TO: Chair and Members
Planning Committee

WARD(S) AFFECTED: WARD 15

COMMITTEE DATE: March 21, 2011

SUBJECT/REPORT NO:
Application for Amendment to the Town of Flamborough Zoning By-law 90-145-Z for Lands Located at 249 and 251 Parkside Drive and 12 Cole Street (Flamborough) (PED11040) (Ward 15)

SUBMITTED BY:
Tim McCabe
General Manager
Planning and Economic Development Department

PREPARED BY:
Kate Mihaljevic
(905) 546-2424, Ext. 4424

SIGNATURE:

RECOMMENDATION:

(a) That approval be given to **Zoning Application ZAC-10-039, Mikmada Developments Group, Owner**, for a change in zoning from the Urban Residential (Single-Detached) “R1-6” Zone, Modified, with a Special Exception, to the Medium Density Residential “R6-15” Zone, Modified, with a Special Exception (Block 1), Urban Residential (Semi-Detached and Link) “R4” Zone (Block 2) and Urban Residential (Single-Detached) “R1-34” Zone, Modified, with a Special Exception, (Block 3), to permit infill residential development on lands known as 249 and 251 Parkside Drive and 12 Cole Street, in the former Town of Flamborough, as shown on Appendix “A” to Report PED11040, on the following basis:

(i) That the draft By-law, attached as Appendix “B” to Report PED11040, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
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

(ii) That the amending By-law be added to Schedule "A-6" of Zoning By-law No. 90-145-Z.

(iii) That the proposal conforms to the Greenbelt Plan and the Places to Grow Plan, and is consistent with the Provincial Policy Statement.

(iv) That the proposal conforms to the “Urban” Land Use policies of the Region of Hamilton-Wentworth Official Plan.

(v) That the proposal conforms to the “Residential” policies of the Town of Flamborough Official Plan.

EXECUTIVE SUMMARY

The purpose of this application is to facilitate conditionally approved Severance Applications FL/B-10:109, FL/B-10:110, FL/B-10:111, FL/B-10:112, FL/B-10:113, FL/B-10:114, and FL/B-10:115 (see Appendix “D”) for the creation of 10 townhouse dwelling lots, 1 semi-detached dwelling lot, and to consolidate the remaining lands with an adjoining lot for a potential single-detached dwelling lot associated with Plan of Subdivision 62M-1125. The owner of the subject lands is also the owner for the adjacent subdivision.

Alternatives for Consideration - See Page 11.

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.

HISTORICAL BACKGROUND

Proposal

The applicant has applied for an amendment to rezone the lands from the Urban Residential (Single-Detached) “R1-6” Zone, Modified, with a Special Exception, to the Medium Density Residential “R6-15” Zone, Modified, with a Special Exception (Block 1), Urban Residential (Semi-Detached and Link) “R4” Zone (Block 2) and Urban Residential (Single-Detached) “R1-34” Zone, Modified, with a Special Exception (Block 3), as shown on Schedule “A” of Appendix “B”. Both the “R6-15” and the “R1-34”
Zones have been applied to lands within the vicinity of the subject lands. The proposal represents an infill residential development for medium to low density residential uses on two lots currently occupied by single-detached dwellings. A concept plan illustrating the location of the proposed dwellings and lot fabric can be found on Appendix “C”. The proposed street townhouse dwelling lots will be 5.5 metres wide and have an area of 169.39 square metres. The semi-detached dwelling lots will be 6.89 metres wide and have an area of 219.4 square metres.

**Chronology:**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>August 3, 2010</td>
<td>Severance Applications FL/B-10:109, FL/B-10:110, FL/B-10:111, FL/B-10:112, FL/B-10:113, FL/B-10:114, and FL/B-10:115 submitted to the Committee of Adjustment.</td>
</tr>
<tr>
<td>September 20, 2010</td>
<td>Submission of Zoning Application ZAC-10-039 by Metropolitan Consulting Inc. on behalf of Mikmada Developments Group (Owner).</td>
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<tr>
<td>September 29, 2010</td>
<td>Application ZAC-10-039 deemed complete.</td>
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<tr>
<td>October 13, 2010</td>
<td>Circulation of Notice of Complete Application and Preliminary Circulation for Application ZAC-10-039 to all residents within 120 metres of the subject lands.</td>
</tr>
<tr>
<td>December 17, 2010</td>
<td>Submission of revised Severance Applications FL/B-10:109, FL/B-10:110, FL/B-10:111, FL/B-10:112, FL/B-10:113, FL/B-10:114, and FL/B-10:115 to the Committee of Adjustment.</td>
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<td>January 27, 2011</td>
<td>Severance Applications FL/B-10:109, FL/B-10:110, FL/B-10:111, FL/B-10:112, FL/B-10:113, FL/B-10:114, and FL/B-10:115 approved with conditions by the Committee of Adjustment.</td>
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<td>February 24, 2011</td>
<td>Circulation of Notice of Public Meeting to all residents within 120 metres of the subject lands.</td>
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Details of Submitted Application:

Location: 249 and 251 Parkside Drive and 12 Cole Street (Flamborough) (see Appendix “A”)

Owner: Mikmada Development Group

Agent: Metropolitan Consulting Inc.

Property Description:
- Total Lot Frontage: 68.28 metres (Cole Street)
- Lot Depth: 44.30 metres (Parkside Drive)
- Total Lot Area: 0.31 hectares

EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject Lands:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
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<tbody>
<tr>
<td>Single-Detached</td>
<td>Urban Residential (Single-Detached) “R1-6” Zone, Modified</td>
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<tr>
<td>Dwelling Lots</td>
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<tr>
<th>Surrounding Lands:</th>
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<tbody>
<tr>
<td>North</td>
<td>Pedestrian Walkway</td>
</tr>
<tr>
<td>South</td>
<td>Single-Detached Dwelling Lots and Fire Hall</td>
</tr>
<tr>
<td>East</td>
<td>Single-Detached Dwelling Lots</td>
</tr>
<tr>
<td>West</td>
<td>Single-Detached Dwelling Lots</td>
</tr>
</tbody>
</table>
POLICY IMPLICATIONS

The Greenbelt Plan

The subject lands are designated “Towns and Villages” within the Greenbelt Plan. As such, Policy 3.4.2.1 is applicable and states that Towns/Villages, as identified in municipal Official Plans and within their approved boundaries as they existed on the date this Plan came into effect, continue to be governed by municipal Official Plans and related programs or initiatives, and are not subject to the policies of this Plan, save for external connections policies of Section 3.2.5. Therefore, the proposal conforms with the Greenbelt Plan.

