SUBJECT: Application for a Change in Zoning for the Property Located at 589 Fifty Road (Stoney Creek) (PED05147) (Ward 11)

RECOMMENDATION:

That approval be given to Zoning Application ZAC-05-85, Scott and RoseMarie DeVries, owner, for a change in zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R1” Zone, to permit the development of ten single family lots for the lands known municipally as 589 Fifty Road (Stoney Creek), as shown on Appendix “A” to Report PED05147, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED05147, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.

(b) That the amending By-law be added to Schedule “A”, Map No. 4, of Zoning By-law No. 3692-92.

(c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the City of Stoney Creek Official Plan.
EXECUTIVE SUMMARY:

The purpose of the application is for a change in zoning to permit the development of the lands for ten single family lots, in accordance with approved Consent Applications SC/B-05:08-12.

The proposed change in zoning has merit and can be supported as it conforms to the Official Plan of the City of Stoney Creek; it would establish Single Residential “R1” zoning consistent with the adjacent properties to the south with frontage on Fifty Road, in addition to the “R1” lots that are located west of the subject property; and, it would implement the approved severances.

BACKGROUND:

Proposal

The purpose of the application is for a change in zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R1” Zone, for a parcel of land fronting onto Fifty Road, in order to permit ten single family lots. Of the proposed ten lots, one contains an existing single detached dwelling, while the remaining nine would accommodate new single detached dwellings, in accordance with approved Consent Applications SC/B-05:8-12. The lot containing the existing dwelling would have an approximate lot frontage of 50.0 metres, with an area of 1,650.0 square metres. The remaining nine proposed lots would have frontages of approximately 18.0 metres, with lot areas ranging from approximately 1,270.0 to 1,290.0 square metres. (See Appendix “C” to Report PED05147).

Consent Applications SC/B-05:08-12

Consent Applications SC/B-05:8-12 were approved on February 16, 2005 (see attached Appendix “D”). The purpose of the applications was to create ten single detached residential lots with frontage on Fifty Road, one lot containing an existing dwelling and nine remaining lots to be used for single family residential. As noted in Appendix “D”, the applications were approved subject to conditions, including the subject rezoning.

Details of Submitted Application

Owner: Scott and RoseMarie DeVries
Agent: Phelps Homes Ltd.
Location: 589 Fifty Road, Stoney Creek
Description:
Frontage: 212.26m (Fifty Road)
Depth: 71.93m
Area: Approximately 13,245.0m² (1.32ha)

Servicing:
Full municipal services

EXISTING LAND USE AND ZONING

<table>
<thead>
<tr>
<th>Subject Lands</th>
<th>Existing Land Use</th>
<th>Existing Zoning</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>Vacant (Future Single Detached Dwellings)</td>
<td>Single Residential “R1” Zone</td>
</tr>
<tr>
<td>East</td>
<td>Single Detached Dwellings</td>
<td>Single Residential “R1-13” and Rural Residential “RR” Zones</td>
</tr>
<tr>
<td>West</td>
<td>Vacant (Future Single Detached Dwellings)</td>
<td>Single Residential “R1-7” Zone</td>
</tr>
</tbody>
</table>

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 Provincial Policy Statement (PPS) provides direction of provincial interest related to land use planning and development. This application has been reviewed with respect to
the Provincial Policy Statement. Staff recognizes that the application is consistent with the policies that focus growth in settlement areas.

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. Staff notes that as a condition of consent approval for the related applications, SC/B-05:8-12, an archaeological assessment was required (Appendix “D”, Condition 5).

Lastly, Policy 1.1.1(c) outlines that healthy, liveable and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns. The application has identified two above ground fuel storage tanks on-site. Staff notes that as a condition of consent approval for the related applications, SC/B-05:8-12, the greenhouses are required to be removed and/or demolished, which would include the accessory fuel tanks (Appendix “D”, Condition 3).

Hamilton-Wentworth Official Plan

The subject property is designated “Urban” in the Hamilton-Wentworth Official Plan. Policy 3.1 of the Plan outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. As well, the Urban Areas are intended to accommodate approximately ninety-six percent (96%) of new residential housing units in the Region to the year 2020. Furthermore, the Plan establishes a land use strategy for the Urban Area that consists of a compact urban form including mixed use areas.

