TO: Chair and Members
Economic Development and Planning Committee

WARD(S) AFFECTED: WARD 11

COMMITTEE DATE: October 5, 2010

SUBJECT/REPORT NO:
Application for Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for Lands Located at 80 Creanona Boulevard (Stoney Creek) (PED10220) (Ward 11)

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

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

SIGNATURE:

RECOMMENDATION:

(a) That approval be given to **Official Plan Application OPA-10-014, by Angelo Andreatta, Owner**, for Official Plan Amendment No. [insert number] to amend Schedule “A” General Land Use Plan and Schedule “A4” Urban Area Lakeshore Secondary Plan for lands located at the rear of 80 Creanona Boulevard, as shown on Appendix “A” (Block 2) to Report PED10220, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED10220, be adopted by City Council.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan.

(b) That approval be given to **Zoning Application ZAC-10-026, by Angelo Andreatta, Owner**, for changes in zoning to Stoney Creek Zoning By-law No.

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

**Values:** Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
3692-92 from the Neighbourhood Development “ND” Zone to the Single Residential “R2” Zone (Block 1), and to the Single Residential “R3-32” Zone, with a Special Exception (Block 2), in order to permit the development of 5 single-detached dwellings fronting onto Montreal Circle, as shown on Appendix “A” to Report PED10220, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED10220, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the City of Stoney Creek Official Plan upon finalization of Official Plan Amendment No.

EXECUTIVE SUMMARY

The purpose of these applications is for an amendment to the Stoney Creek Official Plan and Zoning By-law in order to permit the development of 5 single-detached dwellings fronting onto Montreal Circle. The subject application is a condition of approval for Severance Applications SC/B:10-74, SC/B:10-75, and SC/B:10-76 (see Appendix “D”, Condition 3).

The proposal has merit and can be supported as the applications are consistent with the Provincial Policy Statement, and conform to the Hamilton-Wentworth 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 15.

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 an Official Plan Amendment and a Zoning By-law Amendment.
HISTORICAL BACKGROUND

Background

The subject lands were subject to Severance Applications SC/B:10-74, SC/B-10:75, and SC/B-10:76, which were approved by the Committee of Adjustment on July 15, 2010, subject to a number of conditions including, amongst others, final approval of a Zoning By-law Amendment (see Appendix “D”, Condition 3). The applicant has one year from the approval date to fulfill the applicable conditions or the approval will lapse.

Upon further review of the proposal, it was determined that an Official Plan Amendment is also required. In order to permit development of adjacent lands (Mattamy on the Lake Subdivision) the policy below was amended by O.P.A. 135. Smaller lots and higher density was deemed appropriate for the area. However, at the time of the application the subject lands were not included and as a result the proposal is subject to the policy below which must be amended:

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 merits of the proposed amendment are discussed in the Analysis/Rationale for Recommendation section of this report.

Proposal

In order to implement the proposal an Official Plan Amendment is required as well as a change in zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R2” Zone (Block 1) and the Single Residential “R3-32” Zone (Block 2) to permit the development of 5 single-detached dwellings fronting onto Montreal Circle (see Appendix “A”).

The applicant has requested the following modifications:
Single Residential "R3" Zone

- Reduce the minimum required front yard setback from 6.0 metres to 3.0 metres to the face of a dwelling, and 5.8 metres to the face of the garage.

- Reduce the minimum side yard setback from 1.25 metres to 1.2 metres, except 0.6 metres on the side with an attached garage.

- Increase the maximum lot coverage from 40% to 45% for 1-storey and/or bungalow dwelling units.

The proposed modifications are discussed in the Analysis / Rationale for Recommendation section of this Report.

Details of Submitted Applications

**Location:** 80 Creanona Boulevard (Stoney Creek)

**Owner:** Angelo Andreatta

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

**Property Size:**

- **Area:** 3,792 square metres
- **Frontage:** 24.38 metres
  - (Creanona Boulevard)
- **Frontage:** 60.96 metres
  - (Montreal Circle)

**Servicing:** Full Municipal Servicing

EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject Lands</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tr>
<td>Subject Lands</td>
<td>Existing Single-Detached Dwelling (to remain)</td>
<td>Single Residential “R2” Zone Neighbourhood Development “ND” Zone</td>
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</tbody>
</table>
**Surrounding Lands:**

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<th>North</th>
<th>West</th>
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<td>Single Residential &quot;R2&quot; Zone</td>
<td>Single Residential &quot;R2&quot; Zone</td>
<td>Single Residential &quot;R4-18&quot; Zone</td>
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**POLICY IMPLICATIONS**

**Provincial Policy Statement:**

The applications have 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 applications, which were approved by the Committee of Adjustment on July 15, 2010, the following condition of approval was applied (see Appendix “D”, 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 severances, 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 "D", Condition 2) in order to create the new lots, and the severances 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.

