SUBJECT: Application for Changes in Zoning for Lands Located at 101 Seabreeze Crescent, Stoney Creek (PED07243) (Ward 11)

RECOMMENDATION:

That approval be given to Zoning Application ZAC-07-034, by Frank Muraca, owner, for changes in zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R2” Zone; and the Single Residential “R3” Zone, in order to permit the future development of four single-detached dwellings, for lands located at 101 Seabreeze Crescent (Stoney Creek), shown as Blocks “1” and “2”, respectively, on Appendix “A” to Report PED07243, on the following basis:

(a) That the attached draft By-law, included as Appendix “B” to Report PED07243, 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”, Map No. 3, of Zoning By-law No. 3692-92.

(c) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the Official Plan of the City of Stoney Creek.

Tim McCabe
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The purpose of the application is for changes in zoning to permit the future development of four single detached dwellings on separate lots with frontage on Seabreeze Crescent and Watercrest Drive (formerly Glover Access Road). The proposed changes in zoning have merit and can be supported as they conform to the Official Plan of the City of Stoney Creek, would establish zoning consistent with adjacent properties on Seabreeze Crescent and Watercrest Drive (formerly Glover Access Road), and fulfills conditions of the approval for Consent Applications SC/B-07:74-77.

BACKGROUND:

Proposal

The purpose of the application is for changes in zoning for lands located at 101 Seabreeze Crescent in order to permit the future development of four single detached dwellings on separate lots. Two of the proposed lots will have frontage on Seabreeze Crescent and two of the proposed lots will have frontage on Watercrest Drive (formerly Glover Access Road), shown as Parts 1-4, on Appendix “G”. Approval of the proposal will fulfill conditions of approval for related Consent Applications SC/B-07-074-077 (see Appendix “D” - Condition No. 4; Appendix “E” – Condition No. 3; and Appendix “F” - Condition No. 3). Parts 1 and 2 contain an existing single detached dwelling that straddles the proposed property line and will have to be demolished or partially demolished in accordance with Condition No. 4 of the approved Consent Applications (see Appendices “E” and “F”).

Consent Applications

SC/B-07:074:

The purpose of Consent Application SC/B-07:074 was to sever a triangular piece of land from 62 Watercrest Drive (formerly Glover Access Road) to be added to 101 Seabreeze Crescent (see Appendix “C”) to facilitate a lot line adjustment.

SC/B-07:075:

The purpose of Consent Application SC/B-07:075 was to sever a triangular piece of land from 101 Seabreeze Crescent to be added to 62 Watercrest Drive (formerly Glover Access Road) (see Appendix “D”) to facilitate a lot line adjustment.

SC/B-07-076:

The purpose of Consent Application SC/B-07:076 was to sever a 533 square metre portion of 101 Seabreeze Crescent and to retain 605.0 square metres (see Appendix “E”) for single family residential purposes.
The purpose of Consent Application SC/B-07:077 is to sever a 414.0 square metre portion of 101 Seabreeze Crescent and retain 1552.0 square metres (see Appendix “F”) for single family residential purposes.

The effect of the four Consent Applications was the creation of two new lots with frontage on Seabreeze Crescent (see Appendix “G” - Parts 1 and 2), and two new lots with frontage on Watercrest Drive (formerly Glover Access Road) (see Appendix “G” - Parts 3 and 4). The Consent Applications were approved, by the Committee of Adjustment on July 11, 2007, subject to conditions, including the approval of the subject rezoning application (see Appendix “D” - Condition No. 4; Appendix “E” and; Appendix “F” - Condition No. 3).