Therefore, as the nature of the application is for the rezoning of the subject lands to facilitate residential development, the proposal conforms with the intent 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 Secondary Plan, in the Official Plan for the City of Stoney Creek. As such, Policies 13.4.9 and 13.4.10 state:

“A.13.4.9 New residential development shall complement existing low profile residential uses in the Fifty Point Neighbourhood. In this regard, and
notwithstanding the provisions of Policy A.1.2.12(a) of this Plan, residential development in areas designated on Schedule ‘A4’ as Low Density Residential shall not exceed a density of 13 units per net residential hectare west of Fifty Road. A gradation of lot sizes will be established in the plans of subdivision with larger lots being located closer to Lake Ontario west of Fifty Road. In no case shall lots with a lot frontage less than 15 metres be permitted. A lot having less than 18 metres of frontage shall only be permitted within 500 metres of Baseline Road. The implementing Zoning By-law shall make provisions to establish single detached lots having a lot area of approximately 900 square metres with a minimum lot frontage of approximately 18 metres.

A.13.4.10 In order to maintain the unique character of the Fifty Point Neighbourhood, special design features shall be provided on lands designated Low Density Residential on Schedule A4 west of Fifty Road. These design features shall include, but not be limited to, decorative street lamps, enhanced boulevard landscaping and increased front yards and side yards. Final determination of the yard requirements will be made by the City at the time of its review of the zoning and subdivision applications. Also, a variety of house styles with different architectural details shall be encouraged and reviewed during the draft plan of subdivision process.”

The ten proposed lots maintain a minimum lot frontage of 18.0 metres, as well as a minimum lot area of 1,200.00 square metres maintaining the intent of Policy A.13.4.9.

With regards to Consent Applications, SC/B-05:8-12, Condition 6 states that specifications for building elevations shall be submitted and included as part of the Consent Agreement which implements the intent of Policy A.13.4.10 noted above. In addition, items such as decorative street lamps and enhanced boulevard landscaping will also be addressed through the Subdivision Agreement (Appendix “D”, Condition 7).

As such, the proposal conforms to both the “Residential” and “Low Density Residential” designations of the Official Plan.

**Neighbourhood Plan**

The subject lands are designated “Low Density Residential” in the Fifty Point Neighbourhood Plan which was approved by Council on July 23, 1991. The proposal conforms to this designation.
CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The following Departments and Agencies had no comments or objections:

- Public Works Department (Operations and Maintenance Section).
- Public Works Department (Strategic and Environmental Planning Section).
- Hamilton Conservation Authority.

Corporate Services Department (Budgets, Taxation and Policy Division) has advised that there are outstanding Municipal Act charges, totalling $28,813.00.

Public Works Department (Transit) has advised that public transit service is presently provided by Trans-Cab from the Hamilton Street Railway fixed route transfer point at Stoney Creek Municipal Service Centre on Jones Road, no Sunday or Holiday service is provided at present, and development densities, in addition to the desire of the municipality to continue to levy transit taxes, will determine whether this area eventually receives fixed route bus service.

Public Health and Community Services Department (Health Protection Branch) has advised that they have no objection to the application. The applicant should be aware that should a septic tank and/or a water well exist on the property, it is necessary to remove them in accordance with the Ministry of Environment Guidelines.

PUBLIC CONSULTATION:

The Public Participation Policy, adopted by Council on May 29, 2003, states that preliminary circulation shall not be required if the application is part of the implementation of another application, such as a consent application, which has been approved within one year of other public involvement and participation opportunities. The property was the subject of Consent Applications, SC/B-05:8-12, which included public involvement. No public concerns were expressed during the consent application process. On this basis, the application was exempted from the preliminary circulation requirements. A Public Notice sign was posted on the subject lands in early September and, to date, no phone calls or letters have been received.

CITY STRATEGIC COMMITMENT:

The proposed zone change is consistent with the objectives of sustainable development in that it will increase the local housing supply in the community in a manner that makes efficient use of existing services and infrastructure. The proposal would not have any negative environmental, social, or economic impacts, meeting the Strategic Goals of the City of Hamilton.
COMMENTS:

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

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

   (ii) It conforms with the “Residential” and “Low Density Residential” designations of the City of Stoney Creek Official Plan.