1.2.13 For the purpose of SECONDARY PLANS, Net Residential Density refers to the number of dwelling units per Net Residential Hectare of any particular development or re-development. In the case of single family, duplex, and semi-detached dwellings, Net Residential Density includes only the land for residential lots, and excludes lands for public roads, public park lands, and hazard lands. In the case of any housing form other than single family, duplex, and semi-detached dwellings, Net Residential Density includes the lands for dwellings, private internal roads, parking areas, open space, and other associated amenities directly related and forming part of the development and/or re-development.

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.

1.2.30 The subdivision of land through the Consent process shall be subject to the policies of this Subsection and Subsections C.1 and C.2.
1.2.32 Development applications, including amendments to the Official Plan and Zoning By-law, shall be processed expeditiously while not sacrificing the quality of review and unduly limiting the opportunity for agency or public input. In order to achieve this goal, the monitoring of the time required to review applications for planning related matters will be undertaken in order to identify a means to increase the efficiency of the approvals process.

13.4 **LAKE SHORE 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.
13.4.9 In order to maintain the unique character of the Fifty Point Neighbourhood, special design features shall be provided on lands designated Low Density Residential on Schedule A4, west of Fifty Road. These design features shall include, but not be limited to, decorative street lamps, enhanced boulevard landscaping, and increased front yards and side yards. Final determination of the yard requirements will be made by the City at the time of its review of the zoning and subdivision applications. Also, a variety of house styles with different architectural details shall be encouraged and reviewed during the draft plan of subdivision process.

13.4.11 In accordance with the provisions of Subsection E.5 of this Plan, the implementing Neighbourhood Plan shall make provisions to incorporate historical resources within the overall design of the Fifty Point Neighbourhood in order to minimize adverse effects that may detract from these resources and provide for their preservation.”

The subject applications are required in order to fulfil a condition of approval for Severance Applications SC/B-10:74, SC/B-10:75, and SC/B-10:76, which were approved by the Committee of Adjustment on July 15, 2010 (see Appendix “D” – Condition 1).

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 29 units per hectare. The proposal will create a Net Residential Density of approximately 16 units per hectare, which is consistent with the Residential policies.

Policy 13.4.9 encourages increased front and side yard setbacks, however, the policy allows final determination of the yard requirements to be made by the City at the time of its review of the zoning and subdivision applications. Staff is of the opinion that the proposal makes efficient use of the existing infrastructure and is compatible with, and complementary to, the established development pattern in the neighbourhood.

As previously mentioned an Amendment to Policy 13.4.8 is required. The merits of the proposed amendment are discussed in the Analysis/Rationale for Recommendation section of this report.

Based on the foregoing, the proposal conforms to the “Residential” policies of the Stoney Creek Official Plan; however, an Amendment to the Secondary Plan is required.
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:

- Traffic Engineering and Operations Section, Public Works Department.
- Taxation Division, Corporate Services Department.
- Waste Management Division, Public Works Department.
- Horizon Utilities.

Source Water Planning, Environment and Sustainable Infrastructure Division, 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 a Street Tree Planting Plan is required. This Plan and required fees will be submitted through the External Works Agreement, which is a condition of severance approval (see Appendix “C” – Condition 4).
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 22 property owners within 120 metres of the subject property on June 24, 2010. Although the Public Participation Policy does not require a Preliminary Circulation if a Zoning By-law Amendment is required as a condition to implement a severance, the subject applications were received just prior to the submission of the severance application. As a result, a Preliminary Circulation was deemed to be appropriate. A Public Notice sign was also posted on the property on July 6, 2010, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

Two letters (see Appendix “E”) were received in response to the pre-circulation letter. Concerns included lot frontage, on-street parking, and property values. An analysis of these concerns is discussed in the Analysis/Rationale for Recommendation section of this Report.

