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

**OUR Mission:** WE provide quality public service that contribute to a healthy, safe and prosperous community, in a sustainable manner.

**OUR Values:** Accountability, Cost Consciousness, Equity, Excellence, Honesty, Innovation, Leadership, Respect and Teamwork

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<table>
<thead>
<tr>
<th>TO: Chairs and Members Planning Committee</th>
<th>WARD(S) AFFECTED: WARD 12</th>
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</thead>
<tbody>
<tr>
<td>COMMITTEE DATE: August 13, 2013</td>
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<tr>
<td>SUBJECT/REPORT NO:</td>
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<tr>
<td>Application for an Amendment to the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 331 and 333 Springbrook Avenue (Hamilton) (PED13136) (Ward 12)</td>
<td></td>
</tr>
<tr>
<td>SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department</td>
<td>PREPARED BY: Timothy Lee (905) 546-2424 Ext. 1249</td>
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<td>SIGNATURE:</td>
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**RECOMMENDATIONS**

That approval be given to **Zoning By-law Amendment Application ZAR-13-006, by Scarlett Homes Ltd., Owner**, for a change in Zoning from the Residential “R4-549” Zone, Modified, and the Residential “R4-555” Zone, Modified, to the Residential “H-R4-548” Zone, Modified, with a Special Exception, and a Holding Provision, to permit 3 single-detached dwellings, located at 331 Springbrook Avenue and on the front portion of lands located at 331 and 333 Springbrook Avenue (Hamilton), as shown on Appendix “A” to Report PED13136, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED13136, 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 Map 1 Schedule “B” of Zoning By-law No. 87-57;
(c) That the proposed changes in zoning are consistent with the Provincial Policy Statement and conform to the Places to Grow Growth Plan, the Hamilton-Wentworth Official Plan, and the Town of Ancaster Official Plan.

EXECUTIVE SUMMARY

The purpose of the application is for a change and modification in zoning to 331 Springbrook Avenue and the front portion of 333 Springbrook Avenue to facilitate the development of 3 single-detached dwellings (see Appendices “A” and “C”). This will be implemented subsequently with a future severance application to create 2 residential lots, and a block to be incorporated with an adjacent block, located at 331 Springbrook Avenue, to create a future full residential lot. The application proposes modifications to the Residential “R4” Zone with respect to lot area, lot coverage, and front and side yard setbacks. A Holding Provision placed on the zoning will ensure urbanization of Springbrook Avenue be completed prior to development. The zoning would be identical to the rear portion of 333 Springbrook Avenue that is not part of this application.

The proposal has merit and can be supported, as it is consistent with the Provincial Policy Statement, conforms to the Places to Grow Growth Plan, the Hamilton-Wentworth Official Plan, the New Urban Hamilton Official Plan, and the Town of Ancaster Official Plan. In addition, the proposed development meets the intent of the Meadowlands Neighbourhood IV Secondary Plan with respect to density, lot fabric, and overall design, and recently applied zoning provisions adjacent to the subject lands with respect to lot area, lot width, and setbacks.

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.
Proposal:

The subject lands are located on the east side of Springbrook Avenue, north of Regan Drive, and have a total combined lot area of 1,225.6 sq. m. As shown on Appendix “A”, 331 Springbrook Avenue is zoned Residential “R4-549” Zone, and 333 Springbrook Avenue has dual zoning, wherein the rear portions of the subject lands are zoned Residential “R4-548” Zone, Modified, and the front portions of the subject lands (the subject of this application) are zoned Residential “R4-555” Zone, Modified. The lands currently contain an existing 1-storey, single-detached dwelling and vacant land, which would be required to be demolished. The applicant is proposing to facilitate the development of three single-detached dwellings (see Appendix “C”) that will, in essence, continue the lot fabric within the surrounding residential community that was created through approved Zoning By-law Amendment Application ZAR-06-83, and its implementing By-law No. 07-057 (see Appendix “D”), with respect to lot area, width, and setbacks. Individual residential lots (two residential lots and one residential block) will be created through a future severance application. The residential block will be incorporated with an adjacent lot located at 331 Springbrook Avenue to create a buildable residential lot, in accordance with the zoning provisions of the Residential “R4-549” Zone, Modified, and as amended through Minor Variance Application AN/A-11:184 (see Appendix “E”).

