SUBJECT: Application to Amend Hamilton Zoning By-law No. 6593 for the Property Located at Springvalley Crescent (Lots 3 - 9, Inclusive, and Block 27 on Plan 62M-1102) and the Rear of 850 West 5th Street (Hamilton) (PED09050) (Ward 8)

RECOMMENDATION:

That approval be given to Zoning By-law Amendment Application ZAC-08-061, by Angros Enterprises Limited, Owner, for changes in zoning from the “AA” (Agricultural) District (Blocks “2” and “4”), “C/S-1367” (Urban Protected Residential, etc. - Modified) District (Block “6”), and the “C” (Urban Protected Residential, etc.) District (Blocks “1”, “3”, and “5”) to the “D/S-1598” (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified, (Blocks “1” and “2”), and the “D”-“H”/S-1598 (Urban Protected Residential - One and Two Family Dwellings, etc. Holding) District, Modified, to permit the construction of 7 semi-detached dwellings (Blocks “1” and “2”), and future semi-detached dwellings (Blocks “3”, “4”, “5” and “6”), in conjunction with adjoining lands on Lots 3-9, inclusive, and Block 27 on Plan 62M-1102, and a portion of the rear lands of 850 West 5th Street (Hamilton), as shown in Appendix “A” to Report PED09050 on the following basis:

(i) That Block “1” be rezoned from the “C” (Urban Protected Residential, etc.) District to the “D/S-1598” (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified.

(ii) That Block “2” be rezoned from the “AA” (Agricultural) District to the “D/S-1598” (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified.
(iii) That Blocks “3” and “5” be rezoned from the “C” (Urban Protected Residential, etc.) District to the “D’-‘H’/S-1598” (Urban Protected Residential - One and Two Family Dwellings, etc. - Holding) District, Modified.

(iv) That Block “4” be rezoned from the “AA” (Agricultural) District to the “D’-‘H’/S-1598” (Urban Protected Residential - One and Two Family Dwellings, etc. - Holding) District, Modified.

(v) That Block “6” be rezoned from the “C/S-1367” (Urban Protected Residential, etc. - Modified) District to the “D’-‘H’/S-1598” (Urban Protected Residential - One and Two Family Dwellings, etc. - Holding) District, Modified.

(vi) That the amending By-law apply the Holding Provisions of Section 36 (1) of the Planning Act, R.S.O., 1990, to Blocks “3”, “4”, “5”, and “6”, by introducing the Holding Symbol ‘H’ as a suffix to the proposed Zoning District. The Holding provision will prohibit development of the subject lands until such time as:

   a) The lands are assembled with the rear portion of lands, municipally known as 854 West 5th Street and 862 West 5th Street, Hamilton, to ensure proper land assembly and orderly development lands, to the satisfaction of the Director of Planning.

City Council may remove the ‘H’ symbol and, thereby, give effect to the “D/S-1598” (Urban Protected Residential - One and Two Family Dwellings, etc. - Modified) District provisions, by enhancement of an amending By-law once the condition is satisfied.

(vii) That the Draft By-law, attached as Appendix “B” to Report PED09050, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

(viii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and the City of Hamilton Official Plan.

Tim McCabe  
General Manager  
Planning and Economic Development Department
The purpose of the proposed Zoning By-law Amendment is to provide for changes in zoning to permit the construction of 7 semi-detached dwellings fronting onto Springvalley Crescent (see Appendix “A” - Blocks “1” and “2”). In addition, an ‘H’ Holding Provision has been placed on a portion of the subject property (Appendix “A” - Blocks “3”, “4”, “5”, and “6”), and will be removed, subject to satisfying the condition to merge and complete land assembly with the rear portion of 854 West 5th Street and 862 West 5th Street. The Holding Provision on these lands will allow for orderly development of future residential uses.

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan, the City of Hamilton Official Plan, and the Gourley Neighbourhood Plan. The proposal is compatible with the surrounding neighbourhood, provides for a range of housing types, and satisfies conditions of approval for the related severance applications (see Condition 3 - Appendix “E” and Condition 5 - Appendix “F”).

