That approval be given to Zoning Application ZAC-10-040, by 672385 Ontario Inc., c/o Sam Battaglia, Owner, for changes in zoning to Glanbrook Zoning By-law No. 464 from the Existing Residential “ER” Zone to the Residential “R4-263” Zone, with a Special Exception (Block “1”), the Residential - Holding “H-R4-263” Zone, with a Special Exception and Holding Provision (Block “2”), and to the Existing Residential “ER-264” Zone, with a Special Exception (Block “3”), in order to permit seven lots for single-detached dwellings, one part of a lot in order to create an additional lot for a single-detached dwelling, and one part for future residential development, for lands located at 9800 and 9814 Twenty Road West (Glanbrook), as shown on Appendix “A” to Report PED11002, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED11002, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the changes in zoning conform to the Hamilton-Wentworth Official Plan and the Glanbrook Official Plan.

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

Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
EXECUTIVE SUMMARY

The purpose of this application is to amend the Glanbrook Zoning By-law in order to permit the development of seven lots for single-detached dwellings (four having frontage onto Kopperfield Lane, and three having frontage onto Twenty Road West), one part to be added to adjacent lands to the east to create an additional lot for a single-detached dwelling, and one part for future residential development upon the extension of Kellogg Lane from the east to the west (see Appendix “C” for a sketch of the proposed development pattern and zoning requested by the applicant).

The proposal has merit and can be supported as the application is consistent with the Provincial Policy Statement and conforms to the Places to Grow Plan, the Hamilton-Wentworth Official Plan, the Glanbrook Official Plan (including the North-West Glanbrook Planning Area Land Use Plan), and the Council-Approved Urban Hamilton Official Plan. The proposed development is considered to be compatible with and consistent with existing and planned residential development in the immediate area, continues an established development pattern under construction to the east of the subject lands, and implements the approval by the Committee of Adjustment of Consent Applications GL/B-10:124, 125, 126, 127, and 128.

Alternatives for Consideration - See Page 15.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: N/A.

Staffing: N/A.

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

HISTORICAL BACKGROUND

Proposal

The applicant has applied to rezone the lands from the Existing Residential “ER” Zone to the Residential “R4-263” Zone (Block “1”), the Residential - Holding “H-R4-263” Zone (Block “2”), and the Existing Residential “ER-264” Zone (Block “3”), in order to permit a total of seven lots for single-detached dwellings, one part to be added to adjacent land for an additional single-detached dwelling, and one part for future residential development upon the extension of Kellogg Lane from the east to the west across the subject lands (see Appendix “C”).
The applicant has requested that the Residential “R4” Zone (applicable to Blocks “1” and “2”, which are the proposed lots on Kopperfield Lane and future internal residential lots) be modified to contain the exact zoning modifications as the adjacent Residential “R4-206” Zone to the east, except for an additional modification to permit corner lots to have a minimum frontage of 14.5m instead of 15m. The other zoning modifications that would apply from the Residential “R4-206” Zone would be:

- Minimum lot area of 345 square metres, except 400 square metres for a corner lot;
- Minimum front yard of 6 metres; and,
- Minimum side yard abutting the flanking street of 3m, except that 6m is required from an attached garage or carport fronting onto the flankage street.

Applicable to the Existing Residential “ER” Zone (Block “3”, which are the proposed lots on Twenty Road West), the applicant is proposing a modification to permit a minimum lot frontage of 22m, whereas 22.5m is required.

Block “2” is also proposed to be placed into an ‘H’ Holding Provision, which has been agreed to by the applicants, in order to preclude development of this block until such time that a draft plan of subdivision has been approved. This would serve to secure the extension of Kellogg Lane, the future extension of Idlewilde Lane, and to ensure orderly development in accordance with the North-West Glanbrook Planning Area Secondary Plan.

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

**Chronology:**

**September 21, 2010:** Submission of Application ZAC-10-040 by 672385 Ontario Inc., c/o Sam Battaglia.

**September 27, 2010:** Application ZAC-10-040 is deemed complete.

**September 29, 2010:** Circulation of Notice of Complete Application for Application ZAC-10-040 to all residents within 120 metres of the subject lands.
Associated Consent Applications GL/B-10:124, 125, 126, 127, and 128 granted conditional approval by the Committee of Adjustment. The purpose of these severances is to create four lots for single-detached dwellings fronting onto Kopperfield Lane, a part lot on Kopperfield Lane to be consolidated with adjacent lands for an additional lot for a single-detached dwelling, three lots for single-detached dwellings fronting onto Twenty Road West, and one part for future residential development upon the extension of Kellogg Lane from the east to the west. Conditions of approval included lot consolidation, extension of required services along Twenty Road West, Consent Agreements, tree preservation, and finalization of the current application for a Change in Zoning (ZAC-10-040). Appendix “D” is a copy of each of the Notice of Decisions for the approved Consent Applications, which include all related conditions of approval and severance sketches for each application.

Circulation of Notice of Public Meeting to all residents within 120 metres of the subject lands.

Details of Submitted Applications:

**Location:** 9800 and 9814 Twenty Road West, Glanbrook

**Owner:** Nicolas and Kelly Uhac

**Applicant:** 672385 Ontario Inc., c/o Sam Battaglia

**Agent:** James Webb, WEBB Planning Consultants Inc.

**Property Description (Combined of 9800 and 9814 Twenty Road West):**

- **Area:** 1.21 hectares
- **Frontage:** 66.4 metres
- **Depth:** 182.8 metres

**Servicing:** Full Municipal Servicing upon extension of sewers along Twenty Road West
EXISTING LAND USE AND ZONING:

<table>
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<th>Subject Lands:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<td>Two Single-Detached Dwellings</td>
<td>Existing Residential “ER” Zone</td>
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<td>(one on each lot)</td>
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<tr>
<th>Surrounding Lands:</th>
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<tr>
<td>North</td>
<td>Single-Detached Dwellings</td>
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<tr>
<td>South</td>
<td>Golf Course</td>
</tr>
<tr>
<td>East</td>
<td>Future Single-Detached Dwellings</td>
</tr>
<tr>
<td>West</td>
<td>Single-Detached Dwelling</td>
</tr>
</tbody>
</table>

POLICY IMPLICATIONS

Provincial Policy Statement:

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The application is consistent with the policies that focus growth in Settlement Areas 1.1.3.1.

