SUBJECT: Application for a Change in Zoning for Lands Located at the Rear of 481 and 483 Glover Road (Stoney Creek) (PED07209) (Ward 11)

RECOMMENDATION:

That approval be given to Amended Zoning Application ZAR-07-015, by Dan Gabriele, owner, for a change in Zoning from the Rural Residential “RR” Zone (Block 1) and the Neighbourhood Development “ND” Zone (Block 2) to the Single Residential “R4-19” Zone, to permit the future development of three single detached dwellings on separate lots for lands located at the rear of 481 and 483 Glover Road (Stoney Creek), as shown on Appendix “A” to Report PED07209, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED07209, 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. 2, 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 three single detached dwellings on separate lots having frontage on Palacebeach Trail.

The proposed changes in zoning have merit and can be supported as they conform to the Hamilton-Wentworth Official Plan, the City of Stoney Creek’s Official Plan and the approved Trillium Neighbourhood Plan. The proposal is compatible with existing and planned land uses in the surrounding area. In addition, approval of the application fulfills a condition of approval for Consent Application SC/B-07:44.

BACKGROUND:

Proposal

The applicant has applied for changes in zoning from the Rural Residential “RR” Zone (Block 1) and the Neighbourhood Development “ND” Zone (Block 2) to the Single Residential “R4-19” Zone for lands located at the rear of 481 and 483 Glover Road (see Appendix “A”). Approval of the proposal will fulfill a condition of approval for Consent Application SC/B-07:44 (see Appendix “D” – Condition #4), which creates three lots having frontage onto Palacebeach Trail. The land to be conveyed (severed lot) will have a frontage of approximately 10.16 metres and a lot area of approximately 325.88 square metres. The retained parcels of land will be configured with the northerly lot having a frontage of approximately 10.16 metres and a lot area of approximately 325.61 square metres; and the southerly lot having a frontage of approximately 10.16 metres and a lot area of approximately 326.07 square metres. Appendix “C” is a sketch of the proposal, which shows the new lots created through the approved Consent Application.

The applicant has also requested zoning modifications in order to:

- Reduce the minimum front yard setback from 6.0 metres to 3.0 metres (except 5.8 metres to an attached garage or carport).
- Require a maximum front yard setback of 4.5 metres (except 6.3 metres to an attached garage or carport).
- Reduce the minimum side yard setback from 1.25 metres to 1.2 metres (except 0.6 metres on the side of the dwelling containing an attached garage or carport, except for a side yard which abuts a flankage street).
- Reduce the minimum rear yard from 7.5 metres to 7.0 metres.
- Increase the maximum building height from 11 metres to 12.6 metres.
- Eliminate the maximum lot coverage provision of 40%.
• Reduce the setback for any unitary equipment to within 1 metre of any side lot line, instead of the minimum 2.5 metres to an interior side lot line, and 1.8 metres to a flankage side lot line.

Consent Application SC/B-07:44

Consent Application SC/B-07:44 (481 and 483 Glover Road) was approved by the Committee of Adjustment on May 16, 2007. The purpose of application SC/B-07:44 is to create two lots and retain one lot for single detached dwellings with frontage on Palacebeach Trail. The application was approved subject to conditions, including approval of the subject rezoning application (see Appendix “D” – Condition # 4).

Location: 481 and 483 Glover Road, Stoney Creek (see Appendix “A”)

Owner/Applicant: Dan Gabriele (Owner)

Property Description (total rezoned lands):

Frontage: 30.48 metres on Palacebeach Trail
Depth: 32.16 metres
Area: 977.56 square metres

Servicing: Full municipal services on Palacebeach Trail

EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th></th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tbody>
<tr>
<td><strong>Subject Lands</strong></td>
<td>Vacant Land</td>
<td>Rural Residential “RR” Zone (Block 1) and Neighbourhood Development “ND” Zone (Block 2)</td>
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<tr>
<td><strong>Surrounding Land Uses</strong></td>
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<tr>
<td>North</td>
<td>Vacant</td>
<td>Single Residential “R3-22” Zone</td>
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<td>South</td>
<td>Vacant</td>
<td>Multiple Residential “RM3” Zone</td>
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<td>East</td>
<td>Residential - Single detached dwellings</td>
<td>Rural Residential “RR” Zone</td>
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<tr>
<td>West</td>
<td>Vacant</td>
<td>Neighbourhood Development “ND” Zone</td>
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1. The proposal has merit and can be supported for the following reasons:

(i) It is consistent with the Provincial Policy Statement.