Places to Grow Plan (P2G)

Staff notes that the subject lands are located within the City of Hamilton’s built boundary and are consistent with general intensification policies of P2G. Specifically, staff notes Policy 2.2.3.1, which 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.

Provincial Policy Statement

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

In addition, staff notes that 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. Staff notes that the subject lands are intended to be developed for residential purposes and are located adjacent to Parkside Drive, 32m from a commercial property and 125m from Hamilton Street North. The proximity of the proposed sensitive land use to road noise sources triggers the requirement for a Noise Study. In this regard, a Noise Study is required as a condition of approval for Consent Applications FL/B-10:109, FL/B-10:110, FL/B-10:111, FL/B-10:112, FL/B-10:113, FL/B-10:114, and FL/B-10:115 (see Appendix “D” - Condition 2). As such, the requirement for a Noise Study has been satisfied.
Hamilton-Wentworth Regional Official Plan

The subject property is designated as “Urban Area” within the Hamilton-Wentworth Regional 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. Therefore, the proposal conforms to the Regional Official Plan.

Town of Flamborough Official Plan

The subject lands are designated “Residential” on Schedule A - Waterdown Urban Area Land Use Plan. The objective of the “Residential” designation is to encourage a range of dwelling types which are compatible with existing and proposed development. In accordance with Policy A.2.1, permitted uses include single-detached, semi-detached, and low to medium density linked multiple dwellings. Therefore, the proposed semi-detached and townhouse units are permitted within the “Residential” designation.

Additionally, Policy A.2.2 states:

“The physical arrangement of permitted residential development on the basis of density range(s) shall be further detailed in Secondary Plans. Regulations for the permitted residential land uses shall be provided by the Zoning By-law.”

The subject lands are not within an approved Secondary Plan, therefore, the application will have regard for Policy A.2.3, which guides residential densities within the “Residential” designation. The proposed 10 townhouse dwellings are to be constructed on lands which are approximately 0.20 hectares in area, and the proposed semi-detached dwelling will be constructed on lands with an area of 0.04 hectares. The Net Residential Density for this proposal is 50 units per hectare. This represents a Medium-High Density development in accordance with Policy A.2.3 (iii). This density range permits apartment dwellings, but does not exclude other forms of residential uses such as semi-detached and townhouse dwellings. Furthermore, in accordance with Policy A.2.4, when considering amendments for development at these densities, Council will be guided by compatibility with surrounding uses, design and location of access, proximity to public transit, sufficient lands for landscaping and amenity space and the height of the structure will not overshadow adjacent residential uses. The proposed townhouses on Cole Street are identical to those which are northwest of the subject lands, within the “Parkside Hills” Subdivision. This application will apply zones which exist within the adjacent subdivision which have ensured that the proposal meets the intent of Policy A.2.4. Further, the residential lands to the north are designated “Low Density Residential II” within the Waterdown North Secondary Plan, which permits townhouse dwellings. The proposal conforms to the policies of the Town of Flamborough Official Plan.
New Urban Hamilton Official Plan (Council Adopted)

The New Urban Hamilton Official Plan was adopted by Council on July 9, 2009. The Plan is awaiting approval from the Ministry of Municipal Affairs and Housing and not yet in effect. The subject lands are designated as “Neighbourhoods” on Schedule E-1 of the Urban Hamilton Official Plan, which permits residential dwellings.

In accordance with Volume 1 Policy E.3.3, there are three types of residential land uses which are intended to be used as a guide for the purposes of Secondary Planning and Zoning. While the subject lands are not part of an approved secondary plan, the following policy was reviewed for the purposes of assessing the merits of this application.

Policy E.3.3.1 states:

“Lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas with higher density dwelling forms and supporting uses located on the periphery of neighbourhoods on or in close proximity to major or minor arterial roads.”

In Volume 1, Policy E.3.4.4 states that low density residential areas shall have a maximum Net Residential Density of 60 units per hectare. Further, Policy 3.4.3 states that uses permitted in low density areas include single-detached, semi-detached, and street townhouses, among others. The design of low density residential areas is directed by Policy 3.4.6, which states:

“Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:

a) Direct access from lots adjacent to major or minor arterial roads shall be discouraged.

b) Backlotting along public streets and in front of parks shall be discouraged. The City supports alternatives to backlotting, such as laneway housing and window streets, to promote improved streetscapes and public safety, where feasible.

c) A mix of lot widths and sizes compatible with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance, and design features; shall be encouraged. Development shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility.
d) Development, including the creation of infill lots involving the creation of new public streets or extensions, shall generally proceed by way of plan of subdivision. Such plans shall achieve the logical and sequential extension of streets and municipal services and an efficient lotting pattern.”

The proposed street townhouse dwellings will have access provided from Cole Street, which was connected to Parkside Drive by Plan of Subdivision to accommodate the subdivision to the north of the subject lands. The proposed townhouses are located at the corner of a minor arterial and a major collector road, and are located adjacent to the Waterdown North Secondary Plan area, which has developed into a defined neighbourhood north of Parkside Drive and west of Centre Street. The proposed semi-detached driveways will be located on Parkside Drive. Since the existing single-detached dwellings on the subject lands each have driveways on Parkside Drive, providing access to the proposed semi-detached dwellings from Parkside Drive will maintain the existing conditions. The proposal is compatible with the surrounding area and meets the intent of Policy E.3.4.6 and the “Neighbourhoods” designation. Therefore, the proposal would conform to the New Urban Hamilton Official Plan.

**RELEVANT CONSULTATION**

The following Departments and Agencies had no concerns or objections:

- Traffic Engineering Section, Public Works Department.
- Bell Canada.
- Hydro.
- Canada Post.

Comments were received from Urban Forestry, Public Works, Development Engineering, and Parking Services. In accordance with the City of Hamilton’s Site Plan Control By-law No. 03-294, street townhouse dwellings which are not within a registered plan of subdivision are subject to Site Plan Control. These comments pertained to elements which are typically addressed during the Site Plan Control Process. These comments are addressed in more detail in the Analysis/Rationale For Recommendation section of this Report.

