SUBJECT: Applications for an Official Plan Amendment and Change in Zoning for the Property Located at 359 Winona Road (Stoney Creek) (PED06084) (Ward 11)

RECOMMENDATION:

(a) That approval be given to the application by 16218760 Ontario Inc. c/o Marc Marini & Philip Luzi, owners, for Official Plan Amendment No.___, for a change in designation on Schedule “A” – General Land Use Plan and Schedule “A2” – Secondary Plan Winona Urban Community, from “Low Density Residential” to “Medium Density Residential”, for lands located at 359 Winona Road, in the Winona South Neighbourhood (Stoney Creek), as shown on Appendix “A” to Report PED06084.

(b) That approval be given to Zoning Application ZAC-05-120, by 16218760 Ontario Inc. c/o Marc Marini & Philip Luzi, owners, for a change to Zoning By-law No. 3692-92, from the Single Residential “R3-21” Zone to the site-specific Multiple Residential “RM2-12” Zone, to permit the creation of eight lots for street townhouses, for part of the lands located at 359 Winona Road, as shown on Appendix “A” to Report PED06084, on the following basis:

(i) That the draft By-law, attached as Appendix “D” to Report PED06084, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

(ii) That the proposed change in zoning conforms to the Hamilton-Wentworth Official Plan, and will conform to the Stoney Creek Official Plan upon finalization of proposed Official Plan Amendment No.___.

AFFECTS
WARD 11
SUBJECT: Applications for an Official Plan Amendment and Change in Zoning for the Property Located at 359 Winona Road (Stoney Creek) (PED06084) (Ward 11) - Page 2 of 9

(c) That upon finalization of Official Plan No.____, and the implementing Zoning By-law, the approved Winona South Neighbourhood Plan be amended to change the designation of the subject lands from “Low Density Residential” to “Medium Density Residential”.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The applicant is requesting Official Plan and Zoning By-law Amendments to permit the subject lands to be developed for eight street townhouse lots (see Appendix “B”). The proposal has merit, as it is consistent with the residential policies of the Stoney Creek Official Plan, and is an intensified infill development that efficiently uses urban land and existing services, and is compatible with the surrounding uses.

BACKGROUND:

History

The subject lands are vacant, approximately 0.41 acres in size, and are currently serviced. The subject lands were at one time used as a convenience/grocery store and there was also a single residential dwelling on the site, both of which are now demolished. On November 3, 2004, the Committee of Adjustment approved three concurrent consent applications (File No.’s SC/B-04:170-172). On August 10, 2005, City Council approved Zoning By-law and Official Plan Amendments (File No.’s ZAC-04-78 and OPA-04-14) for the subject lands. The approvals permitted the creation of six lots for single detached dwellings on all the lands owned by the applicant (0.93 acres), which includes the lands to the south (see Appendix “C”).

Proposal

The purpose of this application is to permit the creation of eight lots for street townhouse units on part of the lands located at 359 Winona Road (see Appendix “A”). Access to the proposed units would be from Pettit Street. The sit-specific modifications to the zoning regulations are for the minimum yard setback requirement from the daylight triangle and, in the absence of a berm, the minimum setback from a railway right-of-way, both of which were included in the 2005 rezoning approval. Additional modifications have also been requested for reductions in the minimum lot area and minimum lot frontage requirements.
Consent Applications (Files SC/B-06:13-16)

The applicant recently submitted four concurrent consent applications to the Committee of Adjustment in order to sever the subject lands into eight lots to permit the street townhouses (see Appendix “B”). This matter went before the Committee on March 1, 2006. The applications were conditionally approved, which included finalization of the subject official plan and rezoning applications (see Condition No. 3 in Appendix “E”).

**Details of Submitted Application**

**Location:** 359 Winona Road

**Owner:** 16218760 Ontario Inc. c/o Marc Marini and Philip Luzi

**Property Description:**
- **Frontage:** 54.86 metres
- **Depth:** 31.0 metres
- **Lot Area:** 1,675.79 square metres

**EXISTING LAND USE AND ZONING:**

<table>
<thead>
<tr>
<th></th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Subject Lands</strong></td>
<td>Vacant</td>
<td>Single Residential “R3-21” Zone</td>
</tr>
<tr>
<td><strong>Surrounding Lands</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North</td>
<td>Canadian National Railway</td>
<td>General Industrial “MG” Zone</td>
</tr>
<tr>
<td>East</td>
<td>Street Townhouses and Vacant</td>
<td>Multiple Residential “RM3-22” Zone</td>
</tr>
<tr>
<td>South</td>
<td>Single Detached Dwellings (existing and future)</td>
<td>Single Residential “R2” Zone and Single Residential “R3-21” Zone</td>
</tr>
<tr>
<td>West</td>
<td>Single Detached Dwellings</td>
<td>Single Residential “R2” Zone</td>
</tr>
</tbody>
</table>
ANALYSIS/RATIONALE:

1. The proposed Official Plan and Zoning By-law Amendments have merit and can be supported for the following reasons:

   i) The proposal implements Policies 1.1.1(a) and 1.1.3(g) of the Provincial Policy Statement respecting growth in existing urban areas and separation distance for sensitive land uses; and is, therefore, consistent with the Provincial Policy Statement.

   ii) The proposal conforms with, and implements, the “Urban Area” policies of the Hamilton-Wentworth Official Plan.

   iii) The proposal is consistent with the “Residential” designation of the Official Plan and the “Medium Density Residential” designation of the Secondary Plan.

   iv) The proposed development is compatible to the existing built form in the neighbourhood and is in keeping with the character of the surrounding area.

2. The proposed residential development is in close proximity to the Canadian National Railway right-of-way. In this regard, an Environmental Noise and Vibration Impact Study was required to be completed, to the satisfaction of the City of Hamilton and the Canadian National Railway, as a condition of approval for the previous consent applications for the creation of six single family dwelling lots. As part of the previous approval, the Environmental Noise and Vibration Impact Study was completed and approved by both the City and CNR. This Study will now have to be revised based on the new proposal for the street townhouse development. CNR has requested that warning clauses be placed on all registered development agreements and any offers to purchase, agreements of Purchase and Sale or Lease, and that a Noise Impact Statement is prepared. In this regard, any recommendations contained in the revised Study will be addressed through the Site Plan Control process.

3. The previous applications approved by the City in 2005 were supported by the City and the local residents. That proposal was less dense, having four single detached dwellings on the subject lands. The current proposal is more compact, and provides for an increased density, doubling the amount of units on the subject lands to eight street townhouses. The built form will be compatible to the residential uses in the area, and will be comprehensively reviewed by the City and other agencies via the Site Plan Control process.
4. To implement the proposed development, four modifications in zoning are required (see Appendix “D”). The first is to provide a minimum yard of 1.2 metres from the hypotenuse of the daylight triangle for the proposed lot located at the intersection of two or more roads, whereas 3.0m is required. This modification can be supported as the reduction is minor in nature and adequate visibility would be provided. The second modification is to exempt the property from the requirement of providing a berm between the proposed development and the railway right-of-way. The elimination of the berm can be supported as a 30m setback is being provided. Therefore, the intent of the Zoning By-law is being maintained. These two modifications are identical to those previously approved in amending By-law No. 05-250. Two additional modifications are also required for the current proposal. The third modification would be for a minimum lot area of 170m$^2$ for an interior unit, whereas 180m$^2$ is required. The fourth modification is for a minimum lot frontage of 5.7m for an interior unit, whereas 6.0m is required. Both of these modifications are considered minor and appropriate, and can be supported.

**ALTERNATIVES FOR CONSIDERATION:**

Should the applications for amendments to the Official Plan and Zoning By-law not be approved, development of the subject lands for single detached dwellings could occur under the current zoning.

**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 an Official Plan and Zoning By-law Amendment.

**POLICIES AFFECTING PROPOSAL:**

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the applications are consistent with Policy 1.1.1(a), which focuses growth in urban areas.
Policy 1.1.3 (g) does, however, outline 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 (i.e. vibration). As the subject lands are in close proximity to an active rail line, the noise and vibration concerns will be revisited at the site plan stage of development.

**Hamilton-Wentworth Official Plan**

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 3.1 outlines that a wide range of urban uses based on full municipal services, will be concentrated in the Urban Areas. As well, the Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

Therefore, as the nature of the applications are to modify the existing Official Plan and Zoning By-law designations to facilitate the development of the site for residential purposes, the proposal conforms with the intent of the Hamilton-Wentworth Official Plan policies.

**City of Stoney Creek Official Plan**

The subject property is designated “Low Density Residential” on Schedule ‘A’ – General Land Use Plan, and Schedule ‘A2’ – Winona Urban Community Secondary Plan in the City of Stoney Creek Official Plan. An Official Plan Amendment is required to redesignate the lands from “Low Density Residential” to “Medium Density Residential” in order to permit the proposed development. The following policies, among others, would be applicable to the proposal:

“A.1.2.9 Council shall encourage the provision of a full range of housing types and prices throughout the municipality and, where appropriate, residential intensification will be encouraged subject to Policies A.1.2.18, A.1.2.20, A.1.2.21 and A.1.2.22 and other policies of the Plan.