The subject property represents approximately 0.34 hectares of land with frontage on Springvalley Crescent (see Appendix “A”). Currently, the subject lands are zoned “C” (Urban Protected Residential, etc.) District (Blocks “1”, “3”, and “5”) and “C/S-1367” (Urban Protected Residential, etc. - Modified) District (Block “6”) to permit single detached residential dwelling units. There are also two parcels of land that are currently zoned “AA” (Agricultural) District (Blocks “2” and “4”).

The requested Zoning By-law Amendment will change the current zoning to the “D/S-1598” (Urban Protected Residential - One and Two Family Dwellings, etc.) District, modified, to permit the construction of 7 semi-detached dwellings within Lots 3 - 9, inclusive, and Part of Block 27 of Registered Plan 62M-1102, and a portion of the rear of 850 West 5th Street, as defined in Consent Application HM/B-08:129 (see Appendix “E”). The application will also permit future semi-detached residential uses on the remainder of Block 27 of Registered Plan 62M-1102, and also a portion of the rear of 850 West 5th Street, as defined in Consent Application HM/B-08:129 (see Appendix “F”). A Holding Provision has been placed on these lands and will be removed after land assembly has taken place with the rear portion of 854 and 862 West 5th Street to facilitate orderly and coordinated development.

To facilitate the built form of the semi detached dwellings the applicant is proposing to construct, the following modifications to the “D” (Urban Protected Residential - One and Two Family Dwellings, etc.) District are required:
To reduce the minimum required lot width for a two family dwelling from 18 metres to 16 metres (8 metres for each individual dwelling lot); 

To reduce the minimum required lot area for a two family dwelling from 540 square metres to 470 square metres (235 square metres for each individual dwelling lot); and, 

To reduce the minimum required landscaping in the front yard, excluding impermeable surfaces, from 50% to 30%.

Registered Plan of Subdivision 62M-1102

Fontana Gardens - Phase 2 (Registered Plan of Subdivision 62M-1102) was registered in January 2008, and consists of 26 residential lots (Lots 1 - 26) and a block (Block 27) for future residential uses (see Appendix “C”). The current zoning for these lands is “C” (Urban Protected Residential, etc.) District, which permits single detached residential dwelling units. The lots that are affected by this Zoning By-law Amendment application are Lots 3 – 9, inclusive; and parts of Block 27 are proposed to be developed for semi-detached residential dwelling units. The remaining portions of Block 27 that are not within Parts 1 to 23 of the Draft 62R Plan (see Appendix “D”) will permit future residential uses pending land assembly with the rear portion of 854 West 5th Street and 862 West 5th Street.

Consent Applications HM/B-08:129 and HM/B-08:130

The purpose of Consent Application HM/B-08:129 was to permit the conveyance of land (Parts 22 to 24 of the draft reference plan, see Appendix “D”) to be added to lands known as Block 27 of Plan 62M-1102 for future residential purposes (see Appendix “E”).

The purpose of Consent Application HM/B-08:130 (see Appendix “F”) was to permit the conveyance of the parcel of land severed from Consent Application HM/B-08:129 (shown as Part 23 of the draft reference plan, see Appendix “D”) and retain two parcels of land (shown as Parts 22 and 24 of the draft reference plan, see Appendix “D”) for residential purposes.

The applications were approved on October 30, 2008, subject to the condition to receive Zoning approval of the conveyed lands (Condition 3 - Appendix “E” and Condition 5 - Appendix “F”). There were no appeals and these consent applications became final and binding on November 26, 2008.

Part Lot Control Application PLC-08-022

The applicant submitted a Part Lot Control application concurrently with this Zoning By-law Amendment application. The purpose of the application is for the creation of 7
semi-detached residential dwellings (see Appendix "D" – Parts 1-23). The application has been circulated to internal and external departments, for review and comment.

Prior to the approval of the Part Lot Control application, the proposal must be in compliance with the City of Hamilton Zoning By-law No. 6593.

Details of Submitted Application

**Location:** East side of Springvalley Crescent and west of West 5th Street, north of Rosehill Avenue, and the rear portion of 850 West 5th Street, Hamilton

**Owner/Applicant:** Angros Enterprises Limited

**Agent:** A.J. Clarke and Associates Limited

**Property Description:**
- Frontage: 125.66m (approx.)
- Lot Depth: 29.96 metres (measured from north lot line)
- Area: 0.3413 ha.