**PUBLIC CONSULTATION**

In accordance with the new provisions of the Planning Act and Council’s Public Participation Policy, 63 Notices of Complete Application and Preliminary Circulation were sent to property owners within 120 metres of the subject property on October 6, 2010, requesting public input on the application. To date, no comments have been received.
Further, a Public Notice sign was posted on the property on October 25, 2010, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

1. The proposal for a change in zoning to permit a single-detached dwelling, one semi-detached dwelling, and ten townhouse dwellings on the subject lands can be supported on the following basis:
   
   (i) The proposal is consistent with the Provincial Policy Statement and conforms to the Greenbelt Plan and Places to Grow Plan;
   
   (ii) The proposal conforms to the Region of Hamilton-Wentworth Official Plan and the Town of Flamborough Official Plan;
   
   (iii) The proposal would conform to the New Urban Hamilton Official Plan;
   
   (iv) The development of the subject lands for residential uses is compatible with the surrounding neighbourhood and represents good planning; and,
   
   (v) It implements conditions of approval for Severance Applications FL/B-10:109, FL/B-10:110, FL/B-10:111, FL/B-10:112, FL/B-10:113, FL/B-10:114, and FL/B-10:115 (see Appendix “D” - Conditions 4 and 6).

2. Staff has reviewed the application and found that the subject lands meet 2 of the 10 criteria used by the City of Hamilton and the Ministry of Tourism and Culture for determining archaeological potential. Staff has identified that an Archaeological Assessment is required. As an Archaeological Assessment has been included as a condition of the severance applications (see Appendix “D” - Condition 3), it is not necessary to require the Assessment as part of this application.

3. In accordance with the City of Hamilton’s Site Plan Control By-law No. 03-294, street townhouse dwellings which are not within a registered plan of subdivision are subject to Site Plan Control. Comments received from various departments identified the need for the preparation of a Landscape Plan, Urban Design Brief, Road Widening, Daylight Triangles and Servicing. As conditions of approval of the Severance Applications for all the proposed residential uses, a Road Widening Plan, inclusive of Daylight Triangles; an Archaeological Assessment; and a Noise Study will be required, among other items (see Appendix “D” - Conditions 9, 3, and 2). Any outstanding items will be managed via the future Site Plan Control Application for the townhouse dwelling lots. Although a semi-detached dwelling lot is not subject to Site Plan Control, the applicant has
indicated that they will include the semi-detached dwelling in the Site Plan Control Application so that matters of stormwater management, grading, and servicing can be reviewed on a comprehensive basis.

4. The Medium Density Residential “R6-15” Zone requires a minimum frontage of 5.5 metres and 156 square metres of lot area for each townhouse dwelling. The 10 proposed street townhouse dwellings will have the minimum lot area and frontage as prescribed by the “R6-15” Zone. Cole Street is a major collector road connected to Parkside Drive as part of the subdivision to the north of the subject lands. There are 70 street townhouse dwellings north west of the subject lands, within the subdivision (see Appendix “E”), which are also subject to the “R6-15” Zone. The zoning, scale, and design of the proposed townhouse dwellings will be the same as the existing townhouse dwellings within the subdivision. The Open Space Zone (walkway) immediately to the north of the proposed townhouses acts as a buffer to the different residential uses (see Appendix “A”). The proposed townhouse dwellings will provide a seamless transition travelling into the existing subdivision.

5. 12 Cole Street, also known as Block 103, and 60 Truedell Circle, known as Block 101 of Plan 62M-1125, are identified as Blocks for Future Development for the Registered Subdivision known as “Parkside Hills” (see Appendix “E”). Parkside Hills Inc. and the owner of the subject lands, Mikmada Development Group, are managed by the same corporate officers.

Block 3, as shown on Schedule “A” of Appendix “B”, is a parcel created by Severance Application FL/B-10:114 for the purposes of facilitating a single-detached dwelling. Block 3 is also shown as Part 13 of the aforementioned Severance Application (see Appendix “D” - Page 19). In accordance with Condition 13 of Severance Application FL/B-10:114, Part 13 will be conveyed to Block 101 of Plan 62M-1125. Block 101 is a remnant block for future development, with frontage on Truedell Circle, to be developed when lands have been assembled in an orderly fashion. Block 101 and Part 13 do not provide for the desirable “Pie-shape” for the lands to be used for a single-detached dwelling, as noted on Appendix “C”. Since Part 13 will be merged with Block 101, the newly assembled parcel will maintain the development restrictions within the Plan of Subdivision. Until the owner is able to obtain additional lands to the east, the newly formed Block 101 cannot be developed for a single-detached dwelling and will remain as a Block for future development.
Similarly, Block 103 of Plan 62M-1125 is a remnant parcel for future development, which is required to merge with adjoining lands in order to develop as per the Plan of Subdivision. Condition 14 of Severance Application FL/B-10:114 requires Part 10 to merge with a portion of Block 103 for the purposes of creating a townhouse dwelling lot (see Appendix “D”). Portions of Block 103 will also be added to Parts 7, 8, and 9 noted on Appendix “D”. Future division of Block 103 will be facilitated by an application for Part Lot Control.

6. The subject lands are adjacent to large lots containing single-detached dwellings, consistent with the older form of housing along Parkside Drive. The lands are also directly across from the Fire Hall on the south side of Parkside Drive. The proposed semi-detached dwelling would provide for a transition in use between the proposed townhouse dwellings at the intersection of Cole Street and Parkside Drive, and the single-detached dwellings along the north side of Parkside Drive.

**ALTERNATIVES FOR CONSIDERATION:**

If the application is denied, the conditions for the applications for severance would not be fulfilled and the severances would lapse. Therefore, the applicant would have the option of utilizing the subject lands as prescribed by the Urban Residential (Single-Detached) “R1-6” Zone, Modified, which would allow one single-detached dwelling per lot.

**CORporate Strategic Plan**


**Social Development**

• Everyone has a home they can afford that is well maintained and safe.

**Healthy Community**

• Plan and manage the built environment.

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
APPENDICES / SCHEDULES

- Appendix “A”: Location Map
- Appendix “B”: Draft By-law
- Appendix “C”: Concept Plan
- Appendix “D”: Severance Applications FL/B-10:109, FL/B-10:110, FL/B-10:111, FL/B-10:112, FL/B-10:113, FL/B-10:114, and FL/B-10:115
- Appendix “E”: Plan of Subdivision 62M-1125

:KM
Attachs. (5)
Appendix “A” to Report PED11040 (Page 1 of 1)
CITY OF HAMILTON

BY-LAW NO.  