Location: 101 Seabreeze Crescent

Owner/Applicant: Frank Muraca

Lot Size: 
Area: approximately 1,900.0 square metres  
Frontage: approximately 25.0 metres  
Depth: approximately 60.0 metres

Servicing: Municipal Servicing

EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject Lands</th>
<th>Existing Land Uses</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Single Detached Dwelling</td>
<td>Neighbourhood Development “ND” Zone</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Surrounding Lands</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Single Detached Dwellings</td>
<td>Rural Residential “RR” Zone</td>
</tr>
<tr>
<td>South</td>
<td>Single Detached Dwelling</td>
<td>Single Residential “R3” Zone</td>
</tr>
<tr>
<td>East</td>
<td>Single Detached Dwelling</td>
<td>Single Residential “R2” Zone</td>
</tr>
<tr>
<td>West</td>
<td>Single Detached Dwelling</td>
<td>Single Residential “R4-13” Zone</td>
</tr>
</tbody>
</table>
ANALYSIS/RATIONALE:

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

   (i) The proposal conforms with the “Urban” designation of the Hamilton-Wentworth Official Plan.

   (ii) It conforms with the “Residential” designation of the City of Stoney Creek Official Plan.

   (iii) It conforms with the “Low Density Residential” designation of the Lake Shore Area Secondary Plan.

   (iv) It will provide consistent zoning on Seabreeze Crescent and Watercrest Drive (formerly Glover Access Road).

   (v) The proposed changes in zoning satisfy condition of approval for Consent Applications SC/B-07:074-077, which were approved by the Committee of Adjustment in July, 2007 (see Appendix “D” - Condition No. 4; Appendix “E”- Condition No. 3; and Appendix “F” - Condition No. 3).

2. The Lake Shore Area Secondary Plan designates the subject property as “Low density Residential”. Policy 1.2.12(a) permits a Net Residential Density of 1 to 29 units per hectare. The proposal will create a Net Residential Density of 20 units per hectare and is, therefore, consistent with the “Low Density Residential” designation.

3. The existing lots fronting onto Watercrest Drive (formerly Glover Access Road) are zoned Single Residential “R3” Zone and Single Residential “R4-11” Zone, and have frontages averaging 12.0 metres. The proposed lots will be in keeping with the existing residential neighbourhood as the proposed frontages are 12.2 metres.

4. The subject property has the potential to contain archaeological resources. An archaeological assessment is required as a condition of severance approval (see Appendix “C” - Condition No. 4; Appendix “D” - Condition No. 5; Appendix “E” - Condition No. 5; and Appendix “F” - Condition No. 5).

ALTERNATIVES FOR CONSIDERATION:

In the event Council does not approve the proposed changes in zoning, the conditions of Consent Applications SC/B-07:074-077 will not be satisfied and the lands will be subject to the regulations in the Neighbourhood Development “ND” Zone, applicable to the subject lands, and the Committee of Adjustment Approval shall lapse.
FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

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

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

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

Policy 2.6.2 outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted. An archaeological assessment is required as a condition of severance approval (see Appendix “C” - Condition No. 4; Appendix “D” - Condition No. 5; Appendix “E” - Condition No. 5; and Appendix “F” - Condition No. 5).

In addition, Policy 1.7.1(e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as transportation corridors) and sensitive land uses are appropriately designed, buffered and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety. Due to the proximity of the subject lands to the Queen Elizabeth Expressway, a noise warning clause will be included in all purchase for sale and/or lease agreements as a condition of severance approval (see Appendix “C” – Condition No. 5; Appendix “D”- Condition No. 6; Appendix “E” - Condition No. 6; and Appendix “F” - Condition No. 6).

Places to Grow

The application has been reviewed with respect to the Places to Grow Plan. The application is consistent with the policies that focus on further intensification in intensification areas, Policy 2.2.2 1. b). Four new lots will be created in an already developed area on an oversized, under utilized lot where services and infrastructure currently exist and, therefore, are consistent with the policies of Places to Grow Plan.
Hamilton-Wentworth Official Plan

The subject lands are designated “Urban” in the Hamilton-Wentworth Official Plan. The proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

City of Stoney Creek Official Plan

The subject property is designated “Residential” on Schedule ‘A’ – General Land Use Plan, and “Low Density Residential” on Schedule “A4” – Urban Lakeshore Area Secondary Plan, in the City of Stoney Creek Official Plan. The proposal conforms to the “Residential” and “Low Density Residential” designations, in that single-detached dwellings are permitted within the designations.