Accordingly, an amendment to the Zoning By-law is being sought with respect to lot area, lot coverage, and front and side yard setbacks. As these provisions are identical to those created through By-law No. 07-057, the lands are to be zoned to the existing site-specific “R4-548” Zone. In addition, a Holding Provision placed on the zoning will ensure urbanization of Springbrook Avenue be complete, prior to development.

Chronology:


April 23, 2013: Application ZAR-13-006 by Scarlett Homes Limited is deemed complete.

May 3, 2013: Circulation of Notice of Complete Application and Preliminary Circulation of Application to all residents within 120m of the subject lands.

July 18, 2013: Circulation of Notice of Public Meeting to all residents within 120m of the subject lands.
Details of Submitted Application:

Location: 331 and 333 Springbrook Avenue (Ancaster)
Owner: Scarlett Homes Limited
Applicant: Doherty Planning and Design (c/o Liam Doherty)

Property Designation
331 Springbrook Avenue
(Subject to this Application):
Lot Frontage: 5.8m
Lot Depth: 33.9m
Lot Area: 190.5 sq. m.

Property Designation
333 Springbrook Avenue
(Subject to this Application):
Lot Frontage: 30.48m
Lot Depth: 33.96m
Lot Area: 1,035.1 sq m.

Property Designation
333 Springbrook Application
(Not subject to this Application):
Lot Frontage: 30.48m
Lot Depth: 27.00m
Lot Area: 822.96 sq m.

EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject Lands:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<td></td>
<td>Single Detached Dwelling</td>
<td>Residential “R4-549” Zone, Modified; Residential “R4-555” Zone</td>
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<td>Single Detached Dwelling</td>
<td>Residential “R4-549” Zone, Modified; Residential “R4-548” Zone</td>
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<tr>
<td>South</td>
<td>Vacant</td>
<td>Residential “R4-562” Zone</td>
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<tr>
<td>East</td>
<td>Single Detached Dwelling; Vacant</td>
<td>Residential “R4-548” Zone</td>
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<tr>
<td>West</td>
<td>Single Detached Dwelling; Vacant</td>
<td>Agricultural “A” Zone; Residential “R4-562” Zone</td>
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POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

Provincial Policy Statement:

The application has been reviewed with respect to the Provincial Policy Statement policies that contribute to the development of healthy, liveable, and safe communities, as contained in Policy 1.1.1. In particular, the application is consistent with Policy 1.1.1e), which promotes cost-effective development standards to minimize land consumption and servicing costs.

Also, the application is consistent with Policy 1.1.3.2a), where land use patterns shall be based on densities and a mix of land uses which effectively use land and resources, and are an efficient use of infrastructure. Based on the foregoing, the proposal to permit 3 single-detached dwellings is consistent with the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshoe (Places to Grow):

The application has been reviewed with respect to the Growth Plan for the Greater Golden Horseshoe. The subject property is located within the Built-Up Area, as defined in the Places to Grow Growth Plan. The application conforms to Section 1.2.2, where the guiding principles of the Plan are to “build compact, vibrant, and complete communities”, “plan and manage growth to support a strong and competitive economy”, and to “optimize the use of existing and new infrastructure to support growth in a compact, efficient form”. The proposal maintains the intent to develop and create complete communities by providing a variety of housing types and orderly development within the Built-Up Area. Therefore, the application conforms to the Places to Grow Growth for the Greater Golden Horseshoe.

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. In addition, Policy 3.1.1 encourages mixed forms of development that utilize existing infrastructure and utilities. Based on the foregoing, the proposed change in zoning conforms to the policies of the Hamilton-Wentworth Official Plan.

Town of Ancaster Official Plan:

The subject property is designated “Residential” in the Town of Ancaster Official Plan. As such, the following policies, among others, apply:
4.4.1 The predominant use of lands designated “Residential” on Schedule B shall be for dwellings in areas which will be supplied with urban services (sanitary and storm sewers and watermains).

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

Based on the above “Residential” policies, the proposed single-detached dwellings fall within the range of permitted uses within the designation. In order to facilitate the proposed development, individual residential lots will be created through a future severance application.

4.4.3 Residential development shall only proceed after full municipal services are available, including sanitary and storm sewers, and watermains.