To Amend Zoning By-law No. 90-145-Z Respecting Lands Located at 249 and 251 Parkside Drive and 12 Cole Street, in the former Town of Flamborough, now in the City of Hamilton

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 “The Corporation of the Town of Flamborough” 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. 90-145-Z (Flamborough) was enacted on the 5th day of November 1990, and approved by the Ontario Municipal Board on the 21st day of December, 1992;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 11- of Report 11- of the Planning Committee, at its meeting held on the day of , 2011, recommended that Zoning By-law No. 90-145-Z, 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 Town of Flamborough) in accordance with the provisions of the Planning Act.
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Schedule A-6 of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by changing the zoning from the Urban Residential (Single-Detached) “R1-6” Zone, Modified, with a Special Exception, to the following:

   (a) Medium Density Residential “R6-15” Zone, Modified, with a Special Exception, for lands comprised of Block 1;

   (b) Urban Residential (Semi-Detached and Link) “R4” Zone for lands comprised of Block 2; and,

   (c) Urban Residential (Single-Detached) “R1-34” Zone, Modified, with a Special Exception, for lands comprised of Block 3;

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

2. 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-10-039
Schedule "A"

Map Forming Part of
By-Law No. 11-______
to Amend By-law No. 90-145-Z

Subject Property
12 Cole Street, 251 Parkside Drive, and 249 Parkside Drive

Block 1 - Change from the Urban Residential (Single Detached) "R1-6" Zone Modified to the Medium Density Residential "R6-15" Zone Modified

Block 2 - Change from the Urban Residential (Single Detached) "R1-6" Zone Modified to the Urban Residential (Semi-Detached and Link) "R4" Zone

Block 3 - Change from the Urban Residential (Single Detached) "R1-6" Zone Modified to the Urban Residential (Single Detached) "R1-34" Zone Modified

This is Schedule "A" to By-Law No. 11-
Passed the ........ day of ......................, 2011

Clerk

Mayor
Proposed single detached dwelling lot on Truedell Circle

Property boundary of 60 Truedell Circle

Property boundary of 251 Parkside Drive
NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. FL/B-10:109
SUBMISSION NO. B-109/10

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 251 Parkside Drive, formerly in the Town of Flamborough, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION, AS AMENDED, by the agent Karl Gonnaen, Metropolitan Consulting Inc. on behalf of the owner Mirakins Developments Group Inc. (under an agreement of purchase and sale), for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a parcel of land (shown as Part 1 on attached sketch) measuring 8.6m x 30.52m containing a portion of an existing dwelling (to be demolished) for residential (street townhouse) purposes, and to retain a parcel of land (shown as Part 2 on attached sketch) measuring 16.52m x 21.31m containing a portion of an existing dwelling (to be demolished) for residential (street townhouse) 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 Town of Flamborough Official Plans.

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

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

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

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

2. The owner/applicant shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment's recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner/applicant and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning.

3. 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 Tourism and 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 Tourism and Culture.
Appendix “D” to Report PED11040 (Page 2 of 22)

4. The owner/applicant shall receive rezoning approval to the satisfaction of the Manager of Development Planning.

5. The owner shall demolish all of the existing buildings located on the properties known municipally as 249 and 251 Parkside Drive to the satisfaction of the Planning and Economic Development Department (Building Services Division). May be subject to the issuance of a demolition permit in the normal manner.

6. The owner shall receive final approval of the required rezoning application by the Planning and Economic Development Department (Planning Division) and any necessary 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 pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

8. The owner shall submit to the Committee of Adjustment Office an administration fee of $15.30, payable to the City of Hamilton, to cover the cost of setting up a new tax account for the newly created lot.

9. The owner shall dedicate a 9.1m x 9.1m daylight triangle to the City from the widened limits of the intersection of Cole Street and Parkside Drive, to the satisfaction of the Planning and Economic Development Department, Development Engineering (West) Division.

10. The owner shall for each Part, provide foundation drains and sump pumps that are connected directly to the storm sewer on Cole Street in accordance with the amended Master Drainage Plan, to the satisfaction of the Planning and Economic Development Department, Development Engineering (West) Division.

11. The owner shall enter into a development agreement with the City to replace the temporary sidewalk on the east side of Cole Street and build a concrete sidewalk to City standards in its final location, from Parkside Drive to the public walkway. The owner shall also install a concrete sidewalk on the north side of Parkside Drive from Cole Street to the rear property line of Part 1. Street lighting shall be required on Parkside Drive and Cole Street where deemed necessary by the City. The owner shall further provide a satisfactory grading plan, erosion and sediment control provisions and a stormwater management report. Street trees shall be provided on the basis of one per frontage and two per road frontage for each Part, all to the satisfaction of the Planning and Economic Development Department, Development Engineering (West) Division.

12. The owner shall pay a servicing cost for 49.83m of frontage on Cole Street, to the satisfaction of the Planning and Economic Development Department, Development Engineering (West) Division.

DATED AT HAMILTON this 27th day of January, 2011.

M. Dudziec, Chairman

C. Lewis D. Serwatuk
THE DATE OF GIVING OF THIS NOTICE OF DECISION IS February 3rd, 2011.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS
NOTICE OF DECISION (February 3rd, 2012) OR THE APPLICATION SHALL BE DEEMED TO
BE REFUSED (PLANNING ACT, SECTION 55(4)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL
BOARD MAY BE FILED IS February 23rd, 2011.

THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

NOTE:

Based on the attached plans, and on these applications being approved and all conditions
being met, the owner / applicant should be made aware that the following municipal addresses
will be assigned: Part 1 – 2 Cole Street, Part 2 – 4 Cole Street, Part 3 – 6 Cole Street, Part 4 –
8 Cole Street, Part 5 – 10 Cole Street, Part 6 – 12 Cole Street, Part 7 – 14 Cole Street, Part 8 –
16 Cole Street, Part 9 – 16 1/2 Cole Street, Part 10 – 16 Cole Street, Part 11 – Parkside Drive,
Part 12 – 251 Parkside Drive.
Committee of Adjustment
Hamilton City Hall
71 Main Street West, 6th floor
Hamilton, ON, L8P 4Y5
Telephone: (905) 546-2636, ext. 4221
Fax: (905) 546-4202

COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. F/L/B-10:110
SUBMISSION NO. B-110/10

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 251 Parkside Drive, formerly in the Town of Flamborough, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION, AS AMENDED, by the agent Karl Gonzales, Metropolitan Consulting Inc. on behalf of the owner Miamada Developments Group Inc. (under an agreement of purchase and sale), for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a parcel of land (shown as Part 4 on attached sketch) measuring 5.70m x 30.84m for residential (street townhouse) purposes, and to retain a parcel of land (shown as Part 3 on attached sketch) measuring 5.50m x 30.88m for residential (street townhouse) 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 Town of Flamborough Official Plans.