**EXISTING LAND USE AND ZONING:**

<table>
<thead>
<tr>
<th></th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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</thead>
<tbody>
<tr>
<td><strong>Subject Lands:</strong></td>
<td>Vacant</td>
<td>&quot;C&quot; (Urban Protected Residential, etc.) District; &quot;C/S-1367&quot; (Urban Protected Residential, etc.) District Modified, “AA” (Agricultural) District</td>
</tr>
<tr>
<td><strong>Surrounding Lands:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>West</td>
<td>Vacant and Single Detached Dwellings</td>
<td>&quot;C&quot; (Urban Protected Residential, etc.) District</td>
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<tr>
<td>North</td>
<td>Single Detached Dwellings</td>
<td>&quot;C&quot; (Urban Protected Residential, etc.) District</td>
</tr>
<tr>
<td>East</td>
<td>Single Detached Dwellings</td>
<td>&quot;C&quot; (Urban Protected Residential, etc.) District</td>
</tr>
<tr>
<td>South</td>
<td>Single Detached Dwellings</td>
<td>&quot;C&quot; (Urban Protected Residential, etc.) District; “AA” (Agricultural) District</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 conforms with the Hamilton-Wentworth Official Plan.
SUBJECT: Application to Amend Hamilton Zoning By-law No. 6593 for the Property Located at Springvalley Crescent (Lots 3 - 9, Inclusive, and Block 27 on Plan 62M-1102) and the Rear of 850 West 5th Street (Hamilton) (PED09050) (Ward 8) - Page 6 of 10

(ii) It conforms to the “Residential” designation of the City of Hamilton Official Plan and conforms to the “Single and Double” Designation of the Gourley Neighbourhood Plan.

(iii) The proposal is compatible with surrounding residential uses and provides for an alternative housing option within the community.

(iv) The application will satisfy Condition 3 of approval for Consent Application HM/B-08:129, and Condition 5 of Consent Application HM/B-08:130 (see Appendices “E” and “F”).

2. The change in zoning to permit semi-detached residential dwelling units will provide for an alternative housing option in the community, as single family detached residential dwellings are the predominant form of housing in the neighbourhood. There are a number of single detached residential lots in the Gourley Neighbourhood with lot frontages of less than 10 metres. There are also many semi-detached residential dwelling units in the Gourley Neighbourhood with lot frontages of just over nine metres in width. As a result, the proposal to permit semi-detached residential dwelling units with modifications to reduce the required landscaping in the front yard is in keeping with the overall character of the neighbourhood.

3. The subject lands are comprised of Lots 3 - 9 and Block 27 in Registered Plan of Subdivision 62M-1102 (Fontana Gardens - Phase 2), which was draft approved in 1992. The applicant initially proposed 7 residential lots for the purposes of single detached residential dwellings on the subject lands, and a residential block for the purposes of future residential development. The applicant has decided to construct semi-detached dwelling units instead, but because the existing lot lines cannot be eliminated, the applicant is proposing to create the individual semi-detached lots through Part Lot Control Application PLC-08-022 (see Appendix “D”).

Part 24 of the draft reference plan (see Appendix “D”) will become a remnant parcel as the property to the east remains in private ownership (854 West 5th Street). The remaining portion of Block 27 that is not within a part lot will also become a remnant parcel until the rear portions of 854 West 5th Street and 862 West 5th Street are merged with Block 27. The intended purpose of Part 24 and the remaining portions of Block 27 are for future semi-detached residential uses. This is an existing situation and is not being created as a result of this application. In order to ensure land assembly occurs, and that no construction commences prior to land assembly, a Holding provision has been placed on Blocks 3, 4, 5, and 6 (Schedule “A”), and will be removed upon the assembly of land with the rear portions of 854 and 862 West 5th Street.
4. The Draft Zoning By-law Amendment proposes to modify Sections 18(14)(i) and 18A(14a) of the City of Hamilton Zoning By-law No. 6593 in order to reduce the required front yard landscaped area from 50% of the gross area of the front yard to 30%, excluding concrete, asphalt, gravel, pavers, or other similar materials.

The purpose for requesting a reduction of the required landscaped area in the front yard is due to the reduction of the minimum required lot widths and lot areas, which will reduce the amount of potential landscaped area, as a driveway for a single car garage and walkways are required. A reduction to 30% will also give the builder some flexibility in providing a driveway of sufficient width, and a walkway to the entrance of the dwelling unit.

