TO: Chairs and Members
Economic Development and Planning Committee

WARD(S) AFFECTED: WARD 12

COMMITTEE DATE: August 9, 2010

SUBJECT/REPORT NO:
Application to Amend Ancaster Zoning By-law 87-57 for the Property Located at 215, 221, 285, 305, and 311 Springbrook Avenue (Ancaster) (PED10173) (Ward 12)

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

PREPARED BY:
Timothy Lee
(905) 546-2424, Ext. 1249

SIGNATURE:

RECOMMENDATION

That approval be given to Zoning Application ZAC-10-018, by J. Chun and A. DiSilvestro, Owner, for a modification in zoning from the Residential “R4-557” Zone, Modified, and the Residential “R4-549” Zone, Modified, to the Residential “H-R4-619” Holding, Zone, Modified, to permit single-detached dwellings for lands located at 215, 221, 285, 305, and 311 Springbrook Avenue (Ancaster), as shown on Appendix “A” to Report PED10173, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED10173, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the amending By-law be added to Schedule “A” of Zoning By-law No. 87-57.

(c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, the Town of Ancaster Official Plan, and the Ancaster Meadowlands Neighbourhood IV Secondary 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 the Zoning By-law Amendment application is to amend the Town of Ancaster Zoning By-law on the portion of lands known as 215, 221, 285, 305, and 311 Springbrook Avenue (see Appendix “A”). The purpose of the application is to permit single-detached dwellings on residential lots that will be consistent with other residential lots within the adjacent “Springbrook Meadows - Phase 1” Draft Approved Subdivision (25T-200510) (see Appendix “C”). The application affects Lots 1-6, and the northern portion of Block 71 of Phase Two of the approved Plan of Subdivision 25T-200510.

Alternatives for Consideration - See Page 11.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: None.

Staffing: None.

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

Zoning By-law Amendment (ZAC-05-055)/Draft Plan of Subdivision (25T-200510)

A Zoning By-law Amendment and a Draft Plan of Subdivision (Springbrook Meadows) application were submitted for lands located on the east side of Springbrook Avenue, south of Stonehenge Drive, and west of the Hydro Corridor (see Appendix “E”). The purpose of the applications was to permit the construction of 56 single-detached dwellings, 11 blocks for future single-detached dwellings, and a public open space block located on the southeast corner of the subject lands. The application affected lands located at 221, 285, and 305 Springbrook Avenue. Both the Draft Plan of Subdivision and Zoning By-law Amendment were approved by Council on June 14, 2006.

By-law 06-168 changed the zoning of the lands from the Agricultural “A” Zone to the Residential “R4-548” Zone, Modified, Residential “R4-549” Zone, Modified, and the Public Open Space “O2” Zone. Currently, Phase 1 of the Draft Approved Subdivision known as “Springbrook Meadows” has been registered as Plan 62M-1112. Phase 2 of the Draft Plan has not been registered, where Lots 1-6 and the northern portion of Block 71 of Phase 2 are the subject of this Zoning By-law Amendment application.
Zoning By-law Amendment (ZAC-06-081)

By-law 07-058 was approved by Council on February 28, 2007, for lands located at 215 Springbrook Avenue. The purpose of this application was for a change in zoning from the Agricultural “A” Zone to the Residential “R4-548” and “R4-557” Zones, Modified, to permit single-detached dwellings with site-specific modifications. The site-specific modifications included a reduction in minimum lot area, an increase in maximum lot coverage, and a reduction in the minimum front and side yard. The zoning was the same as the adjacent lands that were part of ZAC-05-55.

Consent Applications (AN/B-09:12, AN/B-09:13, AN/B-09:15)

Consent applications were made by the applicant to sever portions of 215 and 221 Springbrook Avenue for the creation of five residential lots (see Appendix “F”) in June 2009, and were approved by the Committee of Adjustment on July 30, 2009. The purpose of AN/B-09:12 was to sever the rear portion of 215 Springbrook Avenue, to create two residential lots, and a block for residential purposes to be merged with a block from the abutting lands at 221 Springbrook Avenue. The purpose of AN/B-09:13 was to sever the rear portion of 221 Springbrook Avenue from the rest of the property, and the purpose of AN/B-09:15 is to sever the rear portion of 221 Springbrook Avenue into two residential lots and one-half of one residential lot, which is merged with the other half property of 215 Springbrook Avenue. The rear portions of 215 and 221 Springbrook Avenue are not part of the Zoning By-law Amendment application because the rear portions of these lands are already zoned R4-548 and R4-549 (see Appendix “A”).

Current Zoning By-law Amendment (ZAC-10-018)

The purpose of the subject application is to modify the current zoning to permit a reduction in lot frontages and side yard, and maximum lot area and lot coverage, in order to create narrower residential lots to permit the construction of single-detached dwellings.

