SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 1496 Upper Gage Avenue (PED07193) (Ward 7)

RECOMMENDATION:

That approval be given to Zoning Application ZAC-07-007, Bertilla Zanesco, Corrado Zanesco, Diane Horwarth, Doris McGuire, and David Zanesco, owners, for changes in zoning from the “C” (Urban Protected Residential, etc.) District to the “R4” (Small Lot Single Family Dwelling) District (Block “1”) to permit two single detached dwellings, one of which is existing, on separate lots; from the “C” (Urban Protected Residential, etc.) District to the “R4” (Small Lot Single Family Dwelling) District, Modified (Block “2”) to permit a single detached dwelling on a separate lot; and from the “AA” (Agricultural) District to the “R4” (Small Lot Single Family Dwelling) District, Modified (Block “3”), to permit four single detached dwellings on separate lots; for the property located at 1496 Upper Gage Avenue (Hamilton), as shown on Appendix “A” to Report PED07193, on the following basis:

(a) That Block “1” be rezoned from the “C” (Urban Protected Residential, etc.) District to the “R4” (Small Lot Single Family Dwelling) District.

(b) That Block “2” be rezoned from the “C” (Urban Protected Residential, etc.) District to the “R4” (Small Lot Single Family Dwelling) District, Modified.

(c) That Block “3” be rezoned from the “AA” (Agricultural) District to the “R4” (Small Lot Single Family Dwelling) District, Modified.

(d) That the draft By-law, attached as Appendix “B” to Report PED07193, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.
(e) That the proposed changes in zoning conform to the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

Tim McCabe  
General Manager  
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

The applicant is requesting a Zoning By-law Amendment to rezone the subject lands to permit seven single detached dwellings on separate lots.

The lands were the subject of recent Consent Applications, HM/B-06:169-172 which were provisionally approved by the Committee of Adjustment on November 29, 2006. Subsequent to that decision, the applications were appealed to the Ontario Municipal Board by the owners of the property. A hearing date has not yet been assigned. Final approval of this application for rezoning fulfills a condition imposed by the Committee of Adjustment on the consent applications.

The proposal has merit and can be supported as the changes in zoning are consistent with the Provincial Policy Statement, and conform to the Hamilton-Wentworth Official Plan and the "Residential" policies of the City of Hamilton Official Plan. The proposal efficiently uses urban land and is compatible with adjacent land uses.

**BACKGROUND:**

The subject lands are located at the northwest corner of Upper Gage Avenue and Royalvista Drive, and have an area of approximately 2,223 square metres.

**Proposal**

The applicant is requesting a Zoning By-law Amendment to rezone the lands shown on Appendix “A” as Block “1” from the “C” (Urban Protected Residential, etc.) District to the “R4” (Small Lot Single Family Dwelling) District, to rezone the lands shown as Block “2” from the “C” (Urban Protected Residential, etc.) District to the “R4” (Small Lot Single Family Dwelling) District, Modified, and to rezone the lands shown as Block “3” from the “AA” (Agricultural) District to the “R4” (Small Lot Single Family Dwelling) District, Modified. The proposed zoning will permit the development of the lands for seven single detached dwellings on separate lots.
SUBJECT: Application to amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 1496 Upper Gage Avenue (PED07193) (Ward 7) Page 3 of 8

The proposed modifications to the “R4” (Small Lot Single Family Dwelling) District for the lands within Blocks “2” and “3” will include a special requirement to reduce the minimum front yard setback from 6.0 metres to 4.5 metres to the front face of the dwelling. The proposed attached garages will maintain the minimum required front yard setback of 6.0 metres.

**Consent Applications HM/B-06:169-172**

Consent Applications HM/B-06:169-172 were granted provisional approval on November 29, 2006, by the Committee of Adjustment (see Appendices “C”, “D”, “E”, and “F”). A sketch of the proposed lots is attached as Appendix “G”.