The applicant is also proposing a minimum lot width of 16 metres for each semi-detached two family dwelling lot, whereas a minimum lot width of 18 metres is required.

The applicant is also proposing lot areas ranging from 483.22 square metres to 557.1 square metres for each semi-detached two family dwelling lot, whereas a minimum of 540 square metres is required. Staff is of the opinion that the reduced lot width and area are appropriate, and are in keeping with many of the lot frontages found in the Gourley Neighbourhood.

An ‘H’ Holding Provision has been included in the By-law for Blocks “3”, “4”, “5” and “6”, and will be removed after land assembly with the rear portions of 854 West 5th Street and 862 West 5th Street has been undertaken.

5. The approved engineering drawings for Fontana Gardens - Phase 2 Subdivision provided for the additional private sewer and water services based on the proposed 14 semi-detached dwelling unit layout. The increase in the estimated sanitary and storm flows from the proposed amendment are negligible, and there is no objection to the proposed Zoning By-law Amendment.

**ALTERNATIVES FOR CONSIDERATION:**

If the application is denied, then conditions of approval for Consent Applications HM/B-08:129 (Condition 3 - Appendix “E”) and HM/B-08:130 (Condition 5 - Appendix “F”) will not be satisfied, and the severances that have received approval will not be finalized. However, should the application be denied, the applicant could request that the “AA” (Agricultural) District, located at the rear portion of 850 West 5th Street, be rezoned to the “C” (Urban Protected Residential, etc.) District to facilitate the construction of single detached residential dwellings.
FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: No financial implications.

Staffing: No staffing implications.

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 (PPS)

The application is consistent with the policies of the PPS that focus growth in settlement areas (Policy 1.1.3.1). In addition, the proposal is consistent to policies (Policy 1.1.3.2 and Policy 1.4.3) with regards to densities and efficient use of land and resources, and with regards to providing for a range of housing types and densities to meet projected demands of current and future residents.

As the nature of the application is for a change in zoning to permit semi-detached dwelling units, the application is consistent with the Provincial Policy Statement.

Hamilton-Wentworth Official Plan

The subject property is designated “Urban Area” in the Hamilton-Wentworth Official Plan. Policy C.3.1 outlines that a wide range of urban uses, as defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. As the application is to permit semi-detached dwellings where full municipal services are available, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan

The subject property is designated “Residential” on Schedule “A”, Land Use Concept Plan in the City of Hamilton Official Plan. The following policies would apply, among others:

“A.2.1.6 Where compatible uses are permitted, to preserve the amenities of and support Residential Uses in the area, new development will, subject to the Zoning By-law:
SUBJECT: Application to Amend Hamilton Zoning By-law No. 6593 for the Property Located at Springvalley Crescent (Lots 3 - 9, Inclusive, and Block 27 on Plan 62M-1102) and the Rear of 850 West 5th Street (Hamilton) (PED09050) (Ward 8) - Page 9 of 10

i) Be required to be provided with adequate yards, off street parking and loading, landscaping, screening, buffering or other such measures as determined by Council.

A.2.1.7 It is the intent of Council that a variety of housing styles, types and densities be available in all Residential areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practical.

C.7.2 Varieties of Residential types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3.v) Encourage new Residential development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy, and overview.

C.7.3.vi) Support new Residential development that provides tenure options and a range of prices/rents for new dwellings that will be “affordable” to Hamilton residents.

C.7.3.xii) Encourage development at densities conducive to the efficient operation of Public Transit, and which utilize designs or construction techniques that are energy efficient”.

The proposed application to permit semi-detached residential dwelling units conforms to the policies of the City of Hamilton Official Plan.

Gourley Neighbourhood Plan

The subject lands are designated “Single and Double Residential”, which permits the proposed semi-detached residential units. Therefore, the proposed development complies with the approved Neighbourhood Plan.

RELEVANT CONSULTATION:

Agencies/Departments Having no Comment or Objections

- Environmental Planning Section, Capital Planning and Implementation Division, Public Works Department.
• Forestry and Horticulture Section, Public Works Department.

• Hamilton-Wentworth District School Board.

• Horizon Utilities.

• Bell Canada.

