RECOMMENDATION:

That approval be given to (Condominium Application 25CDM200707, “Pumpkin Pass Condos”, by 1622115 Ontario Ltd., Owner), to establish a draft plan of condominium (Common Elements Condominium) to create three condominium roads for sixty-six street townhouse dwellings on Blocks 75-78, 83-85 and 86-87, Registered Plan 62M-1078, on Fall Fair Way (Glanbrook), as shown on the attached map marked as Appendix “A” to Report PED07244, subject to the following conditions:

(a) That this approval applies to the plan prepared by A.T. McLaren Limited, dated June 12, 2007, showing three condominium roads, attached as Appendix “B” to Report PED07244.

(b) That the Final Plan of Condominium complies with all of the applicable provisions of Zoning By-law No. 464.

(c) That the Owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed 66 condominium units have legal interest, in common, to the abutting condominium road, to the satisfaction of the City Solicitor.

(d) That the Owner shall receive final approval of Part Lot Control Applications PLC-07-23, PLC-07-024 and PLC-07-25, and the implementing By-law.

(e) That the Owner shall include the following warning clause in the Development Agreement and all Purchase and Sale Agreements:
SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Elements Condominium) for a Portion of Lands Located on Blocks 75-78, Inclusive, 80-83, Inclusive, 86 and 87, Registered Plan 62M-1078, Glanbrook (PED07244) (Ward 11) - Page 2 of 8

“Purchasers are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road.”

(f) That the Owner shall satisfy any conditions, financial or otherwise, of the City of Hamilton.

Tim McCabe
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The application is to establish a draft plan of condominium (Common Elements Condominium) to create three condominium roads to provide vehicular access for 66 street townhouse dwellings, as shown on the attached plan marked as Appendix “B”.

BACKGROUND:

The application is to establish a draft plan of condominium (Common Elements Condominium) to create three condominium roads to provide vehicular access for 66 street townhouse dwellings, as shown on the attached plan marked as Appendix “B”. The condominium road would provide access to Fall Fair Way in six locations. The 66 lots and condominium road would be created through Part Lot Control Applications PLC-07-023, PLC-07-024 and PLC-07-025.

Part Lot Control Application PLC-07-023, PLC-07-024 and PLC-07-025

The applicants have applied concurrently for the removal of Part Lot Control and to establish a draft plan of condominium (Common Elements Condominium). The Part Lot Control Applications have not yet been approved, but upon approval and passing of the implementing By-laws to remove the subject lands from Part Lot Control, the following parts on the draft reference plan would be created (see Appendix “C”):

- 66 lots for street townhouses.
- A private (condominium) road.
- Maintenance easements.

Committee of Adjustment Applications GL/B-07:18-27

The following applications were approved by the Committee of Adjustment on February 21, 2007. The applications were for minor variances to address deficiencies for the proposed lots for the development of 66 street townhouse dwellings.
The purpose of this application was to obtain relief from the definition of a street townhouse; and to permit a reduction in the width of a parking space located in a garage, with further encroachment of two steps and the door swing, in order to permit the construction of four street townhouse dwellings for lands located at 280-286 Fall Fair Way (see Appendix “D”).

The purpose of this application was to obtain relief from the definition of a street townhouse; and to permit a reduction in the width of a parking space located in a garage, with further encroachment of two steps and the door swing, in order to permit the construction of seven street townhouse dwellings for lands located at 266-278 and 250-262 Fall Fair Way, respectively (see Appendices “E” and “F”).

The purpose of this application was to obtain relief from the definition of a street townhouse; a reduction in the minimum lot area; an increase to the maximum lot coverage; and to permit a reduction in the width of a parking space located in a garage, with further encroachment of two steps and the door swing, in order to permit the construction of seven street townhouse dwellings for lands located at 232-244 Fall Fair Way (see Appendix “G”).

The purpose of this application was to obtain relief from the definition of a street townhouse; an increase to the maximum lot coverage; and to permit a reduction in the width of a parking space located in a garage, with further encroachment of two steps and the door swing, in order to permit the construction of seven street townhouse dwellings for lands located at 227-239 Fall Fair Way (see Appendix “H”).