   (iii) It conforms with the “Low Density Residential” designation in the approved Fifty Point Neighbourhood Plan.

   (iv) The proposed change in zoning satisfies the condition of approval of Consent Applications SC/B-05:8-12, approved by the Committee of Adjustment in February 2005 (Appendix “D”, Condition 2).

2. The Single Residential “R1” Zone requires a minimum interior lot area of 650.0 square metres, with a minimum lot frontage of 18.0 metres. All of the ten proposed lots maintain the minimum requirements in accordance with the Zone.

3. There are full municipal services available to service the lands on Jones Road.

4. All issues pertaining to grading, drainage, servicing, and land dedication will be addressed through a Subdivision Agreement imposed as a condition of approved Consent Applications SC/B-05:8-12 (Appendix “D”, Condition 7).

CONCLUSION:

Based on the foregoing, the application for a change in zoning can be supported.

:SM
Attachs. (4)
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property Located at 589 Fifty 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 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 05- of Report of the Planning and Economic Development Committee at its meeting held on the day of , 2005, 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. Map No. 4 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended by changing the zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R1” Zone, on the lands 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 "R1" 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 , 2005.

_____________________________   ______________________________
MAYOR                        CLERK

ZAC-05-85
Schedule "A"

Map Forming Part of By-Law No. 05-
to Amend By-Law No. 3692-92

Subject Property
589 Fifty Road

Change in zoning from Neighbourhood Development "ND" Zone to Single Residential "R1" Zone.

Scale: Not to Scale
Date: September 2005
Planner/Technician: SM/LC

T&C File Name: zac-05-85_schedule_a.cdr
Appendix 'D' to Report PED05147 (Page 1 of 10)

Committee of Adjustment
City Hall
7th floor, 71 Main Street West
Hamilton ON L8P 4Y9
Telephone (905) 546-3424, ext. 4221
Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. SC/B-05:08
SUBMISSION NO. B-08/05

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 589 Fifty Road, formerly in the City of Stoney Creek, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent S. Llewellyn and Associates Limited on behalf of the owners Rosemarie and Scott DeVries, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a parcel of land (Lot 2 on sketch) measuring 18.00m x 71.40m (254m²) containing an existing greenhouse for single family residential purposes, and to retain a parcel of land (Lot 1 on sketch), being irregular in shape, and having a frontage of 50.20m (164.94m²), and an area of 1,654.41m² (17,808 ft²) 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 apply for and receive final approval of a rezoning application to rezone the property from the Neighbourhood Development “ND” Zone to the Single Residential “R1” Zone;

3. That the existing greenhouse be removed and/or demolished;

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

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 Development and Real Estate and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements; and,

6. That the owner/applicant submit specifications for building elevations which demonstrate that a variety of housing styles, with varied architectural features, will be constructed to the satisfaction of the Director of Development and Real Estate, which are to be included as a Schedule or Appendix to the Consent Agreement.

7. That the owner enter into a Subdivision Agreement with the City of Hamilton for the purposes of lot grading, construction of a municipal sidewalk and recovery of all outstanding servicing costs.

CERTIFIED A TRUE COPY

SECRETARY-TREASURER
8. That the owner dedicate sufficient land to the City of Hamilton from the entire frontage of the conveyed and retained lands to establish the designated road allowance width of Fifty Road at 26.21 m.

9. That the owner/applicant pay the sewer rate and connection fee imposed under By-Law No. 02-307 (Fifty Road) to Corporate Services, Budgets & Finance Section, City Hall.

10. The applicant shall receive final approval of any variances (side yard for the existing dwelling on the lands to be retained) from the requirements of the Zoning By-Law as determined necessary by the Planning and Development Department (Building & Licensing Division).

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

DATED AT HAMILTON this 16th day of February, 2005.

