SUBJECT: Application for a Change in Zoning for Lands Located at 130 Fiddler’s Green Road (Ancaster) (PED07187) (Ward 12)

RECOMMENDATION:

That approval be given to Zoning Application ZAR-06-31, William Karafillis, owner, for changes in zoning from the Existing Residential “ER” Zone to the Existing Residential “ER-564” Zone (Block “1”) to permit a new single detached dwelling on a separate lot, to the Existing Residential “ER-565” Zone (Block “2”) to permit a new single detached dwelling on a separate lot, and to the Existing Residential “ER-566” Zone (Block “3”) to permit a new single detached dwelling on separate lot, for lands located at 130 Fiddler’s Green Road (Ancaster), as shown on Appendix “A” to Report PED07187, on the following basis:

(a) That Block “1” be rezoned from the Existing Residential “ER” Zone to the Existing Residential “ER-564” Zone;

(b) That Block “2” be rezoned from the Existing Residential “ER” Zone to the Existing Residential “ER-565” Zone;

(c) That Block “3” be rezoned from the Existing Residential “ER” Zone to the Existing Residential “ER-566” Zone;

(d) That the Draft By-law, attached as Appendix “B” to Report PED07187 which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
(e) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the Town of Ancaster Official Plan.

Tim McCabe
General Manager
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

The purpose of the application is to provide for modifications in zoning on the subject lands to permit the development of three new single detached dwellings on separate lots (see Appendix “C”). The proposed rezoning would also recognize reduced lot frontages and lot area, and include other site specific provisions relating to minimum yards and planting strips. The application was required to satisfy a condition of provisional approval of consent application AN/B-06:55, however the approval lapsed on June 14, 2007.

The proposal has merit and can be supported since the changes in zoning are consistent with the Provincial Policy Statement and conform to the Hamilton-Wentworth Official Plan and the Town of Ancaster Official Plan. The proposal represents an opportunity for intensification on a currently under-utilized site. Issues with respect to tree preservation, site design and buffering will be addressed through Site Plan Control as the proposal is deemed to be “Innovative Housing” under the City’s Site Plan Control By-law.

**BACKGROUND:**

**Proposal**

The applicant has applied for modifications in zoning on the subject lands, known as 130 Fiddler’s Green Road (see Appendix “A”); in order to permit the development of three new single detached dwellings on separate lots. The existing dwelling and garage will be demolished.

The applicant has requested that the Existing Residential “ER” Zone provisions be amended in order to reduce the minimum lot frontage from 18 metres to 6.0 metres, and to reduce the minimum rear yard setback from 7.5 meters to 1.5 metres on the two proposed flag-shaped lots (Appendix “A” - Blocks 2 and 3). Also, the applicant has requested that the Existing Residential “ER” Zone provisions be amended in order to reduce the minimum lot area from 695 to 610 square metres for Block “1”. Staff have added provisions to require minimum 1.5 metre wide planting strips along the entire northerly lot line of Block “3” in order to provide an adequate buffer between the proposed driveway and the existing residential property adjacent to the subject property (at 124 Fiddler’s Green Road), and along the westerly lot line of Block “3” abutting...
commercial property at 54 Wilson Street West. These provisions are discussed in the Analysis/Rationale section of this report (Pages 4 & 5).

Consent Application AN/B-06:55

The applicant was granted provisional approval of consent application AN/B-06:55 (Appendix “D”) for the subject lands on June 7, 2006, by the Committee of Adjustment. The approval would have allowed the property to be severed into three lots and created easements for driveway access, as shown on Appendix “C”. However, the conditional approval lapsed on June 14, 2007, as the applicant was unable to fulfil the requisite conditions of approval. As such, the applicant has re-applied to sever the property into three lots and create easements for driveway access.