The subject properties are located on the east side Springbrook Avenue and on the south side of the proposed Springbrook Avenue extension (see Appendix “C”). The municipal addresses affected by this application include the portion of lands known as 215, 221, 285, 305, and 311 Springbrook Avenue. Lands surrounding the subject properties comprise of residential uses and vacant land, with larger residential lots located on the west side of Springbrook Avenue.
**Chronology:**

**April 30, 2010:** Submission of Application ZAC-10-018 by Urbex Engineering Ltd.

**May 4, 2010:** Application ZAC-10-018 was deemed complete.

**May 11, 2010:** Circulation of Notice of Complete Application and Preliminary Circulation to all residents within 120 metres of subject lands.

**July 22, 2010:** Circulation of Notice of Public Meeting to all residents within 120 metres of the subject lands.

**Details of Submitted Application:**

**Location:**
215, 221, 285, 305, and 311 Springbrook Avenue

**Owner:**
Scarlett Homes

**Agent:**
Urbex Engineering Ltd.

**Property Description:**

<table>
<thead>
<tr>
<th>Location</th>
<th>Frontage</th>
<th>Lot Depth</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>(215 Springbrook Avenue)</td>
<td>31.7 metres</td>
<td>38.8 metres</td>
<td>1,230 square metres</td>
</tr>
<tr>
<td>(221 Springbrook Avenue)</td>
<td>30.5 metres</td>
<td>38.7 metres</td>
<td>1,180 square metres</td>
</tr>
<tr>
<td>(285 Springbrook Avenue)</td>
<td>72.9 metres</td>
<td>33.9 metres</td>
<td>2,471 square metres</td>
</tr>
<tr>
<td>(305 Springbrook Avenue)</td>
<td>34.0 metres</td>
<td>33.9 metres</td>
<td>1,152.6 square metres</td>
</tr>
<tr>
<td>(311 Springbrook Avenue)</td>
<td>30.4 metres</td>
<td>33.9 metres</td>
<td>1,031 square metres</td>
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</table>
**EXISTING LAND USE AND ZONING:**

<table>
<thead>
<tr>
<th></th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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</thead>
<tbody>
<tr>
<td><strong>Subject Lands:</strong></td>
<td>Single-Detached Dwellings</td>
<td>Residential “R4-549” Zone, Modified; and Residential “R4-557” Zone, Modified</td>
</tr>
<tr>
<td><strong>Surrounding Lands:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>West</strong></td>
<td>Single-Detached Dwellings</td>
<td>Residential “R4-548” Zone, Modified; and Agricultural “A” Zone</td>
</tr>
<tr>
<td><strong>North</strong></td>
<td>Vacant; Single-Detached Dwellings</td>
<td>Shopping Centre Commercial “H-C2” Zone, Holding; and Agricultural “A” Zone</td>
</tr>
<tr>
<td><strong>East</strong></td>
<td>Single-Detached Dwellings; Vacant Land</td>
<td>Residential “R4-598” Zone, Modified; Residential “R4-562” Zone, Modified; Agricultural “A” Zone; and Agriculture “A-348” Zone, Modified</td>
</tr>
<tr>
<td><strong>South</strong></td>
<td>Single-Detached Dwellings</td>
<td>Residential “R4-562” Zone, Modified</td>
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</tbody>
</table>

**POLICY IMPLICATIONS**

**Provincial Growth Plan for the Greater Golden Horseshoe**

The application has been reviewed with respect to the Provincial Growth Plan for the Greater Golden Horseshoe (Places to Grow). The application is consistent with the policies that direct new growth to the built up areas, as per the policies contained in Sections 2.2.2 and 2.2.3 of the Places to Grow Plan. The proposals maintain the intent to develop and create compact and complete communities by providing a balance of housing types in the community, and encourage intensification within the built-up area. Therefore, the application is consistent with the Places to Grow Growth Plan for the Greater Golden Horseshoe.
Provincial Policy Statement

The proposal is consistent with the Provincial Policy Statement with the policies that contribute to the development of healthy, liveable, and safe communities, as per the policies contained in Section 1.1.1 of the Provincial Policy Statement. The proposal maintains the intent of promoting efficient development and land use patterns, and providing an appropriate range and mix of residential uses.

The subject property is located within an area of archaeological potential. Policy 2.6.2 states that the development and site alteration of the subject property may be permitted on lands containing archaeological potential if significant archaeological resources have been conserved by removal or documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration, which maintains the heritage integrity of the site, may be permitted. The applicant submitted Stage 1 and 2 Archaeological Assessments for the entire subject property in 2006, where their findings revealed that no archaeological remains or materials were discovered during the assessment. Clearance letters were sent to applicants between 2007 and 2008 by the Ministry of Culture, giving clearance to the Archaeological Assessments (see Appendix “D”).

Hamilton-Wentworth Regional Official Plan

The subject property is designated “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 3.1 outlines that a wide range of uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. The proposed change in zoning conforms to the policies of the Hamilton-Wentworth Official Plan.

Town of Ancaster Official Plan

The subject properties are designated “Residential” on Schedule “B”, Land Use - Urban Area, in the Town of Ancaster Official Plan, where the proposed use is permitted in the designation in accordance with Policies 4.4.1 and 4.4.2. As the applicant is proposing to reduce the permitted frontage for future residential lots, the proposal must be reviewed in accordance with Policy 4.4.3., where “Residential development shall only proceed after full municipal services are available, including sanitary and storm sewers, and watermains.” The subject application is also located within the Meadowlands Neighbourhood IV Secondary Planning Area, and Secondary Plan policies apply.