Policy 1.6.4 addresses sewage and water. Specifically, Policy 1.6.4.2 states that municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and re-development within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible. The provision of full municipal services to the subject lands will be implemented through conditions imposed on Severance Applications GL/B-10:124, 125, 126, 127, and 128 and, as such, the application is consistent with this Policy.

In addition, Policy 1.7.1 (e) outlines that long-term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries, and aggregate activities) and sensitive land uses are appropriately designed, buffered, and separated from each other to prevent adverse effects from odour, noise, and other contaminants.
and minimize risk to public health and safety. The subject lands are intended to be developed for residential purposes and are located adjacent to Twenty Road West. Accordingly, as a condition of approval for Consent Applications GL/B-10:124, GL/B-10:125, GL/B-10:126, GL/B-10:127, and GL/B-10:128, the inclusion of a noise warning clause within the Consent/Development Agreement for the subject lands was required as a condition of approval.

Provincial Policies pertaining to archaeological resources were also addressed through conditions of approval for the related consent applications.

**Places to Grow: Growth Plan for the Greater Golden Horseshoe:**

The subject lands are located within a built-up area, as defined by Places to Grow. Policy 2.2.3.1 states that by the year 2015, and for each year thereafter, a minimum of 40% of all residential development occurring annually within each upper- and single-tier municipality will be within the built-up area. The proposal conforms to the policies contained in the Places to Grow Plan in that the proposal provides for a development/re-development within the built-up area, as defined by the Places to Grow Plan.

**Hamilton-Wentworth Official Plan:**

The subject lands are designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. These areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

The provision of full municipal services to the subject lands will be implemented through conditions imposed on Consent Applications GL/B-10:124, 125, 126, 127, and 128. Based on the foregoing, the application conforms with the policies of the Hamilton-Wentworth Official Plan.

**Glanbrook Official Plan:**

The subject lands are designated “Residential” on Schedule ‘A’ - General Land Use Plan and “Low Density Residential” on Schedule ‘G’ - North-West Glanbrook Planning Area Land Use Plan (see Appendix “E”). The following policies, among others, are applicable to the subject lands:

“B.2.1.1 The predominant use of lands designated “Residential” on Schedule ‘A’ - Land Use Plan shall be residential dwellings. It is intended that the Township provide for a variety and mix of housing types to address all housing needs throughout the Township, including but not limited to,
single-detached dwellings, semi-detached dwellings, townhouses, and apartments. Innovative housing types may also be considered by Council.

B.2.1.5 New residential development shall be primarily on the basis of Plans of Subdivision pursuant to Section 50 of the Planning Act, 1983. However, the division of land by consent for severance by the Region of Hamilton-Wentworth Land Division Committee may be considered where the proponent demonstrates that his or her application for consent for severance is warranted and in conformity with the policies of this Plan and the Regional Official Plan.

B.2.1.6 With respect to residential design, Council shall encourage:

(a) The preservation of the existing vegetation, the natural topography and the existing drainage patterns to minimize any potential ponding or flooding of lands;

B.2.1.11 The following policies identify the range of net residential densities and the general locational criteria for each of the density categories: (O.P.A. No. 12)

(a) Low Density Residential

Low Density Residential development shall consist primarily of single-detached, semi-detached, duplex, and triplex units at a maximum net residential density of 25 units per net hectare (10 units per net acre). Generally, low density development shall be located in the interior of residential neighbourhoods, adjacent to local roads.

B.2.1.13 Lands designated “Residential” by this Plan, but not intended for immediate development, may be zoned in a Holding category in the implementing Zoning By-law in accordance with the provisions of Section G.5.3 of this Plan.

B.2.1.25 North-West Glanbrook Planning Area (O.P.A. No. 14)

B.2.1.25.1 Development Objectives

The following Objectives constitute the fundamental guidelines which shall direct the development of the North-West Glanbrook Planning Area:
(a) **Residential**

(i) To create residential areas consisting of a range of housing types with predominantly low density residential development along with some medium density residential development. Some limited high density residential development shall also be permitted with regard to, among other matters, compatibility with adjacent land uses.

(iii) To provide a variety of housing at a range of prices including affordable residential units.

(iv) Future residential development shall consider and be sensitive to existing residential development, and shall also provide for the re-development of the vacant portions of existing large lot residential development.

(vi) To ensure that future residents of residential development are advised of the proximity of the Hamilton Airport and the potential for noise nuisance at times related to Airport activity.

(e) **Engineering Services**

To provide new development with adequate full municipal services including sanitary sewers, watermains, stormwater drainage facilities and utilities, in a coordinated, comprehensive, and environmentally sound manner.

### B.2.1.25.2 Development Policies

(a) **Residential**

The majority of the North-West Glanbrook Planning Area shall be developed for residential purposes. Lands designated Residential shall be developed in accordance with Schedule ‘G’ - North-West Glanbrook Planning Area Land Use Plan, the pertinent policies of the Township Official Plan, and the following specific policies:

(i) Residential development within the North-West Glanbrook Secondary Planning Area shall proceed on the basis of providing for a total population of approximately 5,600 persons.
(ii) Housing opportunities within this Secondary Planning Area must be responsive to a variety of housing needs. Council is committed to providing a variety of housing opportunities suitable to a wide range of housing needs for its residents. In this regard, it is intended that this Planning Area provide for a variety and mix of housing types, including, but not limited to, single-detached dwellings, semi-detached dwellings, townhouses, apartments, and special needs housing.

(iv) The rear portion of existing large lot residential development fronting Glancaster Road and Twenty Road West shall be encouraged to be re-developed in conformity with the designation identified on Schedule ‘G’ North-West Glanbrook Planning Area Land Use Plan and in conformity with the other relevant policies of this Plan.

(v) To minimize conflicts, new residential development proposed to be developed contiguous to the existing large lot residential development shall be restricted to low density residential development.