Details of Submitted Application

Owner: William Karafillis
Location: 130 Fiddler’s Green Road
Description: Frontage: 33.53 metres
Depth: 80.47 metres
Area: 2,698.1 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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<tr>
<td>Subject Lands</td>
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<td>Existing Residential “ER” Zone</td>
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<td>Surrounding Land Uses</td>
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<td>North</td>
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<td>South</td>
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<td>East</td>
<td>Residential (Single Detached)</td>
<td>Existing Residential “ER”, “ER-539”, and “ER-540” Zones</td>
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<td>West</td>
<td>Commercial</td>
<td>Shopping Centre Commercial “C2-252” Zone</td>
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ANALYSIS/RATIONALE:

1. The proposal has merit and can be supported for the following reasons:
(i) The proposed change in zoning is consistent with the Provincial Policy Statement, and it conforms to the Hamilton-Wentworth Official Plan and the Town of Ancaster Official Plan;

(ii) The proposal is compatible with existing and planned development in the area, and represents an opportunity for intensification on a currently under-utilized site; and,

(iii) Issues with respect to tree preservation, site design and buffering will be addressed through a required Site Plan Control application, as the proposal is deemed to be “Innovative Housing” under the Site Plan Control By-law.

2. Initially staff had identified that there may not be sufficient capacity in the existing storm sewer to accommodate the proposal. At the request of staff, the applicant submitted a stormwater management report, prepared by S. Llewellyn & Associates Limited. The report proposes to extend the existing storm sewer on Fiddler’s Green Road to the limits of the subject property, and concludes that if extended there will be adequate capacity in the storm outlet to accommodate the proposal. Staff concur with the report’s findings. As such, staff are satisfied that through the implementation of the stormwater management report’s recommendations at the Site Plan Control stage, there will be adequate capacity in the storm outlet to accommodate the proposal.

There are municipal watermains and a municipal sanitary sewer available within the Fiddler’s Green road allowance to service the subject lands. The applicant will be required to pay their fair share for the future urbanization of Fiddler’s Green Road as a condition of future consent approval.

3. The applicant has submitted a sketch with their application, attached as Appendix “C”, which has been reviewed against the standard requirements of the Existing Residential “ER” Zone. The following modifications are required:

Lot Frontage

The Existing Residential “ER” Zone requires a minimum lot frontage of 18 metres, however, the applicant is proposing a 6.0 metre lot frontage for the proposed flag shaped lots (Blocks “2” & “3” – Appendix “A”). The proposed frontages will be compatible with the streetscape character as only an additional driveway will be visible from the street. As previously noted, the proposal represents an opportunity for intensification on a currently under-utilized site. Also, site design and buffering will be addressed through a required Site Plan Control application, which will allow staff to ensure that the streetscape character is maintained.
Lot Area

The Existing Residential “ER” Zone requires a minimum lot area of 695 square metres. However, the applicant is proposing a 610 square metre lot area for Block “1” (Appendix “A”). The purpose and intent of the by-law in requiring minimum lot areas is to maintain a scale of development compatible with that planned for the area. The proposed reduction is minor and can be supported.

Rear Yard Setback

The Existing Residential “ER” Zone requires a minimum rear yard setback of 7.5 metres; however, the applicant is proposing 1.5 metre rear yards for the two proposed flag shaped lots (Blocks “2” & “3” – Appendix “A”). The Ancaster Zoning By-law No. 87-57 defines a rear lot line as “the lot lines remaining after the determination of the side lot lines”. As such, staff have determined that the easterly, westerly and southerly lot lines of Blocks “2” and “3” are rear lot lines. The “ER” Zone’s standard side yard requirement is a minimum 1.5 metres. These lot lines will function as side lot lines and the recommended minimum 1.5 metre rear yards will provide adequate space for maintenance and drainage.

Planting Strip

The proposed zoning includes a minimum required 1.5 metre wide planting strip to be provided along the northerly side lot line and westerly rear lot line of Block “3”. This will provide an adequate buffer between the proposed driveway and the adjoining residential property at 124 Fiddler’s Green Road, and between the balance of Block “3” and the abutting commercial property at 54 Wilson Street West.

4. This application was pre-circulated to 166 property owners within 120 metres of the subject lands. One written response was received (attached as Appendix “E”) in opposition to the proposal, with concerns related to density and traffic congestion on Fiddler’s Green Road.