Although there is an existing watermain along Springbrook Avenue that can service all properties, there are no existing municipal storm and sanitary sewers on Springbrook Avenue. An ‘H’ Holding Provision will be placed on the zoning to ensure that no development occurs until the municipal storm and sanitary sewers, and the curbs and
gutters on Springbrook Avenue have been completed, to the satisfaction of the Director of Development Engineering.

**New Urban Hamilton Official Plan (Council Adopted)**

The New Urban Hamilton Official Plan was adopted by Council on July 9, 2009. The Plan has been forwarded to the Province for ministerial approval, but is not approved by the Province, and is, therefore, not yet in effect. The subject lands are designated “Neighbourhoods” on Schedule E - Urban Structure and Schedule E-1 Urban Land Use Designations of the New Urban Hamilton Official Plan. The following policies apply to the “Neighbourhood” land use designation:

- **E.3.1.3** Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.
- **E.3.2.1** Areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities, as well as supporting uses intended to serve the local residents.
- **E.3.4.3** Uses permitted in low density residential areas include single-detached, semi-detached, duplex, triplex, and street townhouse dwellings.”

Schedule C-2 identifies Springbrook Avenue from Meadowlands Boulevard to Garner Road as having a maximum future right-of-way width of 26.213 metres. Based on the foregoing, the proposal conforms to the Urban Hamilton Official Plan.

**Meadowlands Neighbourhood IV Secondary Plan**

The subject lands are designated “Low Density Residential” in the Meadowlands Neighbourhood IV Secondary Plan, which permits single-detached dwellings, duplex, and semi-detached dwellings. These types of uses are to be generally located at the interior of residential neighbourhoods adjacent to local and/or collector roads. The proposed residential lots will be similar in frontage to other residential lots within the Draft Approved Plan of Subdivision 25T-200510 (see Appendix “C”).

In addition, Section 6.8.7 of the Secondary Plan outlines design policies where a number of design considerations should be undertaken to take advantage of the unique physical settings of the area and to create a visually and aesthetically distinct neighbourhood, namely:

- **(e)** Existing trees, significant vegetation, and distinctive site views should be protected and preserved through sensitive subdivision design; and,
(f) Building and site design, setbacks, landscaping, screening, and buffering techniques shall be applied to minimize potential conflicts between new and existing uses.”

These design policies are addressed through the Draft Approved Plan of Subdivision 25T-200510, where Phase 1 has been registered and conditions are being cleared for Phase 2 of the development.

**RELEVANT CONSULTATION**

The following Departments and Agencies had no comments or objections.

- Corporate Services Department (Taxation Division).
- Public Works Department (Traffic Planning).
- Hamilton Municipal Parking Services.

**Public Works Department (Urban Forestry)** staff indicated that there are several heritage-designated trees on the properties, and that Urban Forestry staff required that a Tree Preservation Plan be submitted to address the heritage-designated trees. A Tree Preservation Plan was completed for the “Springbrook Meadows” Draft Approved Subdivision application and also for 215 and 221 Springbrook Avenue, and submitted to Urban Forestry staff (see Appendix “G”) for review. Urban Forestry staff has no further comments.

**Public Works Department (Environment and Sustainable Infrastructure)** staff has indicated that the proposed modification in zoning from the Residential “R4-549” Zone, Modified, and the Residential “R4-557” Zone, Modified, will result in narrower lots. This will increase the impermeable surface, which will cause greater runoff. Sediment control measures should be implemented during the construction phase. Recommendations from the City of Hamilton Stormwater Master Plan for source and conveyance control should be incorporated into the servicing plans.

In addition, the applicant should follow the recommendations from the Ancaster Transportation Master Plan, that is currently underway, and the City of Hamilton’s New Urban Official Plan, referring to Schedule C-2 - Future Road Widenings.

**Public Consultation**

In accordance with Council’s Public Participation Policy, the application was circulated as part of the Notice of Complete Application to 37 residents within 120 metres of the subject lands on May 27, 2010.
Notice of the Public Meeting will be given in accordance with the requirements of the Planning Act through circulation to property owners within 120 metres of the subject lands. In addition, a Public Notice Sign was posted on the property on June 7, 2010.

ANALYSIS / RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:

   (i) It is consistent with the Provincial Policy Statement and the Places to Grow Growth Plan;

   (ii) It conforms to the Hamilton-Wentworth Regional Official Plan, the City of Ancaster Official Plan, and the Meadowlands Neighbourhood IV Secondary Plan; and,

   (iii) It is compatible with planned development in the surrounding area.

2. The subject properties currently consist of single-detached dwellings located on the portion of lands known as 215, 221, 285, 305, and 311 Springbrook Avenue. Lands on the west side of Springbrook Avenue consist of single-detached dwellings on large lots and wide frontages. Lands to the east and south of the subject properties are part of the Springbrook Meadows Draft Approved Plan of Subdivision (25T-200510), and consist of vacant land. The proposed modification to the zoning will complement the "Springbrook Meadows" Subdivision, as the residential lots will be of similar size and density.