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

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

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

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

2. The owner/applicant shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment’s recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner/applicant and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning.

3. 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 Tourism and 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 Tourism and Culture.
Should deeply buried archaeological materials be found on the property during any or the above development activities the Ontario Ministry of Tourism and Culture (MTC) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTC and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).

4. The owner/applicant shall receive rezoning approval to the satisfaction of the Manager of Development Planning.

5. The owner shall demolish all of the existing buildings located on the properties known municipally as 249 and 251 Parkside Drive to the satisfaction of the Planning and Economic Development Department (Building Services Division). May be subject to the issuance of a demolition permit in the normal manner.

6. The owner shall receive final approval of the required rezoning application by the Planning and Economic Development Department (Planning Division) and any necessary 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 pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

8. The owner shall submit to the Committee of Adjustment Office an administration fee of $30.00 ($15.00 for each new lot), payable to the City of Hamilton, to cover the cost of setting up new tax accounts for the newly created lots.

9. The owner shall dedicate a 9.1m x 9.1m daylight triangle to the City from the widened limits of the intersection of Cole Street and Parkside Drive, to the satisfaction of the Planning and Economic Development Department, Development Engineering (West) Division.

10. The owner shall for each Part, provide foundation drains and sump pumps that are connected directly to the storm sewer on Cole Street in accordance with the amended Master Drainage Plan, to the satisfaction of the Planning and Economic Development Department, Development Engineering (West) Division.

11. The owner shall enter into a development agreement with the City to replace the temporary sidewalk on the east side of Cole Street and build a concrete sidewalk to City standards in its final location, from Parkside Drive to the public walkway. The owner shall also install a concrete sidewalk on the north side of Parkside Drive from Cole Street to the rear property line of Part 1. Street lighting shall be required on Parkside Drive and Cole Street where deemed necessary by the City. The owner shall further provide a satisfactory grading plan, erosion and sediment control provisions, and a stormwater management report. Street trees shall be provided on the basis of one per frontage and two per road frontage for each Part, all to the satisfaction of the Planning and Economic Development Department, Development Engineering (West) Division.

12. The owner shall pay a servicing cost for 49.83m of frontage on Cole Street, to the satisfaction of the Planning and Economic Development Department, Development Engineering (West) Division.

DATED AT HAMILTON this 27th day of January, 2011.

M. Dudzic, Chairman
THE DATE OF GIVING OF THIS NOTICE OF DECISION IS February 3rd, 2011.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS
NOTICE OF DECISION (February 3rd, 2012) OR THE APPLICATION SHALL BE DEEMED TO
BE REFUSED (PLANNING ACT, SECTION 59(41)).

NOTE:  THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL
BOARD MAY BE FILED IS February 23rd, 2011.

THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

NOTE:

1. Based on the attached plans, and on these applications being approved and all
conditions being met, the owner / applicant should be made aware that the following
municipal addresses will be assigned: Part 1 – 2 Cole Street, Part 2 – 4 Cole Street,
Part 3 – 6 Cole Street, Part 4 – 8 Cole Street, Part 5 – 10 Cole Street, Part 6 – 12 Cole
Street, Part 7 – 14 Cole Street, Part 8 – 16 Cole Street, Part 9 – 18 1/2 Cole Street,
Part 10 – 18 Cole Street, Part 11 – Parkside Drive, Part 12 – 251 Parkside Drive.
Committee of Adjustment
Hamilton City Hall
71 Main Street West, 5th floor
Hamilton, ON L8P 4Y5
Telephone (905) 546-4244, ext. 4221
Fax (905) 546-4292

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. FL/8-10:11
SUBMISSION NO. B-111/10

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 251 Parkside Drive, formerly in the Town of Flamborough, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION, AS AMENDED, by the agent Karl Geonsen, Metropolitan Consulting Inc. on behalf of the owner Miakara Developments Group Inc. (under an agreement of purchase and sale), for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a parcel of land (shown as Part 6 on attached sketch) measuring 5.50m x 30.76m for residential (street townhouse) purposes, and to retain a parcel of land (shown as Part 5 on attached sketch) measuring 6.70m x 30.76m for residential (street townhouse) 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 Town of Flamborough Official Plans.

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

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

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

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

2. The owner/applicant shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment’s recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner/applicant and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning.

3. 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 Tourism and 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 Tourism and Culture.

.../2
Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Tourism and Culture (MTC) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTC and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).

4. The owner/applicant shall receive rezoning approval to the satisfaction of the Manager of Development Planning.

5. The owner shall demolish all of the existing buildings located on the properties known municipally as 249 and 251 Parkside Drive to the satisfaction of the Planning and Economic Development Department (Building Services Division). May be subject to the issuance of a demolition permit in the normal manner.

6. The owner shall receive final approval of the required rezoning application by the Planning and Economic Development Department (Planning Division) and any necessary 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 pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

8. The owner shall submit to the Committee of Adjustment Office an administration fee of $30.60 ($15.30 for each new lot), payable to the City of Hamilton, to cover the cost of setting up new tax accounts for the newly created lots.

9. The owner shall dedicate a 9.1m x 9.1m daylight triangle to the City from the widened limits of the intersection of Cole Street and Parkside Drive, to the satisfaction of the Planning and Economic Development Department, Development Engineering (West) Division.

10. The owner shall for each Part, provide foundation drains and sump pumps that are connected directly to the storm sewer on Cole Street in accordance with the amended Master Drainage Plan, to the satisfaction of the Planning and Economic Development Department, Development Engineering (West) Division.

11. The owner shall enter into a development agreement with the City to replace the temporary sidewalk on the east side of Cole Street and build a concrete sidewalk to City standards in its final location, from Parkside Drive to the public walkway. The owner shall also install a concrete sidewalk on the north side of Parkside Drive from Cole Street to the rear property line of Part 1; Street lighting shall be required on Parkside Drive and Cole Street where deemed necessary by the City. The owner shall further provide a satisfactory grading plan, erosion and sediment control provisions and a stormwater management report. Street trees shall be provided on the basis of one per frontage and two per road flankage for each Part, all to the satisfaction of the Planning and Economic Development Department, Development Engineering (West) Division.

12. The owner shall pay a servicing cost for 49.83m of frontage on Cole Street, to the satisfaction of the Planning and Economic Development Department, Development Engineering (West) Division.

DATED AT HAMILTON this 27th day of January, 2011.