The purpose of this application was to obtain relief from the definition of a street townhouse; and to permit a reduction in the width of a parking space located in a garage, with further encroachment of two steps and the door swing, in order to permit the construction of six street townhouse dwellings for lands located at 280-286 Fall Fair Way (see Appendix “I”).

The purpose of this application was to obtain relief from the definition of a street townhouse; and to permit a reduction in the width of a parking space located in a garage, with further encroachment of two steps and the door swing, in order to permit
the construction of six street townhouse dwellings for lands located at 255-265 Fall Fair Way (see Appendix “J”).

GL/A-07:25

The purpose of this application was to obtain relief from the definition of a street townhouse; and to permit a reduction in the width of a parking space located in a garage, with further encroachment of two steps and the door swing, in order to permit the construction of eight street townhouse dwellings for lands located at 267-281 Fall Fair Way (see Appendix “K”).

GL/A-07:26

The purpose of this application was to obtain relief from the definition of a street townhouse; a reduction to the minimum front yard and minimum lot area requirement; an increase to the maximum lot coverage requirement; and to permit a reduction in the width of a parking space located in a garage, with further encroachment of two steps and the door swing, in order to permit the construction of six street townhouse dwellings for lands located at 205-215 Fall Fair Way (see Appendix “L”).

GL/A-07:27

The purpose of this application was to obtain relief from the definition of a street townhouse; a reduction in the minimum lot area; an increase to the maximum lot coverage; and to permit a reduction in the width of a parking space located in a garage, with further encroachment of two steps and the door swing, in order to permit the construction of eight street townhouse dwellings for lands located at 187-201 Fall Fair Way (see Appendix “M”).

Subdivision Application 25T200016 “Woodview Estates”

The draft plan of subdivision known as “Woodview Estates” was draft approved on August 6, 2002, and is being developed in phases. The subject lands are situated within “Woodview Estates, Phase 2” which was registered on December 21, 2006, as Plan 62M-1078. Blocks 75-78, 80-83, 86 and 87, Plan 62M-1078, inclusive, are intended for street and condominium townhouses.

Zoning Application E-1-176

Council for the Township of Glanbrook approved By-law No. 464-70-00, to rezone lands, to implement the “Woodview Estates” draft plan of subdivision, including the subject lands.
SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Elements Condominium) for a Portion of Lands Located on Blocks 75-78, Inclusive, 80-83, Inclusive, 86 and 87, Registered Plan 62M-1078, Glanbrook (PED07244) (Ward 11) - Page 5 of 8

Location: Fall Fair Way

Owner: 1622115 Ontario Ltd.

Applicant: Michael Bryan Consulting Ltd.

Lot Size: Area: 5,199 square metres
Width: 6.0 metres

Servicing: Municipal Servicing

LAND USE AND ZONING:

<table>
<thead>
<tr>
<th></th>
<th><strong>Existing Land Use</strong></th>
<th><strong>Existing Zoning</strong></th>
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<tbody>
<tr>
<td><strong>Subject Lands</strong></td>
<td>Vacant</td>
<td>Multiple Residential “RM2-161” Zone</td>
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<tr>
<td></td>
<td>(future street townhouses)</td>
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<tr>
<td><strong>Surrounding Land Uses</strong></td>
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<tr>
<td><strong>North</strong></td>
<td>Vacant</td>
<td>Restricted Agricultural “A2” Zone</td>
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<tr>
<td><strong>East</strong></td>
<td>Vacant</td>
<td>Residential Multiple “RM3-161” Zone</td>
</tr>
<tr>
<td></td>
<td>Single Detached Dwellings</td>
<td>Residential “R4-161” Zone</td>
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<tr>
<td><strong>South</strong></td>
<td>Open Space</td>
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<tr>
<td></td>
<td>Vacant</td>
<td>Residential Multiple “RM4-161” Zone</td>
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<td><strong>West</strong></td>
<td>Vacant</td>
<td>Institutional “I” Zone</td>
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<tr>
<td></td>
<td>Vacant</td>
<td>Residential Multiple “RM3-161” Zone</td>
</tr>
</tbody>
</table>
ANALYSIS/RATIONALE:

1. The proposal conforms with the general intent of the Official Plan, and the Secondary Plan.

2. The proposed draft plan of condominium (Common Elements Condominium) would be comprised of three condominium roads. Each condominium driveway is 6.0 metres wide and would provide legal vehicular access to the 66 street townhouse dwellings.