3. A change in zoning has been requested from the Residential “R4-557” and “R4-549” Zones, Modified, to the Residential “R4-619” Zone, Modified, to permit single-detached dwellings, and to permit the site-specific changes to the minimum lot area, front yard setback, and side yard setback (see Appendix “B”). These site-specific changes are consistent with the provisions of the “R4-548” Zone, Modified, which is in keeping with the surrounding area.

   (a) Minimum Lot Area

   A reduction in the minimum lot area from the general Residential “R4” Zone provision of 400 square metres to 370 square metres will be consistent with other residential lots within the “Springbrook Meadows” Draft Approved Subdivision. The minimum lot area for corner lots will remain at 500 square metres.
(b) **Minimum Front Yard**

The current Residential “R4-557” and “R4-549” Zones, Modified, require a minimum Front Yard of 6.0 metres. A reduction in the minimum front yard setback from 6.0 metres to 3.0 metres to the front façade of the dwelling, and 6.0 metres to an attached garage, has been requested. Reducing the front yard is consistent with the zoning of other residential lots within the “Springbrook Meadows”, and will maintain the general streetscape throughout the entire subdivision. The minimum front yard will remain as 6.0 metres to the attached garage that will provide additional parking on the driveway, and also prevent the garage from becoming the main feature of the front façade of the dwelling unit.

(c) **Minimum Side Yard**

A reduction has been requested to reduce the minimum side yard for a corner lot abutting a street to 3.0 metres from the general Residential “R4” zone provisions to 5.2 metres. This will create a pedestrian-oriented streetscape, and be consistent with other residential lots within the “Springbrook Meadows” Draft Approved Subdivision.

These zoning regulations are consistent and similar to the zoning within the “Springbrook Meadows” Draft Approved Subdivision.

In summary, the change in zoning from the Residential “R4-557” and “R4-549” Zones, Modified, will provide for a more uniform lot fabric and would be consistent with the overall subdivision. It would also maintain the streetscape along Springbrook Avenue.

4. A Holding Provision has been placed on the proposed Zoning on the subject property that will prohibit development from proceeding until such time as municipal storm and sanitary sewers, curbs, and gutters on Springbrook Road have been completed, and that all matters, such as financing arrangements, have been addressed, to the satisfaction of the Director of Development Engineering. Once all conditions have been satisfied, the applicant can submit an application to remove the Holding Provision on the subject property and development can proceed.

5. There is an existing 400mm municipal watermain on Springbrook Avenue that is able to service 215 and 221 Springbrook Avenue, and an existing 200mm municipal watermain that is able to service 285, 305, and 311 Springbrook Avenue. There are no existing municipal storm and sanitary sewers on Springbrook Avenue.
ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the subject property would remain zoned as Residential “R4-557” and “R4-549”, where single-detached dwellings continue to be a permitted use.

CORPORATE STRATEGIC PLAN


Financial Sustainability

• Effective and sustainable Growth Management.
• Delivery of municipal services and management capital assets/liabilities in a sustainable, innovative and cost effective manner.
• Generate assessment growth/non-tax revenues.

Healthy Community

• Plan and manage the built environment.

APPENDICES / SCHEDULES

• Appendix “A”: Location Map
• Appendix “B”: Draft By-law
• Appendix “C”: Concept Plan
• Appendix “D”: Archaeological Assessment Clearance Letters
• Appendix “E”: Draft Approved Plan of Subdivision
• Appendix “F”: Final Decision Consent Applications AN/B-09:15, AN/B-09:12, AN/B-09:13
• Appendix “G”: Tree Preservation Plan

:TL
Attachs. (7)
Location Map

File Name/Number: ZAC-10-018
Date: June 28, 2010

Appendix "A"
Scale: N.T.S.
Planner/Technician: TL/NS

Subject Property:
215, 221, 285, 305 & 311 Springbrook Avenue

- Block 1 - Change in Zoning from the Residential "R4-549" Zone, Modified to Residential "H-R4-610" Holding Zone, Modified.
- Block 2 - Change in Zoning from the Residential "R4-557" Zone, Modified to Residential "H-R4-610" Holding Zone, Modified.
CITY OF HAMILTON

BY-LAW NO. 87-57

To Amend Zoning By-law No. 87-57 (Ancaster), respecting lands located at 215, 221, 285, 305, and 311 Springbrook Avenue (Ancaster)

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario 1999 Chap. 14, Schedule C did incorporate, as of January 1st, 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 City of Hamilton”, and is the successor of 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 or the City of Hamilton;

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

AND WHEREAS the Council of the City of Hamilton, in adopting Item of Report 10 of the Economic Development and Planning Committee, at its meeting held on the day of 2010, recommended that Zoning By-law No. 87-57 (Ancaster) be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Ancaster) in accordance with the provisions of the Planning Act.