Density

Density is measured by the number of dwelling units per unit of land area. As previously noted, the subject property is zoned Existing Residential “ER” Zone, which requires a minimum lot area of 695 square metres. The subject property has a lot area of 2,698.1 square metres, which if divided by the minimum lot area results in 3.88 units. Since the applicant is proposing 3 dwelling units, the proposal is compatible with the density envisioned for the area.

Traffic

There are concerns over the potential traffic congestion on Fiddler’s Green Road and the increase in traffic that will result from this proposal. The City’s Traffic Engineering and Operations Section has reviewed the proposal and have no
concerns. In staff's opinion, the traffic generated from the proposed 2 additional single detached dwellings will not have a negative impact on the traffic flow on Fiddler's Green Road.

5. The applicant has submitted a new severance application to the Committee of Adjustment in order sever the subject property into three lots and to create easements for driveway access, as the original severance application lapsed on June 14, 2007.

6. Through the review of the application, Staff have determined that the subject property contains mature trees. It must be determined if the trees are "heritage trees" as defined by the Ancaster By-law. If "heritage trees" are identified, a permit is required from the City before any of these trees can be removed. This item will be addressed through a required Site Plan Control application.

**ALTERNATIVES FOR CONSIDERATION:**

If the application is denied, then the applicant has the option of using the property for the current range of Existing Residential "ER" Zone uses.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

- **Financial** - N/A
- **Staffing** - N/A
- **Legal** - As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a change in Zoning.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

The proposal falls within the parameters and is consistent with the Provincial Policy Statement (PPS). Specifically, the proposal is consistent with Policy 1.1.1 a), which promotes efficient development patterns, and Policy 1.1.3.3 which speaks to promoting intensification within settlement areas.

**Hamilton-Wentworth Official Plan**

The subject property is designated "Urban Area" in the Hamilton-Wentworth Official Plan. Policy 3.1 states that a wide range of urban uses, based on full municipal services, will be concentrated in the Urban Areas. As well, Policy 3.1 outlines that these areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020. Furthermore, the Plan establishes a land use strategy for the Urban Area that consists of a compact urban form including mixed use areas.
As the nature of the application is to change the existing zoning to facilitate the development of the lands for residential purposes on full municipal services, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

Ancaster Official Plan

The subject property is designated “Residential” on Schedule ‘B’ Land Use – Urban Area of the Ancaster Official Plan. The following policies of the Ancaster Official Plan, among others, are applicable to the proposed development:

“4.4.1 The predominant use of lands designated Residential on Schedule B shall be for dwellings in areas which will be supplied with urban services (sanitary and storm sewers and watermains).

4.4.2 Types of residential development permitted in the Residential designation shall be single detached dwellings, semi-detached dwellings, townhousing, low-rise apartments and innovative forms of attached housing.

4.4.10 Council recognizes that Residential Intensification is an important component in reducing housing costs. Residential Intensification is defined as the creation of new residential units or accommodation in existing buildings or on previously developed and/or serviced land. Accordingly, Residential Intensification shall be encouraged where appropriate on the basis of the following considerations:

i) In the case of infilling, redevelopment or conversion of non-residential structures in whole or in part, Residential Intensification shall be subject to the following considerations:

(a) complementing the established development pattern by taking into consideration natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview; and,

(b) compliance with the other objectives of this Plan.”

The “Residential” designation of the Ancaster Official Plan permits single detached dwellings and promotes residential intensification, subject to certain criteria. The proposal will be compatible with surrounding development including the adjacent single detached lots in terms of lot area. The zoning requires ample setbacks from the adjacent dwellings, and will also require minimum 1.5 metre wide landscape strips to be provided along the northerly side lot line and westerly rear lot line, in order to provide adequate buffers. The existing provisions for height and coverage will apply and development will be subject to Site Plan approval. Accordingly, the proposal conforms with the Ancaster Official Plan.
RELEVANT CONSULTATION:

The following Departments/Agencies had no comments or objections:

- Public Works Department (Traffic Engineering and Operations Section).
- Corporate Services Department (Budget & Fiscal Policy Services).
- Corporate Services Department (Revenues Division).
- Hydro One.
- Union Gas.

