frontage on Aberdeen Avenue and Marion Street. The applications were approved subject to conditions, including approval of the subject rezoning application (see Appendix “C” – Condition No. 3 and Appendix “D” – Condition No. 3).
Location: 112 Marion Street (see Appendix “A”)

Owner/Applicant: John Voortman Jr. and Dave Burtt (Owners)

Property Description (total rezoned lands):

Frontage: 45.72 metres on Marion Street
Depth: 60.96 metres
Area: 2,787.09 square metres

Servicing: Full municipal services on Marion St. and Aberdeen Ave.

EXISTING LAND USE AND ZONING:

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<tr>
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<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<td>Existing Residential “ER” Zone</td>
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<td>Surrounding Land Uses</td>
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<td>South</td>
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<td>East</td>
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<td>Existing Residential “ER” Zone and Residential “R3-126” Zone</td>
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<td>West</td>
<td>Residential - Single detached dwellings</td>
<td>Existing Residential “ER” Zone</td>
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ANALYSIS/RATIONALE:

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

   (i) It is consistent with the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe (Places to Grow).

   (ii) It conforms to the Hamilton Wentworth Official Plan, the Township of Glanbrook Official Plan and the Mount Hope Urban Settlement Area Land Use Plan.

   (iii) The proposed changes in zoning satisfy conditions of approval for Consent Applications GL/B-07:62 and GL/B-07:63, which were approved
(iv) The proposed development is considered to be compatible with the existing development in the immediate area.

2. The applicant has requested a modification to the Residential “R1” Zone in order to reduce the minimum exterior side yard setback from 6.0 metres to 4.5 metres. The purpose and intent of the Zoning By-law is to require minimum exterior side yard setbacks in order to maintain streetscape character and ensure that there is adequate space for visibility for vehicular traffic. Staff is of the opinion that the proposed reduction will enhance the streetscape character. Also, the application was circulated to the City’s Traffic Engineering and Operations staff, who did not identify any issues with the proposed reduction. As such, staff supports the proposed modification.

3. The proposal represents an opportunity for intensification on a currently under-utilized site. The proposed development is considered compatible with the scale and character of the existing and future residential uses planned for the area, since the proposed zoning requires compatible lot frontages, lot areas, building heights, and setbacks to those existing in the surrounding neighbourhood.

4. The existing road allowance width of Marion Street and Aberdeen Avenue is 20 metres, as designated in the Township of Glanbrook Official Plan. No further widenings are required. There are existing public watermains and sanitary sewers on both Marion Street and Aberdeen Avenue to service the subject lands.

**ALTERNATIVES FOR CONSIDERATION:**

In the event Council does not support the proposed changes in zoning, the conditions of Consent Applications GL/B-07:62 and GL/B-07:63 will not be satisfied and the Committee of Adjustment Approvals will lapse. The lands would then be subject to the existing regulations in the Existing Residential “ER” Zone.

**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 Zoning By-law Amendment.
POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction of provincial interest related to land use planning and development. The Planning Act requires that, in exercising any authority that affects planning matters, planning authorities shall be consistent with policy statements issued under the Act. The application is consistent with the Provincial Policy Statement.

Policy 2.6.2 of the PPS outlines that development and site alteration may be permitted on lands containing archaeological resources, or areas of archaeological potential, if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration that maintains the heritage integrity of the site will be permitted. Given that the subject property has been identified as having potential for the discovery of archaeological resources, staff has recommended that the By-law not be forwarded to City Council for enactment until the applicants undertake an archaeological assessment of the subject property, to the satisfaction of both the Director of Planning and the Ministry of Culture. The applicants have submitted an archaeological assessment and are awaiting clearance from the Ministry of Culture.

Policy 1.7.1(e) of the PPS 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 each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety. Due to the proximity of the subject lands to the John C. Munro Hamilton International Airport, Consent Applications GL/B-07:62 and GL/B-07:63 contain specific conditions of approval (see Appendix “C” – Conditions Nos. 4 and 5 and Appendix “D” – Conditions Nos. 4 and 5), which requires the owner to install central air condition service for all of the proposed dwellings, and include a noise warning clause in all purchase of sale and/or lease agreements. These conditions must be cleared prior to the finalization of the severance.