(vii) The housing types and density and development for the Low Density Residential, Medium Density Residential, and High Density Residential designations shall be in accordance with Policies B.2.1.10 and B.2.1.11 of the Township Official Plan and the following specific policies:

(1) The predominant form of residential development within the North-West Glanbrook Planning Area shall be Low Density Residential development, as designated on Schedule ‘G’ - North West Glanbrook Planning Area Land Use Plan.

(ix) Future residents of residential development are advised that the Hamilton Airport is located approximately 1.6 kilometres (1 mile) south of Twenty Road West, which is the southern boundary of the North-West Glanbrook Planning Area and, as a result, there is the potential for noise nuisance at times related to airport activity. A warning clause to advise of this potential noise nuisance related to Airport activity shall be registered on title for residential development lands.
(f) **Engineering Services**

Engineering Services within the North-West Glanbrook Planning Area shall be provided in accordance with the pertinent policies of the Township Official Plan and the following specific policies:

(i) Development within the North-West Glanbrook Planning Area shall proceed on the basis of full municipal services, including sanitary sewers, watermains, and storm drainage facilities.

(h) **Environment**

(ii) The preservation of existing significant vegetation shall be encouraged by designing the future development in a manner so as to incorporate this vegetation as a natural and aesthetic component of the development.”

Based on the above, the proposal implements the applicable policies from the Glanbrook Official Plan and the North-West Glanbrook Planning Area Land Use Plan. The proposed land use of single-detached dwellings conforms with the “Residential” and “Low Density Residential” designations. Through the related Consent Applications, full municipal services will be provided. Other conditions of approval on the related Consent Applications implement Official Plan Policies with respect to noise warning clauses and retention of vegetation. The planned design for the subject properties of new single-detached dwellings on Kopperfield Lane, a future residential subdivision of single-detached dwellings to the rear of the existing large lot single-detached dwellings, and the preservation of the existing large lot single-detached dwelling character on Twenty Road West, are all supported by the policy framework within the Glanbrook Official Plan.

**Urban Hamilton Official Plan**

The new Urban Hamilton Official Plan was adopted by Council on July 9, 2009. The Plan has been forwarded to the Province of Ontario for final approval, and is not yet in effect. The new Urban Hamilton Official Plan designates the subject lands as “Neighbourhoods” on Schedule “E-1” Urban Land Use designations and “Low Density Residential 2” on Map B.5.3-1 North-West Glanbrook Secondary Plan. The “Low Density Residential 2” designation permits single-detached dwellings at the density range proposed. The proposal conforms to and implements these designations.
RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections:

- Taxation Division, Corporate Services Department.
- Hamilton Municipal Parking System.
- Public Works Department (Transportation Planning, Landscape Architectural Services, Asset Management, Rapid Transit and Construction Services, Waste Management, Traffic Engineering, Forestry and Horticulture)
- Niagara Peninsula Conservation Authority.

PUBLIC CONSULTATION

In accordance with the new provisions of the Planning Act and the Council Approved Public Participation Policy, Notice of Complete Application was circulated to 92 property owners within 120 metres of the subject property on September 29, 2010. Preliminary Circulation was not required as the proposed development was already subject to related Consent Applications that were approved within one year of other public involvement and participation. A Public Notice sign was also posted on the property on November 2, 2010, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act. To date, no responses have been received.

ANALYSIS / RATIONALE FOR RECOMMENDATION

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

   (i) It is consistent with the Provincial Policy Statement and conforms to the Places to Grow Plan (Growth Plan for the Greater Golden Horseshoe);

   (ii) It conforms to the Hamilton-Wentworth Official Plan, and implements the “Residential” designation in the Glanbrook Official Plan and the “Low Density Residential” designation in the North-West Glanbrook Land Use Plan, including facilitation of the planned development pattern of the Secondary Plan;

   (iii) It implements the approval by the Committee of Adjustment in September, 2010, of Consent Applications GL/B-10:124, 125, 126, 127, and 128;
(iv) The proposed development is compatible with and complementary to the existing and planned development in the immediate area; and,

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

2. In order to implement the lot pattern approved through the related consent applications (see Appendix “C”), a number of further zoning modifications are required. The applicant has indicated that the requested modifications to the Residential “R4” Zone (Block “1” on Appendix “A”) are the same as those already existing on lands immediately to the east within the Residential “R4-206” Zone, except for one additional modification to permit a minimum corner lot width of 14.5m instead of 15m. For the portion of the development remaining zoned Existing Residential “ER” Zone, the applicant requires a modification to permit a minimum lot frontage of 22m instead of 22.5m to recognize the existing lot frontage of the three properties. A review of the required modifications is as follows:

“R4” Zone - Minimum lot frontage for a corner lot of 14.5m, whereas 16m is required

The abutting lands to the east are the same form of development and lot pattern as the proposed development, and already permit a reduced corner lot frontage of 15m. A further reduction to 14.5m is minor in nature; would still allow for an appropriately sized dwelling with an enlarged flankage side yard for visibility purposes; and, the specific size of the proposed corner lot is indicated as 14.76m on the Consent Application sketches. In addition, this would only apply to two lots on the subject lands (one lot approved through the related consent applications on Kopperfield Lane and a future lot immediately to the rear of that lot). The requested modification can be supported.

“R4” Zone - Minimum lot area of 345 square metres, except 400 square metres for a corner lot, whereas 400 metres and 500 metres are required, respectively

These proposed modifications, which are also the same modifications applicable to lands to the east, are necessary to reflect the size of the proposed lots. While the smallest of the lots being created through the related consent applications are approximately 360 square metres for an interior lot and 435 square metres for a corner lot, the proposed zoning would allow for greater consistency with existing zoning and development to the east, and can be supported.
“R4” Zone - Minimum front yard of 6.0m, whereas 7.5m is required

A minimum front yard of 6.0m is consistent with both the approved development immediately to the east and with all other newly approved residential development on the south side of Kopperfield Lane further west from the subject lands. The reduction is necessary to ensure a more consistent streetscape and the setback is sufficient to allow for parking in front of an attached garage. The minor reduction can be supported.