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 the “Residential” policies of the Stoney Creek Official Plan;

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

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

2. Policy 13.4.8 noted below is applicable to the subject lands and as a result, an Official Plan Amendment is required in order to permit 4 lots with a frontage of 12.19 metres and one lot with a frontage of 12.2 metres resulting in a density of 16 units per hectare:

   “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. Based on the foregoing, staff supports the proposed Official Plan Amendment.”

The above noted policy was previously amended via O.P.A. 135 (noted below), for the adjacent Mattamy on the Lake Subdivision (which is adjacent to the subject lands). Through the implementation of this O.P.A. it was determined that smaller lot frontages and a higher density was appropriate for the area:

“13.4.14 For the lands located in Part Lot 3, Broken Concession and known municipally as 1353, 1357, 1427 Baseline Road and part of 22 Falcon Road the following policies shall apply:

a) Notwithstanding policy A.1.2.12 a) and A.13.4.9, the maximum density on the subject land shall be 32 units per Net Residential Hectare. A wide variety of dwelling types including single detached, semi-detached and townhouse units are permitted.

The above noted policy deleted the requirement for lots with larger frontages and a maximum density of 13 units per hectare and permitted a maximum density of 32 units per hectare within Mattamy on the Lake Subdivision which surrounds this development. There were only a few remnant parcels, including the subject lands, not included in the Official Plan Amendment. It is noted that the proposed density for the subject lands is approximately 16 units per hectare.

Based on the foregoing, staff supports the proposed Official Plan Amendment.

3. The applicant has requested a change in zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R2” Zone (Block 1) and the Single Residential “R3-32” Zone (Block 2) in order to permit the development of five single-detached dwellings fronting onto Montreal Circle (see Appendix “A”). The following modifications have been requested:
Single Residential “R3” Zone

Minimum Front Yard Setback

The applicant has requested to reduce the minimum required front yard setback from 6.0 metres to 3.0 metres to the face of a dwelling, and 5.8 metres to the face of the garage. Reducing the minimum front yard setback from 6.0 metres to 5.8 metres to the face of an attached garage, and 3.0 metres to the face of the dwelling, is considered to be minor in nature. This provision is based on a design standard which minimizes the impact of the garage. This reduced setback also provides for efficient use of the land, while maintaining a 5.8 metre setback to the face of the garage, allowing for an adequate parking space length in that 3692-92 requires a minimum parking spot size of 2.75 metres by 5.8 metres. Finally, it is the same standard as the dwellings on the east side of Montreal Circle zoned “R4-18”.

Minimum Side Yard Setback

A modification has been requested to reduce the minimum side yard setback from 1.25 metres to 1.2 metres, except 0.6 metres on the side with an attached garage (subject to maintenance easements being obtained). Staff is of the opinion that the reduction is minor in nature and will allow for efficient use of the land. A side yard setback of 1.2 metres on one side of the dwelling and 0.6 metres on the other side of the dwelling will still allow for proper drainage and maintenance of the dwellings. However, where the side yard is less than 1.2 metres, a maintenance easement will be required to facilitate access to the eaves and roof. The proposed setback is also consistent with the side yard setback for single-detached dwellings on the east side of Montreal Circle zoned “R4-18”.

Maximum Lot Coverage

The applicant has also requested an increase in the maximum lot coverage from 40% to 45% for 1 storey and/or bungalow dwelling units. Staff is of the opinion that the increase is minor and notes that the provision will only apply to 1 storey dwellings, and the dwelling will still be required to meet the front and rear yard setbacks ensuring that sufficient amenity and landscaping is being provided.

4. There are full municipal services available on Montreal Circle. There is an existing 0.3 metre reserve adjacent to the proposed lots on Montreal Circle. A portion of this reserve must be incorporated as part of the Montreal Circle road allowance prior to the development of these lands. As a condition of severance approval (see Appendix “D”, Condition 5) the applicant will be required to provide a payment to the City, as a benefiting landowner, for their share of the
improvement roadway costs, sanitary trunk sewer, storm channel, and municipal services, including private drain connections which were required to be constructed in conjunction with the “Matta on the Lake” Registered Plan of Subdivision (62M-1096).

As a condition of the associated severance applications, the applicant will also be required to enter into and register an External Works Agreement with the City (see Appendix “D”, Condition 4), to ensure the orderly and proper development of the proposed five new residential lots. This will include, but not be limited to; the construction of and/or abandonment of private sewer and water drain connections, driveway approaches, curbing, lot grading, street tree planting, and the restoration of Montreal Circle.