Growth Plan for the Greater Golden Horseshoe (Places to Grow)

The application is consistent with the intensification policies of the Growth Plan for the Greater Golden Horseshoe 2006. Section 2.2.2 indicates that population growth will be accommodated by directing a significant portion of new growth to the built-up areas of the community through intensification.

This application is consistent with the Growth Plan for the Greater Golden Horseshoe 2006, since it proposes to create additional residential units on a currently under-utilized site within the Urban Area.
Hamilton-Wentworth Official Plan

The subject lands are designated “Urban” in the Hamilton-Wentworth Regional 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. As well, the Urban Areas are intended to accommodate approximately ninety-six percent (96%) of new residential housing units in the Region to the year 2020. As the nature of the application is to change the existing zoning designation to facilitate approved Consent to Sever Applications (GL/B-07:62 and GL/B-07:63) to allow for residential development of the property, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

Policy B-9.2 states that the City shall consider the protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites, in the review of proposals for development and redevelopment. Where possible, these attributes will be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection. As outlined earlier, staff has recommended that the By-law not be forwarded to City Council for enactment until the applicant undertakes an archaeological assessment of the subject property, to the satisfaction of both the Director of Planning and the Ministry of Culture. The applicants have submitted an archaeological assessment and are awaiting clearance from the Ministry of Culture.

Township of Glanbrook Official Plan

The subject property is designated “Residential” on Schedule ‘A’ – Land Use Plan, “Low Density Residential” on Schedule ‘C’ – Mount Hope Urban Settlement Area Land Use Plan, and “Special Policy Area 2 – Existing Residential Areas” on Schedule ‘F’ – Special Housing Policy Areas in the Township of Glanbrook Official Plan. The following policies of the Township of Glanbrook Official Plan, among others, are applicable to the proposed development:

“B.2.1.1 The predominant use of lands designated Residential on Schedule “A” – Land Use Plan shall be residential dwellings. It is intended that the Township provide for a variety and mix of housing types to address all housing needs throughout the Township, including but not limited to, single detached dwellings, semi-detached dwellings, townhouses and apartments. Innovative housing types may also be considered by Council.

B.2.1.10 The specific residential density for lands designated “Residential” in this Plan will be initially identified and delineated in the applicable Secondary Plan as Low, Medium or High Density Residential development areas.

B.2.1.11 The following policies identify the range of net residential densities and the general locational criteria for each of the density categories:
(a) Low Density Residential

Low Density Residential development shall consist primarily of single detached, semi-detached, duplex and triplex units at a maximum net residential density of 25 units per hectare (10 units per net acre). Generally, low density development shall be located in the interior of residential neighbourhoods, adjacent to local roads.

B.2.1.17 Housing Types

(a) Housing opportunities within the Township must be responsive to a variety of housing needs. Council is committed to providing a variety of housing opportunities suitable to a wide range of housing needs for its residents. In this regard, it is intended that the Township provide for a variety and mix of housing types including, but not limited to, single detached dwellings, semi-detached dwellings, townhouses, apartments and special needs housing.

B.2.1.19 Residential Intensification

(a) Residential Intensification, according to the Provincial Policy Statement on Land Use Planning for Housing, is defined as the creation of new residential units or accommodation in existing buildings or on previously developed, serviced land, generally including, but not limited to, the following:

(i) Creation of lodging houses.
(ii) Creation of accessory apartments.
(iii) Conversion of non-residential structures to residential use.
(iv) Infill.
(v) Redevelopment

(b) Residential intensification shall be encouraged on the lands identified on Schedule “F” – SPECIAL HOUSING POLICY AREAS as Non-Residential Areas, Existing Residential Areas and New Communities, subject to the following criteria:

(i) The physical ability of the existing building and/or site to accommodate the identified form of residential intensification.

(ii) The ability of the existing municipal and community services to accommodate new households in the affected area.