“R4” Zone - Minimum flankage side yard of 3.0m, whereas 4.5m is required

The reduction in the flankage side yard from 4.5m to 3.0m is necessary to ensure that an adequately sized dwelling can still be constructed on a corner lot with a frontage of 14.5m. This reduction is also the same as existing zoning on lands to the east and on other lands further west on the south side of Kopperfield Lane. The 3.0m setback will still provide sufficient opportunities for increased visibility along the flankage side yard, and should garage access be proposed from the flankage street, then a 6m setback must still be provided to the garage. Therefore, the modification can be supported.

“ER” Zone - Minimum lot frontage of 22m, whereas 22.5m is required

This minor reduction was necessary in order to permit the creation of one additional lot on Twenty Road West. The subject lands already contain a lot with frontage less than 22.5m (9800 Twenty Road West has a lot frontage of 22.14m). 9814 Twenty Road West was subdivided into two lots, also each having frontage of 22.14m. As the reduction would facilitate the creation of a lot of the same frontage as the existing lot to the east and is minor in nature, it can be supported.

3. Some of the lands immediately to the east of 9800 Twenty Road West are within the draft approved plan of subdivision known as “Kopper Meadows - Phase 2” (see Appendix “F”). This subdivision, the servicing for which is currently underway, would consist of single-detached dwellings on Kopperfield Lane and the establishment of a new internal road from Kopperfield Lane, which will run parallel between Kopperfield Lane and Twenty Road West, called Kellogg Lane. A remnant block of land on Twenty Road West, created through the draft approved plan of subdivision known as “Kopper Meadows - Phase 2”, is required to be merged with Part 5 on the zoning sketch (see Appendix “C”) to finalize a new lot for a single-detached dwelling. It is also through this plan of subdivision that full municipal services are being extended, by way of an easement across two existing large lots containing single-detached dwellings through to Twenty Road West and then along the frontage of all of the existing large lots to the south of “Kopper Meadows - Phase 2”. This will bring full municipal sewers to the easterly limits of 9800 Twenty Road West. Through the related consent...
applications, these services are required to be extended in front of the entirety of both 9800 and 9814 Twenty Road West.

4. Through conditions of approval of the related consent applications (see Appendix "D") a number of other development related matters are also addressed including:

- Tree preservation on the portion of Blocks “1” and “2” (see Appendix “A”) that contain vegetative cover;

- Noise warning clauses due to proximity of Hamilton Airport and Twenty Road West;

- Archaeological assessment;

- Road widening dedication along Twenty Road West;

- Payment of outstanding servicing costs for Kopperfield Lane;

- Grading and drainage for the new lots on Kopperfield Lane and Twenty Road West through review and approval of a Consent Agreement;

- Submission of a Functional Servicing Report to ensure Block “2” (see Appendix “A”) can be designed and lotted to adequately comply with the City’s Storm Drainage Policies;

- Demolition of a detached garage that straddles a proposed lot line;

- Establishment of a septic easement until the existing dwellings are connected to municipal services (should any septic systems associated with dwellings on Block “1” be located within Block “2” on Appendix “A”);

- Merging under the same name and title certain parts of land within the subject lands to create the 5 new building lots on Kopperfield Lane; and,

- Confirmation that the future location of the Idlewilde Lane extension has been depicted properly on the final reference plan in order to line up centre-line to centre-line with the existing Idlewilde Lane, which currently terminates on the north side of Kopperfield Lane.
5. Block “2” on the location map (see Appendix “A”), also shown as Part 6 on the development sketch (see Appendix “C”), is intended for future residential development by way of a draft plan of subdivision, which would extend Kellogg Lane across the subject lands with new lots for single-detached dwellings on either side. This would be the same form of development as lands to the east. A portion of this block for future development also contains a portion of a future road, the extension of Idlewilde Lane from Kopperfield Lane. This extension of Idlewilde Lane is depicted on the North-West Glanbrook Planning Area Land Use Plan. As a condition of approval of the related consent applications, it was noted that Block “2”, as part of the approval of ZAC-10-040, must be placed into an ‘H’ Holding Provision to prohibit development of this block until a draft plan of subdivision is approved. Requiring a draft plan of subdivision to be approved prior to removal of the ‘H’ Holding Provision would ensure a number of important matters are addressed, namely:

- Orderly development of the block to ensure that it is developed in accordance with the approved Secondary Plan. This would ensure that one single-detached dwelling is not constructed in the middle of the block;

- The developer has been working with the Niagara Peninsula Conservation Authority (NPCA) on the piping of an existing small drainage swale that starts on Block “2” and extends easterly to a pipe within “Kopper Meadows - Phase 2”. Final review and approval for adequately addressing the conveyance of flows from this swale will be reviewed and approved by the NPCA through the draft plan of subdivision process. The NPCA has no concern with approval of Zoning Application ZAC-10-040;

- Securing through land dedication, financial contribution or other means, the portion of Block “2” that will form the future extension of Idlewilde Lane; and,

- Review and approval of any applicable or required tree preservation measures.

**ALTERNATIVES FOR CONSIDERATION:**

If the application is denied, the lands could be developed in accordance with the current Existing Residential “ER” Zone provisions. However, conditions of approval for the related consent applications requiring final approval of Zoning Application ZAC-10-040 would not be possible to be met and, as such, the conditional approval granted by the Committee of Adjustment in September, 2010, would lapse. This may also preclude the subject lands from being developed in accordance with the planned form of development within the approved North-West Glanbrook Planning Area Land Use Plan.
Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork

CORPORATE STRATEGIC PLAN


Financial Sustainability
• Effective and sustainable Growth Management.

Environmental Stewardship
• Natural resources are protected and enhanced.

Healthy Community
• Plan and manage the built environment.