As a condition of approval, the applicant is required to receive final approval of any variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (see Appendices “C”, “D”, “E”, and “F” - Condition 2), and receive final zoning approval (Condition 3).

The decision of the Committee of Adjustment has been appealed by the owners to the Ontario Municipal Board. A hearing date has not been assigned. The basis of the appeal relates to the financial condition as imposed by staff that the owner pay all outstanding servicing costs (see Appendices “C”, “D”, “E”, and “F” – Condition 6).

**Location:**

1496 Upper Gage Avenue

**Owner:**

Bertilla Zanesco, Corrado Zanesco, Diane Horwarth, Doris McGuire, and David Zanesco

**Agent:**

Metropolitan Consulting

**Property Description:**

- **Frontage:** 30.41 metres
- **Depth:** 73.26 metres
- **Lot Area:** 2,223 square metres
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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</thead>
<tbody>
<tr>
<td>North</td>
<td>Residential (single</td>
<td>“C” (Urban Protected Residential etc.) District and “AA” (Agricultural) District</td>
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<td>detached dwellings)</td>
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<tr>
<td>East</td>
<td>Residential (townhouse</td>
<td>“DE-3/S-1009b” (Low Density Multiple Dwellings) District, Modified</td>
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<td></td>
<td>dwellings)</td>
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</tr>
<tr>
<td>South</td>
<td>Residential (single</td>
<td>“R4” (Small Lot Single Family Dwelling) District</td>
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<td></td>
<td>detached dwellings)</td>
<td></td>
</tr>
<tr>
<td>West</td>
<td>Residential (single</td>
<td>“D/S-403a” (Urban Protected Residential – One and Two Family Dwellings) District</td>
</tr>
<tr>
<td></td>
<td>detached dwellings)</td>
<td></td>
</tr>
</tbody>
</table>

ANALYSIS/RATIONALE:

1. The proposed Zoning By-law Amendment has merit and can be supported for the following reasons:

   i) The proposal is consistent with the policies of the Provincial Policy Statement. The proposal conforms to and implements the “Urban Area” designation of the Hamilton-Wentworth Official Plan, and the “Residential” designation of the City of Hamilton Official Plan.

   ii) The proposal implements the “Single and Double” Residential designation in the approved Eleanor Neighbourhood Plan.

   iii) The proposed development is compatible with the surrounding area.

   iv) It fulfills a condition of approval for related severance applications (see Appendices “C”, “D”, “E”, and “F” – Condition 3).

2. A modification is required to the proposed zoning for Blocks “2” and “3” (see Appendix “A”) in order to allow for a reduced minimum front yard setback to the front face of the dwelling. The “R4” (Small Lot Single Family Dwelling) District
requires a minimum front yard setback of 6.0 metres and the proposed modification will permit a minimum front yard of 4.5 metres to the front face of the dwelling, while the minimum front yard of 6.0 metres to the attached garage will be maintained. The requested reduction in setback would have minimal impact on the streetscape character and will be compatible with the “R4” District to the south, and the “D” District, Modified zoning to the west. The setback to the attached garage will maintain the minimum required 6.0 metres to provide for the required parking space. The proposed reduction in front yard setback to the front face of the dwelling can be supported as the reduction can be considered minor and the impacts minimal.

3. The “R4” (Small Lot Single Family Dwelling) District requires a minimum average lot width of 10.0 metres with no lot less than 9.0 metres, and a minimum average lot area of 306.00 square metres with no lot less than 278.0 square metres. The proposed lots that will be created as a result of Consent Applications HM/B-06-169-172 conform to the minimum requirements of the “R4” zoning. The two lots proposed with frontage on Upper Gage Avenue will exceed the minimum frontage requirement at 15.0 metres each. However, this lot width is required in order to meet the minimum lot area requirements and is more compatible with the “C” District lots to the north. In addition, there will be no new access granted for lots on Upper Gage Avenue (one access currently exists). The proposed corner lot on Upper Gage Avenue and Royalvista Drive will provide driveway access from Royalvista Drive.