4.4.12 No new Residential development shall be permitted until a road system is established, to the satisfaction of Council.”

Currently, only municipal water is provided along Springbrook Avenue. In order to facilitate additional urban development, the installation of storm and sanitary sewers, along with proper curbing and gutters along Springbrook Avenue, are required. A Holding Provision is required to ensure such urbanization of Springbrook Avenue is complete, prior to development of the subject lands. Based on the foregoing policies, the proposal conforms to the residential policies of the Ancaster Official Plan.

**Meadowlands Neighbourhood IV Secondary Plan:**

The subject lands are designated “Low Density Residential”, as identified in Map 1 - Land Use in the Meadowlands Neighbourhood IV Secondary Plan. As such, the following policies, among others, apply:

6.8.6(c) The Residential densities within the respective “Residential” land use designations identified on Map 1 - Land Use, shall be as follows:

(i) **Low Density:** Approximately 1 to 30 units per Net Residential Hectare. This designation permits predominantly single family 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.”
Based on the above “Low Density Residential” policies, the proposed single-detached dwellings fall within the range of permitted uses within this designation, and the proposed dwellings will have frontage on a local road, as identified in Schedule “E” of the Ancaster Official Plan. Under the Meadowlands Neighbourhood Secondary Plan, full municipal services are required prior to further development, as stated in Policy 6.8.16(a). A Holding Provision on the implementing By-law will ensure complete urbanization of Springbrook Avenue, prior to development. Based on the foregoing, the proposed development conforms to the Meadowlands Neighbourhood IV Secondary Plan.

**Urban Hamilton Official Plan:**

The Urban Hamilton Official Plan received Ministerial Approval from the Ministry of Municipal Affairs and Housing on March 16, 2011. However, it has been appealed to the Ontario Municipal Board (OMB), and at the time of the preparation of this Report, the Urban Hamilton Official Plan is not yet in force and effect.

The subject lands are designated “Neighbourhoods” on Schedule E - Urban Structure and Schedule E-1 Urban Land Use Designations, which permits the proposal in accordance to Policies E.3.2.1 and E.3.4.3. In addition, the proposed development is within the interior of an existing residential neighbourhood, where the proposed development is consistent with existing residential uses, thus meeting Policy E.3.4.1. The proposed development also meets Policy E.3.2.4, as it is compatible to the existing and planned residential communities with respect to scale and character that is primarily single detached dwellings. The modifications to the lot area, lot coverage, and front and side yard setbacks are also similar in arrangement with other planned or existing dwellings in the community along Chambers Drive and Regan Drive (see Appendix “A”).

The following urban design policies also apply:

“B.3.3.2.3 Urban design should foster a sense of community pride and identity by:

(a) Respecting existing character, development patterns, built form, and landscape;

(b) Promoting quality design consistent with the locale and surrounding environment; and,

(c) Demonstrating sensitivity toward community identity through an understanding of the character of a place, context, and setting in both the public and private realm.
B.3.3.2.6 Where it has been determined through the policies of this Plan that compatibility with the surrounding areas is desirable, new development and redevelopment should enhance the character of the existing environment by:

(a) Complementing and animating existing surroundings through building design and placement, as well as through placement of pedestrian amenities;

(d) Complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,

(e) Encourage a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm,

E.3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:

(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 area, yards, heights, and other zoning regulations to ensure compatibility.”

The proposal demonstrates that the above policy will be met, as it will be sympathetic and in keeping with the recent residential development within the Meadowlands Neighbourhood IV Secondary Plan area with respect to building height, scale, character, appearance, and overall design features. Based on the foregoing policies, the proposed development would conform to the Urban Hamilton Official Plan.

RELEVANT CONSULTATION

The following Departments and Agencies have provided comments with respect to the proposed application:

Capital Budget (Corporate Services Department):

Staff notes that the owner pays any Best Effort Sewer and Watermain Fees for urbanization along Springbrook Avenue.
Urban Forestry (Public Works Department):

The former Town of Ancaster is covered by the Ancaster Tree By-law, where a permit is required for the removal of Private Heritage trees with a diameter of equal or more than 46 cm, and which are located more than 7.5m from the outer edge of an occupied building. It is noted that a Tree Management Plan will be a requirement of any future Consent Agreement.