3. The lands proposed for the condominium roads and the 66 street townhouse dwellings will be created through an exemption from Part Lot Control. In this regard, final approval and registration of the Common Elements Condominium cannot occur until such time as Part Lot Control Applications PLC-07-023, PLC-07-024 and PLC-07-025 are approved and the By-laws removing the lands from Part Lot Control have been passed.

4. The applicant must also enter into a Development Agreement with the City of Hamilton as a condition of draft plan approval. This agreement would ensure that the tenure of all the subject residential parcels become “tied” to the proposed draft plan of condominium (Common Elements Condominium). This will have the effect of ensuring that individual townhouse lots are not sold until the condominium driveways have been registered as a common element under the Condominium Act.

5. The proposed condominium roads will be privately owned and maintained. As a condition of approval, the applicant must include a warning clause in the Development Agreement and the Purchase and Sale Agreements to advise perspective purchasers the following:

   ”Purchasers are advised that the City of Hamilton will not be providing any maintenance or snow removal service for the private condominium road.”

ALTERNATIVES FOR CONSIDERATION:

In the event Council does not approve the proposed draft plan of condominium (Common Elements Condominium) application, the proposed 66 street townhouse dwellings would require individual frontage on Fall Fair Way.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

- Financial: N/A
- Staffing: N/A
Legal - As required under the Bill 51 version of the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a Draft Plan of Condominium (Common Elements Condominium).

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction of provincial interest related to land use planning and development. The Planning Act requires that, in exercising any authority that affects planning matters, planning authorities shall be consistent with policy statements issued under the Act. The application is consistent with the Provincial Policy Statement, since Policy 1.1.3.1 states that settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

Hamilton-Wentworth Official Plan


Township of Glanbrook Official Plan

The subject property is designated “Binbrook Village” on Schedule ‘A’ – Land Use Plan and “Medium Density Residential” on Schedule “B” – Binbrook Village Secondary Plan, Land Use Plan in the Township of Glanbrook Official Plan. The proposed townhouses and condominium roads maintain the general intent of the Township of Glanbrook Official Plan in that the Official Plan encourages a full range of housing types and prices throughout the municipality.

RELEVANT CONSULTATION:

The following Departments and Agencies had no comments or objections:

• Public Works Department (Traffic Engineering and Operations Section).
• Corporate Services Department (Budgets Section).

PUBLIC CONSULTATION:

Ontario Legislation 544/06, which implements changes respecting Plans of Subdivision within Bill 51, introduced Public Notice and Meeting requirements for Vacant Land and Common Element Condominiums. Therefore, consistent with the Public Participation Policy that was approved by Council on May 29, 2003, four pre-circulation notices were mailed to all property owners within 120 metres of the subject property, requesting comments or support for the application. The properties were also subject of a Draft Plan of Subdivision and Zoning By-law Amendment application, which were public.
SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Elements Condominium) for a Portion of Lands Located on Blocks 75-78, Inclusive, 80-83, Inclusive, 86 and 87, Registered Plan 62M-1078, Glanbrook (PED07244) (Ward 11) - Page 8 of 8

processes. To date, no comments have been received from any members of the public in response to the Draft Plan of Condominium circulation.

Further, a Public Notice sign was posted on the property in August, 2007. Notice of the Public Meeting of the Economic Development and Planning Committee was given in accordance with the provisions of the Planning Act.

CITY STRATEGIC COMMITMENT:

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

Community Well-Being is enhanced. ☑ Yes ☐ No
Meets the intent of the future development of the area.

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

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

:SH
Attachs. (13)
COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. GL/A-07:18
SUBMISSION NO. A-18/07

IN THE MATTER OF The Planning Act, R.S.O., 1990, c.P. 13, as amended and of the Zoning By-Law No. 464, of the City of Hamilton (formerly Glanbrook), Sections 7, 18 and 44.