Traffic Engineering and Operations Section, Public Works Department, does not have any objections to the proposed changes in zoning. It will be required that the driveway locations be shown on approved engineering drawings. In addition, the grading plan must be revised to suit the proposed lot layout.

PUBLIC CONSULTATION

In accordance with Council’s Public Participation Policy, this application was pre-circulated to all property owners within 120 metres of the subject property, and a sign was posted on the site. This sign was posted in late November, 2008. A total of 103 notices have been circulated. There were no letters received for this proposal. However, one resident inquired about the Zoning By-law Amendment application process. Notice of Public Meeting was given in accordance with the requirements of the Planning Act through the circulation to property owners within 120 metres of the subject lands and through the posting of a sign on the property.

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
An alternative housing option is provided in the community.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
The proposed rezoning will maintain ecological function and contain development in the urban area.

Economic Well-Being is enhanced. ☑ Yes ☐ No
An affordable housing opportunity is provided in the community.

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

:TL
Attaches. (6)
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 6593 (Hamilton), respecting lands located at Springvalley Crescent (Lots 3-9 inclusive and Block 27, Plan 62M-1102) and the rear portion of 850 West 5th Street (Hamilton)

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario 1999 Chap. 14, Schedule 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 Hamilton” and is the successor of the former Regional Municipality, namely, “the Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council or the City of Hamilton;

AND WHEREAS Zoning By-law No. 6593 (Hamilton) was enacted on the 25th day of July 1950, which was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951 (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Section ______ of Report ______ of the Economic Development and Planning Committee, at its meeting held on the ______ day of ______, 2009, recommended that Zoning By-law No. 6593 (Hamilton) be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former City of Hamilton) in accordance with the provisions of the Planning Act.
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Sheet No. W-9b of the District Maps appended to and forming part of By-law No. 6593 (Hamilton), as amended, is further amended:

   (a) by changing the zoning from the “C” (Urban Protected Residential, etc.) District to the “D/S-1598” (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified, the lands comprised in Block 1;

   (b) by changing the zoning from the “AA” (Agricultural) District to the “D/S-1598” (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified, the lands comprised in Block 2;

   (c) by changing the zoning from the “C” (Urban Protected Residential, etc.) District to the “D”-'H'/S-1598 (Urban Protected Residential - One and Two Family Dwellings, etc. - Holding) District, Modified, the lands comprised in Blocks 3 and 5;

   (d) by changing the zoning from the “AA” (Agricultural) District to the “D”-'H'/S-1598 (Urban Protected Residential - One and Two Family Dwellings, etc. - Holding) District, Modified, the lands comprised in Block 4;

   (e) by changing the zoning from the “C/S - 1367” (Urban Protected Residential, etc. - Modified) District to the “D”-'H'/S-1598 (Urban Protected Residential - One and Two Family Dwellings, etc. - Holding) District, Modified, the lands comprised in Block 6;

the extent and boundaries of which are shown on Schedule “A” annexed hereto and forming part of this by-law;

2. That the “D” (Urban Protected Residential, One and Two Family Dwellings, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to Blocks 1, 2, 3, 4, 5 and 6 of this By-law, are modified to include the following special requirements:

   (a) That notwithstanding Section 10(4)(ii) of Zoning By-law No. 6593, for a two family dwelling, a lot width of at least 16.0 metres, and a lot area of at least 470 square metres, shall be provided and maintained.

   (b) That notwithstanding Section 18(14)(i) of Zoning By-law No. 6593, for a two family dwelling, not less than 30% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials.
(c) That notwithstanding Section 18A(14a) of Zoning By-law No. 6593, no part of a required parking space for a two family dwelling in a residential district shall be located in a required front yard, and not less than 30% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials.

3. That the ‘H’ symbol applicable to Blocks 3, 4, 5 and 6, referred to in Section 1 of this By-law, shall be removed conditional upon,

The lands being assembled with the rear portion of lands municipally known as 854 West 5th Street and 862 West 5th Street to ensure orderly development, to the satisfaction of the Director of Planning.

City Council may remove the ‘H’ symbol, and thereby give effect to the “D/S-1598” (Urban Protected Residential - One and Two Family Dwellings, etc.) District, by enactment of an amending By-law once the above condition has been satisfied.

4. That Zoning By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1598.

5. That Sheet W-9b of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1598.

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

PASSED and ENACTED this **day of **,** 2009.