M. Dudzo, Chairman

C. Lewis

D. Serwatuk
THE DATE OF GIVING OF THIS NOTICE OF DECISION IS February 3rd, 2011.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS
NOTICE OF DECISION (February 3rd, 2012) 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 February 23rd, 2011.

THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

NOTE:

1. Based on the attached plans, and on these applications being approved and all
conditions being met, the owner / applicant should be made aware that the following
municipal addresses will be assigned: Part 1 – 2 Cole Street, Part 2 – 4 Cole Street,
Part 3 – 6 Cole Street, Part 4 – 8 Cole Street, Part 5 – 10 Cole Street, Part 6 – 12 Cole
Street, Part 7 – 14 Cole Street, Part 8 – 16 Cole Street, Part 9 – 18 1/2 Cole Street,
Part 10 – 18 Cole Street, Part 11 – Parkside Drive, Part 12 – 251 Parkside Drive.
Committee of Adjustment
Hamilton City Hall
77 Main Street West, 5th floor
Hamilton, ON L8P 4K6
Telephone (905) 546-3000, ext. 4201
Fax (905) 546-3002

Hamilton

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. PL/8-10:112
SUBMISSION NO. B-1121/10

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 251 Parkside Drive, formerly in the Town of Flamborough, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION, AS AMENDED, by the agent Karl Gonnens, Metropolitan Consulting Inc. on behalf of the owner Minkenda Developments Group Inc. (under an agreement of purchase and sale), for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter P.13, so as to permit the conveyance of a parcel of land (shown as Part 8 on attached sketch) measuring 5.50m x 31.08m containing a portion of an existing building (to be demolished) to be added to a portion of Block 103, 62M-1125 (shown as Part 16 on attached sketch) to create a new lot for residential (street townhouse) purposes, and to retain a parcel of land (shown as Part 7 on attached sketch) measuring 5.60m x 30.76m to be added to a portion of Block 103, 62M-1125 (shown as Part 17 on attached sketch) to create a new lot for residential (street townhouse) 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 Town of Flamborough Official Plans.

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

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

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

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

2. The owner/applicant shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment's recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner/applicant and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning.

3. 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 Tourism and Culture confirming that all archaeological resource concerns have been met according to the City of Hamilton conditions. All archaeological reports shall be submitted to the Ministry of Tourism and Culture.
FL/B-10:112
Decision
Page 2

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Tourism and Culture (MTC) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTC and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.5392).

4. The owner/applicant shall receive rezoning approval to the satisfaction of the Manager of Development Planning.

5. The owner shall demolish all of the existing buildings located on the properties known municipally as 240 and 251 Parkside Drive to the satisfaction of the Planning and Economic Development Department (Building Services Division). May be subject to the issuance of a demolition permit in the normal manner.

6. The owner shall receive final approval of the required rezoning application by the Planning and Economic Development Department (Planning Division) and any necessary 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 pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

8. The owner shall submit to the Committee of Adjustment Office an administration fee of $30.60 ($51.50 for each new lot), payable to the City of Hamilton, to cover the cost of setting up new tax accounts for the newly created lots.

9. The owner shall dedicate a 9.1m x 9.1m daylight triangle to the City from the widened limits of the intersection of Cole Street and Parkside Drive, to the satisfaction of the Planning and Economic Development Department, Development Engineering (West) Division.

10. The owner shall for each Part, provide foundation drains and sump pumps that are connected directly to the storm sewer on Cole Street in accordance with the amended Master Drainage Plan, to the satisfaction of the Planning and Economic Development Department, Development Engineering (West) Division.

11. The owner shall enter into a development agreement with the City to replace the temporary sidewalk on the east side of Cole Street and build a concrete sidewalk to City standards in its final location, from Parkside Drive to the public walkway. The owner shall also install a concrete sidewalk on the north side of Parkside Drive from Cole Street to the rear property line of Part 1. Street lighting shall be required on Parkside Drive and Cole Street where deemed necessary by the City. The owner shall further provide a satisfactory grading plan, erosion and sediment control provisions and a stormwater management report. Street trees shall be provided on the basis of one per frontage and two per road flankage for each Part, all to the satisfaction of the Planning and Economic Development Department, Development Engineering (West) Division.

12. The owner shall pay a servicing cost for 49.83m of frontage on Cole Street, to the satisfaction of the Planning and Economic Development Department, Development Engineering (West) Division.

13. The lands to be conveyed shall be registered in the same name and title as the lands to which they are to be added.

14. The lands to be retained shall be registered in the same name and title as the lands to which they are to be added.

DATED AT HAMILTON this 27th day of January, 2011.
THE DATE OF GIVING OF THIS NOTICE OF DECISION IS February 3rd, 2011.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS 
NOTICE OF DECISION (February 3rd, 2012) OR THE APPLICATION SHALL BE DEEMED TO 
BE REFUSED (PLANNING ACT, SECTION 53(4)(i)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL 
BOARD MAY BE FILED IS February 23rd, 2011.

THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

NOTE:

1. Based on the attached plans, and on these applications being approved and all 
   conditions being met, the owner / applicant should be made aware that the following 
municipal addresses will be assigned: Part 1 – 2 Cole Street, Part 2 – 4 Cole Street, 
Part 3 – 6 Cole Street, Part 4 – 3 Cole Street, Part 5 – 10 Cole Street, Part 6 – 12 Cole 
Street, Part 7 – 14 Cole Street, Part 8 – 16 Cole Street, Part 9 – 16 1/2 Cole Street, 
Part 10 – 18 Cole Street, Part 11 – Parkside Drive, Part 12 – 251 Parkside Drive.
Appendix “D” to Report PED11040 (Page 13 of 22)

Committee of Adjustment
Hamilton City Hall
71 Main Street West, 5th floor
Hamilton, ON. L8P 4Y5
Telephone (905) 546-4424, ext. 4221
Fax (905) 546-4202

Committee of Adjustment

Notice of Decision

Application for Consent/Land Severance

Application No. FL/B-10:113
Submission No. B-113/10

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 251 Parkside Drive,
formery in the Town of Flamborough, now in the City of Hamilton;

And in the matter of an application, as amended, by the agent Karl Gomsen.
Metropolitan Consulting Inc. on behalf of the owner Mkmada Development Group Inc. (under an
agreement of purchase and sale), for consent under Section 53(1) of the Planning Act, R.S.O.
1990, Chapter 13, so as to permit the conveyance of a parcel of land (shown as Part 10 on
attached sketch) measuring 8.70m x 30.50m containing a portion of an existing building (to be
demolished) to be added to a portion of Block 103, 62M-1125 (shown as Part 14 on attached
sketch) to create a new lot for residential (street townhouse) purposes, and to retain a parcel of
land (shown as Part 9 on attached sketch) measuring 5.50m x 30.70m containing a portion of an
existing building (to be demolished) to be added to a portion of Block 103, 62M-1125 (shown as
Part 18 on attached sketch) to create a new lot for residential (street townhouse) 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 Town of
Flamborough Official Plans.