APPENDICES / SCHEDULES

• Appendix “A”: Location Map
• Appendix “B”: Draft Zoning By-law Amendment
• Appendix “C”: Development/Zoning Concept Sketch
• Appendix “D”: Notice of Decisions and Severance Sketches for Related Consent Applications
• Appendix “E”: North-West Glanbrook Planning Area Land Use Plan
• Appendix “F”: “Kopper Meadows - Phase II” Approved Draft Plan of Subdivision

:GM
Attachs. (6)
Appendix "A" to Report PED11002
(Page 1 of 1)

Location Map

File Name/Number: ZAC-10-040
Date: October 28, 2010
Appendix "A"
Scale: N.T.S.
Planner/Technician: GM/SE

Subject Property
9800 & 9814 Twenty Road West
Block 1: Change in Zoning from the Existing Residential "ER" Zone to the Residential "R4-263" Zone.
Block 2: Change in Zoning from the Existing Residential "ER" Zone to the Residential - Holding "H-R4-263" Zone.
Block 3: Change in Zoning from the Existing Residential "ER" Zone to the Existing Residential "ER-264" Zone.
CITY OF HAMILTON

BY-LAW NO. ___

To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands located at 9800 and 9814 Twenty Road West

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 area municipality known as “The Corporation of the Township of Glanbrook” and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

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

AND WHEREAS Zoning By-law No. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993;

AND WHEREAS the Council of the City of Hamilton, in adopting Item ___ of Report 11-___ of the Planning Committee, at its meeting held on the ___ day of ___ , 2011, recommended that Zoning By-law No. 464 (Glanbrook) be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Township of Glanbrook);

NOW THEREFORE the Council of the City of Hamilton enacts as follows:
1. That Schedule “E”, appended to and forming part of By-law No. 464 (Glanbrook) is amended by changing the zoning from the Existing Residential “ER” Zone:

(a) to the Residential “R4-263” Zone, on the lands comprised of Block 1;

(b) to the Residential - Holding “H-R4-263” Zone, on the lands comprised of Block 2; and,

(c) to the Existing Residential “ER-264” Zone, on the lands comprised of Block 3;

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

2. That Section 44, “Exceptions to the Provisions of the By-law”, be amended by adding new Special Exceptions, “R4-263”, “H-R4-263”, and “ER-264”, as follows:

“R4-263” and “H-R4-263”

Notwithstanding the minimum lot frontage, lot area, front yard, and side yard setback regulations of Subsection 16.2 (a), (b), (d), and (e)(ii) REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 16.1 (SINGLE DETACHED DWELLING), for those lands zoned “R4-263” and “H-R4-263”, the following regulations shall apply:

(a) Minimum Lot Frontage: 12 metres, except 14.5 metres for a corner lot.

(b) Minimum Lot Area: 345 square metres, except 400 square metres for a corner lot.

(d) Minimum Front Yard: 6 metres.

(e)(ii) On a corner lot, the minimum side yard abutting the flanking street shall be 3.0 metres, except that an attached garage or attached carport, which fronts on the flankage street, shall not be located within 6 metres of the flanking street line.

City Council may remove the ‘H’ symbol, and thereby give effect to the “R4-263” Zone, by enactment of an amending By-law once the owner applies for and receives approval of a draft plan of subdivision, to the satisfaction of the Director of Planning.

“ER-264”
Notwithstanding the minimum lot frontage regulation of Subsection 12.2 (a), for those lands zoned “ER-264”, the following regulation shall apply:

(a) Minimum Lot Frontage: 22 metres.

3. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the “R4” and “ER” Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.

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

PASSED and ENACTED this __ day of __, 2011.

____________________________________  ______________________________________
R. Bratina                                      Rose Caterini
Mayor                                           Clerk

ZAC-10-040
Schedule "A"

Map Forming Part of By-Law No. 11-_____

to Amend By-law No. 464

Subject Property
9800 & 9814 Twenty Road West

- Block 1: Change in Zoning from the Existing Residential "ER" Zone to the Residential "R4-263" Zone.
- Block 2: Change in Zoning from the Existing Residential "ER" Zone to the Residential "H-R4-263" Zone.
- Block 3: Change in Zoning from the Existing Residential "ER" Zone to the Existing Residential "ER-264" Zone.

This is Schedule "A" to By-Law No. 11-

Passed the ............ day of ____________________, 2011

Clerk

Mayor

Scale: N.T.S.

File Name/Number: ZAC-10-040

Date: October 28, 2010

Planner/Technician: GM/AC

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Hamilton
Appendix “C” to Report PED11002

Proposed Zone Change
9800 & 9814 Twenty Road West
Part Of Lot 1, Concession 1
Geographic Township Of Glanford
In The City Of Hamilton

Source: A.T. McLaren Limited

Legend

- - - - Zone Change

Rezone From ER
Zone to R4 With Site Specific Modifications

Rezone From ER
Zone to ER Zone With Modifications

WEBB PLANNING CONSULTANTS
344 James Street South, Hamilton ON, L8R 3B1
p. 905.527.2731, f. 905.527.2737

SCALE: N.T.S.
DATE: SEPTEMBER 9, 2010
COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. GI/B-10:124
SUBMISSION NO. B-124/10

IN THE MATTER OF The Planning Act, R.S.O. 1990, Chapter P13, Section 53(1);

AND IN THE MATTER OF the Premises known as Municipal number 9800 Twenty Road West, formerly in the Township of Glanbrook, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent WEBB Planning Consultants Inc. on behalf of the owner, Kelly H., for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter P13, so as to permit the conveyance of a rear vacant parcel of land measuring 22.14m x 79.0m (shown as Part 2 on the attached sketch) to be consolidated with the adjoining block to the west for future residential (draft plan of subdivision) purposes, and to retain two parcels of land, one measuring 22.14m x 73.3m (shown as Part 3 on attached sketch) containing an existing single family dwelling and detached garage for residential purposes, and the other, being vacant, and measuring 22.14m x 30.5m for future single family residential purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out in paragraph three above, IS APPROVED for the following reasons:

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

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

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

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

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

2. That the conveyed lands be merged in the same name and title as the lands to which they are to be added.

3. That the applicant receive final approval of Zoning By-law Amendment Application ZAC-10-040 including having Part 2 being placed into an "H Holding Provision to prohibit development of this block until a Draft Plan of Subdivision is approved, all to the satisfaction of the Manager of Development Planning;"

4. That the owner/applicant agrees to include the following warning clauses in the consent development agreement and in all purchase and sale and/or lease/rental agreements applicable to Part 3:

   "Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality's and the Ministry of the Environment's noise criteria.