(ii) It conforms to the Hamilton Wentworth Official Plan.

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

(iv) It conforms with the “Low Density Residential” designation in the approved Trillium Neighbourhood Plan.

(v) The proposed changes in zoning satisfy a condition of approval for Consent Application SC/B-07:44, which was approved by the Committee of Adjustment on May 16, 2007 (see Appendix “D” – Condition #4).

(vi) The proposed development is considered to be compatible with the existing and planned development in the immediate area.

2. The applicant has requested modifications to the Single Residential “R4” Zone that relate to: building setbacks, building height, lot coverage, and the location of unitary equipment, which are discussed below:

Building Setbacks

The applicant is proposing a minimum front yard setback of 3.0 metres, except 5.8 metres to an attached garage or carport, whereas the “R4” Zone provisions require a minimum front yard setback of 6.0 metres. Also, the applicant is proposing a maximum front yard setback of 4.5 metres, except 6.3 metres to an attached garage or carport. The proposed reductions can be supported as they are consistent with the special provisions applied to the adjoining “R3-22” zoned lands to the north and west. Also, the proposal has been reviewed against the provisions of the Stoney Creek Zoning By-law, in which the minimum parking space depth is 5.8 metres. As such, staff is satisfied that there would be sufficient space for parking and landscaping.

The applicant is proposing a minimized 1.2 metre side yard setback and 0.6 metres on the side of the dwelling containing an attached garage or carport, except for a side yard which abuts a flankage street, whereas the “R4” Zone provisions require a minimum side yard setback of 1.25 metres. The purpose and intent of the By-law is to require minimum side yard setbacks in order to ensure that there is adequate space for maintenance and drainage. Consent Application SC/B-07:44 contains a specific condition of approval (see Appendix “D” – Condition #2), which requires the owner to enter into and register a consent agreement with the City. This must be cleared prior to the finalization of the severance. As part of the consent agreement, the owner will be required to...
submit a grading plan, prepared by a professional engineer, outlining how the subject properties will handle storm water drainage. As such, approval of the grading plan will ensure that there is adequate space for drainage and staff is satisfied that there is adequate space for maintenance.

The applicant is proposing a 7.0 metre rear yard setback, whereas the “R4” Zone provisions require a minimum rear yard setback of 7.5 metres. This reduction is considered to be minor and can be supported.

**Building Height**

The applicant is proposing a maximum building height of 12.6 metres, whereas the “R4” Zone provisions permit a maximum building height of 11 metres. The purpose and intent of the By-law is to permit maximum building heights in order to maintain a scale of development compatible with that existing and planned for the area. The proposed increase can be supported as the surrounding zones (Single Residential “R3-22” Zone and Single Residential “R5-9” - see Appendix “A”) permit a maximum building height of 12.6 metres. As such, the proposed building height is compatible with the scale of existing and planned development in the area and can be supported.

**Lot Coverage**

The applicant is proposing to eliminate the maximum lot coverage provision of 40%. The purpose and intent of the By-law is to require maximum lot coverage in order to ensure that there is adequate space on site for drainage, and to maintain a scale of development compatible with that existing and planned for the area. As noted earlier, a condition of approval for Consent Application SC/B-07:44 requires the owner to enter into and register a consent agreement with the City. As part of the consent agreement, the owner will be required to submit a grading plan, prepared by a professional engineer, outlining how the subject properties will handle storm water drainage. Staff is satisfied that the consent agreement process will ensure that there is adequate space for drainage. Also, the proposed building setbacks will ensure a scale of development compatible with that existing and planned in the area.