AND IN THE MATTER OF the Premises known as Municipal numbers 280 - 286 Fall Fair Way, formerly in the Township of Glanbrook, now in the City of Hamilton and in an "RM2-161" (Residential Multiple Zone, further modified) district;

AND IN THE MATTER OF AN APPLICATION by the agent Michael Bryan Consulting Ltd. on behalf of the owner 1622115 Ontario Ltd., for relief from the provisions of the Zoning By-Law No. 464, under Section 45 of The Planning Act, R.S.O. 1990, c. P. 13, so as to permit the construction of four (4) street townhouse dwellings notwithstanding that:

1) Each street townhouse dwelling shall front onto a common element condominium road instead of a public street;

2) The parking space located within the garage shall have minimum dimensions of 6.0m x 2.2m instead of the minimum required 6.0m x 3.0m;

3) Two (2) steps will encroach into the parking space located within the garage, further reducing its minimum required dimension.

NOTE:

"The actual width of the garage is greater than 2.2m, however due to an exterior door swinging into the garage the effective clear width of the garage is 2.2m."

THE DECISION OF THE COMMITTEE IS:

That the said application IS GRANTED for the following reasons:

1. The Committee having regard to the evidence is of the opinion that the relief granted is of a minor nature.

2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.

3. The Committee having regard to the evidence is satisfied that there will be no adverse impact on any of the neighbouring lands.

DATED AT HAMILTON this 21st day of February, 2007

M. Dube (Chairman)  C. Lewis
R. Nairn  D. Drury
D. DeLullo

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS March 13th, 2007.

NOTE: This decision is not final and binding unless otherwise noted.
IN THE MATTER OF The Planning Act, R.S.O., 1990, c.P. 13, as amended and of the Zoning By-Law No. 464, of the City of Hamilton (formerly Glanbrook), Sections 4, 7, 18 and 44.

AND IN THE MATTER OF the Premises known as Municipal number 266-278 Fall Fair Way, formerly in the Township of Glanbrook, now in the City of Hamilton and in an "RM2-161" (Residential Multiple Zone, further modified) district;

AND IN THE MATTER OF AN APPLICATION, AS AMENDED, by the agent Michael Bryan Consulting Ltd., on behalf of the owner 1622115 Ontario Ltd., for relief from the provisions of the Zoning By-Law No. 464, under Section 45 of The Planning Act, R.S.O. 1990, c. P. 13, so as to permit the construction of seven (7) street townhouse dwellings notwithstanding that:

1) Each street townhouse dwelling shall front onto a common element condominium road instead of a public street;

2) A minimum 6.0m (20') x 2.2m (7.2') parking space size shall be provided for the parking spaces located within the garages instead of the minimum required 6.0m (20') x 3.0m (10') parking space size; and,

3) Two (2) risers (steps) will encroach into the parking space located within the garage, further reducing its minimum required dimensions.

NOTE:
The actual width of the garage is greater than 2.2m, however due to an exterior door swinging into the garage the affected clear width of the garage is 2.2m.

THE DECISION OF THE COMMITTEE IS:

That the said application IS GRANTED for the following reasons:

1. The Committee having regard to the evidence is of the opinion that the relief granted is of a minor nature.

2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.

3. The Committee having regard to the evidence is satisfied that there will be no adverse impact on any of the neighbouring lands.

DATED AT HAMILTON this 21st day of February, 2007

M. Dudzic (Chairman)  C. Lewis

R. Nairn  D. Drury

D. DeLullo  V. Abraham

NOTE: The last date on which an appeal to the Ontario Municipal Board may be filed is March 13th, 2007.

NOTE: This decision is not final and binding unless otherwise noted.
Appendix "F" to Report PED07244
Page 1 of 2

COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. GL/A-07:20
SUBMISSION NO. A-20/07

IN THE MATTER OF The Planning Act, R.S.O., 1990, c.P. 13, as amended and of the Zoning By-Law No. 464, of the City of Hamilton (formerly Glanbrook), Sections 7, 18 and 44.

