TO: Chair and Members
Planning Committee

WARD(S) AFFECTED: WARD 11

COMMITTEE DATE: January 18, 2011

SUBJECT/REPORT NO:
Application for an Amendment to Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 72 Creanona Boulevard (Stoney Creek) (PED11008) (Ward 11)

SUBMITTED BY:
Tim McCabe
General Manager
Planning and Economic Development Department

PREPARED BY:
Danielle Fama
(905) 546-2424, Ext. 4148

SIGNATURE:

RECOMMENDATION:

That approval be given to Zoning Application ZAR-10-037, by Frank Lucato, Owner, for a change in zoning to Stoney Creek Zoning By-law No. 3692-92 from the Neighbourhood Development “ND” Zone to the Single Residential “R2” Zone, in order to permit the development of one single-detached dwelling, fronting onto Montreal Circle, for lands located at 72 Creanona Boulevard (Stoney Creek), as shown on Appendix “A” to Report PED11008, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED11008, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and the City of Stoney Creek Official Plan.

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

The purpose of this application is for an amendment to the Stoney Creek Zoning By-law in order to permit the development of one single-detached dwelling fronting onto Montreal Circle. The subject application is a condition of approval for Severance Application SC/B:10-119 (see Appendix “C” - Condition 3).

The proposal has merit and can be supported as the application is consistent with the Provincial Policy Statement, and conforms to the Places to Grow Plan, Hamilton-Wentworth Official Plan, and Stoney Creek Official Plan. The proposed development is considered to be compatible with, and complementary to, the existing and planned development in the immediate area.

Alternatives for Consideration - See Page 11.

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.

HISTORICAL BACKGROUND

Background

Proposal

The applicant has applied for an amendment to rezone the subject lands from the Neighbourhood Development “ND” Zone to the Single Residential “R2” Zone in order to permit the development of one single-detached dwelling fronting onto Montreal Circle. The merits of the proposed amendment are discussed in the Analysis/Rationale for Recommendation section of this Report.

Chronology:

August 16, 2010: Submission of Application ZAR-10-037 by Frank Lucato.

September 13, 2010: Application ZAR-10-037 is deemed complete.
September 15, 2010: Circulation of Notice of Complete Application and Preliminary Circulation for Application ZAR-10-037 to all residents within 120 metres of the subject lands.

September 16, 2010: Associated Severance Application SC/B-10:119 granted conditional approval by the Committee of Adjustment.

December 17, 2010: Circulation of Notice of Public Meeting to all residents within 120 metres of the subject lands.

Details of Submitted Applications

**Location:** 72 Creanona Boulevard (Stoney Creek)

**Owner:** Frank Lucato

**Applicant:** A.J. Clarke and Associates Ltd.

**Property Description:**
- **Area:** 975.76 square metres
- **Frontage:** 21.34 metres (Montreal Circle)

**Servicing:** Full Municipal Servicing

**EXISTING LAND USE AND ZONING:**

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<tr>
<th>Subject Lands:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tr>
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<td>Existing Single-Detached Dwelling (to remain)</td>
<td>Single Residential “R2” Zone</td>
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<td>Neighbourhood Development “ND” Zone</td>
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<th>Surrounding Lands:</th>
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<tr>
<td>North</td>
<td>Single-Detached Dwellings</td>
<td>Single Residential “R2” Zone</td>
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<td>South</td>
<td>Single-Detached Dwellings</td>
<td>Single Residential “R2” and “R4-18” Zones</td>
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POLICY IMPLICATIONS

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, staff notes Policy 2.6.2 of the PPS, as the subject property meets two of the ten criteria in 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; and,

2) In an area of sandy soil in areas of clay or stone.