Neighbourhood Plan

The subject lands are designated “Low Density Residential” in the approved Trillium Neighbourhood Plan. The proposal conforms to this designation.

RELEVANT CONSULTATION:

The following Departments and Agencies had no comments or objections:

- Public Health Services, Health Protection Division.
- Public Works Department, Strategic & Environmental Planning Section.
- Public Works Department, Forestry and Horticulture Section.
- Community Services Department, Culture and Recreation Section.
- Horizon Utilities.

PUBLIC CONSULTATION

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, eighty-four (84) pre-circulation notices were mailed to all property owners within one hundred and twenty metres of the subject property, requesting comments or support for the application. The properties were also subject of the Consent Applications on July 11, 2007, which was a public process. Although the Public Participation Policy exempts an application from pre-circulation if the application is part of another planning application process, pre-circulation occurred because Consent Applications SC/B-07:74-77 and Zoning By-law Amendment Application ZAC-07-034 were submitted simultaneously.

There were no agency or public concerns regarding the proposed Consent Applications. To date, no comments have been received by any members of the public in response to the rezoning circulation. Notice of Public Meeting was given in accordance with the requirements of the Planning Act. In addition, a Public Notice Sign was erected on the property on July 5, 2007.
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
The proposal provides for consistent development along Seabreeze Crescent and Watercrest Drive (formerly Glover Access Road).

Environmental Well-Being is enhanced. ☑ Yes ☐ No
The proposal is an appropriate form of residential intensification.

Economic Well-Being is enhanced. ☑ Yes ☐ No
The proposal provides new housing stock for the City of Hamilton.

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

:SH
Attachs. (7)
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands Located at 101 Seabreeze Crescent

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 municipality known as the “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 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. 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 07-_______ of the Economic Development and Planning Committee at its meeting held on the ________ day of ________, 2007, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:
1. That Map No. 3 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended as follows:

   (a) by changing the zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R2” Zone, the lands comprised of Block “1”; and,

   (b) by changing the zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R3” Zone, the lands comprised of Block “2”,

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

2. 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 Single Residential “R2” and "R3" Zone provisions.

3. 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 ______, 2007.

_________________________________  _______________________________________
FRED EISENBERGER                  KEVIN C. CHRISTENSON
Mayor                              City Clerk

ZAC-07-034
This is Schedule "A" to By-Law No. 07-
Passed the ........ day of ...................., 2007

Clerk

Mayor

Schedule "A"

Map Forming Part of By-Law No. 07-

to Amend By-law No. 3692-92

Subject Property

Block 1 : Change in Zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R3" Zone.

Block 2 : Change in Zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R3" Zone.

Scale: N.T.S.

Date: June 14, 2007

Planner/Technician: SHIKA

Hamilton PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. SC/B-07:74
SUBMISSION NO. B-74/07

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 62 Watercrest Drive
(formerly Clover Access Road), formerly in the City of Stoney Creek, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent Terry Giangregorio on behalf of the
owners Tammy and Andrew Coughlan, for consent under Section 53(1) of The Planning Act, R.S.O.
1990, Chapter 13, so as to permit the conveyance of a triangular-shaped parcel of land having an
area of 571m² (6135.98ft²) to be added to the lands known municipally as 101 Seabreeze
Crescent for single family residential purposes, and to retain a parcel of land having a frontage of
15.65m (51.34'), and an area of 475m² (5113ft²) containing an existing single family dwelling
for residential 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 submit a Deposited Ontario Land Surveyor's Reference Plan to
   the Development Planning East Team.