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

1. That Map 1 of Schedule “B” of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended as follows:
(a) That Block 1 be rezoned from the Residential “R-549” Zone, Modified, to the Residential “R4-‘H’-619” Zone, Holding, Modified;

(b) That Block 2 be rezoned from the Residential “R-557” Zone, Modified, to the Residential “R4-‘H’-619” Zone, Holding, Modified;

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

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

“H-R4-619”

That notwithstanding the provisions of paragraphs (a), (c), (d), and (e)(ii) of Subsections 12.2 “Regulations” of Section 12: Residential “R4” Zone, the provisions of the Residential “R4-548” Zone, Modified, shall apply.

3. That the amending By-law apply the ‘H’ Holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, as amended, to those lands zoned “R4-548” Zone, Modified, by introducing the Holding Symbol “H” as a prefix to the proposed Residential “R4-548” Zone, Modified.

4. That the ‘H’ symbol shall only be removed conditional upon:

(i) That the construction of the sanitary and storm sewers, curbs, and gutters on Springbrook Avenue have been completed, and that all matters, financial and otherwise, have been addressed, to the satisfaction of the Director of Development Engineering.

City Council may remove the ‘H’ symbol, and thereby give effect to the Residential “R-548” Zone, by enactment of an amending By-law once the above conditions have been satisfied

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

PASSED and ENACTED this [date] day of [date], 2010.

______________________________  ______________________________
       Fred Eisenberger            Rose Caterini
             Mayor                  Clerk

ZAC-10-018
Appendix “B” to Report PED10173 (Page 3 of 3)

This is Schedule "A" to By-Law No. 10-
Passed the .......... day of ....................., 2010

Clerk

Mayor

Schedule "A"
Map Forming Part of
By-Law No. 10-_____
to Amend By-law No. 87-57

Subject Property
215, 221, 285, 305, & 311 Springbrook Avenue

Block 1 - Change in Zoning from the Residential
"R4-349" Zone, Modified to Residential "H-R4-019"
Holding Zone, Modified.

Block 2 - Change in Zoning from the Residential
"R4-557" Zone, Modified to Residential "H-K4-019"
Holding Zone, Modified.
September 30, 2008

Marlyn Corniles
AMICK Consultants Limited
Southwestern District
760 Walker Street
London, ON N5Z 1J4

Dear Marlyn,

Re: Review and acceptance into the provincial register of reports the archaeological assessment report entitled “Report on the 2006 Stage 1-2 Archaeological Assessment of the Proposed Development 215 & 221 Springbrook Ave, Part of Lot 56, Concession 3, Geographic Township of Ancaster, Town of Ancaster, Regional Municipality of Hamilton Wentworth” written August 2006, received on September 14, 2006

PIF: P026-230-2006

AMICK #: 28777L

This office has reviewed the above-mentioned report, which has been submitted to this Ministry as a condition of licensing in accordance with Part VI of the Ontario Heritage Act, R.S.O. 1990, c. O.18. This review is to ensure that the licensed professional consultant archaeologist has met the terms and conditions of their archaeological licence, that archaeological sites have been identified and documented according to the 1993 technical guidelines set by the Ministry and that the archaeological fieldwork and report recommendations ensure the conservation, protection and preservation of the cultural heritage of Ontario.

No archaeological materials were discovered during this assessment, and it is recommended that no further archaeological investigations are necessary. The Ministry of Culture consents with this recommendation and accepts this report into the provincial register of archaeological reports.

Please feel free to contact me regarding this project should you have any questions.

Yours,

Paige Campbell
Acting Archaeology Review Officer
cc Utex Engineering Limited
Appendix “D” to Report PED10173 (Page 2 of 4)

Ministry of Culture
Programs and Services Branch
400 University Avenue
4th Floor
Toronto ON M7A 2R9

Cultural Programs Unit
Tel: 416-314-7132
Fax: 416-314-7175

Ontario

September 6, 2007

Ministre de la Culture
Direction des programmes et des services
400, avenue University
4e étage
Toronto (ON) M7A 2R9

Marilyn Cornies
AMICK Consultants Ltd
760 Walker Street
London, ON
N5Z 1J4
Fax: 519-432-6697


Dear Ms. Cornies:

This office has had the opportunity to review the above entitled report prepared by your firm (Licence/PF# P038-038). The report details the assessment of an 8.3 acre property and notes that nothing of archaeological significance was documented. Consequently, it is recommended that the subject property be considered cleared of further archaeological concerns. This Ministry concurs with this recommendation.

Given the above, this Ministry is satisfied that Provincial concerns for archaeological resources have been met for the subject property illustrated within Figure 4 of the above entitled report, and as illustrated in the draft plan prepared by Urbex Engineering Ltd, File Name: SPRING-DRAFT-01.dwg, Project No. D0027-P01-03, dated July 25, 2003.

If deeply buried cultural remains, including human remains, are discovered during construction activities, this office should be notified immediately.

If you have any questions regarding the above, please do not hesitate to contact me.