These criteria define the property as having archaeological potential. Accordingly, in review of the severance application, which was approved by the Committee of Adjustment on September 16, 2010, the following condition of approval was applied (see Appendix “C” - Condition 2):

“That the proponent shall carry out an Archaeological Assessment of the entire property 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 and the Ministry of Tourism and Culture confirming that all archaeological resource concerns have met licensing and conservation requirements. All Archaeological Reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Tourism and Culture.
Should deeply buried archaeological materials be found on the property during any of the above development activities, the Ontario Ministry of Tourism and Culture (MTC) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTC and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392)."

As the above noted condition is required to finalize the severance, and as approval will lapse if the condition is not satisfied, staff is of the opinion that the Provincial Interest has been appropriately addressed.

Based on the foregoing, the application is consistent with the Provincial Policy Statement.

**Places to Grow: Growth Plan for the Greater Golden Horseshoe**

Staff notes that the subject lands are located outside of the built boundary and are within a designated Greenfield Area, as defined by the Places to Grow Plan. Policy 2.2.7.2 states that the designated Greenfield Area of each upper or single-tier municipality will be planned to achieve a minimum density target that is not less than 50 residents and jobs combined per hectare. As such, staff encourages increased density within designated Greenfield Areas.

The proposal conforms to the policies contained in the Places to Grow Plan.

**Hamilton-Wentworth Official Plan:**

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Staff notes that 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.

However, staff notes Policy B-9.2 of the Hamilton-Wentworth Official Plan, and that the subject property meets two of the ten criteria used by the City of Hamilton and Ministry of Tourism and Culture 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; and,

2) In an area of sandy soil in areas of clay or stone.
These criteria define the property as having archaeological potential. As previously indicated, an Archaeological Assessment of the entire property is required (see Appendix “C” - Condition 2) in order to create the new lot, and the severance will lapse if the condition is not satisfied.

Based on the foregoing, the application conforms with the policies of the Hamilton-Wentworth Official Plan.

**City of Stoney Creek Official Plan:**

The lands are designated “Residential” on Schedule “A” - General Land Use Plan and “Low Density Residential” on Schedule “A4” - Urban Lakeshore Area Secondary Plan in the Stoney Creek Official Plan. The following policies, among others, are applicable to the subject lands:

**“SUBSECTION A.1 - RESIDENTIAL”**

1.1 **OBJECTIVES**

1.1.2 To provide a range of housing types and densities of varied styles, while ensuring the provision of amenities necessary for local residents.

1.1.3 To ensure that new Residential development or re-development is compatible with surrounding existing and proposed development, and is not subject to noxious environmental elements.

1.2 **POLICIES**

1.2.1 The primary uses permitted in areas designated on Schedule "A" as RESIDENTIAL shall be for dwellings. The location and type of residential densities within these areas, however, shall conform with the relevant Secondary Plan provisions, as specified under this Subsection, Subsection A.13, F.3, and other relevant policies of this Plan.

1.2.5 Any development shall be provided with full urban services including paved roads, municipal sanitary and storm sewers, and piped water. In no case will development be approved where the agency having jurisdiction indicates that such services are not available or adequate to accommodate the intended development, unless otherwise specified in this Plan.
1.2.9 Council shall encourage the provision of a full range of housing types and prices throughout the municipality and, where appropriate, residential intensification will be encouraged subject to Policies A.1.2.18, A.1.2.20, A.1.2.21, A.1.2.22, and other policies of the Plan.

1.2.12 The Residential Densities within the respective Residential land use designations identified by the SECONDARY PLANS shall be as follows:

a) LOW DENSITY - approximately 1 to 29 units per Net Residential Hectare. This designation permits predominantly single family detached, duplex, and semi-detached dwellings. These types of dwellings are to be generally located at the interior of Residential Neighbourhoods adjacent to local roads.

1.2.14 Within each of the Secondary Plan's Residential Density designations outlined in Policy 1.2.12 of this Subsection, the Zoning By-law will restrict the uses of any site to one or more of the dwelling unit types permitted within that designation. Such restrictions will be implemented to preserve the character of a neighbourhood and to promote compatibility of dwelling unit types with surrounding existing and proposed land uses.