AND IN THE MATTER OF the Promises known as Municipal numbers 250 - 262 Fall Fair Way, formerly in the Township of Glanbrook, now in the City of Hamilton and in an "RM2-161" (Residential Multiple Zone, further modified) district;

AND IN THE MATTER OF AN APPLICATION by the agent Michael Bryan Consulting Ltd. on behalf of the owner 1822115 Ontario Ltd., for relief from the provisions of the Zoning By-Law No. 464, under Section 45 of The Planning Act, R.S.O. 1990, c. P. 13, so as to permit the construction of seven (7) street townhouse dwellings notwithstanding that:

1) Each street townhouse dwelling shall front onto a common element condominium road instead of a public street;

2) A maximum lot coverage of 39.2% shall be provided instead of the maximum permitted 35%;

3) The parking space located within the garage shall have minimum dimensions of 6.0m x 2.2m instead of the minimum required 6.0m x 3.0m; and,

4) Two (2) steps will encroach into the parking space located within the garage, further reducing its minimum required dimensions.

NOTE:
"The actual width of the garage is greater than 2.2m, however due to an exterior door swinging into the garage the effective clear width of the garage is 2.2m."

THE DECISION OF THE COMMITTEE IS:

That the said application IS GRANTED for the following reasons:

1. The Committee having regard to the evidence is of the opinion that the relief granted is of a minor nature.

2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.

3. The Committee having regard to the evidence is satisfied that there will be no adverse impact on any of the neighbouring lands.

DATED AT HAMILTON this 21st day of February, 2007

M. Dube (Chairman)

R. Nair

D. DeLullo

C. Lewis

D. Drury

V. Abraham

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS March 13th, 2007.

NOTE: This decision is not final and binding unless otherwise noted.
COMMITTEE OF ADJUSTMENT

APPLICATION NO. GL/A-07:21
SUBMISSION NO. A-21/07

IN THE MATTER OF The Planning Act, R.S.O., 1990, c.P. 13, as amended and of the Zoning By-Law No. 464, of the City of Hamilton (formerly Glanbrook), Sections 7, 18 and 44.

AND IN THE MATTER OF the Premises known as Municipal numbers 232 - 244 Fall Fair Way, formerly in the Township of Glanbrook, now in the City of Hamilton and in an "RM2-161" (Residential Multiple Zone, further amended) district;

AND IN THE MATTER OF AN APPLICATION by the agent Michael Bryan Consulting Ltd. on behalf of the owner 1622115 Ontario Ltd., for relief from the provisions of the Zoning By-Law No. 464, under Section 45 of The Planning Act, R.S.O. 1990, c. P. 13, so as to permit the construction of seven (7) townhouse dwellings notwithstanding that:

1) Each streettownhouse dwelling shall front onto a common element condominium road instead of a public street;

2) A minimum lot area of 200.9m² shall be provided instead of the minimum required 210.0m²;

3) A maximum lot coverage of 42.6% shall be provided instead of the maximum permitted 35%;

4) The parking space located within the garage shall have minimum dimensions of 6.0m x 2.2m instead of the minimum required 6.0m x 3.0m; and,

5) Two (2) steps will encroach into the parking space located within the garage, further reducing its minimum required dimensions.

NOTE:

"The actual width of the garage is greater than 2.2m, however due to an exterior door swinging into the garage the effective clear width of the garage is 2.2m."

THE DECISION OF THE COMMITTEE IS:

That the said application IS GRANTED for the following reasons:

1. The Committee having regard to the evidence is of the opinion that the relief granted is of a minor nature.

2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.

3. The Committee having regard to the evidence is satisfied that there will be no adverse impact on any of the neighbouring lands.

DATED AT HAMILTON this 21st day of February, 2007

M. Dudziak (Chairman)

R. Nairn

D. DeLuco

C. Lewis

D. Drury

V. Abraham

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS March 13th, 2007.

NOTE: This decision is not final and binding unless otherwise noted.
Committee of Adjustment, City Hall
7th floor, 71 Main Street West
Hamilton, ON L8P 4Y3
Telephone (905) 546-2424, ext. 4221
Fax (905) 546-4022

COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. GL/A-07:22
SUBMISSION NO. A-22/07

IN THE MATTER OF: The Planning Act, R.S.O., 1990, c.P. 13, as amended and of the Zoning By-Law No. 464, of the City of Hamilton (formerly Glenbrook), Sections 4, 7, 18 and 44.