Public Consultation:

In accordance with Council’s Public Participation Policy, a Notice of Complete Application was circulated to 48 property owners within 120m of the subject property on May 1, 2013. To date, no letters have been received by staff. A Public Notice Sign was also posted on the subject lands on May 27, 2013.

Notice of the Public Meeting was given in accordance with the requirements of the Planning Act through circulation to property owners within 120m of the subject lands. The Public Notice Sign was updated in July 11, 2013, with respect to the date of the Public Meeting.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

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

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

   (ii) It conforms to the Hamilton-Wentworth Official Plan, the Town of Ancaster Official Plan, and the New Urban Hamilton Official Plan;

   (iii) It conforms and implements the “Low Density Residential” designation of the Meadowlands Neighbourhood IV Secondary Plan; and,

   (iv) It is consistent with the Residential “R4-548” Zone, Modified, provisions of the abutting lands with respect to lot area, width, and setbacks.

2. The subject property is located on the east side of Springbrook Avenue, and north of Regan Drive, within the Meadowlands Neighbourhood IV Secondary Plan Area. The predominantly residential neighbourhood is currently in transition, and includes existing single detached dwellings on larger rural lots along Springbrook Avenue, to more recent single detached dwellings that are in
conformity to the policies of the Meadowlands Neighbourhood IV Secondary Plan. Redeemer College is located west of the subject property. A park is located within walking distance on Fair Street.

3. **Zoning By-law Amendment (ZAR-13-006):**

The draft Zoning By-law affecting the subject property (see Appendix “A”) will change the zoning from a Residential “R4-549” Zone (331 Springbrook Avenue) and the site-specific Residential “R4-555” Zone (333 Springbrook Avenue) to the Residential “H-R4-548” Zone, with a Holding Provision. The proposed changes in zoning would implement the existing By-law, and have consistent zoning that was approved on lands to the east and north through Zoning By-law Amendment Application ZAR-06-83 and By-law No. 07-057. The rear portion of the subject lands is also currently zoned Residential “R4-548” Zone, Modified, and is not part of this application.

4. The applicant has submitted a sketch of the subject lands located at 331 and 333 Springbrook Avenue, delineating the proposed lot lines (see Appendix “C”). As shown in the sketch, 2 lots and 1 block will be created as a result of the future severance. A partial residential lot, located at 331 Springbrook Avenue, was the subject of a previous Minor Variance application, which was granted in September, 2011, to permit a reduction to the minimum lot frontage to 12m (see Appendix “E”). However, the partial residential lot has been incorporated into the application to provide consistent zoning provisions with 333 Springbrook Avenue.

The regulations of the Residential “R4-548” Zone are as follows:

- **Minimum Lot Area:** 370 sq. m., except for a corner lot, where the minimum lot area is 500 sq. m.

- **Maximum Lot Coverage:** 45 percent.

- **Minimum Front Yard:** 3.0m to the dwelling and 6.0m to the garage shall be provided.

- **Minimum Side Yard:** On a corner lot, the minimum side yard abutting a street is 3.0m.
The proposed zoning modifications can be supported, as it implements existing zoning consistent with the rear portion of the subject lands, and lands to the east and north of the subject property, and continues the lot pattern with the rest of the residential community. The proposed development implements the policies and design elements with respect to the density, scale, and character of the community within the Meadowlands IV Secondary Plan.

5. Currently, there is municipal watermain service within the Springbrook Avenue road allowance servicing existing properties along the street, which has sufficient capacity to service the proposed development.

A Holding Provision has been added to the implementing Zoning, and will be removed upon finalizing construction of the storm and sanitary sewers, curbs, and gutters on Springbrook Avenue, and that all financial matters have been addressed.

However, there are no sanitary and storm sewers, along with curbs and gutters, available along Springbrook Avenue. As such, upgrades are required to install the necessary servicing and upgrading of Springbrook Avenue to permit the proposed development. The owner will be required to pay their proportionate share of the total cost of reconstructing Springbrook Avenue. As a result, a Holding Provision has been placed, and will ensure urbanization of Springbrook Avenue is completed and all necessary urbanization fees paid, prior to development.