(iii) The potential demand for the types of accommodation which could be produced through various forms of residential intensification based upon the housing needs of the municipality.
(c) Council supports and encourages residential development such as infilling, redevelopment, and the conversion of residential and non-residential structures that make more efficient use of the existing building stock and/or physical infrastructure, provided the development is compatible and complementary to the established development pattern.

(d) Residential Intensification shall be encouraged as a means of increasing the amount of available housing stock within Existing Residential Areas. Council encourages and supports the provision of opportunities for residential intensification within Existing Residential Areas, as identified on Schedule “F” – SPECIAL HOUSING POLICY AREAS, provided the additional housing blends with the scale, urban design and community characteristics of the neighbourhood and subject to the pertinent criteria in Policy B.2.1.17 of this Plan.

B.2.1.24 Mount Hope Urban Settlement Area

B.2.1.24.1 Development Objectives

The following objectives constitute the fundamental guidelines which shall direct the development of all lands within the Mount Hope Urban Settlement Area, which are designated Residential on Schedule “A” – Land Use Plan, and these same lands as designated on Schedule “C” – Mount Hope Urban Settlement Area Land Use Plan, of the Official Plan.

(a) Residential

(i) To create residential areas consisting of a range of housing types with predominantly low density residential development along with some medium density residential development. Some limited high density residential development shall also be permitted with regard to, among other matters, compatibility with adjacent land uses.

(iii) To ensure that future residential development shall consider and be sensitive to existing residential development, and that it shall also provide for the redevelopment of the vacant portions of existing large lot residential development.

(iv) To require the provision of proper design features and noise abatement measures to reduce the noise exposure to residential areas from the Hamilton Airport…"

As outlined above, the “Residential” designation permits the proposed single detached dwellings. Also, the “Low Density Residential” designation permits a maximum net Residential Density of 25 units per hectare. The proposal will create a Net Residential
Density of 6.9 units per hectare, which is consistent with the density envisioned for the area.

In accordance with the residential intensification policies outlined above, the proposal to create three new single detached residential dwelling units within an “Existing Residential Area” makes efficient use of the existing infrastructure and is compatible with, and complementary to, the established development pattern in the neighbourhood.

Finally, the proposal is consistent with Mount Hope Urban Settlement Area development objectives, since it is sensitive to the existing residential development, and provides for proper noise abatement measures to reduce the noise exposure to residential areas from the Hamilton Airport. The proposed zoning requires compatible lot frontages, lot area, building height, and setbacks to those existing in the surrounding neighbourhood. In addition, Consent Applications GL/B-07:62 and GL/B-07:63 contain specific conditions of approval (see Appendix “C” – Condition Nos. 4 and 5 and Appendix “D” – Condition Nos. 4 and 5), which requires the owner to install central air condition service for all of the proposed dwellings, and include a noise warning clause in all purchase of sale and/or lease agreements.

Therefore, the proposal for single detached residential development conforms to the “Residential”, “Low Density Residential”, and “Special Policy Area 2 – Existing Residential Areas” designations within the Glanbrook Official Plan.

**RELEVANT CONSULTATION:**

The following Departments and Agencies had no comments or objections:

- Taxation Division (Corporate Services Department).
- Traffic Engineering & Operations Section (Public Works Department).
- Strategic & Environmental Planning Section (Public Works Department).
- Transit Division (Public Works Department).
- Hamilton Police Services.
- Hamilton Emergency Services.
- Niagara Peninsula Conservation Authority.
- Ministry of Transportation Ontario.
- Mountain Cable Vision.
- Union Gas.
- Bell Canada.
- Hydro One Networks Inc.
- Hamilton-Wentworth District School Board.
- Hamilton-Wentworth Separate School Board.
- French Public School Board.
- French Catholic School Board.
- Tradeport International Corporation
- Hamilton International Airport
The City’s Forestry & Horticulture Section, (Public Works Department), has identified two Blue Spruce trees in good condition within the municipal road allowance. These trees are governed under the City of Hamilton Tree By-law No. 06-151. Consent Application GL/B-07:63 contains a specific condition of approval (see Appendix “D” – Condition No. 9) that requires the owner to satisfy the requirements of the Public Works Department, Operations and Maintenance Division, Forestry & Horticulture Section. This condition must be cleared prior to the finalization of the severance applications.