M. Dudzić, Chairman

V. Abraham

C. Lewis

D. Serwatuk

D. Delullo

D. Drury

R. Nairn

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS February 23rd, 2005. HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (February 23rd, 2006) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 52(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS March 16th, 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-05:09
SUBMISSION NO. B-09/05

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 559 Fifty Road, formerly in the City of Stoney Creek, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent S. Llewellyn and Associates Limited on behalf of the owners Rosemarie and Scott DeVries, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, as so to permit the conveyance of a parcel of land (Lot 4 on sketch) measuring 18.00m² (59±²) x 71.5m² (234±²) containing an existing greenhouse for single family residential purposes, and to retain a parcel of land (Lot 3 on sketch) measuring 18.00m² (59±²) x 71.4m² (234±²) containing an existing greenhouse 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 apply for and receive final approval of a zoning application to rezone the property from the Neighbourhood Development “ND” Zone to the Single Residential “R1” Zone;

3. That the existing greenhouse be removed and/or demolished;

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

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 Development and Real Estate and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements; and,

6. That the owner/applicant submit specifications for building elevations which demonstrate that a variety of housing styles, with varied architectural features, will be constructed to the satisfaction of the Director of Development and Real Estate, which are to be included as a Schedule or Appendix to the Consent Agreement.

CERTIFIED A TRUE COPY

SECRETARY - TREASURER
7. That the owner enter into a Subdivision Agreement with the City of Hamilton for the purposes of lot grading, construction of a municipal sidewalk and recovery of all outstanding servicing costs.

8. That the owner dedicate sufficient land to the City of Hamilton from the entire frontage of the conveyed and retained lands to establish the designated road allowance width of Fifty Road at 26.21 m.

9. That the owner/applicant pay the sewer rate and connection fee imposed under By-Law No. 02-397 (Fifty Road) to Corporate Services, Budgets & Finance Section, City Hall.

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

DATED AT HAMILTON this 16th day of February, 2005.

M. Dudzic, Chairman

V. Abraham

C. Lewis

D. Serwatuk

D. Delullo

D. Drury

R. Nairn

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS February 23rd, 2005. HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (February 23rd, 2006) 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 15th, 2005.

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.
IN THE MATTER OF the Premises known as Municipal number 589 Fifty Road, formerly in the City of Stoney Creek, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent S. Llewellyn and Associates Limited on behalf of the owners Rosemarie and Scott DeVries, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapters P13, so as to permit the conveyance of a parcel of land (Lot 6 on sketch) measuring 18.00m x 71.9m (234.94a) containing an existing greenhouse for single family residential purposes, and to retain a parcel of land (Lot 5 on sketch) measuring 18.00m x 71.9m (234.94a) containing an existing greenhouse 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 apply for and receive final approval of a rezoning application to rezone the property from the Neighbourhood Development “ND” Zone to the Single Residential “RT” Zone;

3. That the existing greenhouse be removed and/or demolished;

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

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 Development and Real Estate and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements; and,

6. That the owner/applicant submit specifications for building elevations which demonstrate that a variety of housing styles, with varied architectural features, will be constructed to the satisfaction of the Director of Development and Real Estate, which are to be included as a Schedule or Appendix to the Consent Agreement.

7. That the owner enter into a Subdivision Agreement with the City of Hamilton for the purposes of lot grading, construction of a municipal sidewalk and recovery of all outstanding servicing costs.

CERTIFIED A TRUE COPY
SECRETARY-TREASURER
3. That the owner dedicate sufficient land to the City of Hamilton from the entire frontage of the conveyed and retained lands to establish the designated road allowance width of Fifty Road at 26.21 m.

9. That the owner/applicant pay the sewer rate and connection fee imposed under By-Law No. 92-307 (Fifty Road) to Corporate Services, Budgets & Finance Section, City Hall.

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

DATED AT HAMILTON this 16th day of February, 2005.

M. Dultzic, Chairman

V. Abraham

C. Lewis

D. Serwatuk

D. Delullo

D. Drury

R. Nairn

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS February 23rd, 2005. HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (February 23rd, 2005) 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 15th, 2005.