5. Staff received two letters of objection (see Appendix “E”) in response to the preliminary circulation of the application. The concerns included lot frontage, on-street parking, and property values.

Lot Frontage

The letters received in response to the circulation identified a concern with the minimum lot frontage of 12.0 metres. The residents indicated that the proposed lot frontage was not compatible with the existing lots in the area, which on average are 14.0 metres. The creation of the five lots, one at 12.20 metres and four at 12.19 metres frontage, were supported by staff and approved by the Committee of Adjustment on July 15, 2010. The subject rezoning application will implement that approval. Staff is of the opinion that the proposed lot frontages are appropriate and compatible with the existing area, and will provide a transition from the larger lots on Creanona and the smaller lots on Montreal Circle. Staff note that while the lot frontages on the east side of Montreal Circle are approximately 14.0 metres, they are only 25 metres deep. The lots on the west side of Montreal Circle range from 44 metres to 50 metres deep.

On-Street Parking

One of the letters received in response to the circulation indicated a concern with the potential for dwellings with single car garages. The applicant has not indicated the type of dwelling that is proposed. As the parking requirement is not being modified, two parking spaces are required. In addition, the location of the driveways will take into consideration the opportunity to maximize on-street parking.

Property Values

Staff has no evidence to suggest there will be a decrease in property values.
If the application is denied, the severances 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**


**Financial Sustainability**

* Delivery of municipal services and management capital assets/liabilities in a sustainable, innovative, and cost-effective manner.
* Generate assessment growth/non-tax revenues.

**Social Development**

* Everyone has a home they can afford that is well maintained and safe.

**Environmental Stewardship**

* Natural resources are protected and enhanced.
* Reduced impact of City activities on the environment.

**Healthy Community**

* Plan and manage the built environment.
* An engaged Citizenry.

**APPENDICES / SCHEDULES**

- Appendix “A”: Location Map
- Appendix “B”: Draft Official Plan Amendment
- Appendix “C”: Draft Zoning By-law Amendment
- Appendix “D”: Severance Applications and Draft Reference Plan
- Appendix “E”: Objection Letters

:DF
Attachs. (5)
Appendix “A” to Report PED10220
(Local 1 of 1)

Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: ZAC-10-026
Date: Sept. 10, 2010

Appendix “A” Scale: N.T.S.
Planner/Technician: DF/AL

Subject Property
80 Creanona Boulevard, Stoney Creek

Block 1 - Change in Zoning from the Neighbourhood Development “ND” Zone to Single Residential “R2” Zone.

Block 2 - Change in Zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R3-32” Zone, Modified. Lands Subject to an Official Plan Amendment.

Block 3 - Lands to remain, Single Residential “R2” Zone.

Ward 11 Key Map N.T.S.
The following text together with Schedule "A" (Schedule A – Land use Plan) and Schedule "B" (Schedule “A4, Secondary Plan – Urban Lakeshore Area), attached hereto, constitutes Official Plan Amendment No. XX.

**Purpose:**

The purpose of the proposed Amendment is to permit reduced lot frontages and increased density on the subject lands. The effect of the proposed Amendment is to permit the development of 5 lots for single detached dwellings fronting onto Montreal Circle.

**Location:**

The lands affected by this Amendment are located at the rear of 80 Creanona Boulevard in the Fifty Point Neighbourhood in the former City of Stoney Creek.

**Basis:**

The intent of the Amendment is to permit a moderate increase in residential density. The basis for permitting the proposal is as follows:

- The proposal is consistent with the Provincial Policy Statement and conforms to the former Region of Hamilton-Wentworth Official Plan; and,
- The proposal is compatible with and complementary to the existing and planned development in the surrounding residential area.

**Actual Changes:**

**Schedule Changes**

1. That Schedule “A” General Land Use Plan be revised by annotating the subject lands as OPA No. XX as shown on the attached Schedule “A” of this Amendment.
2. That Schedule “A4”, Secondary Plan - Urban Lakeshore Area be revised by annotating the subject lands as OPA No. XX as shown on the attached Schedule “B” of this Amendment.

Text Changes

3. That Policy 13.4.XX be added as follows:

For the lands located at the rear of 80 Creanona Boulevard, as identified on Schedule “A4” of this Plan, notwithstanding its location 500 metres beyond Baseline Road, a minimum lot frontage of 12 metres and a maximum density of 16 units per hectare shall be permitted. The minimum lot area on these lands shall be established by the implementing Zoning By-law.”