Transport Canada has indicated that they no longer determine whether a property is subject to or complies with Airport Zoning Regulations (AZR) enacted pursuant to the Aeronautics Act, and that the proposed development can have an impact on the current and/or future operations of the Hamilton Airport. Transport Canada recommended that the application be circulated to the Hamilton Airport Manager regarding the potential impact of the proposed development. Also, Transport Canada has indicated that should it be decided to develop the land, the following should be noted:

A. The proposed development is in close proximity to the Hamilton Airport and appears to be under the Outer Surface of the Hamilton Airport Zoning Regulations. It is strongly recommended that an Ontario Land Surveyor determine whether the proposed development meets the height restrictions of the AZR. It is incumbent on the owner(s), or other persons in possession or control of the property, to ensure compliance with these regulations, if applicable.

B. The Hamilton AZR include a clause restricting the disposal of waste edible by or attractive to birds. Any waste from a new use of this land must be properly covered and managed such that it does not attract birds.

C. Any temporary crane erections associated with, or necessary for, the construction of this development may require an exemption to the Hamilton AZR. Crane erections should be coordinated with the Hamilton Airport Manager and with Transport Canada. In advance of construction, an Aeronautical Obstruction Clearance Form must be submitted to Transport Canada.

D. Further residents of the proposed development may be exposed to aircraft noise associated with the Hamilton Airport. It is recommended that the developer be required to include a Noise Warning Clause in all purchase and sale agreements. It is also recommended that the developer use appropriate building materials to reduce the noise impact.

Consent Applications GL/B-07:62 and GL/B-07:63 contain specific conditions of approval (see Appendix “C” – Condition Nos. 4 and 5, and Appendix “D” – Condition Nos. 4 and 5), which requires the owner to install central air condition service for all of the proposed dwellings, and include a noise warning clause in all purchase of sale and/or lease agreements. These conditions must be cleared prior to the finalization of the severance applications.
Public Consultation

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, pre-circulation of the application was not required since the properties were also subject of two Consent Applications in June 2007, which was a public process.

The consent applications to sever the subject land to facilitate the development of three new single detached dwelling lots were conditionally approved by the Committee of Adjustment on June 20, 2007. 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. However, in accordance with the new provisions of the Planning Act, (49) notices of complete application were mailed to all property owners within 120 metres of the subject property. To date, no submissions have been received.

Further, a Public Notice sign was posted on the property on June 19, 2007, and Notice of the Public Meeting was given in accordance with the requirements 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 application creates a consistent and compatible built form and zoning on Marion Street and Aberdeen Avenue.

**Environmental Well-Being is enhanced.** ☑ Yes □ No
Applying the principles of intensification and best use of available land.

**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
Attachs. (5)
Appendix “A” of Report PED07217
Page 1 of 1

Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: ZAR-07-026
Date: May 29, 2007

Appendix "A"

Subject Property
112 Marion Street

Block 1 - Change in Zoning from the Existing Residential "ER" Zone to the Residential "R1" Zone.

Block 2 - Change in Zoning from the Existing Residential "ER" Zone to the Residential "R1-226" Zone.
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands located at 112 Marion Street

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 Township of Glanbrook" 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 of the former area municipalities 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. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993;

AND WHEREAS the Council of the City of Hamilton, in adopting Section ___ of Report 07-___ of the Economic Development and Planning Committee at its meeting held on the ___ day of ___ , 2007, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Township of Glanbrook);

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

1. Schedule “F”, appended to and forming part of By-law No. 464 (Glanbrook) is amended as follows:

   (a) by changing the zoning from the Existing Residential “ER” Zone to the Residential “R1” Zone, the land comprised of Block “1”; and,
(b) by changing the zoning from the Existing Residential “ER” Zone to the Residential “R1-226” Zone, the land comprised of Block “2”;

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

2. That Section 44, "Exceptions to the Provisions of this By-law", of Zoning By-law No. 464 (Glanbrook), be amended by adding a new special exception, “R1-226”, as follows:

R1-226 Notwithstanding the regulation of SECTION 13: RESIDENTIAL “R1” ZONE, Subsection 13.2 (e) (ii) – MINIMUM SIDE YARD, the following site specific regulation shall apply for lands zoned “R1-226”:

(a) On a corner lot, the minimum side yard abutting the flankage street shall be 4.5 metres (14.7 feet).