AND IN THE MATTER OF: the Premises known as Municipal number 227-239 Fall Fair Way, formerly in the Township of Glenbrook, now in the City of Hamilton and in an "RM2-161" (Residential Multiple Zone, further modified) district;

AND IN THE MATTER OF: AN APPLICATION by the agent Michael Bryan Consulting Ltd., on behalf of the owner 1822115 Ontario Ltd., for relief from the provisions of the Zoning By-Law No. 464, under Section 45 of The Planning Act, R.S.O. 1990, c. P. 13, so as to permit the construction of seven (7) street townhouse dwellings notwithstanding that:

1) Each street townhouse dwelling shall front onto a common element condominium road instead of a public street;

2) A maximum 35.6% lot coverage shall be provided instead of the maximum permitted 35%;

3) A minimum 6.0m (20') x 2.2m (7.2') parking space size shall be provided for the parking spaces located within the garages instead of the minimum required 6.0m (20') x 3.0m (10') parking space size; and,

4) Two (2) risers (steps) will encroach into the parking space located within the garage, further reducing its minimum required dimensions.

NOTE:

"The actual width of the garage is greater than 2.2m, however due to an exterior door swinging into the garage the effective clear width of the garage is 2.2m."

THE DECISION OF THE COMMITTEE IS:

That the said application IS GRANTED for the following reasons:

1. The Committee having regard to the evidence is of the opinion that the relief granted is of a minor nature.

2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.

3. The Committee having regard to the evidence is satisfied that there will be no adverse impact on any of the neighbouring lands.

DATED AT HAMILTON this 21st day of February, 2007

M. Dudon (Chairman)

R. Nair

D. Dalillo

C. Lewis

D. Drury

V. Abbasian

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS March 13th, 2007.

NOTE: This decision is not final and binding unless otherwise noted.
COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. GL/A-07:23
SUBMISSION NO. A-23/07

IN THE MATTER OF The Planning Act, R.S.O., 1990, c.P. 13, as amended and of the Zoning By-Law No. 464, of the City of Hamilton (formerly Glenbrook), Sections 7, 18 and 44.

AND IN THE MATTER OF the Premises known as Municipal numbers 243 - 253 Fall Fair Way, formerly in the Township of Glenbrook, now in the City of Hamilton and in an "RM2-161" (Residential Multiple Zone, further amended) district;

AND IN THE MATTER OF AN APPLICATION by the agent Michael Bryan Consulting Ltd. on behalf of the owner 1622115 Ontario Ltd., for relief from the provisions of the Zoning By-Law No. 464, under Section 45 of The Planning Act, R.S.O. 1990, c. P. 13, so as to permit the construction of six (6) street townhouse dwellings notwithstanding that:

1) Each street townhouse dwelling shall front onto a common element condominium road instead of a public street;

2) The parking space located within the garage shall have minimum dimensions of 6.0m x 2.2m instead of the minimum required 6.0m x 3.0m; and,

3) Two (2) steps will encroach into the parking space located within the garage, further reducing its minimum required dimensions.

NOTE:

"The actual width of the garage is greater than 2.2m, however due to an exterior door swinging into the garage the effective clear width of the garage is 2.2m."

THE DECISION OF THE COMMITTEE IS:

That the said application IS GRANTED for the following reasons:

1. The Committee having regard to the evidence is of the opinion that the relief granted is of a minor nature.

2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.

3. The Committee having regard to the evidence is satisfied that there will be no adverse impact on any of the neighbouring lands.

DATED AT HAMILTON this 21st day of February, 2007

M. Dudziak (Chairman)  
Christine M. Lewis  
R. Nairn  
D. Drury  
D. DeLuise  
V. Abraham

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS March 13th, 2007.

NOTE: This decision is not final and binding unless otherwise noted.
COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. GL/A-07:24
SUBMISSION NO. A-24/07

IN THE MATTER OF The Planning Act, R.S.O., 1990, c.P. 13, as amended and of the Zoning By-Law No. 484, of the City of Hamilton (formerly Glanbrook), Sections 4, 7, 18 and 44.