Implementation:

A Zoning By-law amendment will give effect to this Amendment.

This is Schedule "1" to By-law No. _____, passed on the ----- day of ------, 2010.

The City of Hamilton

__________________________________  ____________________________________
Mayor                                Clerk
CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting the Lands Located at 80 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 of Report 10- of the Economic Development and Planning Committee, at its meeting held on the day of , 2010, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

AND WHEREAS this by-law will be in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan) upon approval of Official Plan Amendment No. ;

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 (Block 1), and the Single Residential “R3-32” Zone (Block 2), on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule ‘A’.

2. That Subsection 6.4.7, “Special Exemptions”, of Section 6.4 Single Residential “R3” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, “R3-32”, as follows:

   “R3-32” 80 Creanona Boulevard, Schedule ‘A’, Map No. 4

   Notwithstanding the provisions of Paragraphs (c), (d) and (g) of Section 6.4.3 “Zone Regulations” of Zoning By-law No. 3692-92, on those lands zoned “R3-32” by this by-law, the following shall apply:

   (c) Minimum Front Yard - 3.0 metres to the face of a dwelling and 5.8 metres to the face of the garage.

   (d) Minimum Side Yard - No part of any dwelling shall be located closer than 1.2 metres to a side lot line, except 0.6 metres on the side of the dwelling containing an attached garage or attached carport, provided that a maintenance easement is entered into between the owners of the abutting lands and properly registered on title of each of the abutting lots

   (g) Maximum Lot Coverage – 40 percent, except 45 percent for 1 storey and/or bungalow dwelling units

3. 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 “R3” Zone provisions, subject to the special requirements referred to in Section 2, and the Single Residential “R2” Zone provisions.

4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED and ENACTED this day of , 2010.

__________________________________________  _______________________________________
FRED EISENBERGER  ROSE CATERINI
MAYOR  CLERK

ZAC-10-026
Schedule "A"

Map Forming Part of By-Law No. 10-_____

to Amend By-law No. 3692-92

Subject Property
80 Creanona Boulevard, Stoney Creek

Block 1 - Change in Zoning from the Neighbourhood Development "ND" Zone to Single Residential "R2" Zone.

Block 2 - Change in Zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R3-32" Zone, Modified. Lands Subject to an Official Plan Amendment.

Block 3 - Lands to remain, Single Residential "R2" Zone.
APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. SC/80-74
SUBMISSION NO. B-74/10

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 80 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 owner Katharine Belanger (Angelo Andreatta 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 (Parts 1 to 5 inclusive on attached sketch) having a frontage of 60.98m (200’), and an area of 2,912m² (0.72 acres) for single family residential purposes, and to retain a parcel of land (Part 6 on attached sketch) measuring 24.38m x 36.1m (80’ x 118’,4) 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. 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 (416.328.8392).
3. That the applicant receive final approval of Zoning By-law Amendment Application ZAC-10-026 to the satisfaction of the Manager of Planning.

4. That the Owner enter into and register an External Works Agreement with the City of Hamilton to the satisfaction of the Manager of Development Engineering.

5. The applicant will be required to provide a payment to the City, as a benefiting landowner, for their share of the improvement roadway costs, sanitary trunk sewer, storm channel, and municipal services, including private drain connections which were required to be constructed in conjunction with the Mattamy Plan of Subdivision; and,

6. That a portion of the existing 0.3m reserve (Block 291, 62M-1096) along the entire frontage of the proposed new lots be incorporated as part of Montreal Circle 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.

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

8. The owner submit to the Committee of Adjustment office an administration fee of $75.00 ($15.00 per lot) payable to the City of Hamilton to cover the costs of setting up new tax accounts for the newly created lots.

DATED AT HAMILTON this 15th day of July, 2010.

M. Duzdza, Chairman

C. Lewis

D. Smith

L. Few

D. Segwaltuk

M. Switzer

V. Abraham

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS July 22nd, 2010.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (July 22nd, 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 August 11th, 2010.