4. There are municipal storm and sanitary sewers and watermains available to service these lands. Six private sewer and water services were previously constructed up to the property line of Royalvista Drive under a previous development. At the development stage and in accordance with the provisional approval of Consent Applications HM/B-06:169-172, the developer will be required to dedicate all required road allowance widenings and daylight triangles to the City. In addition, they are required to pay all outstanding servicing costs to the City prior to the development of any portion of these lands.

ALTERNATIVES FOR CONSIDERATION:

Should the proposed application for an amendment to the Zoning By-law be denied, the uses permitted on the subject lands would be in accordance with the “C” (Urban Protected Residential, etc.) District and the “AA” (Agricultural) District, and the condition of approval for the related Consent Applications will not be satisfied.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: N/A

Staffing: N/A
SUBJECT: Application to amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 1496 Upper Gage Avenue (PED07193) (Ward 7) Page 6 of 8

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a Zoning By-law Amendment.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the application is consistent with the policies that focus growth in settlement areas, Policy 1.1.3.1.

As the nature of the application is for a change in zoning to facilitate a previously approved severance, the proposal is consistent with the policies of the PPS.

Hamilton-Wentworth Official Plan

The subject property is designated as “Urban Area” within the Hamilton-Wentworth Official Plan. Policy C3.1 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. Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

As the nature of the application is for a change in zoning to facilitate proposed severances for residential development, where full municipal services are available, the proposal is consistent with the policies of the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan

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

“A.2.1.1 The primary uses permitted in the areas designated on Schedule “A” as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly Council will:

   iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that recognize and enhance the scale and character of
the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview."

As the nature of the application allows for infill development that recognizes the scale and character of the existing area, the proposal conforms to the City of Hamilton Official Plan.

**Neighbourhood Plan**

The subject lands are designated “Single and Double” Residential in the approved Eleanor Neighbourhood Plan. The proposal conforms to the Neighbourhood Plan.

### RELEVANT CONSULTATION:

The following Departments and Agencies had no comments or objections:

- Public Works Department (Traffic Engineering & Operations Section)
- Public Works Department (Forestry and Horticulture Section)
- Corporate Services (Budgets and Finance)

**Hamilton Street Railway** has advised of the following:

HSR currently runs route #23 Upper Gage Avenue with no planned changes in service; and street orientation and pedestrian entrances are important with direct short walking distances between dwellings and transit service.

The **Hamilton Conservation Authority** have advised of the following:

The property is located within the Upper Hannon Creek subwatershed area. As the site is less than 0.25 hectares in size, and the proposal does not involve a significant increase in the imperviousness of the site, HCA will not require the implementation of stormwater management but do request that appropriate sediment and erosion controls be installed on-site. This will be addressed through the consent agreement as a condition of severance approvals.

### PUBLIC CONSULTATION:

The Public Participation Policy that was approved by Council on May 29, 2003, provides that preliminary circulation shall not be required if the application is part of a Planning Study or other application, such as a consent application, which has been approved within one year of other public involvement and participation opportunities. In this regard, preliminary circulation is not required. Consent Applications HM/B-06:169-172 to sever the subject lands to facilitate the creation of seven lots for single detached dwellings was heard by the Committee of Adjustment on November 29, 2006. No
written responses were received, and no residents were in attendance at the Committee of Adjustment meeting with concerns regarding the Consent Applications.

Notice of Public Meeting will be circulated and a sign posted on the property in accordance with the requirements of the Planning Act.

CITY STRATEGIC COMMITMENT:

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

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

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

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

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

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

:SM
Attachs. (7)
Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: ZAC-07-007
Date: March 14, 2007
Appendix "A" Scale: N.T.S.
Planner/Technician: SM/MB

Subject Property

Block 1 - Change in Zoning from the "C" (Urban Protected Residential, etc.) District to the "R4" (Small Lot Single Family Dwelling) District.

Block 2 - Change in Zoning from the "C" (Urban Protected Residential, etc.) District to the "R4" (Small Lot Single Family Dwelling) District, Modified.