   Purchasers/tenants are advised that the Hamilton Airport is located approximately 1.6 kilometres south of Twenty Road West, which is the southern boundary of the North-West Glanbrook Planning Area and, as a result, there is the potential for noise nuisance at times related to airport activity."

.../2
5. That the proponent shall carry out an archaeological assessment of the entire property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Culture.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Culture (MCL) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MCL and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.6392).

6. That the Owner dedicate to the City of Hamilton by deed, 23 feet of land from the lands to be retained for road allowance widening purposes to establish the property line 43 feet from the centreline of construction of Twenty Road as shown on plan 62R-1286.

7. That the Owner pay all outstanding servicing costs to the City of Hamilton related to Block 77, plan 62M-865 (0.3m reserve) to the satisfaction of the Manager of Engineering Design and Construction.

8. That the Owner prepare a reference plan identifying the portion of the 0.3m reserve (Block 77, plan 62M-865) to be incorporated into the road allowance to the satisfaction of the Manager of Engineering Design and Construction.

9. That the Owner enter into and allow to have registered on title of the lands, a Consent Agreement (External Works) with the City of Hamilton to deal with the grading and drainage and for the extension of a municipal sanitary sewer to the west limit of 9800 Twenty Road. The Owner shall demonstrate that all drainage can be taken to a suitable outlet to the satisfaction of the Manager of Engineering Design and Construction.

10. That the Owner submit a Functional Servicing Report demonstrating how Part 2 will be sized and serviced with municipal sewers and watermain. The Report shall also include a preliminary grading and drainage plan demonstrating compliance with the City’s Storm Drainage Policies and confirming that all drainage can be taken to a suitable outlet to the satisfaction of the Manager of Engineering Design and Construction.

11. That if required the Owner shall establish a septic easement over Part 2, in favour of Part 1. The septic easement shall remain until such time as the existing dwelling has been connected to a municipal sewer, to the satisfaction of the Manager of Engineering Design and Construction.

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

DATED AT HAMILTON this 30th day of September, 2010.

D. Smith, Acting Chairman

L. Tew

D. Serwa

M. Drury

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS October 7th, 2010.
HEREBIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (October 7th, 2011) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS October 27th, 2010.

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.
Appendix “D” to Report PED11002 (Page 4 of 15)

Committee of Adjustment
Hamilton City Hall
71 Main Street West, 6th floor
Hamilton, ON L8P 4Y5
Telephone (905) 548-2424, ext. 421
Fax (905) 548-4032

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. GL/B-10125
SUBMISSION NO. B-125/10

IN THE MATTER OF The Planning Act, R.S.O. 1990, Chapter P13, Section 53(1):

AND IN THE MATTER OF the Premises known as Municipal number 9600 Twenty Road West, formerly in the Township of Glenbrook, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent WEBB Planning Consultants Inc. on behalf of the owner Kelly Ubas, 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 (shown as Part 2 on attached sketch) measuring 12.3m² (40.95 ft²) x 30.5m (100.0 ft) for single family residential purposes, and to retain two vacant parcels of land; one (shown as Part 1 on attached sketch) measuring 1.8m² (19.37 ft²) x 30.5m (100.0 ft) to be added to the lands to the west for single family residential purposes, and the other (shown as Part 3 on attached sketch) measuring 7.96m² (26.1 ft²) x 30.5m (100.0 ft) to be added to the lands to the east for single family residential purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out in paragraph three above, IS APPROVED for the following reasons:

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

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

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

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

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

2. That the lands to be retained (shown as Part 3) be merged in the same name and title as the lands to the east to which they are to be added.

3. That the lands to be retained (shown as Part 1) be merged in the same name and title as the lands to the west to which they are to be added.

4. That the owner shall submit a Tree Preservation Study and Plan, prepared by a certified arborist or landscape architect, for review and approval by the Director of Planning. Further, that the Tree Preservation Plan and Study form a schedule within the required Consent Agreement which shall also include a clause to require written certification from the owner’s landscape architect/arborist to the Director of Planning that all measures for the protection of isolated trees, tree clusters and woodlands, in accordance with the Detailed Tree Preservation Plan, approved by the Director of Planning, have been implemented and inspected, prior to any clearing or grubbing of the lands.

5. That the applicant receives final approval of Zoning By-law Amendment Application ZAC-10-540 to the satisfaction of the Manager of Development Planning.

.../2
6. That the owner/applicant agrees to include the following warning clauses in the consent/development agreement and in all purchase and sale and/or lease/rental agreements:

   "Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality's and the Ministry or the Environment's noise criteria.

   Purchasers/tenants are advised that the Hamilton Airport is located approximately 1.6 kilometres south of Twenty Road West, which is the southern boundary of the North-West Glanbrook Planning Area and, as a result, there is the potential for noise nuisance at times related to airport activity."

7. That the Owner pay all outstanding servicing costs to the City of Hamilton related to Block 77, plan 62M-865 (0.3m reserve) to the satisfaction of the Manager of Engineering Design and Construction.

8. That the Owner prepare a reference plan identifying the portion of the 0.3m reserve (Block 77, plan 62M-865) to be incorporated into the road allowance to the satisfaction of the Manager of Engineering Design and Construction.

9. That the Owner enter into and allow to have registered on title of the lands, a Consent Agreement with the City of Hamilton to deal with the grading and drainage and shall demonstrate that all drainage can be taken to suitable outlet to the satisfaction of the Manager of Engineering Design and Construction.

   NOTE: A Consent Agreement (External Works) will be used to facilitate applications GL/B-10:124 and GL/B-10:125.

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

11. The owner submit to the Committee of Adjustment office an administration fee of $15.00 payable to the City of Hamilton to cover the costs of setting up a new tax account for the newly created lot.

DATED AT HAMILTON this 30th day of September, 2010.

[Signatures]

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS October 7th, 2010.
HEREBIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (October 7th, 2011) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS October 27th, 2010.

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

NOTE (TO BE INCLUDED IN DECISION IF APPROVED) for GL/B-10:125:

1. Based on the attached plans, and on this application being approved and all conditions being met, the owner/applicant should be made aware that the lands to be conveyed (Part 2) will be assigned the municipal address of 128 Kopecfield Lane, and that the lands to be retained (Part 3) will be assigned the municipal address of 131 Kopecfield Lane.