Public Consultation

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, this application was pre-circulated to one hundred and sixty-six (166) property owners within 120 metres of the subject lands.

One e-mail (attached as Appendix “E”) was received in response to the pre-circulation letter. Concerns were raised in the e-mail regarding the intensity of the proposal and the potential traffic congestion on Fiddler’s Green Road. An analysis of these issues is discussed in the Analysis/Rationale section of this report.

Notice of the Public Meeting for this rezoning application will be circulated to all property owners within 120 metres of the subject lands, and through a sign posted on the property in accordance with the regulations 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
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
Infrastructure and compact development minimize land consumption and servicing costs.

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
Appendix “A” to Report PED07187

Location Map

File Name/Number: ZAR-06-31
Date: June 7, 2007

Appendix “A”

Scale: N.T.S.
Planner/Technician: DF/LC

Subject Property
130 Fiddlers Green Road (Ancaster)

- Block 1 - Change in zoning from the Existing Residential “ER” Zone to the Existing Residential “ER-504” Zone.
- Block 2 - Change in zoning from the Existing Residential “ER” Zone to the Existing Residential “ER-555” Zone.
- Block 3 - Change in zoning from the Existing Residential “ER” Zone to the Existing Residential “ER-566” Zone.
CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 87-57 (Ancaster), as amended, Respecting Lands Located at 130 Fiddler’s Green Road (Ancaster)

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 Town of Ancaster” 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 Zoning By-law No. 87-57 (Ancaster) was enacted on the 22nd day of June 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

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. 87-57 (Ancaster), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area (the Official Plan of the Former Town of Ancaster) 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. B-1 of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing from the Existing Residential “ER” Zone to:

(a) the existing Residential “ER-564” Zone, for lands comprised in Block “1”;
(b) the existing Residential “ER-565” Zone, for lands comprised in Block “2”; and,
(c) the existing Residential “ER-566” Zone, for lands comprised in Block “3”;
the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That Section 34: Exceptions of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following subsections:

**ER-564**
That notwithstanding any provisions to the contrary of Subsection 10.2 – Regulations of Section 10: Existing Residential “ER” Zone of Zoning By-law No. 87-57 (Ancaster) the following special provisions shall apply to the lands zoned “ER-564”:

**Regulations:**

(a) Minimum Lot Area: 610 square metres.
(b) All other provisions of Subsection 10.2 – Regulations of Section 10: Existing Residential “ER” Zone shall apply.

**ER-565**
That notwithstanding any provisions to the contrary of Subsection 10.2 – Regulations of Section 10: Existing Residential “ER” Zone of Zoning By-law No. 87-57 (Ancaster) the following special provisions shall apply to the lands zoned “ER-565”:

**Regulations:**

(a) Minimum Lot Frontage: 6.0 metres.
(b) Minimum Rear Yard: 1.5 metres, except 7.5 metres from the southerly rear lot line.
(c) All other provisions of Subsection 10.2 – Regulations of Section 10: Existing Residential “ER” Zone shall apply.

**ER-566**
That notwithstanding any provisions to the contrary of Subsection 10.2 – Regulations of Section 10: Existing Residential “ER” Zone of Zoning By-law No. 87-57 (Ancaster) the following special provisions shall apply to the lands zoned “ER-566”:
Appendix “B” to Report PED07187 (Page 3 of 4)

Regulations:

(a) Minimum Lot Frontage: 6.0 metres.

(b) Minimum Rear Yard: 1.5 metres, except 7.5 metres from the southerly rear lot line.

(c) Minimum Planting Strip: (i) 1.5 metres wide, along the entire northerly lot line being the side lot line.
    (ii) 1.5 metres wide, along the entire westerly lot line being the rear lot line.

(d) All other provisions of Subsection 10.2 – Regulations of Section 10: Existing Residential “ER” Zone shall apply.

3. That the amending By-law be added to Map B-1 of Ancaster Zoning By-law No. 87-57.

4. 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                        Kevin C. Christenson
Mayor                                City Clerk

ZAR-06-31
Subject Property
130 Fiddler's Green Road (Ancaster)

Schedule “A”
Map Forming Part of By-law No. 07-_______
to Amend By-law No. 87-57

Block 1 - Change in zoning from the Existing Residential “ER” Zone to the Existing Residential “ER-564” Zone.