Block 3 - Change in zoning from the "AA" (Agricultural) District to the "R4" (Small Lot Single Family Dwelling) District, Modified.
CITY OF HAMILTON

BY-LAW NO. 6593 (Hamilton)

To Amend Zoning By-law No. 6593 (Hamilton), Respecting the Property Located at 1496 Upper Gage Avenue

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

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the City of Hamilton” and is the successor to the former Regional Municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

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

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

AND WHEREAS the Council of the City of Hamilton, in adopting Section of Report of the Economic Development and Planning Committee at its meeting held on the day of , 2007, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

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

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

1. That Sheet No. E-38D of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is hereby amended, by:

(a) changing Block “1” from the “C” (Urban Protected Residential, etc.) District to the “R4” (Small Lot Single Family Dwelling) District;
(b) changing Block “2” from the “C” (Urban Protected Residential, etc.) District to the “R4” (Small Lot Single Family Dwelling) District, Modified; and,

(c) changing Block “3” from the “AA” (Agricultural) District to the “R4” (Small Lot Single Family Dwelling) District, Modified;

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

2. That the “R4” (Small Lot Single Family Dwelling) District regulations, as contained in Section 9A of Zoning By-law 6593, be modified for Blocks “2” and “3” as described in Section 1 (b) and (c) of this By-law to include the following special requirement:

a) That notwithstanding Section 9A(2)(b)1i of By-law No. 6593, a minimum front yard depth of at least 4.5 metres to the front face of the dwelling and 6.0 metres to an attached garage shall be provided and maintained.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the “R4” (Small Lot Single Family Dwelling) District provisions, subject to the special requirement referred to in Section 2 of this By-law.

4. Zoning By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1581.

5. Sheet No. E-38D of the District Maps is amended by marking the lands referred to in Sections 1(b) and (c) of this By-law as S-1581.

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

PASSED and ENACTED this ___ day of ___, 2007.

Fred Eisenberger
Mayor

Kevin C. Christenson
City Clerk

ZAC-07-007
Schedule "A"

Map Forming Part of By-Law No. 07-

to Amend By-law No. 6593

Subject Property

Block 1 - Change in Zoning from the "C" (Urban Protected Residential, etc.) District to the "R4" (Small Lot Single Family Dwelling) District.

Block 2 - Change in Zoning from the "C" (Urban Protected Residential, etc.) District to the "R4" (Small Lot Single Family Dwelling) District, Modified.

Block 3 - Change in zoning from the "AA" (Agricultural) District to the "R4" (Small Lot Single Family Dwelling) District, Modified.

This is Schedule "A" to By-Law No. 07-

Passed the .......... day of ................., 2007

Clerk

Mayor

Scale: N.T.S.

File Name/Number: ZAC-07-007

Date: March 14, 2007

Planner/Technician: SM/MB
IN THE MATTER OF The Planning Act, R.S.O. 1990, Chapter P43, Section 53(1);

AND IN THE MATTER of the Premises known as Municipal number 1498 Upper Gage Avenue, in the City of Hamilton;

AND IN THE MATTER of an APPLICATION by the agent Metropolitan Consulting (Liam Doherty) on behalf of the owners Bertha Zanestro, Corrado Zanestro, Diane Howarth, Daryl McGuire and David Zanestro, 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 16.3 m x 24.03 m (60.5 ft x 79.0 ft) for single family residential purposes, and to retain an irregular shaped parcel of land (Parts 1 and 3-7 on sketch) having a frontage on Upper Gage Avenue of 15.1 m (49.8 ft), and an area of 1,843.47 m² (19,643.5 ft²) containing an existing single family dwelling for residential purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application IS APPROVED for the following reasons:

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

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, s. 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 applicant shall receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Development Department (Building & Licensing Division).

3. That the severed and retained lands receive final rezoning approval to the satisfaction of the Manager, Development Planning.