A.1.2.12 The Residential Densities within the respective Residential land use designations identified by the SECONDARY PLANS shall be as follows:

b) MEDIUM DENSITY – approximately 30 to 49 units per Net Residential Hectare. This designation permits predominantly town house dwellings and walk-up apartments. Generally these types of dwellings are to be located at the periphery of the Residential Neighbourhoods adjacent to arterial roads and/or collector roads.
A.1.2.21 Council shall ensure that the local residential environment is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly Council shall:

c) Require appropriate measures to attenuate the effects of noise in accordance with Guidelines on Noise and New Residential Development Adjacent to Freeways; and visual intrusion or other undesirable effects on new residential development adjacent to freeways, inter-regional highways, arterial roads, railways and other environmentally incompatible land uses in consultation with the Ministry of the Environment;

A.2.30 Site Plan Control may be applied to any development or redevelopment in accordance with the provisions of Subsection F.6 of this Plan

A.6.1.1 To permit limited new residential development based on full urban services.

A.6.1.2 To maintain the existing low density small community character of the area.

A.6.2.1 The primary uses permitted in the area designated on Schedule “A” as the WINONA URBAN COMMUNITY shall be for single family detached dwellings and apartment units, as identified in the relevant Secondary Plan policies of Subsection A.13.2.

A.6.2.5 Site Plan Control may be applied to any development other than low density residential uses in accordance with the provisions of Subsection F.6 of this Plan.

A.13.2.3 New residential development permitted in this Community shall be in keeping with the general character of the surrounding area. In this regard, and notwithstanding the provisions of Policy A.1.2.12(a) of this Plan, residential development in areas designated on Schedule A.2 as Low Density Residential shall be restricted to single family detached dwellings, except in the Winona Centre where a limited number of apartments above commercial uses may be permitted.”

The proposal would conform to the “Residential” and “Medium Density Residential” designations of the City of Stoney Creek Official Plan and Secondary Plan. The proposed eight street townhouses would be compatible with the surrounding residential character. The proposal also conforms to the servicing policies of the Official Plan and will be subject to the site plan control policies of the Plan and can, therefore, be supported.
Neighbourhood Plan

The subject lands are designated “Low Density Residential” in the approved Winona South Neighbourhood Plan. The proposed development does not conform to the neighbourhood plan and a redesignation to “Medium Density Residential” is required.

RELEVANT CONSULTATION:

The Canadian National Railway (CNR)

CNR has reviewed the revised proposal and requests that the two following conditions be included as per any planning approval(s):

1. That the Owner is required to insert the following warning clause in a registered development agreement and any offers to purchase, agreements of Purchase and Sale or Lease, and include a Noise Impact Statement:

   “Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CN will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.”; and,

2. That the Owner is required to engage a consultant to undertake an analysis of noise and vibration and provide abatement measures necessary to achieve the maximum level limits set by the Ministry of Environment and Canadian National.

These conditions will be addressed through site plan control.

The following Departments and Agencies had no comments or objections:

- The Hamilton-Wentworth District School Board
- Public Works Department (Traffic Engineering & Operations Section)
- Public Works Department (Operations and Maintenance - Forestry Section)
- Bell Canada
- Ministry of Transportation
- Hamilton Conservation Authority
- Corporate Services (Budgets and Finance)
Public Consultation

The Public Participation Policy, adopted by Council on May 29, 2003, provides that preliminary circulation shall not be required if the application is part of the implementation of another application, such as a consent or rezoning application, which has been considered within one year of other public involvement and participation opportunities. However, the related consent applications were submitted subsequent to receipt and preliminary circulation of the subject applications. In this regard, preliminary circulation was given to fifty-seven property owners. The application was also circulated in accordance with the Planning Act. To date, staff has received no comments on this current proposal, nor did any of the neighbouring residents attend or object to the recent consent applications.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
Public services and programs are delivered in an equitable manner, coordinated, efficient, effective and easily accessible to all citizens. The public are involved in the definition and development of local solutions.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Human health and safety are protected.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Investment in Hamilton is enhanced and supported.

Does the option you are recommending create value across all three bottom lines? 
☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? 
☐ Yes ☑ No

:JM
Attachs. (5)
Appendix "C" to Report PED06084 (Page 1 of 1)

SKETCH OF
PART OF LOT 5—CONCESSION 1
GEOGRAPHIC TOWNSHIP OF SALTLETT
CITY OF HAMILTON

SCALE
N.T.S.