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

4. That the owner/applicant shall conduct an archaeological assessment of the entire
development property and mitigate, through preservation or resource removal and
documentation, adverse impacts to any significant archaeological resources found. No
demolition, grading or 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.

5. That the owner/applicant shall agree through the required consent agreement to the
   inclusion of the following noise warning clause in all purchase for sale and/or lease
   agreements:

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

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

DATED AT HAMILTON this 11th day of July, 2007.
THE DATE OF GIVING OF THIS NOTICE OF DECISION IS July 18th, 2007.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS
NOTICE OF DECISION (July 18th, 2008) 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 7th, 2007.

THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

NOTE:
The owner/applicant should be made aware that Glover Access Road has been renamed as
Watercrest Drive on June 19th 2007 by City Council and registered on June 20th 2007 - By-law,
07-192.

Based on this application being approved by the Committee of Adjustment, and all conditions
being completed, the applicant will be required to obtain a municipal number(s) at the time of
applying for a building permit(s) for the newly created lot(s). Please contact Paul Tofoletti
905-546-2424 Ext. 4348 Development Planning, Legislative Approvals.
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 101 Seabreeze Crescent, formerly in the City of Stoney Creek, now in the City of Hamilton;  

AND IN THE MATTER OF AN APPLICATION by the agent Aldo Belfingher on behalf of the owners Frank and Nancy Muraca, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a triangular-shaped vacant parcel of rear land having an area of 500m² (538.2ft²) to be added to the lands to the south known municipally as 62 Watercrest Drive (formerly Glover Access Road) for single family residential purposes, and to retain an irregular-shaped parcel of land having an area of 1,010m² (20,558.7ft²) containing an existing single family dwelling for residential 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 submit a Deposited Ontario Land Surveyor’s Reference Plan to the Development Planning East Team.

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

4. That the owner/applicant apply for and receive final approval of a Zoning Amendment Application to rezone the severed lands (Part 4) from the Neighbourhood Development “ND” Zone to the Single Residential “R3” Zone;

5. That the owner/applicant shall conduct an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading or 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; and,

6. That the owner/applicant shall agree through the required consent agreement to the inclusion of the following noise warning clause in all purchase for sale and/or lease agreements:

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

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

DATED AT HAMILTON this 11th day of July, 2007.
THE DATE OF GIVING OF THIS NOTICE OF DECISION IS July 18th, 2007. HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (July 18th, 2008) 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 7th, 2007.

THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

NOTE:

The owner/applicant should be made aware that Glover Access Road has been renamed as Watercrest Drive on June 13th, 2007 by City Council and registered on June 20th, 2007 - By-law, 07-182.

Based on this application being approved by the Committee of Adjustment, and all conditions being completed, the applicant will be required to obtain a municipal number(s) at the time of applying for a building permit(s) for the newly created lot(s). Please contact Paul Toffoletti 905-546-2424 Ext. 4348 Development Planning, Legislative Approvals.
COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. SC/B-07:76
SUBMISSION NO. B-76/07

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 101 Saabreaze Crescent, formerly in the City of Stoney Creek, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent Aldo Bertolile on behalf of the owners Frank and Nancy Muraca, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter P13, so as to permit the conveyance of a parcel of land (Part 2 on sketch) having a frontage of 15.86m (52' 3''), and an area of 533m² (5,757sf) containing a portion of an existing dwelling and attached garage for single family residential purposes, and to retain a parcel of land (Part 1 on sketch) having a frontage of 18m (59' 1''), and an area of 605m² (6,612sf) containing a portion of an existing dwelling for single family residential 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 submit a Deposited Ontario Land Surveyor’s Reference Plan to the Development Planning East Team.

3. That the owner/applicant apply for and receive final approval of a Zoning Amendment Application to re-zone the severed lands (Part 2) from the Neighbourhood Development “ND” Zone to the Single Residential - Two “R2” Zone.