4. That the Owner enter into and register a Consent Agreement with the City of Hamilton to the satisfaction of the Manager of Development Engineering for the purpose of, but not limited to lot grading.

5. That the Owner dedicate a 9 m by 9 m daylight triangle at the intersection of Royalvista Drive and Upper Gage Avenue by deed to the City of Hamilton, and:

   That the Owner dedicate approximately 3.05 m from the entire frontage of the subject lands onto Upper Gage Avenue by deed to the City of Hamilton to establish the property line approximately 18.28 m from the centre of the Upper Gage Avenue Road/Street road allowance.

6. That the Owner pay all outstanding servicing costs to the satisfaction of the Manager of Development Engineering.

7. No access to Part 2 will be granted from Upper Gage Avenue. Access will be granted from Royalvista Drive and must be located along the west lot line of Part 2, to the satisfaction of the Public Works Department (Traffic, Engineering and Operations).

CERTIFIED A TRUE COPY

SECRETARY - TREASURER
DATED AT HAMILTON this 29th day of November, 2006.

D. Drury, Acting Chairman

C. Lewis

R. Nair

D. Sanwalik

V. Abraham

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS December 6th, 2006. HEREBIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (December 6th, 2007) 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 December 26th, 2006.

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.
Committee of Adjustment
City Hall
7th Ave, 71 Main Street West
Hamilton, ON L8P 4Y5
Telephone (905) 548-2424, ext. 4221
Fax (905) 548-4002

Hamilton

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. HM/B-08:170
SUBMISSION NO. B-170/06

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 1496 Upper Gage Avenue, in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent Metropolitan Consulting (Liam Doherty) on behalf of the owners Bertilla Zanesco, Corrado Zanesco, Diane Howarth, Doris McGuire and David Zenesco, 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 3 on attached sketch) measuring 9.5m² (31.16'²) x 30.36m² (99.6%) for single family residential purposes, and to retain a vacant parcel of land (Parts 4 - 7 on attached sketch) measuring 36.62m² (126.7'²) x 30.34m² (99.5%) for single family residential purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application IS APPROVED for the following reason:

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

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

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

2. The applicant shall receive final approval of any variances from the requirements of the Zoning By-law as determined necessary by the Planning and Development Department (Building & Licensing Division).

3. That the severed and retained lands receive final rezoning approval to the satisfaction of the Manager, Development Planning.

4. That the Owner enter into and register a Consent Agreement with the City of Hamilton to the satisfaction of the Manager of Development Engineering for the purpose of, but not limited to lot grading.

5. That the Owner dedicate a 9 m by 9 m daylight triangle at the intersection of Royal Vista Drive and Upper Gage Avenue by deed to the City of Hamilton, and;

   That the Owner dedicate approximately 3.05 m from the entire frontage of the subject lands onto Upper Gage Avenue by deed to the City of Hamilton to establish the property line approximately 18.288 m from the centre of the Upper Gage Avenue Road/Street road allowance.

6. That the Owner pay all outstanding servicing costs to the satisfaction of the Manager of Development Engineering.

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SECRETARY - TREASURER

.../2
7. No access to Part 2 will be granted from Upper Gage Avenue. Access will be granted from Royalvilla Drive and must be located along the west lot line of Part 2, to the satisfaction of the Public Works Department (Traffic, Engineering and Operations).

DATED AT HAMILTON this 29th day of November, 2006.

D. Drury, Acting Chairman
C. Lewis
V. Abbajam

D. Serwatuk
R. Naim

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS December 6th, 2006. HEREFIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (December 6th, 2007) 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 December 26th, 2006.

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.
COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. HMB-06-171
SUBMISSION NO. B-171/06

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 1496 Upper Gage Avenue,
in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent Metropolitan Consulting (Liam Doherty) on behalf of the owners Bertilla Zanesco, Corrado Zanesco, Diane Howarth, Doris McGuire and David Zanesco, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a vacant parcel of land (Part 5 on attached sketch) measuring 9.68m (31.16'x) x 30.34m (99.5') for single family residential purposes, and to retain a vacant parcel of land (Parts 6 & 7 on attached sketch) measuring 19.62m (64.3') x 30.34m (99.5') for single family residential purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application IS APPROVED for the following reason:

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

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

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

2. The applicant shall receive final approval of any variances from the requirements of the Zoning By-law as determined necessary by the Planning and Development Department (Building & Licensing Division).