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 Residential “R1” Zone provisions, subject to the special requirements referred to in Section 2.

4. 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 ____, 2007.

FRED EISENBERGER KEVIN C. CHRISTENSON
MAYOR CLERK

ZAR-07-26
This is Schedule "A" to By-Law No. 07-
Passed the ........... day of ....................., 2007

Schedule "A"
Map Forming Part of
By-Law No. 07-____
to Amend By-law No. 464

Subject Property
112 Marion Street

- Block 1 - Change in Zoning from the
  Existing Residential "ER" Zone to the
  Residential "R1" Zone.

- Block 2 - Change in Zoning from the
  Existing Residential "ER" Zone to the
  Residential "R1-228" Zone.
Committee of Adjustment
City Hall
7th Floor, 71 Main Street West
Hamilton, ON L8P 4V5
Telephone (905) 546-2424, ext. 4221
Fax (905) 546-4202

Hamilton

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE
APPLICATION NO. GL/B-07:62
SUBMISSION NO. B-62/07

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 112 Marion Street, formerly in the Township of Glenbrook, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent WEBB Planning Consultants on behalf of the owners John Voortman Jr. and Dave Burtt, 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 22.86m² (75 ft) x 45.72m² (150 ft) for single-family residential purposes, and to retain a parcel of land measuring 38.10m² (125 ft) x 45.72m² (150 ft) containing an existing single-family dwelling for residential purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application IS APPROVED for the following reason:

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

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

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

2. That the owner/applicant submit a Deposited Ontario Land Surveyor’s Reference Plan to the Development Planning East Team.

3. That the owner/applicant receive final approval of Rezoning Application ZAR-07-026.

4. That the applicant/owner shall agree, within the consent agreement, to the installation of a central air conditioning service for the proposed dwelling(s).

5. That the applicant/owner shall agree, within the consent agreement, to include the following noise warning clause in all purchase of sale and/or lease agreements:

“This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels may be within the Municipality’s and the Ministry of the Environment’s noise criteria.”

6. That the owner enters into a consent agreement with the City of Hamilton to deal with the grading and drainage on the subject lands. The applicant shall demonstrate to the satisfaction of the Acting Manager Engineering Design and Construction that all drainage from the site shall be taken to a suitable outlet.

7. That the owner submit to the Committee of Adjustment Office an administration fee of $15.00, payable to the City of Hamilton, to cover the cost of setting up a new tax account for the newly created lot.
DATED AT HAMILTON this 20th day of June, 2007.

M. Dodzić, Chairman

C. Lewis

V. Abraham

D. Serafin

D. Drury

HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (June 27th, 2008) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS July 17th, 2007.

THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

NOTE:

Based on this application being approved by the Committee of Adjustment, and all conditions being completed, the applicant will be required to obtain a municipal number(s) at the time of applying for a building permit(s) for the newly created lot(s). Please contact Paul Toffoletti 905-546-2424 Ext. 4348 Development and Real Estate Dept., Legislative Approvals.

Staff note that the applicant will be required to pay cash-in-lieu of parkland dedication at the time of a Building Permit application for the newly created lot(s), based on the value of the lands as of the day before Building Permit issuance.

The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances and the applicant/owner is advised, but not required, to conduct a Stage 1 and 2 archaeological assessment prior to such impacts in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 testing and Stage 4 mitigation may be required as determined by the Ministry of Culture.