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

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

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

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

2. The owner/applicant shall investigate the noise levels on the site and determine and
implement the noise control measures that are satisfactory to the City of Hamilton in
meeting the Ministry of the Environment’s recommended sound level limits. An
acoustical report prepared by a qualified Professional Engineer containing the
recommended control measures shall be submitted to the satisfaction of the City of
Hamilton, Director of Planning. Should a peer review of the acoustical report be
warranted, all associated costs shall be borne by the owner/applicant and shall be
submitted to the satisfaction of the City of Hamilton, Director of Planning.

3. The proponent shall carry out an archeological assessment of the entire property and
mitigate, through preservation or resource removal and documentation, adverse impacts
to any significant archeological 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
Tourism and Culture confirming that all archeological resource concerns have met
licensing and conservation requirements. All archeological reports shall be submitted to
the City of Hamilton concurrent with their submission to the Ministry of Tourism and
Culture.
Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Tourism and Culture (MTC) should be notified immediately (416.314.7145). In the event that human remains are encountered during construction, the proponent should immediately contact both MTC and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).

4. The owner/applicant shall receive rezoning approval to the satisfaction of the Manager of Development Planning.

5. The owner shall demolish all of the existing buildings located on the properties known municipally as 249 and 251 Parkside Drive to the satisfaction of the Planning and Economic Development Department (Building Services Division). May be subject to the issuance of a demolition permit in the normal manner.

6. The owner shall receive final approval of the required rezoning application by the Planning and Economic Development Department (Planning Division) and any necessary 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 pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

8. The owner shall submit to the Committee of Adjustment Office an administration fee of $30.00 ($15.00 for each new lot), payable to the City of Hamilton, to cover the cost of setting up new tax accounts for the newly created lots.

9. The owner shall dedicate a 9.1m x 9.1m daylight triangle to the City from the widened limits of the intersection of Cole Street and Parkside Drive, to the satisfaction of the Planning and Economic Development Department, Development Engineering (West) Division.

10. The owner shall for each Part, provide foundation drains and sump pumps that are connected directly to the storm sewer on Cole Street in accordance with the amended Master Drainage Plan, to the satisfaction of the Planning and Economic Development Department, Development Engineering (West) Division.

11. The owner shall enter into a development agreement with the City to replace the temporary sidewalk on the east side of Cole Street and build a concrete sidewalk to City standards in its final location, from Parkside Drive to the public walkway. The owner shall also install a concrete sidewalk on the north side of Parkside Drive from Cole Street to the rear property line of Part 1. Street lighting shall be required on Parkside Drive and Cole Street where deemed necessary by the City. The owner shall further provide a satisfactory grading plan, erosion and sediment control provisions and a stormwater management report. Street trees shall be provided on the basis of one per frontage and two per road frontage for each Part, all to the satisfaction of the Planning and Economic Development Department, Development Engineering (West) Division.

12. The owner shall pay a servicing cost for 49.83m of frontage on Cole Street, to the satisfaction of the Planning and Economic Development Department, Development Engineering (West) Division.

13. The lands to be conveyed shall be registered in the same name and title as the lands to which they are to be added.

14. The lands to be retained shall be registered in the same name and title as the lands to which they are to be added.

DATED AT HAMILTON this 27th day of January, 2011.
THE DATE OF GIVING OF THIS NOTICE OF DECISION IS February 3rd, 2011.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS
NOTICE OF DECISION (February 3rd, 2012) OR THE APPLICATION SHALL BE DEEMED TO
BE REFUSED (PLANNING ACT, SECTION 52(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL
BOARD MAY BE FILED IS February 23rd, 2011.

THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

NOTE:

1. Based on the attached plans, and on these applications being approved and all
conditions being met, the owner / applicant should be made aware that the following
municipal addresses will be assigned: Part 1 – 2 Cole Street, Part 2 – 4 Cole Street,
Part 3 – 6 Cole Street, Part 4 – 8 Cole Street, Part 5 – 10 Cole Street, Part 6 – 12 Cole
Street, Part 7 – 14 Cole Street, Part 8 – 16 Cole Street, Part 9 – 16 1/2 Cole Street,
Part 10 – 18 Cole Street, Part 11 – Parkside Drive, Part 12 – 251 Parkside Drive.
APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. FLB-10:114
SUBMISSION NO. B-114/10

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 251 Parkside Drive, formerly in the Town of Flamborough, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION, AS AMENDED, by the agent Karl Gonnissen, Metropolitan Consulting Inc. on behalf of the owner Mikkola Developments Group Inc. (under an agreement of purchase and sale), for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter P13, so as to permit the conveyance of an irregular shaped parcel of land (shown as Part 13 on attached sketch) having an area of 454.00m² to be added to Block 101, 62M-1126 for residential (single family) purposes, and to retain a parcel of land (shown as Part 10 on attached sketch) measuring 8.76m x 30.59m containing a portion of an existing building (to be demolished) to be added to a portion of Block 103, 62M-1125 (shown as Part 14 on attached sketch) to create a new lot for residential (street townhouse) 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 Town of Flamborough Official Plans.

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

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

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

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

2. The owner/applicant shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment's recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner/applicant and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning.

3. 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 Tourism and 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 Tourism and Culture.
Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Tourism and Culture (MTC) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTC and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).

4. The owner/applicant shall receive rezoning approval to the satisfaction of the Manager of Development Planning.

5. The owner shall demolish all of the existing buildings located on the properties known municipally as 249 and 251 Parkside Drive to the satisfaction of the Planning and Economic Development Department (Building Services Division). May be subject to the issuance of a demolition permit in the normal manner.

6. The owner shall receive final approval of the required rezoning application by the Planning and Economic Development Department (Planning Division) and any necessary 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 pay any outstanding property taxes and/or all other charges owing to the City Treasurer.

8. The owner shall submit to the Committee of Adjustment Office an administration fee of $15.30, payable to the City of Hamilton, to cover the cost of setting up a new tax account for the newly created lot.