2. The applicant will be required to pay cash-in-lieu of parkland dedication at the time of a Building Permit application for each of the newly created lot(s), based on the value of the lands as of the day before Building Permit issuance.
Appendix "D" to Report PED11002 (Page 7 of 15)

COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. GLB-10:126
SUBMISSION NO. B-126/10

IN THE MATTER OF: The Planning Act, R.S.O. 1990, Chapter P13, Section 53(1):

AND IN THE MATTER OF the Premises known as Municipal number 3614 Twenty Road West, formerly in the Township of Glenbrook, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent WEBB Consultants Inc. on behalf of the owner Nicolas Lhac, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of an irregular-shaped vacant parcel of land (shown as Part 2 on attached sketch) having a frontage of 10.8m (35.39'?), an area of 3,704.7m² (39,672.47?) to be consolidated with the adjoining block to the east for future residential (draft plan of subdivision) purposes, and to retain two parcels of land (one shown as Part 1 on the attached sketch) having a frontage of 33.4m (109.7?), an area of 1,142.8m² (12,302.3?) for single family residential purposes, and the other (shown as Part 3 on attached sketch) measuring 44.2m² (145.2?) x 73.3m² (240.5?) containing an existing single family dwelling and garage for residential purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out in paragraph three above, IS APPROVED for the following reasons:

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

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

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

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

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

2. That the applicant receive final approval of Zoning By-law Amendment Application ZAC-10-040 including having Part 2 being placed into an "H" Holding Provision to prohibit development of this block until a Draft Plan of Subdivision is approved, all to the satisfaction of the Manager of Development Planning;

3. That the applicant submit sufficient proof, to the satisfaction of the Manager of Development Engineering, Manager of Development Planning and/or the Manager of Traffic Engineering that the westerly limit of Part 1 has been established such that the future extension of Icelawide Lane will line up centre line to centre line with the existing Icelawide Lane to the north;

4. That the conveyed lands be merged in the same name and title as the lands to the east, to which they are to be added;

5. That the proponent shall carry out an archaeological assessment of the entire property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, abscoping or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and conservation requirements. All...
archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Culture.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Culture (MCL) should be notified immediately (116.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MCL and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).

6. The applicant shall ensure compliance with Ontario Building Code requirements regarding separation distances to the satisfaction of the Planning and Economic Development Department (Building Services Division).

7. That the Owner dedicate to the City of Hamilton by deed, 23 feet of land from the lands to be retained for road allowance widening purposes to establish the property line 43 feet from the centreline of construction of Twenty Road as shown on plan 62R-1286.

8. That the Owner pay all outstanding servicing costs to the City of Hamilton related to Block 77, plan 62M-885 (0.3m reserve) to the satisfaction of the Manager of Engineering Design and Construction.

9. That the Owner prepare a reference plan identifying the portion of the 0.3m reserve (Block 77, plan 62M-885) to be incorporated into the road allowance to the satisfaction of the Manager of Engineering Design and Construction.

10. That the Owner enter into and allow to have registered on title of the lands, a Consent Agreement (External Works) with the City of Hamilton to deal with the grading and drainage and for the extension of a municipal sanitary sewer to the west limit of 9814 Twenty Road. The Owner shall demonstrate that all drainage can be taken to a suitable outlet to the satisfaction of the Manager of Engineering Design and Construction.

11. That the Owner submit a Functional Servicing Report demonstrating how Part 2 may be lotted and serviced with municipal sewers and watermain. The Report shall also include a preliminary grading and drainage plan demonstrating compliance with the City's Storm Drainage Policies and confirming that all drainage can be taken to a suitable outlet to the satisfaction of the Manager of Engineering Design and Construction.

12. The Owner shall establish a septic easement over Part 2, in favour of Part 3. The septic easement shall remain until such time as the existing dwelling has been connected to a municipal sewer, to the satisfaction of the Manager of Engineering Design and Construction.

13. The owner shall pay the required commutation amount of Local Improvement Charges to Budgets & Finance, City of Hamilton City Hall.

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

DATED AT HAMILTON this 30th day of September, 2010.

D. Smith, Acting Chairman

M. Switzer

D. Serwatik

L. Gedye

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS October 27th, 2010.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (October 27th, 2011) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 83(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS October 27th, 2010.

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

NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. GL/B-10:127
SUBMISSION NO. B-127/10

IN THE MATTER OF: The Planning Act, R.S.O. 1990, Chapter P13, Section 53(1);

AND IN THE MATTER OF: the Premises known as Municipal number 9814 Twenty Road West, formerly in the Township of Glanbrook, now in the City of Hamilton;

AND IN THE MATTER OF: an application by the agent WEBB Consultants Inc. on behalf of the owner, Nicolas Ulhoa, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter P13, so as to permit the conveyance of a parcel of land (shown as Part 1 on attached sketch) measuring 22.14m (72.50'x) x 73.3m (240.48') containing a portion of a shed and garage (to be demolished) for single family residential purposes, and to retain a parcel of land (shown as Part 2 on attached sketch) measuring 22.14m (72.50'x) x 73.3m (240.48') containing an existing single family dwelling for residential purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out in paragraph three above, IS APPROVED for the following reasons:

1. The proposal does not conflict with the intent of the Hamilton-Wentworth and Township of Glanbrook Official Plans;
2. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands;
3. The Committee considers the proposal to be in keeping with development in the area.

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar;
2. That the applicant receives final approval of Zoning By-law Amendment Application ZAC-10-040 to the satisfaction of the Manager of Development Planning;
3. That the owner/applicant agrees to include the following warning clauses in the consent/development agreement and in all purchase and sale and/or lease/rental agreements:

"Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality's and the Ministry or the Environment's noise criteria.

Purchasers/tenants are advised that the Hamilton Airport is located approximately 16 kilometres south of Twenty Road West, which is the southern boundary of the North-West Glanbrook Planning Area and, as a result, there is the potential for noise nuisance at times related to airport activity."