Should deeply buried archaeological remains be found on the property during construction activities, the Ontario Ministry of Culture should be notified immediately (519-675-7742). In the event that human remains are encountered during construction, the applicant/landowner should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulations Unit of the Government Services (416-326-8392).
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 112 Marion Street, formerly in the Township of Glanbrook, now in the City of Hamilton;  

AND IN THE MATTER OF AN APPLICATION by the agent WEBB Planning Consultants on behalf of the owners John Voornman Jr. and Dave Burtt, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a parcel of land measuring 23.72m² (78′ x 30.10m² (125′) containing a portion of an existing single-family dwelling (to be demolished) for residential purposes, and to retain a parcel of land measuring 22.00m² (72′ x 30.10m² (125′) containing a portion of an existing single-family dwelling (to be demolished) 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 5(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 submit a Deposited Ontario Land Surveyor's Reference Plan to the Development Planning East Team.  

3. That the owner/applicant receive final approval of Rezoning Application ZAR-07-026.  

4. That the applicant/owner shall agree, within the consent agreement, to the installation of a central air conditioning service for the proposed dwelling(s).  

5. That the applicant/owner shall agree, within the consent agreement, to include the following noise warning clause in all purchase of sale and/or lease agreements:  

   “This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels may be within the Municipality’s and the Ministry of the Environment’s noise criteria.”  

6. That the owner enters into a consent agreement with the City of Hamilton to deal with the grading and drainage on the subject lands. The applicant shall demonstrate to the satisfaction of the Acting Manager Engineering Design and Construction that all drainage from the site shall be taken to a suitable outlet.  

7. That the owner submit to the Committee of Adjustment Office an administration fee of $15.00, payable to the City of Hamilton, to cover the cost of setting up a new tax account for the newly created lot.  

8. The applicant/owner shall demolish the existing single family dwelling straddling the proposed property line to the satisfaction of the Planning and Economic Development Department (Building Services Division).  

9. The owner/applicant shall satisfy the requirements of the Public Works Department, Operations and Maintenance Division, Forestry & Horticulture Section.
Dated at Hamilton this 20th day of June, 2007.

M. Dudzick, Chairman
C. Lewis
V. Abraham

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS June 27th, 2007. HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (June 27th, 2008) 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 July 17th, 2007.

THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

NOTE:

Based on this application being approved by the Committee of Adjustment, and all conditions being completed, the applicant will be required to obtain a municipal number(s) at the time of applying for a building permit(s) for the newly created lot(s). Please contact Paul Toffoletti 905-546-2424 Ext. 4348 Development and Real Estate Dept., Legislative Approvals.

Staff note that the applicant will be required to pay cash-in-lieu of parkland dedication at the time of a Building Permit application for the newly created lot(s), based on the value of the lands as of the day before Building Permit issuance.

The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances and the applicant/owner is advised, but not required, to conduct a Stage 1 and 2 archaeological assessment prior to such impacts in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 testing and Stage 4 mitigation may be required as determined by the Ministry of Culture.

Should deeply buried archaeological remains be found on the property during construction activities, the Ontario Ministry of Culture should be notified immediately (519-675-7742). In the event that human remains are encountered during construction, the applicant/landowner should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulations Unit of the Government Services (416-326-6362).
Aberdeen Avenue
(Reference Bearing)
(Established by By-law No. 926, Registered as Instrument No. 32195 L.R.)
(P.I.N. 17402-0123 (LT))

Lot

Concession

P.I.N. 17400-0111 (LT)

P.I.N. 17400-0112 (LT)

P.I.N. 17400-0113 (LT)

P.I.N. 17400-0114 (LT)

Part 1
Subject to Application
Area=863.00 Sq. m.

Part 2
Remaining Lands
Area=460.20 Sq. m.

Key Map

Address: 112 Marion Street

Sketch for Severance of Part of Lot 5, Concession 5 Geographic Township of Glanbrook in the City of Hamilton

Scale & Notes
Scale: 1:400

Edward J. Grenkie
Ontario Land Surveyor

Legend

O Denotes Inst. No. 250791 L.R.

Date: May 9, 2007

Edward J. Grenkie
Ontario Land Surveyor

Barich Grenkie
Surveying Ltd.
20-428 Millenium Road, Stoney Creek, Ontario
905-683-9387

D.W.: W. LaForve

Chk By: EG

Job No. 2007357