3. That the severed and retained lands receive final rezoning approval to the satisfaction of the Manager, Development Planning.

4. That the Owner enter into and register a Consent Agreement with the City of Hamilton to the satisfaction of the Manager of Development Engineering for the purpose of, but not limited to lot grading.

5. That the Owner dedicate a 9 m by 9 m daylight triangle at the intersection of Royal Vista Drive and Upper Gage Avenue by deed to the City of Hamilton and;

That the Owner dedicate approximately 3.05 m from the entire frontage of the subject lands onto Upper Gage Avenue by deed to the City of Hamilton to establish the property line approximately 18.288 m from the centre of the Upper Gage Avenue Road/Street road allowance.

6. That the Owner pay all outstanding servicing costs to the satisfaction of the Manager of Development Engineering.

CERTIFIED A TRUE COPY

SECRETARY, TREASURER
7. No access to Part 2 will be granted from Upper Gage Avenue. Access will be granted from Royalvista Drive and must be located along the west lot line of Part 2, to the satisfaction of the Public Works Department (Traffic, Engineering and Operations).

DATED AT HAMILTON this 29th day of November, 2006.

D. Drury, Acting Chairman

C. Lewis

R. Nair

D. Serwatuk

V. Abraham

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS December 6th, 2006. HEREFIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (December 6th, 2007) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(1)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS December 28th, 2006.

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

NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. HIM/98-02:172
SUBMISSION NO. B-17206

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 1496 Upper Gage Avenue, in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent Metropolitan Consulting (Liam Doherty) on behalf of the owners Bertilla Zanesco, Corrado Zanesco, Diane Howarth, Doris McGuire and David Zanesco, 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 7 on attached sketch) measuring 10.12m² (33.2¹) x 30.33m² (99.5²) for single family residential purposes, and to retain a vacant parcel of land (Part 6 on attached sketch) measuring 9.5m² (31.16²) x 30.33m² (99.5²) for single family residential purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application IS APPROVED for the following reason:

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

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

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

2. The applicant shall receive final approval of any variances from the requirements of the Zoning By-law as determined necessary by the Planning and Development Department (Building & Licensing Division).

3. That the severed and retained lands receive final rezoning approval to the satisfaction of the Manager, Development Planning.

4. That the Owner enter into and register a Consent Agreement with the City of Hamilton to the satisfaction of the Manager of Development Engineering for the purpose of, but not limited to lot grading.

5. That the Owner dedicate a 9 m by 9 m daylight triangle at the intersection of RoyalVista Drive and Upper Gage Avenue by deed to the City of Hamilton, and;

That the Owner dedicate approximately 3.05 m from the entire frontage of the subject lands onto Upper Gage Avenue by deed to the City of Hamilton to establish the property line approximately 18.286 m from the centre of the Upper Gage Avenue Road/Street road allowance.

6. That the Owner pay all outstanding servicing costs to the satisfaction of the Manager of Development Engineering.

CERTIFIED A TRUE COPY

SECRETARY- TREASURER

.../2
7. No access to Part 2 will be granted from Upper Gage Avenue. Access will be granted from Royal Vista Drive and must be located along the west lot line of Part 2, to the satisfaction of the Public Works Department (Traffic, Engineering and Operations).

DATED AT HAMILTON this 29th day of November, 2006.

D. Drury, Acting Chairman

C. Lewis

R. Nahm

D. Serwatuk

V. Abraham

THE DATE OF GIVING OF THIS NOTICE OF DECISION is December 6th, 2006. HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (December 6th, 2007) 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 December 29th, 2006.

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