6. A Stage 1 and 2 Archaeological Report was previously submitted to the City. The report was reviewed by staff, and concludes that all concerns have been met and they have no further objection to the Zoning By-law Amendment application.

**ALTERNATIVES FOR CONSIDERATION**

Should the proposed Zoning By-law Amendment application be denied, the property would remain zoned Residential “R4-555” Zone, Modified, which permits the existing single detached dwellings.

**ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:**

**Strategic Priority #1:**
A Prosperous & Healthy Community

*WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.*
Strategic Objective:

1.5 Support the development and implementation of neighbourhood and City-Wide strategies that will improve the health and well-being of residents.

APPENDICES / SCHEDULES

- Appendix “A”: Location Map
- Appendix “B”: Draft By-law
- Appendix “C”: Concept Plans
- Appendix “D”: Implementing Zoning By-law 07-057
- Appendix “E”: Minor Variance Application AN/A-11:184

:TL
Attachs. (5)
Subject Property
331 & 333 Springbrook Avenue

Block 1 - Change in Zoning from the Residential "R4-555" Zone, Modified, to the Residential "H-R4-546" Zone, Modified, with a Holding

Block 2 - Change in Zoning from the Residential "R4-549" Zone, Modified, to the Residential "H-R4-548" Zone, Modified, with a Holding
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 87-57, Respecting Lands Located at 331 and 333 Springbrook Avenue, in the former Town of Ancaster, 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 Ancaster” and is the successor to the former Regional Municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

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

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

AND WHEREAS the Council of the City of Hamilton, in adopting Item ___ of Report 13-___ of the Planning Committee, at its meeting held on the ___ day of ___ , 2013, recommended that Zoning By-law No. 87-57, 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”, appended to and forming part of By-law No. 87-57 (Ancaster), as amended, is hereby further amended as follows:

   (a) By changing the zoning from the Residential “R4-555” Zone, Modified, to the Residential “H-R4-548” Zone, Modified, with a Holding Provision, on the lands comprised of Block 1; and,

   (b) By changing the zoning from the Residential “R4-549” Zone, Modified, to the Residential “H-R4-548” Zone, Modified, with a Holding Provision, on the lands comprised of Block 2;

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

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

   “H-R4-548”

   That notwithstanding the provisions of Paragraphs (a), (c), (d), and (e)(ii) of Sub-section 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 Senior Director of Growth Management.

5. 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 [ ], 2013.

__________________________  ________________________
R. Bratina                  Rose Caterini
Mayor                      Clerk

ZAR-13-006
This is Schedule "A" to By-Law No. 13-
Passed the .......... day of ...................., 2013

Schedule "A"
Map Forming Part of
By-Law No. 13-----
to Amend By-law No. 87-57

Subject Property
331 & 333 Springbrook Avenue

Block 1 - Change in Zoning from the
Residential "R4-555" Zone, Modified, to the
Residential "H-R4-549" Zone, Modified,
with a Holding

Block 2 - Change in Zoning from the
Residential "R4-549" Zone, Modified, to the
Residential "H-R4-549" Zone, Modified, with a
Holding
Affected Subject Lands
Authority: Item 8, Economic Development and Planning Committee
Report: 07-004(PED07065)
CM: February 28, 2007

Bill No. 057

CITY OF HAMILTON

BY-LAW NO. 07-057

To Amend Zoning By-law No. 87-57 (Ancaster),
Respecting Lands Located at 333 Springbrook Avenue

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 Ancaster” and is the successor to the former Regional Municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

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

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

AND WHEREAS the Council of the City of Hamilton, in adopting Item 8 of Report 07-004 of the Economic Development and Planning Committee at its meeting held on the 25th day of February, 2007, recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the 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. Schedule “B” of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing from the Agricultural “A” Zone:

(a) to the Residential “R4-548” Zone, the lands comprised in Block “1”; and,
Appendix “D” to Report PED13136 (Page 2 of 4)

By-law Respecting 333 Springbrook Avenue (Page 2 of 4)

(b) to the Residential “R4-555” Zone, the lands comprised in Block “2”;
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:

R4-548 That notwithstanding the provisions of paragraphs (a), (c), (d) and
(e)(ii) of Subsection 12.2 "Regulations" of Section 12: Residential
“R4” Zone, and Schedule “C”, the following special provisions shall
apply to the lands zoned “R4-548”:

Regulations

(a) Minimum Lot Area: 370 square metres, except for a
corner lot, where the minimum lot area shall be 500 square metres.