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

NOTE (TO BE INCLUDED IN DECISION IF APPROVED):

1. Based on this application being approved and all conditions being met, the owner/applicant should be made aware of the following municipal addresses that will be assigned to each Part. Part 1 - 439 Montreal Circle, Part 2 - 435 Montreal Circle, Part 3 - 451 Montreal Circle, Part 4 - 427 Montreal Circle, Part 5 - 423 Montreal Circle. Part 6 will remain as 80 Clearview Blvd.
COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT TO AID SEVERANCE

APPLICATION NO. SC/B-10:75
SUBMISSION NO. B-75/10

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 80 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 owner Katharine Belanger (Angelo Andreatta 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 (Part 2 on attached sketch) measuring 12.19m (40' x 44.2m (145') for single family residential purposes, and to retain a vacant parcel of land (Part 1 on attached sketch) measuring 12.19m (40' x 44.2m (145') for single family 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. 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 (416.325.8922).
3. That the applicant receive final approval of Zoning By-law Amendment Application ZAC-10-026 to the satisfaction of the Manager of Planning.

4. That the Owner enter into and register an External Works Agreement with the City of Hamilton to the satisfaction of the Manager of Development Engineering.

5. The applicant will be required to provide a payment to the City, as a benefiting landowner, for their share of the improvement roadway costs, sanitary trunk sewer, storm channel, and municipal services, including private drain connections which were required to be constructed in conjunction with the Mattamy Plan of Subdivision; and,

6. That a portion of the existing 0.3m reserve (Block 291, 62M-1098) along the entire frontage of the proposed new lots be incorporated as part of Montreal Circle 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.

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

8. The owner submit to the Committee of Adjustment office an administration fee of $75.00 ($15.00 per lot) payable to the City of Hamilton to cover the costs of setting up new tax accounts for the newly created lots.

DATED AT HAMILTON this 15th day of July, 2010.

M. Dudziak, Chairman

C. Lewis

D. Smith

C. Trew

D. Serepuk

M. Switzer

V. Abraham

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS July 22nd, 2010.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (July 22nd, 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 August 11th, 2010.

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

NOTE (TO BE INCLUDED IN DECISION IF APPROVED):
1. Based on this application being approved and all conditions being met, the owner / applicant should be made aware of the following municipal addresses that will be assigned to each Part. Part 1 – 439 Montreal Circle, Part 2 – 436 Montreal Circle, Part 3 – 431 Montreal Circle, Part 4 – 427 Montreal Circle, Part 5 – 423 Montreal Circle, Part 6 will remain as 80 Creanona Blvd.
Appendix "D" to Report PED10220
(Page 5 of 7)

Committee of Adjustment
Hamilton City Hall
71 Main Street West, 5th floor
Hamilton, ON L8P 4Y5
Telephone (905) 546-4014, ext. 4221
Fax (905) 546-4632

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT
LAND SEVERANCE

APPLICATION NO. SC/B-10:76
SUBMISSION NO. B-76/10

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 80 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 owner Katharine Belanger (Angelo Andreotta 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 (Part 4 on attached sketch)
measuring 12.19m² (40'x) x 50.16m² (164.5') for single family residential purposes, and to retain
two vacant parcels of land; one (Part 3 on attached sketch) measuring 12.19m² (40'x) x 50.16m²
(164.5') and the other (Part 5 on attached sketch) measuring 12.19m² (40'x) x 50.16m²
(164.5'), both for single family 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. 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 (416.325.6992).
3. That the applicant receive final approval of Zoning By-law Amendment Application ZAC-10-026 to the satisfaction of the Manager of Planning.

4. That the Owner enter into and register an External Works Agreement with the City of Hamilton to the satisfaction of the Manager of Development Engineering.

5. The applicant will be required to provide a payment to the City, as a benefiting landowner, for their share of the improvement roadway costs, sanitary trunk sewer, storm channel, and municipal services, including private drain connections which were required to be constructed in conjunction with the Mattamy Plan of Subdivision; and,

6. That a portion of the existing 0.3m reserve (Block 291, 62M-1096) along the entire frontage of the proposed new lots be incorporated as p.r.t. of Montreal Circle 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.

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

8. The owner submit to the Committee of Adjustment office an administration fee of $75.00 ($15.00 per lot) payable to the City of Hamilton to cover the costs of setting up new tax accounts for the newly created lots.

DATED AT HAMILTON this 15th day of July, 2010.

M. Dubbe, Chairman

C. Lewis

D. Smith

L. Tew

D. Serwatic

M. Switzer

V. Abraham

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS July 22nd, 2010.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (July 22nd, 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 August 11th, 2010.