AND IN THE MATTER OF the Premises known as Municipal number 255-265 Fall Fair Way, formerly in the Township of Glanbrook, now in the City of Hamilton and in an "RM2-161" (Residential Multiple Zone, further modified) district,

AND IN THE MATTER OF AN APPLICATION by the agent Michael Bryan Consulting Ltd., on behalf of the owner 1622115 Ontario Ltd., for relief from the provisions of the Zoning By-Law No. 464, under Section 45 of The Planning Act, R.S.O. 1990, c. P. 13, so as to permit the construction of six (6) street townhouse dwellings notwithstanding that:

1) Each street townhouse dwelling shall front onto a common element condominium road instead of a public street;

2) A minimum 6.0m (20') x 2.2m (7.2') parking space size shall be provided for the parking spaces located within the garages instead of the minimum required 6.0m (20') x 3.0m (10') parking space size; and,

3) Two (2) risers (steps) will encroach into the parking space located within the garage, further reducing its minimum required dimensions.

NOTE:

"The actual width of the garage is greater than 2.2m, however due to an exterior door swinging into the garage the effective clear width of the garage is 2.2m."

THE DECISION OF THE COMMITTEE IS:

That the said application IS GRANTED for the following reasons:

1. The Committee having regard to the evidence is of the opinion that the relief granted is of a minor nature.

2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.

3. The Committee having regard to the evidence is satisfied that there will be no adverse impact on any of the neighbouring lands.

DATED AT HAMILTON this 21st day of February, 2007

M. Dudic (Chairman)  C. Lewis

R. Naim

D. DeLullo

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS March 12th, 2007.

NOTE: This decision is not final and binding unless otherwise noted.
Appendix "K" to Report PED07244
Page 1 of 2

COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. GL/IA-07:25
SUBMISSION NO. A-25/07

IN THE MATTER OF The Planning Act, R.S.O., 1990, c.P. 13, as amended and of the Zoning By-Law No. 464, of the City of Hamilton (formerly Glanbrook), Sections 4, 7, 18 and 44,

AND IN THE MATTER OF the Premises known as Municipal number 267-281 Fall Fair Way, formerly in the Township of Glanbrook, now in the City of Hamilton and in an "RM2-161" (Residential Multiple Zone, further modified) district;

AND IN THE MATTER OF AN APPLICATION by the agent Michael Bryan Consulting Ltd. on behalf of the owner 1622115 Ontario Ltd., for relief from the provisions of the Zoning By-Law No. 464, under Section 45 of The Planning Act, R.S.O. 1990, c. P. 13, so as to permit the construction of eight (8) street townhouse dwellings notwithstanding that:

1) Each street townhouse dwelling shall front onto a common element condominium road instead of a public street;

2) A minimum 6.0m (20') x 2.2m (7.2') parking space size shall be provided for the parking spaces located within the garages instead of the minimum required 6.0m (20') x 3.0m (10') parking space size; and,

3) Two (2) risers (steps) will encroach into the parking space located within the garage, further reducing its minimum required dimensions.

NOTE:

"The actual width of the garage is greater than 2.2m, however due to an exterior door swinging into the garage the effective clear width of the garage is 2.2m."

THE DECISION OF THE COMMITTEE IS:

That the said application IS GRANTED for the following reasons:

1. The Committee having regard to the evidence is of the opinion that the relief granted is of a minor nature.

2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.

3. The Committee having regard to the evidence is satisfied that there will be no adverse impact on any of the neighbouring lands.

DATED AT HAMILTON this 21st day of February, 2007

M. Dodds (Chairman) C. Lewis
R. Naum D. Drury
D. DeLullo V. Abraham

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS March 13th, 2007.

NOTE: This decision is not final and binding unless otherwise noted.
APPENDIX "L" TO REPORT PED07244

Page 1 of 3

COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. GL/A-07:26
SUBMISSION NO. A-26/07

IN THE MATTER OF The Planning Act, R.S.O., 1990, c.P. 13, as amended and of the Zoning By-Law No. 464, of the City of Hamilton (formerly Glanbrook), Sections 4, 7, 18 and 44.