13.4 LAKESHORE AREA - SECONDARY PLAN

13.4.1 Schedule "A.4" and the policies of the Secondary Plan, in addition to other applicable policies of the Official Plan, constitute the Secondary Plan for the Lakeshore Area Planning District. It is expected that the Lakeshore Area will accommodate an ultimate population of approximately 15,500 persons based on full municipal services.

13.4.2 The Lakeshore Area is composed of those lands located north of the Queen Elizabeth Way, south of the Lake Ontario shoreline, west of the City boundary with the Town of Grimsby, and east of the City boundary with the City of Hamilton. This Planning Area comprises the Lakeshore Neighbourhood, the Bayview Neighbourhood, the Trillium Neighbourhood, the Winona North Neighbourhood, and the Fifty Point Neighbourhood.

The Secondary Plan establishes land use policies specific to the Lakeshore Area. In accordance with Subsection F.3, the Secondary Plan indicates in greater detail how the objectives, policies, and designations of this Official Plan are to be implemented in a particular area. As such, the Secondary Plan may establish more specific requirements for particular neighbourhoods.
13.4.8 New Residential development shall complement existing low profile residential uses in the Fifty Point Neighbourhood. In this regard, and notwithstanding the provisions of Policy A.1.2.12(a) of this Plan, residential development in areas designated on Schedule “A4” as Low Density Residential shall not exceed a density of 13 units per net residential hectare west of Fifty Road. A gradation of lot sizes will be established in the plans of subdivision with larger lots being located closer to Lake Ontario, west of Fifty Road. In no case shall lots with a lot frontage less than 15 metres be permitted. A lot having less than 18 metres of frontage shall only be permitted within 500 metres of Baseline Road. The implementing Zoning By-law shall make provisions to establish single-detached lots having a lot area of approximately 900 square metres with a minimum lot frontage of approximately 18 metres.”

The subject application is required in order to fulfil a condition of approval for Severance Application SC/B-10:119, which was approved by the Committee of Adjustment on September 16, 2010 (see Appendix “C” - Condition 3).

As outlined above, the “Residential” designation permits the proposed single-detached dwelling and a maximum density of 29 units per hectare. Furthermore, the “Low Density Residential” designation of the Secondary Plan stipulates the following:

“New Residential development shall complement existing low profile residential uses in the Fifty Point Neighbourhood. In this regard, and notwithstanding the provisions of Policy A.1.2.12(a) of this Plan, residential development in areas designated on Schedule “A4” as Low Density Residential shall not exceed a density of 13 units per net residential hectare west of Fifty Road. A gradation of lot sizes will be established in the plans of subdivision with larger lots being located closer to Lake Ontario, west of Fifty Road. In no case shall lots with a lot frontage less than 15 metres be permitted. A lot having less than 18 metres of frontage shall only be permitted within 500 metres of Baseline Road. The implementing Zoning By-law shall make provisions to establish single-detached lots having a lot area of approximately 900 square metres with a minimum lot frontage of approximately 18 metres.”

The proposal will create a Net Residential Density of approximately 10 units per hectare. Based on the foregoing, the proposal conforms to the “Residential” policies of the Stoney Creek Official Plan and the “Low Density Residential” policies of the Secondary Plan.

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Neighbourhood Plan

The subject lands are designated “Low Density Residential” in the Fifty Point Neighbourhood Plan, which was approved by Council on July 23, 1991. The proposal conforms with the approved Neighbourhood Plan.

Urban Hamilton Official Plan

The new Urban Hamilton Official Plan was adopted by Council on July 9, 2009. The Plan has been forwarded to the Province of Ontario for final approval, and is not yet in effect. The New Urban Hamilton Official Plan designates the subject lands as “Neighbourhoods” on Schedule “E” Urban Structure and Schedule “E-1” Urban Land Use Designations. The property is designated “Low Density Residential 2b” on Map B.7.3-1 Urban Lakeshore Area Secondary Plan. The proposal conforms to the new Urban Hamilton Official Plan.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections:

- Taxation Division, Corporate Services Department.
- Waste Management Division, Public Works Department.
- Hamilton Conservation Authority.
- Horizon Utilities.