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

NOTE (TO BE INCLUDED IN DECISION IF APPROVED):

1. Based on this application being approved and all conditions being met, the owner / applicant should be made aware of the following municipal addresses that will be assigned to each Part. Part 1 – 439 Montreal Circle, Part 2 – 435 Montreal Circle, Part 3 – 431 Montreal Circle, Part 4 – 427 Montreal Circle, Part 5 – 423 Montreal Circle. Part 6 will remain as 80 Creansos Blvd.
ATTENTION DANIELLE FAMA, PLANNING/ECONOMIC DEVELOPMENT DEPART.,
FROM JOHN RUSSELL, OWNER 448 MONTRÉAL CIRCLE, STONEY CREEK.

RE 80 CREANOWA BLVD, STONEY CREEK - FILE ZAC-10-026

THANK YOU FOR YOUR LETTER RECEIVED FRI, JULY 9.

I HAVE A NUMBER OF QUESTIONS RE 3C/9-10:74, 10:75, 10:76

1) ON 3C/9-10:75, WHAT DOES THE TERM "BROKEN" MEAN ON PART 3?

2) WHAT DOES "TO BE CONVEYED" MEAN ON PART 3 AND WHO WOULD IT BE CONVEYED TO?

3) DOES "FRONT" ON PART 2 INDICATE THAT THE ACTUAL BUILDING IS SET BACK DRAMATICALLY FROM MONTRÉAL CIRCLE AND DOES PART 2 OVERLAP INTO PART 1?

4) WHY IS THE DESIGNATION "TO BE CONVEYED" WRITTEN ON PART 2 AND "TO BE RETAINED" WRITTEN ON PART 1 - ALL ON 3C/9-10:75? THESE DESIGNATIONS AREN'T ON 10:74 + 10:76. ALSO AGAIN IF ACCURATE, WHAT IS TO BE CONVEYED AND TO WHOM, AND WHO IS RETAINING PART 1?

5) ON 10:75, PART 3 IS UNMARKED, ON 10:74 IT SAID "TO BE CONVEYED" + ON 10:76 IT SAYS "TO BE RETAINED" WHICH IS IT?! CONFUSING!!!

6) ALSO PART 6 SAYS "TO BE RETAINED" ON 10:74 BUT NOT ON 10:75, 10:76. IF IT IS TO BE RETAINED, BY WHOM?

PLEASE BE ADVISED, THAT WHILE I AM NOT OPPOSED TO BUILDING ON THIS PARCEL I WOULD BE MORE AMENABLE IF TAKING PLACE ON THIS PARCEL I WOULD BE MORE AMENABLE IF TAKING PLACE ON THIS PARCEL I WOULD BE MORE AMENABLE IF THERE WERE JUST 4 UNITS TO BE BUILT AND FRONTAGE WAS APPROX 15 METRES.

I ALSO WISH TO BE NOTIFIED OF THE ADOPTION OR REFUSAL TO AMPEND THE ZONING BY-LAW.

PLEASE CC: (A) COUNCILLOR DAVID MITCHELL WARD II
          (B) P. MALIARO DIRECTOR, PLANNING DIVISION (C) S. RODHAIN MANAGER, PLANNING DIVISION.

(2) WILL THERE BE ANY BENEFITS TO THE NEIGHBOURHOOD IF BUILDING IS ALLOWED?
MY FAX LINE ISN'T DEDICATED. SO IT IS BETTER TO EMAIL ME OR WRITE ME @ 32 TIMMSDALE CR., FENTHILL, ONT. LOSES ALTHOUGH I SUSPECT A LETTER WOULDN'T REACH ME IN TIME FOR THE THURSDAY, JULY 5, COMMITTEE MEETING WHICH I PLAN ON ATTENDING. THANK YOU.
Henry & Louise Berenguier                                      July 9, 2010
438 Montreal Circle
Stoney Creek, Ont L8E 0E2
Phone: 
e-mail: 

TO:
City of Hamilton
Danielle Fama
Planning and Economic Development Dept
Planning Division, Development Planning, East Section
5th Floor
City Hall

Re: File No: ZAC-10-026

We have a great concern regarding the severance as indicated on the plan.

1. Lot Size

A larger lot would be more appropriate considering the proximity to the lake and the surrounding area residences. All the houses in the immediate vicinity are 46’ or wider.

We strongly feel that having smaller houses will have the effect of depreciating the value of our property.

If single car garage homes are planned for these lots, this will result in on-street parking as these garages are generally too small and end up being used for storage.

We trust you will take these concerns into consideration

[Signatures]

Henry Berenguier
Louise Berenguier