AND IN THE MATTER OF the Premises known as Municipal number 205-215 Fall Fair Way, formerly in the Township of Glanbrook, now in the City of Hamilton and in an "RM2-161" (Residential Multiple Zone, further modified) district;

AND IN THE MATTER OF AN APPLICATION by the agent Michael Bryan Consulting Ltd., on behalf of the owner 1622115 Ontario Ltd., for relief from the provisions of the Zoning By-Law No. 464, under Section 45 of The Planning Act, R.S.O. 1990, c. P. 13, so as to permit the construction of six (6) street townhouse dwellings notwithstanding that:

1) Each street townhouse dwelling shall front onto a common element condominium road instead of a public street;

2) A minimum 4.0m (13.13') front yard shall be provided instead of the minimum required 6.0m (20') front yard;

3) A minimum 203.1m² (2168ft²) lot area shall be provided instead of the minimum required 210.0m² (2300.0ft²) lot area;

4) A maximum 42.2% lot coverage shall be provided instead of the maximum permitted 35%;

5) A minimum 6.0m (20') x 2.2m (7.2') parking space size shall be provided for the parking spaces located within the garages instead of the minimum required 6.0m (20') x 3.0m (10') parking space size;

6) A minimum 5.5m (18') x 3.0m (10') parking space size shall be provided for the parking space located within the front yard instead of the minimum required 6.0m (20') x 3.0m (10') parking space size; and,

7) Two (2) risers (steps) will encroach into the parking space located within the garage, further reducing its minimum required dimensions.

NOTE:

"The actual width of the garage is greater than 2.2m, however due to an exterior door swinging into the garage the effective clear width of the garage is 2.2m."

"The variance written for the front yard setback and the front yard parking space are an approximation and are to be confirmed otherwise, additional variances will be required."

THE DECISION OF THE COMMITTEE IS:

That the said application IS GRANTED for the following reasons:

1. The Committee having regard to the evidence is of the opinion that the relief granted is of a minor nature.

2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.

3. The Committee having regard to the evidence is satisfied that there will be no adverse impact on any of the neighbouring lands.
DATED AT HAMILTON this 21st day of February, 2007

M. Dudzic (Chairman)

R. Nairn

D. DeLullo

C. Lewis

D. Drury

V. Abraham

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS March 13th, 2007.

NOTE: This decision is not final and binding unless otherwise noted.
Appendix "M" to Report PED07244
Page 1 of 2

COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. GL/A-07:27
SUBMISSION NO. A-27/07

IN THE MATTER OF The Planning Act, R.S.O., 1990, c.P. 13, as amended and of the Zoning By-Law No. 464, of the City of Hamilton (formerly Glanbrook), Sections 4, 7, 18 and 44;

AND IN THE MATTER OF the Premises known as Municipal number 187-201 Fall Fair Way, formerly in the Township of Glanbrook, now in the City of Hamilton and in an "RM2-161" (Residential Multiple Zone, further modified) district;

AND IN THE MATTER OF AN APPLICATION, AS AMENDED, by the agent Michael Bryan Consulting Ltd., on behalf of the owner 1622115 Ontario Ltd., for relief from the provisions of the Zoning By-Law No. 464, under Section 45 of The Planning Act, R.S.O. 1990, c. P. 13, so as to permit the construction of eight (8) street townhouse dwellings notwithstanding that:

1) Each street townhouse dwelling shall front onto a common element condominium road instead of a public street;

2) A minimum 203.1m² (2187ft²) lot area shall be provided instead of the minimum required 210.0m² (2300.0ft²) lot area;

3) A maximum 42.2% lot coverage shall be provided instead of the maximum permitted 35%;

4) A minimum 6.0m (20') x 2.2m (7.2') parking space size shall be provided for the parking spaces located within the garages instead of the minimum required 6.0m (20')x 3.0m (10') parking space size; and,

5) Two (2) risers (steps) will encroach into the parking space located within the garage, further reducing its minimum required dimensions.

Note: The actual width of the garage is greater than 2.2m, however due to an exterior door swinging into the garage the affected clear width of the garage is 2.2m

THE DECISION OF THE COMMITTEE IS:

That the said application IS GRANTED for the following reasons:

1. The Committee having regard to the evidence is of the opinion that the relief granted is of a minor nature.

2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.

3. The Committee having regard to the evidence is satisfied that there will be no adverse impact on any of the neighbouring lands.

DATED AT HAMILTON this 21st day of February, 2007

M. Duzdzic (Chairman)

C. Lewis

R. Nairn

D. Drury

D. DeLuca

V. Abramowicz

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS March 13th, 2007.

NOTE: This decision is not final and binding unless otherwise noted.