9. The owner shall dedicate a 9.1m x 9.1m daylight triangle to the City from the widened limits of the intersection of Cole Street and Parkside Drive, to the satisfaction of the Planning and Economic Development Department, Development Engineering (West) Division.

10. The owner shall for each Part, provide foundation drains and sump pumps that are connected directly to the storm sewer on Cole Street in accordance with the amended Master Drainage Plan, to the satisfaction of the Planning and Economic Development Department, Development Engineering (West) Division.

11. The owner shall enter into a development agreement with the City to replace the temporary sidewalk on the east side of Cole Street and build a concrete sidewalk to City standards in its final location, from Parkside Drive to the public sidewalk. The owner shall also install a concrete sidewalk on the north side of Parkside Drive from Cole Street to the rear property line of Part 1. Street lighting shall be required on Parkside Drive and Cole Street where deemed necessary by the City. The owner shall further provide a satisfactory grading plan, erosion and sediment control provisions and a stormwater management report. Street trees shall be provided on the basis of one per frontage and two per road frontage for each Part, all to the satisfaction of the Planning and Economic Development Department, Development Engineering (West) Division.

12. The owner shall pay a servicing cost for 49.83m of frontage on Cole Street, to the satisfaction of the Planning and Economic Development Department, Development Engineering (West) Division.

13. The lands to be conveyed shall be registered in the same name and title as the lands to which they are to be added.

14. The lands to be retained shall be registered in the same name and title as the lands to which they are to be added.

DATED AT HAMILTON this 27th day of January, 2011.
THE DATE OF GIVING OF THIS NOTICE OF DECISION IS February 3rd, 2011.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS
NOTICE OF DECISION (February 3rd, 2012) OR THE APPLICATION SHALL BE DEEMED TO
BE REFUSED (PLANNING ACT, SECTION 53(1)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL
BOARD MAY BE FILED IS February 23rd, 2011.

THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

NOTE:

1. Based on the attached plans, and on these applications being approved and all
conditions being met, the owner / applicant should be made aware that the following
municipal addresses will be assigned: Part 1 – 2 Cole Street, Part 2 – 4 Cole Street,
Part 3 – 6 Cole Street, Part 4 – 8 Cole Street, Part 5 – 10 Cole Street, Part 6 – 12 Cole
Street, Part 7 – 14 Cole Street, Part 8 – 16 Cole Street, Part 9 – 18 1/2 Cole Street,
Part 10 – 18 Cole Street, Part 11 – Parkside Drive, Part 12 – 261 Parkside Drive.
COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. FL/B-10-115
SUBMISSION NO. B-115/10

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 251 Parkside Drive, formerly in the Town of Flamborough, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION, AS AMENDED, by the agent Karl Gonsen, Metropolitan Consulting Inc. on behalf of the owner Mokaiada Developments Group Inc., (under an agreement of purchase and sale), for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a parcel of land (shown as Part 11 on attached sketch) measuring 6.85m x 31.95m containing a portion of an existing dwelling (to be demolished) for residential (semi-detached) purposes, and to retain a parcel of land (shown as Part 12 on attached sketch) measuring 6.85m x 31.95m containing a portion of an existing dwelling (to be demolished) for residential (semi-detached) 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 Town of Flamborough Official Plans.

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

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

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

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

2. The owner/applicant shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environments recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner/applicant and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning.

3. 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 Tourism and 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 Tourism and Culture.
Should deeply buried archaeological materials be found on the property during any of the above development activities, the Ontario Ministry of Tourism and Culture (MTC) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTC and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.5392).

4. The owner/applicant shall receive rezoning approval to the satisfaction of the Manager of Development Planning.

5. The owner shall demolish all of the existing buildings located on the properties known municipally as 249 and 251 Parkside Drive to the satisfaction of the Planning and Economic Development Department (Building Services Division). May be subject to the issuance of a demolition permit in the normal manner.

6. The owner shall receive final approval of the required rezoning application by the Planning and Economic Development Department (Planning Division) and any necessary 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 pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

8. The owner shall submit to the Committee of Adjustment Office an administration fee of $30.00 ($15.00 for each new lot), payable to the City of Hamilton, to cover the cost of setting up new tax accounts for the newly created lots.

9. The owner shall dedicate a 9.1m x 9.1m daylight triangle to the City from the widened limits of the intersection of Cole Street and Parkside Drive, to the satisfaction of the Planning and Economic Development Department, Development Engineering (West) Division.

10. The owner shall for each Part, provide foundation drains and sump pumps that are connected directly to the storm sewer on Cole Street in accordance with the amended Master Drainage Plan, to the satisfaction of the Planning and Economic Development Department, Development Engineering (West) Division.

11. The owner shall enter into a development agreement with the City to replace the temporary sidewalk on the east side of Cole Street and build a concrete sidewalk to City standards in its final location, from Parkside Drive to the public walkway. The owner shall also install a concrete sidewalk on the north side of Parkside Drive from Cole Street to the rear property line of Part 1. Street lighting shall be required on Parkside Drive and Cole Street where deemed necessary by the City. The owner shall further provide a satisfactory grading plan, erosion and sediment control provisions and a stormwater management report. Street trees shall be provided on the basis of one per frontage and two per road frontage for each Part, all to the satisfaction of the Planning and Economic Development Department, Development Engineering (West) Division.

12. The owner shall pay a servicing cost for 40.83m of frontage on Cole Street, to the satisfaction of the Planning and Economic Development Department, Development Engineering (West) Division.

DATED AT HAMILTON this 27th day of January, 2011.

M. Dudzic, Chairman

C. Lewis

D. Serwatuk
THE DATE OF GIVING OF THIS NOTICE OF DECISION IS February 3rd, 2011. 
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS 
NOTICE OF DECISION (February 3rd, 2012) 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 February 23rd, 2011.

THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

NOTE:

1. Based on the attached plans, and on these applications being approved and all 
   conditions being met, the owner / applicant should be made aware that the following 
municipal addresses will be assigned: Part 1 – 2 Cole Street, Part 2 – 4 Cole Street, 
Part 3 – 6 Cole Street, Part 4 – 8 Cole Street, Part 5 – 10 Cole Street, Part 6 – 12 Cole 
Street, Part 7 – 14 Cole Street, Part 8 – 16 Cole Street, Part 9 – 18 1/2 Cole Street, 
Part 10 – 18 Cole Street, Part 11 – Parkside Drive, Part 12 – 251 Parkside Drive.