4. The applicant shall demolish all or an appropriate portion of the building straddling the proposed property line to the satisfaction of the Planning and Economic Development Department (Building Services Division). This demolition is subject to the issuance of a demolition permit from this department in the regular manner.

5. That the owner/applicant shall conduct an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading or 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.

6. That the owner/applicant shall agree through the required consent agreement to the inclusion of the following noise warning clause in all purchase for sale and/or lease agreements:

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

...2
7. The owner enters into and registers a Consent Agreement with the City of Hamilton for the proposed development.

8. That the Owner shall pay their fair share for the "as-constructed" municipal servicing and roadway construction costs along Glover Access Road based on their percentage of frontage which abuts the improvements to the City of Hamilton.

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

10. That the owner submit to the Committee of Adjustment Office an administration fee of $15.00, payable to the City of Hamilton, to cover the cost of setting up a new tax account for the newly created lot.

DATED AT HAMILTON this 11th day of July, 2007.

M. Dudzic, Chairman

V. Abraham

C. Lewis

D. Serwatuk

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS July 18th, 2007.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (July 18th, 2008) 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 7th, 2007.

THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

NOTE:

The owner/applicant should be made aware that Glover Access Road has been renamed as Watercrest Drive on June 13th 2007 by City Council and registered on June 20th 2007 - By-law. 07-182.

Based on this application being approved by the Committee of Adjustment, and all conditions being completed, the applicant will be required to obtain a municipal number(s) at the time of applying for a building permit(s) for the newly created lot(s). Please contact Paul Toffoletti 905-546-2424 Ext. 4348 Development Planning, Legislative Approvals.
COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT

LAND SEVERANCE

APPLICATION NO. SC/B-07:77
SUBMISSION NO. B-77/07

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 101 Saubrouza Crescent, formerly in the City of Stoney Creek, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent Aldo Berlingieri on behalf of the owners Frank and Nancy Muraca, 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 12.2m x 33.95m (111.38') for single family residential purposes, and to retain a vacant parcel of land (Part 4 on sketch) measuring 12.2m x 33.95m (111.38') for single family residential 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 submit a Deposited Ontario Land Surveyor’s Reference Plan to the Development Planning East Team.

3. That the owner/applicant apply for and receive final approval of a Zoning Amendment Application to re-zone the severed lands (Part 2) from the Neighbourhood Development “ND” Zone to the Single Residential - Two “R2” Zone.

4. The applicant shall demolish all or an appropriate portion of the building straddling the proposed property line to the satisfaction of the Planning and Economic Development Department (Building Services Division). This demolition is subject to the issuance of a demolition permit from this department in the regular manner.

5. That the owner/applicant shall conduct an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading or 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.

6. That the owner/applicant shall agree through the required consent agreement to the inclusion of the following noise warning clause in all purchase for sale and/or lease agreements:

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

....2
7. The owner enters into and registers a Consent Agreement with the City of Hamilton for the proposed development.

8. That the Owner shall pay their fair share for the "as-constructed" municipal servicing and roadway construction costs along Glover Access Road based on their percentage of frontage which abuts the improvements to the City of Hamilton.

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

10. 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 cost of setting up new tax accounts for the newly created lots.

DATED AT HAMILTON this 11th day of July, 2007.

M. Dodzic, Chairman

V. Abraham

C. Lewis

D. Serwatuk

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS July 18th, 2007.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (July 18th, 2008) 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 7th, 2007.

THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

NOTE:
The owner/applicant should be made aware that Glover Access Road has been renamed as Watercrest Drive on June 13th 2007 by City Council and registered on June 20th 2007 - By-law, 07-182.

Based on this application being approved by the Committee of Adjustment, and all conditions being completed, the applicant will be required to obtain a municipal number(s) at the time of applying for a building permit(s) for the newly created lot(s). Please contact Paul Toffolletti 905-546-2424 Ext. 4348 Development Planning, Legislative Approvals.