Source Water Planning, Environment and Sustainable Infrastructure Division, Public Works Department, has indicated the subject lands are within the Grimsby WTP IPZ-2, which is an area defined through simulation techniques as an area where a release of contaminant at the surface had the ability to reach drinking water intake at Lake Ontario within a two-hour time period. At this time, there are no conditions concerning residential land use, however, the applicant should be aware that conditions may be attached to future proposals if policies and programs are developed for the area residing with the finalized IPZ-2.

Forestry and Horticulture Section, Public Works Department has indicated that new caliper tree(s) will be requested as part of the Consent Agreement, which is a condition of severance approval (see Appendix “C” - Condition 5).

Traffic Engineering and Operations Section, Public Works Department has indicated that any new or change in single family residential access requires an Access Permit. Details on the permit and construction of the access can be obtained through the offices of the Municipal Parking Systems.
PUBLIC CONSULTATION

In accordance with the new provisions of the Planning Act and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was circulated to 107 property owners within 120 metres of the subject property on September 22, 2010. The Public Participation Policy does not require a Preliminary Circulation 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. However, the subject application was received just prior to the submission of the severance application and, as a result, a Preliminary Circulation was undertaken. A Public Notice sign was also posted on the property on October 18, 2010, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act. To date no responses have been received.

ANALYSIS / RATIONALE FOR RECOMMENDATION

1. The proposed application 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 (Growth Plan for the Greater Golden Horseshoe);

   (ii) It conforms to the Hamilton-Wentworth Official Plan and the “Residential” policies of the Stoney Creek Official Plan and the Lakeshore Area Secondary Plan;

   (iii) The proposed development is compatible with, and complementary to, the existing and planned development in the immediate area;

   (iv) The proposal implements the “Neighbourhoods” and “Low Density Residential 2b” designations in the new Urban Hamilton Official Plan; and,

   (v) It implements a condition of approval for Severance Application SC/B:10-119 (see Appendix “C” - Condition 3).

2. The subject lands are serviced by a 250mm sanitary sewer, 600mm storm sewer, and 200mm watermain along Montreal Circle, which were constructed as part of the “Mattamy on the Lake” Subdivision. No road widenings are required.

   There is an existing 0.3m reserve (Block 291, 62M-1096) adjacent to the new lot to be created along the west limit of Montreal Circle. A portion of this reserve will have to be incorporated as part of the public highway prior to the development of these lands. All costs associated with the preparation of a reference plan,
including both legal and registration costs, are the responsibility of the applicant (see Appendix “C” - Condition 7).

Best Efforts Obligations clauses were included in the “Mattamy on the Lake” Subdivision Agreement which requires, as a condition of any development approval, that the applicant pay their fair share of the “as-constructed costs” for the construction of the underground services and above ground costs along Montreal circle. A cash payment will be required to be submitted by the applicant to the City prior to obtaining final consent approval in accordance with Schedule “F-2” of the Subdivision Agreement (see Appendix “C” - Condition 6).

The applicant will be required to enter into a Consent Agreement with the City to ensure that any future residential development proceeds in a proper and orderly manner in accordance with the lot grading and servicing plans which have been approved for the adjacent Mattamy Subdivision (see Appendix “C” - Condition 5).

**ALTERNATIVES FOR CONSIDERATION:**

If the application is denied, the severance will lapse and the lands could be developed in accordance with the current Single Residential “R2” and Neighbourhood Development “ND” Zone provisions.