B. J. CLARKE O.L.S.

METRIC:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 3.2808

NOTE:
THIS PLAN IS COMPILED FROM PLANS AND RECORDS ON FILE IN THIS OFFICE AND IS NOT BASED ON AN ACTUAL FIELD SURVEY.

THIS PLAN IS PREPARED TO ACCOMPANY AN APPLICATION TO THE COMMITTEE OF ADJUSTMENT REQUESTING A GRANT OF SEVERANCE AND IS NOT INTENDED FOR REGISTRATION.

CAUTION:
THIS IS NOT A PLAN OF SUBDIVISION AND SHALL NOT BE USED FOR TRANSITION OR MORTGAGE PURPOSES.

BEARING NOTE:
BEARINGS ARE ASTRONOMIC AND REFERRED TO THE EASTERLY UNIT OF WEST AVENUE AS SHOWN ON PLAN E3M-8214 HAVING A BEARING OF N 109°00'30" E.
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting Lands located at 359 Winona Road

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Stoney Creek" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

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

AND WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS the Council of the City of Hamilton, in adopting Section __ of Report 06-___ of the Planning and Economic Development Committee at its meeting held on the day of __, 2006, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

AND WHEREAS this by-law will be in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), upon the approval of Official Plan Amendment No. __;

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

1. Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended as follows:

   i) By changing the zoning from the Single Residential “R3-21” Zone to the Multiple Residential “RM2-12” Zone, on the lands the extent and
boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That Subsection 6.9.6, "Special Exemptions" of Section 6.9, Multiple Residential “RM2” Zone, of Zoning By-law No. 3692-92, be amended by adding a new special exemption, "RM2-12", as follows:

"RM2-12" 359 Winona Road, Schedule "A", Map No. 3

Notwithstanding the provisions of Section 4.13.1, and Section 6.9.3 (a) and (b), on those lands zoned “RM2-12” by this By-law, a minimum yard of 1.2 metres from the hypotenuse of the daylight triangle shall be required; a minimum lot area for an interior unit of 170 square metres, and a minimum lot frontage for an interior lot of 5.7 metres shall be permitted.

Section 4.13.3 shall not apply.

3. No building or structure shall be erected, altered extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Multiple Residential “RM2” Zone provisions, and the special requirements referred to in Section 2.

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

PASSED and ENACTED this day of , 2006.

MAYOR

CLERK

ZAC-05-120
This is Schedule "A" to By-Law No. 06—

Passed the __________ day of ______________ 2006

Mayor

Schedule "A"

Map Forming Part of
By-Law No. 06—
to Amend By-Law No. 3692-92

Subject Lands

Change in Zoning from the Single Residential "R3-21" Zone to the Site Specific Multiple Residential "RM2-12" Zone

Scale: Not to Scale
File Name/Number: ZAC-05-120/OPA-05-22
Date: December 2005
Planner/Technician: JMMZ
T&C File Name:
COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. SC/B-06:13
SUBMISSION NO. B-13/06

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

AND IN THE MATTER OF the Premises known as Municipal number 359 Winona Road, formerly in the City of Stoney Creek, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent A.J. Clarke and Associates Limited (Stephen Fraser) on behalf of the owner 1621860 Ontario Inc. (c/o Marc Marini and Philip Luzi), 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 1 on sketch) measuring 9.48m (31.3') x 31m (101.7') for residential (street townhouse) purposes, and to retain a vacant parcel of land (Part 2 on sketch) measuring 5.84m (19.6') x 31m (101.7') for residential (street townhouse) purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application IS APPROVED for the following reason:

1. The Committee is of the opinion that a plan of subdivision of the lands is not necessary, in this case, for the proper and orderly development of the municipality.

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

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

2. That the owner/applicant submits a Deposited Ontario Land Surveyor's Reference Plan to the Development Planning East Team; and,

3. That final approval of Zoning Amendment Application ZAC-05-120 and Official Plan Amendment Application OPA-05-22 is received.

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

DATED AT HAMILTON this 1st day of March, 2006.

__________________________________________  ________________________________
M. Dudzic, Chairman                      V. Abraham

__________________________________________  ________________________________
C. Lewis                                   D. Drury

__________________________________________
D. Delullo

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS March 8th, 2006.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (March 8th, 2007) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS March 28th, 2006.