(b) Maximum Lot Coverage: 45 percent.

(c) Minimum Front Yard: 3.0 metres to the dwelling and
6.0 metres to a garage shall be provided.

(d) Minimum Side Yard: On a corner lot, the minimum
side yard abutting a street shall be 3.0 metres.

R4-555 That notwithstanding the provisions of paragraphs (b), (c), (d), and
(f) of Subsection 12.2 “Regulations” of Section 12: Residential “R4”
Zone, paragraph (a) of Section 9.10 of Section 9: General
Provisions for Residential Zones, and Schedule “C”, the following
special provisions shall apply to the lands zoned “R4-555”:

Regulations:

(a) Minimum Lot Frontage: 15 metres

(b) Maximum Lot Coverage: 45 percent

(c) Minimum Front Yard: 6.0 metres

(d) The minimum setback from a rear lot line for a dwelling
existing on the day of the passing of this By-law, being the
day of , 2007, shall be 7.4 metres.
Appendix “D” to Report PED13136 (Page 3 of 4)

By-law Respecting 333 Springbrook Avenue (Page 3 of 4)

(e) The minimum setback from a rear lot line for a deck existing on the day of the passing of this By-law, being the 28th day of Feb., 2007, shall be 2.4 metres.

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

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

PASSED and ENACTED this 28th day of February, 2007

Fred Eisenberger
Mayor

Kevin C. Christenson
City Clerk

ZAC-06-83
Appendix "D" to Report PED13136 (Page 4 of 4)

By-law Respecting 333 Springbrook Avenue  (Page 4 of 4)

This is Schedule "A" to By-Law No. 07-057

Passed the 28th day of February, 2007

Schedule "A"

Map Forming Part of By-law No. 07-057
to Amend By-law No. 87-57

Subject Property
333 Springbrook Avenue, Ancaster

Block 1
Change in Zoning from the Agricultural "A" Zone
to the Residential "R4-54B" Zone

Block 2
Change in Zoning from the Agricultural "A" Zone
to the Residential "R4-555" Zone

Assessor: ____________________________
Clerk: ____________________________
Mayor: ____________________________

Hamilton
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
IN THE MATTER OF The Planning Act, R.S.O., 1990, c.P. 13, as amended and of the Zoning By-Law No. 87-57, of the City of Hamilton (formerly Ancaster), Sections 12 and 34

AND IN THE MATTER OF the premises known as 323 and 333 Springfield Avenue, formerly in the Town of Ancaster, now in the City of Hamilton and in an "R4-64 and R4 555" (Residential) district

AND IN THE MATTER OF AN APPLICATION, AS AMENDED, by the agent Liam Doherty on behalf of the owner Scarlett Homes (Ancaster), for relief from the provisions of the Zoning By-Law No. 87-57, under Section 45 of The Planning Act, R.S.O. 1990, c. P. 13, so as to permit the construction of one (1) single detached dwelling on each of the proposed lots (shown as Lots 43 through 48 on the submitted Schedule "A" dated August 5, 2007) and to permit the existing single detached dwelling located at 333 Springfield Avenue to remain notwithstanding that:

1. A minimum lot frontage of 12.0m shall be provided instead of the minimum required 15.0m; and,
2. A minimum front yard of 3.0m shall be provided instead of the minimum required 6.0m.

THE DECISION OF THE COMMITTEE IS:

That the variances, as set out in paragraph three above, are GRANTED for the following reasons:

1. The Committee having regard to the evidence is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee having regard to the evidence is satisfied that there will be no adverse impact on any of the neighbouring lands.

That the said application IS GRANTED subject to the following condition:

1. That the applicant revises the submitted Subdivision Draft Plan to reflect the variances to the satisfaction of the Manager of Development Planning.

DATED AT HAMILTON this 1st day of September, 2011.

M. Duzic (Chairman)  D. Smith
L. Geddy   V. Abraham
J. Dunlop  D. Wambuk

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS SEPTEMBER 21ST, 2011.
NOTE: This decision is not final and binding unless otherwise noted.

CERTIFIED A TRUE COPY

SECRETARY-TREASURER