_____________________________________________  _______________________________________________
Fred Eisenberger                            Kevin C. Christenson
Mayor                                      Clerk

ZAC-08-061
COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION
APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. HM/B-08:129
SUBMISSION NO. B-129/08

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 850 West 5th Street, 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 Jacoba Margaret Fennema, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of an irregular-shaped vacant rear parcel of land measuring 20.12m x 23.80m (77.62m²) to be added to lands known as Block 27, Plan 62M-1102 for residential purposes, and to retain a parcel of land measuring 20.12m x 45.72m (198.95m²) containing an existing single detached dwelling for residential purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application IS APPROVED for the following reasons:

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

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

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

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 lands to be conveyed shall be registered in the same name and title as the lands to which they are to be added (Block 27, Plan 62M-1102).

3. The portion of the conveyed lands zoned "AA" (Agricultural) District must be rezoned to an appropriate residential zone to the satisfaction of the Manager of Development Planning.

4. 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.

DATED AT HAMILTON this 30th day of October, 2008.

M. Dudzic, Chairman

V. Abraham

C. Lewis

P. Sommell

CERTIFIED A TRUE COPY

SECRETARY-TREASURER
THE DATE OF GIVING OF THIS NOTICE OF DECISION IS November 6th, 2008. HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (November 6th, 2009) 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 November 26th, 2008.

THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

NOTE:

1. The following warning clause should be included in any agreement of purchase & sale: "Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality's and the Ministry of the Environment's noise criteria."

2. Based on this application being approved and all conditions being met, the owner/applicant should be made aware of the following assigned municipal addresses. Part 22 (retained) along with Part 20 will be 60 Springvalley Crescent; Part 23 (conveyed) along with Part 21 will be 58 Springvalley Crescent; and Part 24 (retained) will be 52 Springvalley Crescent.
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 850 West 5th Street, 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 Jacoba Margaret Fienema, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of an irregular-shaped vacant parcel of land (Part 23 on attached plan) having an area of 228.27m² (2,475.15 sq. ft.) to be developed with a portion of Block 27 shown as Part 21 on the attached plan for semi-detached residential purposes, and to retain two parcels of land: one being an irregular-shaped vacant parcel of land (Part 22 on attached plan) having an area of 138.93m² (1,495.47 sq. ft.) to be developed with a portion of Block 27 shown as Part 20 on the attached plan for semi-detached residential purposes, and the other, being an irregular-shaped vacant parcel of land (Part 24 on attached plan) having an area of 107.3m² (1,155 sq. ft.) to be added to the remainder of Block 27 for future residential purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application is APPROVED for the following reasons:

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

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

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

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 lands to be conveyed (Part 23) shall be registered in the same name and title as the lands to which they are to be added (portion of Block 27).

3. The lands to be retained (Part 22) shall be registered in the same name and title as the lands to which they are to be added (portion of Block 27 shown as Part 20).

4. The lands to be retained (Part 24) shall be registered in the same name and title as the lands to which they are to be added (remainder of Block 27).

5. The owner shall receive final approval of the Zoning By-law Amendment (ZAC-08-061) by Hamilton Council including finalization of the Implementing By-law to the satisfaction of the Manager of Development Planning.

6. 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.

CERTIFIED A TRUE COPY

Secretary-Treasurer
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DATED AT HAMILTON this 30th day of October, 2008.

M. Dudzic, Chairman

V. Abraham

C. Lewis

D. Serwatuk

D. Drury

L. Gaddye

M. Switzer

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS November 6th, 2008.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS
NOTICE OF DECISION. (November 6th, 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 November 26th, 2008.

THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

NOTE:

1. The following warning clause should be included in any agreement of purchase & sale:
"Purchasers/tenants are advised that sound levels due to increasing road traffic may
occasionally interfere with some activities of the dwelling occupants as the sound levels
may exceed the Municipality’s and the Ministry of the Environment’s noise criteria”

2. Based on this application being approved and all conditions being met, the
owner/applicant should be made aware of the following assigned municipal addresses:
Part 22 (retained) along with Part 20 will be 60 Springvalley Crescent; Part 23
(conveyed) along with Part 21 will be 58 Springvalley Crescent; and Part 24 (retained)
will be 52 Springvalley Crescent.