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.
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 589 Fifty Road, formerly in the City of Stoney Creek, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent S. Llewellyn and Associates Limited on behalf of the owners Rosemarie and Scott DeVries, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a parcel of land (Lot 8 on sketch) measuring 18.00m² (59’6”) x 71.7m² (235’2”) containing an existing greenhouse for single family residential purposes, and to retain a parcel of land (Lot 7 on sketch) measuring 15.00m² (59’6”) x 71.6m² (234.9’2”) containing an existing greenhouse 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 apply for and receive final approval of a rezoning application to rezone the property from the Neighbourhood Development “ND” Zone to the Single Residential “R1” Zone;

3. That the existing greenhouse be removed and/or demolished;

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

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 Development and Real Estate and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements; and,

6. That the owner/applicant submit specifications for building elevations which demonstrate that a variety of housing styles, with varied architectural features, will be constructed to the satisfaction of the Director of Development and Real Estate, which are to be included as a Schedule or Appendix to the Consent Agreement.

7. That the owner enter into a Subdivision Agreement with the City of Hamilton for the purposes of lot grading, construction of a municipal sidewalk and recovery of all outstanding servicing costs.
8. That the owner dedicate sufficient land to the City of Hamilton from the entire frontage of the conveyed and retained lands to establish the designated road allowance width of Fifty Road at 26.21 m.

9. That the owner/applicant pay the sewer rate and connection fee imposed under By-Law No. 02-307 (Fifty Road) to Corporate Services, Budgets & Finance Section, City Hall.

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

DATED AT HAMILTON this 16th day of February, 2005.

M. Dudzic, Chairman

V. Abraham

C. Lewis

D. Serwatuk

D. Delullo

D. Drury

R. Nairn

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS February 23rd, 2005. HEREBIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (February 23rd, 2005) 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 15th, 2005.

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.
Committee of Adjustment
City Hall
7th floor, 71 Main Street West
Hamilton, ON L8P 0J9
Telephone (905) 546-2444, ext. 4233
Fax (905) 546-4000

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION
APPLICATION FOR CONSENT LAND SEVERANCE
APPLICATION NO. SC/B-05-12
SUBMISSION NO. B-12/05

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 589 Fifty Road, formerly in the City of Stone Creek, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent S. Llewellyn and Associates Limited on behalf of the owners Rosemarie and Scott DeVries, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a parcel of land (Lot 10 on sketch) measuring 18.066m² (59’1”) x 71.8m² (235.5’²) containing an existing greenhouse for single family residential purposes, and to retain a parcel of land (Lot 9 on sketch) measuring 18.00m² (59’4”) x 71.8m² (235.5’²) containing an existing greenhouse 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 apply for and receive final approval of a rezoning application to rezone the property from the Neighbourhood Development “ND” Zone to the Single Residential “R1” Zone;

3. That the existing greenhouse be removed and/or demolished;

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

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 Development and Real Estate and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements; and,

6. That the owner/applicant submit specifications for building elevations which demonstrate that a variety of housing styles, with varied architectural features, will be constructed to the satisfaction of the Director of Development and Real Estate, which are to be included as a Schedule or Appendix to the Consent Agreement.

7. That the owner enter into a Subdivision Agreement with the City of Hamilton for the purposes of lot grading, construction of a municipal sidewalk and recovery of all outstanding servicing costs.

CERTIFIED A TRUE COPY

SECRETARY TREASURER
8. That the owner dedicate sufficient land to the City of Hamilton from the entire frontage of the conveyed and retained lands to establish the designated road allowance width of Fifty Road at 26.21 m.

9. That the owner/applicant pay the sewer rate and connection fee imposed under By-Law No. 02-307 (Fifty Road) to Corporate Services, Budgets & Finance Section, City Hall.

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

11. That a Site and Grading Plan be submitted to the satisfaction of Hamilton Conservation Authority staff, illustrating the building envelope, all grading and drainage details, the drainage feature with associated buffer as well as appropriate sediment and erosion controls to be installed.

DATED AT HAMILTON this 16th day of February, 2005.

M. Duddic, Chairman

V. Abraham

C. Lewis

D. Serafetuk

D. Delillo

D. Drury

R. Naim

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS February 23rd, 2005. HEREFIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (February 23rd, 2006) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 55(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS March 15th, 2005.

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