4. That the owner shall submit a Tree Preservation Study and Plan, prepared by a certified arborist or landscape architect, for review and approval by the Director of Planning. Further, that the Tree Preservation Plan and Study form a schedule within the required Consent Agreement which shall also include a clause to require written certification from the owner's landscape architect/arboretum to the Director of Planning that all measures for the protection of isolated trees, tree clusters and woodlands, in accordance with the Detailed Tree Preservation Plan, approved by the Director of Planning, have been implemented and inspected, prior to any clearing or grubbing of the lands.
5. The applicant shall ensure compliance with Ontario Building Code requirements regarding separation distances to the satisfaction of the Planning and Economic Development Department (Building Services Division).

6. The owner shall submit survey evidence that the existing structure located on Part 2 conforms to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Services Division).

7. The owner shall demolish all or an appropriate portion of any buildings straddling the proposed property line, to the satisfaction of the Planning and Economic Development Department (Building Services Division). May be subject to a demolition permit issued in the normal manner.

8. That the Owner pay all outstanding servicing costs to the City of Hamilton related to Block 77, plan 62M-865 (0.3m reserve) to the satisfaction of the Manager of Engineering Design and Construction.

9. That the Owner prepare a reference plan identifying the portion of the 0.3m reserve (Block 77, plan 62M-865) to be incorporated into the road allowance to the satisfaction of the Manager of Engineering Design and Construction.

10. That the Owner enter into and allow to have registered on title of the lands, a Consent Agreement (External Works) with the City of Hamilton to deal with the grading and drainage and for the extension of a municipal sanitary sewer to the west limit of 6814 Twenty Road. The Owner shall demonstrate that all drainage can be taken to suitable outlet to the satisfaction of the Manager of Engineering Design and Construction.

NOTE: A Consent Agreement (External Works) will be used to facilitate applications GLB-10:126, GLB-10:127 and GLB-10:128.

11. The owner shall pay the required commutation amount of Local Improvement Charges to Budgets & Finance, City of Hamilton City Hall.

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

13. The owner submit to the Committee of Adjustment office an administration fee of $15.00 payable to the City of Hamilton to cover the costs of setting up a new tax account for the newly created lot.

DATED AT HAMILTON this 30th day of September, 2010.

D. Smith, Acting Chairman

M. Switzer

L. Tow

D. Sarwaluk

D. Drury

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS October 7th, 2010.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (October 7th, 2011) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS October 7th, 2010.

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

NOTE (TO BE INCLUDED IN DECISION IF APPROVED) for GLB-10:127:

1. Based on the attached plans, and on the application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be conveyed (Part 1) will be assigned the municipal address of 6820 Twenty Road West, and that the lands to be retained (Part 2) will remain as 6814 Twenty Road West.

2. The applicant will be required to pay cash in lieu of realland dedication at the time of a Building Permit application for each of the newly created lot(s), based on the value of the lands as of the day before Building Permit issuance.
IN THE MATTER OF the Planning Act, R.S.O. 1990, Chapter P 13, Section 53(1);

AND IN THE MATTER OF the Premises known as Municipal number 0814 Twenty Road West, formerly in the Township of Glanbrook, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent WEBB Consultants Inc. on behalf of the owner Nicolas Uhang, 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 (shown as Part 2 on attached sketch) measuring 12.3 m (40.35') x 30.4 m (99.73') for single-family residential purposes, and to retain two vacant parcels of land: one (shown as Part 1 on attached sketch) measuring 14.7 m (48') x 30.4 m (99.73') for single-family residential purposes, and the other (shown as Part 3 on attached sketch) measuring 10.56 m (34.5') x 30.4 m (99.73') to be consolidated with the lands to the east for single-family residential purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out in paragraph three above, IS APPROVED for the following reasons:

1. The proposal does not conflict with the intent of the Hamilton-Wentworth and Township of Glanbrook Official Plans.
2. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
3. The Committee considers the proposal to be in keeping with development in the area.

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar.
2. That the lands to be retained (shown as Part 3) be merged in the same name and title as the lands to the east, to which they are to be added.
3. That the applicant receives final approval of Zoning By-law Amendment Application ZAC-10-040 to the satisfaction of the Manager of Development Planning.
4. The owner shall pay the required commutation amount of Local Improvement Charges to Budgets & Finance, City of Hamilton City Hall.
5. That the Owner pay all outstanding servicing costs to the City of Hamilton related to Block 77, plan 62M-865 (0.3m reserve) to the satisfaction of the Manager of Engineering Design and Construction.
6. That the Owner prepare a reference plan identifying the portion of the 0.3m reserve (Block 77, plan 62M-865) to be incorporated into the road allowance to the satisfaction of the Manager of Engineering Design and Construction.
7. That the Owner enter into and allow to be registered on title of the lands, a Consent Agreement with the City of Hamilton to deal with the grading and drainage and shall demonstrate that all drainage can be taken to suitable outlet to the satisfaction of the Manager of Engineering Design and Construction.
NOTE: A Consent Agreement (External Works) will be used to facilitate applications GL/B-10:126, GL/B-10:127 and GL/B-10:128.

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

9. The owner submit to the Committee of Adjustment office an administration fee of $45.00 ($15.00 for each new lot) payable to the City of Hamilton to cover the costs of setting up a new tax account for the newly created lots.

DATED AT HAMILTON this 30th day of September, 2010.

D. Smith, Acting Chairman

M. Switzer

L. Gaddie

D. Servatik

L. Tew

D. Drury

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS October 7th, 2010.
HERENOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (October 7th, 2011) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS October 27th, 2010.

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

NOTE (TO BE INCLUDED IN DECISION IF APPROVED) for GL/B-10:128:

1. Based on the attached plans, and on this application being approved and all conditions being met, the owner/applicant should be made aware that the lands to be retained (Part 3) will be assigned to the municipal address of 125 Kopfferd Lane, that the lands to be conveyed (Part 2) will be assigned to the municipal address of 121 Kopfferd Lane, and that the lands to be retained (Part 1) will be assigned the municipal address of 117 Kopfferd Lane.

2. The applicant will be required to pay cash-in-lieu of parkland dedication at the time of a Building Permit application for each of the newly created lots, based on the value of the lands as of the day before Building Permit issuance.