Sincerely,

Daniela Cortinovis
A/ Archaeology Review Officer

cc: MCL Archaeology Licence Office
    Urbex Engineering Ltd.
    Joseph Muller, Cultural Heritage Planner, City of Hamilton

** TOTAL PAGE .02 **
September 30, 2008

Marilyn Cornies
AMICK Consultants Limited
Southwestern District
780 Walker Street
London, ON N6G 1J4

Dear Marilyn,

Re: Review and acceptance into the provincial register of reports the archaeological assessment report entitled "Report on the 2006 Stage 1-2 Archaeological Assessment of the Proposed Development 333 Springbrook Ave, Part of Lot 60, Concession 3, Geographic Township of Ancaster, Town of Ancaster, Regional Municipality of Hamilton Wentworth" written August 2008, received on September 14, 2008

PIF: P038-230-2006
AMICK #: 267764L

This office has reviewed the above-mentioned report, which has been submitted to this Ministry as a condition of licensing in accordance with Part VI of the Ontario Heritage Act, R.S.O. 1990, c. 0.18. This review is to ensure that the licensed professional consultant archaeologist has met the terms and conditions of their archaeological licence, that archaeological sites have been identified and documented according to the 1993 technical guidelines set by the Ministry and that the archaeological fieldwork and report recommendations ensure the conservation, protection and preservation of the cultural heritage of Ontario.

No archaeological materials were discovered during the assessment of this property as depicted in Figure 3, and it is recommended that no further archaeological investigations are necessary. The Ministry of Culture concurs with this recommendation and accepts this report into the provincial register of archaeological reports.

Please feel free to contact me regarding this project should you have any questions.

Yours,

[Signature]
Paige Campbell
Acting Archaeology Review Officer
cc Urban Engineering Limited
September 20, 2006

Marilyn Comess
AMCK Consultants Limited
Southwestern District
780 Walker Street
London, ON N6N 1J4

Dear Marilyn,

Re: Review and acceptance into the provincial register of reports the archaeological assessment report entitled “Report on the 2006 Stage 1-2 Archaeological Assessment of the Proposed Development 205 & 311 Springbrook Ave., Part of Lot 59, Concession 5, Geographic Township of Ancaster, Town of Ancaster, Regional Municipality of Hamilton-Wentworth” written August 2006, received on September 14, 2006

PIF: P038-231-2006
AMCK #: 26778L

This office has reviewed the above-mentioned report, which has been submitted to this Ministry as a condition of licensing in accordance with Part VI of the Ontario Heritage Act, R.S.O. 1990, c.0.18. This review is to ensure that the licensed professional consultant archaeologist has met the terms and conditions of their archaeological licence, that archaeological sites have been identified and documented according to the 1993 technical guidelines set by the Ministry and that the archaeological fieldwork and report recommendations ensure the conservation, protection and preservation of the cultural heritage of Ontario.

No archaeological materials were discovered during this assessment, and it is recommended that no further archaeological investigations are necessary. The Ministry of Culture concurs with this recommendation and accepts this report into the provincial register of archaeological reports.

Please feel free to contact me regarding this project should you have any questions.

Yours,

[Signature]

Paige Campbell
Acting Archaeology Review Officer
cc: Urba Engineering Limited
COMMITTEE OF ADJUSTMENT  
NOTICE OF DECISION  
APPLICATION FOR CONSENT/LAND SEVERANCE  
APPLICATION NO. AN/B-09:12  
SUBMISSION NO. B-12/09  

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 215 Springbrook Avenue, formerly in the Town of Ancaster, now in the City of Hamilton;  
AND IN THE MATTER OF AN APPLICATION, AS AMENDED by the agent Urbex Engineering Limited (A.J. Cameracci) on behalf of the owner 800064 Ontario Inc. (A. Di Silvestro), for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a vacant parcel of land (Part 4 on attached sketch) measuring 12.19m (40') x 32m (105') for single family residential purposes, and to retain two vacant parcels of land; one (Part 3 on attached sketch) measuring 12.19m (40') x 32m (105'), and the other (Parts 5 - 8 on attached sketch) measuring 36.57m (120') x 32m (105'), both 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 Town of Ancaster Official Plans.  
2. The proposal does not contravene Zoning By-law requirements.  
3. The Committee considers the proposal to be in keeping with development in the area.  
4. 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. That the owner 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, staking, staking, 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 remains 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 applicant/landowner 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).  
3. That Part 5 (of application AN/B-09:12) and Part 6 (of application AN/B-09:15) be merged in the same name and title to provide an adequate size lot for a single detached dwelling with appropriate lot frontage, to the satisfaction of the Manager of Development Planning.  
4. That all buildings on Part 1 (of application AN/B-09:10) and Part 2 (of application AN/B-09:13) be demolished to the satisfaction of the Manager of Development Planning.
5. That Part 1 (of application AN/B-09:10) and Part 2 (of application AN/B-09:13) be placed in a Holding Zone to the satisfaction of the Manager of Development Planning.

6. That the owner either extend Chambers Drive to provide Part 8 with full street frontage or receive minor variance approval to the satisfaction of the Manager of Development Planning.