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

NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. SC/B-06:14
SUBMISSION NO. B-14/06

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

AND IN THE MATTER OF the Premises known as Municipal number 359 Winona Road, formerly in the City of Stoney Creek, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent A.J. Clarke and Associates Limited (Stephen Fraser) on behalf of the owner 1621860 Ontario Inc. (o/o Marc Marini and Philip Luzzi), 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 3 on sketch) measuring 5.84m (19.16') x 31m (101.7') for residential (street townhouse) purposes, and to retain a vacant parcel of land (Parts 4 and 5 on sketch) measuring 5.84m (19.16') x 31m (101.7') for residential (street townhouse) purposes, and to establish an encroachment/maintenance easement over Part 5.

THE DECISION OF THE COMMITTEE IS:

That the said application is approved for the following reason:

1. The Committee is of the opinion that a plan of subdivision of the lands is not necessary, in this case, for the proper and orderly development of the municipality.

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

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

2. That the owner/applicant submits a Deposited Ontario Land Surveyor’s Reference Plan to the Development Planning East Team; and,

3. That final approval of Zoning Amendment Application ZAC-05-120 and Official Plan Amendment Application OPA-05-22 is received.

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

DATED AT HAMILTON this 1st day of March, 2006.

M. Dudzic, Chairman

V. Abraham

C. Lewis

D. Serwatuk

D. Drury

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS March 8th, 2006. HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (March 8th, 2007) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS March 28th, 2006.

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.
Appendix “E” to Report PED06084 (Page 3 of 4)

COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. SC/B-06:15
SUBMISSION NO. B-15/06

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

AND IN THE MATTER OF the Premises known as Municipal number 359 Winona Road, formerly in the City of Stoney Creek, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent A.J. Clarke and Associates Limited (Stephen Fraser) on behalf of the owner 1621860 Ontario Inc. (c/o Marc Marini and Philip Luzi), 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 (Parts 6 and 7 on sketch) measuring 5.84m (19.16’) x 31m (101.7’) for residential (street townhouse) purposes, and to establish an encroachment/maintenance easement over Part 7 for the benefit of the future homeowner of Part 4, and to retain a vacant parcel of land (Parts 8 and 9 on sketch) measuring 5.84m (19.16’) x 31m (101.7’) for residential (street townhouse) purposes, and to establish an encroachment/maintenance easement over Part 9 for the benefit of the future homeowner of Part 10.

THE DECISION OF THE COMMITTEE IS:

That the said application is APPROVED for the following reason:

1. The Committee is of the opinion that a plan of subdivision of the lands is not necessary, in this case, for the proper and orderly development of the municipality.

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

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

2. That the owner/applicant submits a Deposited Ontario Land Surveyor’s Reference Plan to the Development Planning East Team; and,

3. That final approval of Zoning Amendment Application ZAC-05-120 and Official Plan Amendment Application OPA-05-22 is received.

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

DATED AT HAMILTON this 1st day of March, 2006.

M. Dudzic, Chairman

V. Abraham

C. Lewis

D. Drury

D. Delullo

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS March 8th, 2006.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (March 8th, 2007) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS March 28th, 2006.

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.
Appendix “E” to Report PED06084 (Page 4 of 4)

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. SC/B-06:16
SUBMISSION NO. B-16/06

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

AND IN THE MATTER OF the Premises known as Municipal number 359 Winona Road, formerly
in the City of Stoney Creek, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent A.J. Clarke and Associates Limited
(Stephen Fraser) on behalf of the owner 1621860 Ontario Inc. (c/o Marc Marini and Philip Luzi),
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 (Parts 10 and 11 on sketch) measuring 5.84m (19.16')
x 31m (101.7') for residential (street townhouse) purposes, and to establish an
encroachment/maintenance easement over Part 11, and to retain a vacant parcel of land (Part 12
on sketch) measuring 10.31m (33.8') x 31m (101.7') for residential (street townhouse) purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application IS APPROVED for the following reason:

1. The Committee is of the opinion that a plan of subdivision of the lands is not necessary, in
this case, for the proper and orderly development of the municipality.

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

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

2. That the owner/applicant submits a Deposited Ontario Land Surveyor’s Reference
Plan to the Development Planning East Team; and,

3. That final approval of Zoning Amendment Application ZAC-05-120 and Official
Plan Amendment Application OPA-05-22 is received.

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

DATED AT HAMILTON this 1st day of March, 2006.

__________________________________________  ____________________________
M. Dudzic, Chairman                           V. Abraham

__________________________________________  ____________________________
C. Lewis                                      D. Drury

D. Delullo

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS March 8th, 2006.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS
NOTICE OF DECISION (March 8th, 2007) OR THE APPLICATION SHALL BE DEEMED TO BE
REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL
BOARD MAY BE FILED IS March 28th, 2006.

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