Block 2 - Change in zoning from the Existing Residential “ER” Zone to the Existing Residential “ER-565” Zone.

Block 3 - Change in zoning from the Existing Residential “ER” Zone to the Existing Residential “ER-566” Zone.
Committee of Adjustment
City Hall
1st Floor, 71 Main Street West
Hamilton, ON, L8P 1Y5
Telephone (905) 546-2401, ext. 4221
Fax (905) 546-4312

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. AN/B-06:55
SUBMISSION NO. B-55/06

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 130 Fiddlers Green Road, formerly in the Town of Ancaster, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION, AS AMENDED, by the owner William Karafillis, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of an "L" shaped parcel of land (Lot 2 on sketch) having a frontage of 6.0m (19.69'), and an area of 537.8m² (9,018.29ft²) containing a portion of an existing dwelling (to be demolished) for single family residential purposes, and to establish three easements; Part 1 on sketch measuring 4.5m x 75m, Part 2 on sketch measuring 1.5m x 34.75m, and Part 3 on sketch measuring 1.5m x 22.66m in favour of Lots 1 and 3 for access purposes, and to retain two parcels of land; one (Lot 1 on sketch) measuring 21.51m (70.6') x 34.75m (114') containing a portion of an existing dwelling and garage (to be demolished) for single family residential purposes, and the other (Lot 3 on sketch), being an "L" shaped parcel of land having a frontage of 6.0m (19.69'), and an area of 1112.38m² (11,973.9ft²) containing a portion of an existing dwelling (to be demolished) for single family residential purposes, and to establish two easements; Part 4 on sketch measuring 4.5m x 34.75m and Part 5 on sketch measuring 4.5m x 22.86 in favour of Lots 1 and 2 for access purposes.

Note: These easements are being established to create on 6.0m wide mutual driveway to provide access for all three lots.

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. That the owner receive final approval of Rezoning Application ZAR-06-31.

3. That the existing buildings and structures which straddle the proposed lot lines and/or which will be non-conforming to the above rezoning, be removed to the satisfaction the Planning and Economic Development Department (Building & Licensing Division).

4. That the owner dedicate to the City of Hamilton, by deed, 19.5 feet (5.944 m) of land from the severed and retained lands, for road allowance widening purposes to establish the property line 125.5 feet (38.032 m) from the centreline of Fiddler’s Green Rd.

5. That the owner enter into a Consent agreement with the City of Hamilton in order to deal with grading and drainage over the severed and retained lands. The applicant shall demonstrate to the satisfaction of the Manager of Development Engineering, that all post development drainage from the site shall not exceed pre-development levels and shall be taken to a suitable outlet.

.../2
6. That the owner makes a cash payment to the City of Hamilton for the future urbanization of Fiddler’s Green Road, to cover the entire width of the subject land.

7. That the owner pay their fair share, based on the entire frontage of this property, for the existing sanitary sewer on Fiddler’s Green Road.

DATED AT HAMILTON this 7th day of June, 2006.

M. Dudziw, Chairman

V. Abraham

C. Lewis

D. Sarwatuk

D. Delullo

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS June 14th, 2006. HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (June 14th, 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 July 4th, 2006.

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

My Husband and I are opposed to the futile idea of erecting 3 houses on a lot which originally occupied 1 residence. The overdevelopment that is occurring in our neighbourhood is ridiculous and reckless. For ex. the traffic on our street has doubled making it difficult to cross Fiddler's Green Rd. or turn left out of Douglas Rd. A developer gone greedy with a complete disregard for a neighbourhood and the aftermath it causes. Please tell these eager developers to put there energy, money and ideas into restoring the Hamilton downtown.

Ir. & Mrs T. St.Michael
25 Douglas Rd.
Ancaster, Ont.
L9G 2E2

NOTE: THIS E-MAIL WAS ORIGINALLY SENT TO JUNE 13 2006 BY ERROR TO dfallatta@hamilton.ca