**CORPORATE STRATEGIC PLAN**


**Social Development:**
- Everyone has a home they can afford that is well maintained and safe.

**Healthy Community**
- Plan and manage the built environment.
- An engaged Citizenry.

**APPENDICES / SCHEDULES**

- Appendix “A”: Location Map
- Appendix “B”: Draft Zoning By-law Amendment
- Appendix “C”: Severance Application SC/B:10-119 and Draft Reference Plan

:DF - Attachs. (3)
Appendix "A" to Report PED11008
(Page 1 of 1)

Location Map

File Name/Number: ZAC-10-037
Date: September 15, 2010
Appendix "A" Scale: N.T.S.
Planner/Technician: DF/SW

Subject Property
72 Creanona Boulevard, Stoney Creek

Change in Zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R2" Zone
CITY OF HAMILTON

BY-LAW NO. 3692-92 (Stoney Creek)
Respecting the Lands Located at 72 Creanona Boulevard, Stoney Creek

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 City of Stoney Creek" 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. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS the Council of the City of Hamilton, in adopting Item [Redacted] of Report 11-[Redacted] of the Planning Committee, at its meeting held on the [Redacted] day of [Redacted], 2011, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan);
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map No. 4 of Schedule ‘A’, appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended by changing the zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R2” Zone, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule ‘A’.

2. That 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 Single Residential “R2” Zone provisions.

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 [date] day of [month], 2011.

________________________________________  ______________________________________
R. BRATINA                                           ROSE CATERINI
MAYOR                                              CLERK

ZAR-10-037
Appendix "B" to Report PED11008
(Page 3 of 3)

Schedule "A"

Map Forming Part of By-Law No. 11--
to Amend By-law No. 3692-92

This is Schedule "A" to By-Law No. 11-
Passed the ........ day of ....................., 2011

Clerk

Mayor

Subject Property
72 Creanona Boulevard, Stoney Creek
Change in Zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R2" Zone

Scale: N.T.S.
File Name/Number: ZAR-10-037
Date: November 30, 2010
Planner/Technician: DFSW

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Appendix "C" to Report PED11008
(Page 1 of 3)

COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. SC/B-10:119
SUBMISSION NO. B-119/10

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 72 Creanona Boulevard, formerly in the City of Stoney Creek, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent A.J. Clarke and Associates Ltd. (Stephen Fraser) on behalf of the owners Michael and Cindy Feere (Frank Lucato under agreement of purchase & sale), 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 21.34m x 45.72m for single family residential purposes, and to retain a parcel of land measuring 21.34m x 34.67m containing an existing single family dwelling 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 City of Stoney Creek 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. The proponent shall carry out an archaeological assessment 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 and the Ministry of Tourism and Culture confirming that all archaeological resource concerns have met licensing and conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Tourism and Culture.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Tourism and Culture (MTC) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTC and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.325.8392).

3. The owner shall apply for, and receive final approval of, an application for Zoning By-law Amendment for the severed lands to the satisfaction of the Manager of Planning.

...../2
4. The owner shall submit survey evidence that the existing dwelling and any other 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).

5. The owner shall enter into and register a Consent Agreement with the City of Hamilton to the satisfaction of the Manager of Development Engineering for the purpose of, but not limited to lot grading.

6. The applicant/owner shall pay all outstanding costs to the City of Hamilton for their share of the improvement roadway costs, sanitary trunk sewer, storm channel and municipal services including a private drain connection, to the satisfaction of the Manager of Development Engineering.

7. The applicant/owner shall be responsible for the preparation of a reference plan showing that portion of the 0.30 metre reserve (Block 291 on Plan 62M-1096) adjacent to the lands to be severed that is to be incorporated into the Montreal Circle road allowance, to the satisfaction of the Manager of Development Engineering. All costs associated with the preparation of a reference plan, including both legal and registration costs are the responsibility of the applicant/owner.

8. The owner shall 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.

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

DATED AT HAMILTON this 16th day of September, 2010.

M. Dudzic, Chairman

D. Drury

V. Abram

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS September 23rd, 2010.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (September 23rd, 2011) 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 October 13th, 2010.

THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

NOTES:

1. Based on the attached plans, and on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be conveyed (Part 2) will be assigned the municipal address of 407 Montreal Circle, and that the lands to be retained (Part 1) will remain as 72 Creanona Boulevard.

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