7. That the Owner prepare a reference plan showing; sufficient lands to be conveyed from 215 and 221 Springbrook Avenue (Parts 1 and 2) to the City of Hamilton as public roadway, for road widening purposes (cul-de-sac); the portion of Block 30 on plan 62M-1112 (0.3m reserve) to be incorporated into the Chambers Drive road allowance, to the satisfaction of the Manager of Development Engineering Design and Construction.

8. The Owner shall agree in writing that further intensification and severance of Parts 1 and 2 will not be permitted until such time as a stormwater management brief is submitted demonstrating how stormwater quality and quantity control will be addressed in accordance with the MOE Stormwater Management Planning & Design Manual 2003, the Meadowlands Neighbourhood 3, 4 and 5 Class Environmental Assessment Master Plan, and the City of Hamilton Stormwater Management Policies.

9. That the Owner enter into a standard form subdivision agreement with the City of Hamilton, for the construction of a municipal sanitary sewer, and permanent cul-de-sac on Springbrook Avenue, at the sole expense of the Owner, to the satisfaction of the Manager of Development Engineering Design and Construction.

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

11. That the owner 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 costs of setting up new tax accounts for the newly created lots.

DATED AT HAMILTON this 30th day of July, 2009.

M. D'Urbino, Chairman

C. Lewis

D. Senwah

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS August 8th, 2009.
HERESIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (August 8th, 2010) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).


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

NOTES (TO BE INCLUDED IN DECISION IF APPROVED):

1. Based on this application being approved and all conditions being met, the owner/applicant should be made aware that each proposed lot will be assigned the following municipal addresses. Part 3 – 92 Chambers Drive, Part 4 – 94 Chambers Drive, Part 5 and 6 – 96 Chambers Drive, Part 7 – 100 Chambers Drive, Part 8-104 Chambers Drive.

2. The owner/applicant is advised that if they are aware that a septic tank exists on the subject property, it is recommended that it be emptied by a Ministry of Environment licensed sewage hauler, and then filled with soil. This is to reduce the likelihood of a safety hazard.

3. The owner/applicant is advised that the approval is subject to a number of conditions including the extension of Chambers Drive. If the applicant does not consider this achievable within the one year time frame, the owner/applicant should consider tabling the item.
Appendix “F” to Report PED10173 (Page 4 of 9)

COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. AN/B-09:13
SUBMISSION NO. B-13/09

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 221 Springbrook Avenue, formerly in the Town of Ancaster, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION, AS AMENDED by the agent Urbex Engineering Limited (A.J. Cameraco) on behalf of the owner Adisco Limited (A. Di Silvestro), 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 measuring 30.46m (100’x) x 32m (105’) to be added to the lands being conveyed under application AN/B-09:10 (rear lands of municipal number 219 Springbrook Avenue) for single family residential purposes, and to retain a parcel of land measuring 30.48m (100’x) x 59m (193.58’) containing an existing dwelling (to be removed) and shed (to be removed) 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 Town of Ancaster Official Plans.
2. The proposal does not contravene Zoning By-law requirements.
3. The Committee considers the proposal to be in keeping with development in the area.
4. 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. That the owner 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 remains 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 applicant/landowner 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 (416.328.8392).

3. That Part 5 (of application AN/B-09:12) and Part 6 (of application AN/B-09:15) be merged in the same name and title to provide an adequate size lot for a single detached dwelling with appropriate lot frontage, to the satisfaction of the Manager of Development Planning.
4. That all buildings on Part 1 (of application AN/B-09:10) and Part 2 (of application AN/B-09:13) be demolished to the satisfaction of the Manager of Development Planning.
5. That Part 1 (of application AN/B-09:10) and Part 2 (of application AN/B-09:13) be placed in a Holding Zone to the satisfaction of the Manager of Development Planning.

6. That the owner either extend Chambers Drive to provide Part 8 with full street frontage or receive minor variance approval to the satisfaction of the Manager of Development Planning.

7. The owner/applicant shall satisfy the requirements of the Public Works Department, Operations and Maintenance Division, Forestry & Horticulture Section.

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

9. The owner shall demolish an existing dwelling unit and shed located on the remnant lands, 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.

10. That the Owner prepare a reference plan showing; sufficient lands to be conveyed from 215 and 221 Springbrook Avenue (Parts 1 and 2) to the City of Hamilton as public highway, for road widening purposes (cul-de-sac); the portion of Block 30 on plan 62M-1112 (0.3m reserve) to be incorporated into the Chambers Drive road allowance, to the satisfaction of the Manager of Development Engineering Design and Construction.

11. That the Owner enter into a standard form subdivision agreement with the City of Hamilton, for the construction of a municipal sanitary sewer, and permanent cul-de-sac on Springbrook Avenue, at the sole expense of the Owner, to the satisfaction of the Manager of Development Engineering Design and Construction.

12. The Owner shall agree in writing that further intensification and severance of Parts 1 and 2 will not be permitted until such time as a stormwater management brief is submitted demonstrating how stormwater quality and quantity control will be addressed in accordance with the MOE Stormwater Management Planning & Design Manual – 2003, the Meadowlands Neighbourhood 3, 4 and 5 Class Environmental Assessment Master Plan, and the City of Hamilton Stormwater Management Policies.

13. 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 July, 2009.

[Signatures]

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS August 8th, 2009.

HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (August 8th, 2010) 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 August 26th, 2009.

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

NOTES (TO BE INCLUDED IN DECISION IF APPROVED):

1. Based on this application being approved and all conditions being met, the owner/applicant should be made aware that each proposed lot will be assigned the following municipal addresses. Part 3 – 92 Chambers Drive, Part 4 – 94 Chambers Drive, Part 5 and 6 – 96 Chambers Drive, Part 7 – 100 Chambers Drive, Part 8 – 104 Chambers Drive.

2. The owner/applicant is advised that if they are aware that a septic tank exists on the subject property, it is recommended that it be emptied by a Ministry of Environment licensed sewage hauler, and then filled with soil. This is to reduce the likelihood of a safety hazard.

3. The owner/applicant is advised that the approval is subject to a number of conditions including the extension of Chambers Drive. If the applicant/owner does not consider this achievable within the one year time frame, the owner/applicant should consider tabling the item.
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 221 Springbrook Avenue, formerly in the Town of Ancaster, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION, AS AMENDED by the agent Urbex Engineering Limited (A.J. Cameracci) on behalf of the owner Adisco Limited (A. Di Silvestro), for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a vacant parcel of land (Part 7 on attached sketch) measuring 12.19m² (40'x32') (105's) for single family residential purposes, and to retain two vacant parcels of land; one (Parts 5 & 6 on attached sketch) measuring 12.19m² (40'x32') (105's), and the other (Part 8 on attached sketch) measuring 12.19m² (40'x32') (105's), both 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 Town of Ancaster Official Plans.
2. The proposal does not contravene Zoning By-law requirements.
3. The Committee considers the proposal to be in keeping with development in the area.
4. 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. That the owner 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 remains 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 applicant/landowner 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).

3. That Part 5 (of application AN/B-09:12) and Part 8 (of application AN/B-09:15) be merged in the same name and title to provide an adequate size lot for a single detached dwelling with appropriate lot frontage, to the satisfaction of the Manager of Development Planning.
4. That all buildings on Part 1 (of application AN/B-09:10) and Part 2 (of application AN/B-06:13) be demolished to the satisfaction of the Manager of Development Planning.
5. That Part 1 (of application AN/B-09:10) and Part 2 (of application AN/B-09:13) be placed in a Holding Zone to the satisfaction of the Manager of Development Planning.

6. That the owner either extend Chambers Drive to provide Part 8 with full street frontage or receive minor variance approval to the satisfaction of the Manager of Development Planning.

7. That the Owner prepare a reference plan showing; sufficient lands to be conveyed from 215 and 221 Springbrook Avenue (Parts 1 and 2) to the City of Hamilton as public highway, for road widening purposes (cul-de-sac); the portion of Block 30 on plan 82M-1112 (0.3m reserve) to be incorporated into the Chambers Drive road allowance, to the satisfaction of the Manager of Development Engineering Design and Construction.

8. The Owner shall agree in writing that further intensification and severance of Parts 1 and 2 will not be permitted until such time as a stormwater management brief is submitted demonstrating how stormwater quality and quantity control will be addressed in accordance with the MOE Stormwater Management Planning & design Manual – 2003, the Meadowlands Neighbourhood 3, 4 and 5 Class Environmental Assessment Master Plan, and the City of Hamilton Stormwater Management Policies.

9. That the Owner enter into a standard form subdivision agreement with the City of Hamilton, for the construction of a municipal sanitary sewer, and permanent cul-de-sac on Springbrook Avenue, at the sole expense of the Owner, to the satisfaction of the Manager of Development Engineering Design and Construction.

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

11. That the owner submit to the Committee of Adjustment office an administration fee of $30.00 ($15.00 per new lot), payable to the City of Hamilton, to cover the costs of setting up new tax accounts for the newly created lots.

DATED AT HAMILTON this 30th day of July, 2009.

M. Budzik, Chairman

C. Lewis

V. Abraham

D. Serwatuk

HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (August 6th, 2010) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 93(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS August 26th, 2009.

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

NOTES (TO BE INCLUDED IN DECISION IF APPROVED):

1. Based on this application being approved and all conditions being met, the owner/applicant should be made aware that each proposed lot will be assigned the following municipal addresses; Part 3 – 92 Chambers Drive, Part 4 – 94 Chambers Drive, Part 5 and 6 – 96 Chambers Drive, Part 7 – 100 Chambers Drive, Part 8 – 104 Chambers Drive.

2. The owner/applicant is advised that if they are aware that a septic tank exists on the subject property, it is recommended that it be emptied by a Ministry of Environment licensed sewage hauler, and then filled with soil. This is to reduce the likelihood of a safety hazard.

3. The owner/applicant is advised that the approval is subject to a number of conditions including the extension of Chambers Drive. If the applicant/owner does not consider this achievable within the one year timeframe, the owner/applicant should consider taking the item.