**Unitary Equipment**

The applicant is proposing a minimum side yard setback of 1 metre for unitary equipment, whereas the Stoney Creek Zoning By-law requires a minimum setback of 2.5 metres to an interior side lot line and a minimum setback of 1.8 metres to a flankage side lot line. Also, the proposal has been reviewed against the provisions of the City’s New Comprehensive Zoning By-law No. 05-200, in which the minimum side yard setback for unitary equipment is 0.6 metres. This reduction is considered to be minor and can be supported.
3. The proposal allows for a transition between the Single Residential “R3-22” Zone to the north and the Residential Multiple “RM3” Zone to the south along Palacebeach Trail. The proposed development is considered compatible with the scale and character of the existing and future residential uses planned for the area, since the proposed zoning requires a compatible lot frontage, lot area, building height, and setbacks to those existing in the surrounding neighbourhood.

4. The subject property will have legal frontage on Palacebeach Trail, which is to be constructed in conjunction with the future Bridgeport Phase 3 (draft plan of subdivision 25T-200309) development. Once constructed, full municipal services will be available along Palacebeach Trail.

**ALTERNATIVES FOR CONSIDERATION:**

In the event Council does not support the proposed modification in zoning, the conditions of Consent Application SC/B-07:44 will not be satisfied and the Committee of Adjustment Approval will lapse. The lands would then be subject to the existing regulations in the Rural Residential “RR” Zone and the Neighbourhood Development “ND” Zone.

**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 policy direction of provincial interest related to land use planning and development. The Planning Act requires that, in exercising any authority that affects planning matters, planning authorities shall be consistent with policy statements issued under the Act. The application is consistent with the Provincial Policy Statement.

Policy 2.6.2 of the PPS 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 that maintains the heritage integrity of the site will be permitted. Consent Application SC/B-07:44 contains a specific condition of approval (see Appendix “D” – Condition #6) for the
Archaeological assessment, which must be cleared prior to the finalization of the severance.

Policy 1.7.1(e) of the PPS outlines 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, and minimize risk to public health and safety. Due to the proximity of the subject lands to the Queen Elizabeth Expressway (QEW), Consent Application SC/B-07:44 contains a specific condition of approval (see Appendix "D" – Condition #7), which requires the owner to submit an acoustical report (prepared by a qualified engineer) in order investigate the noise levels on the site and determine the noise control measures that are satisfactory to the City in meeting the Ministry of the Environment’s recommended sound level limits. This condition must be cleared prior to the finalization of the severance.

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

The application is consistent with the intensification policies of the Growth Plan for the Greater Golden Horseshoe 2006. Section 2.2.2 indicates that population growth will be accommodated by directing a significant portion of new growth to the built-up areas of the community through intensification.

This application is consistent with the Growth Plan for the Greater Golden Horseshoe 2006, since it proposes to create additional residential units on a currently under-utilized site within the Urban Area.

**Hamilton-Wentworth Official Plan**

The subject lands are designated “Urban” in the Hamilton-Wentworth Regional Official Plan. Policy C-3.1 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. As the nature of the application is to amend the existing zoning designation to facilitate approved Consent to Sever Application (SC/B-07:44) to allow for residential development of the property, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

Policy B-9.2 states that the City shall consider the protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites, in the review of proposals for development and redevelopment. Where possible, these attributes will be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection. As outlined earlier, Consent Application SC/B-07:44 contains a specific condition of approval (see Appendix “D” – Condition #6) for the Archaeological Assessment, which must be cleared prior to the finalization of the severance.
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” – Trillium Neighbourhood, Urban Lakeshore Area Secondary Plan, in the City of Stoney Creek Official Plan. The following policies of the City of Stoney Creek Official Plan, among others, are applicable to the proposed development:

“A.1.2.1 The primary uses permitted in areas designated on Schedule “A” as RESIDENTIAL shall be for dwellings. The location and type of residential densities within these areas, however, shall conform with the relevant Secondary Plan provisions as specified under this Subsection, Subsection A.13, F.3 and other relevant policies of this Plan.

A.1.2.5 Any development shall be provided with full urban services including paved roads, municipal sanitary and storm sewers and piped water. In no case will development be approved where the agency having jurisdiction indicates that such services are not available or adequate to accommodate the intended development, unless otherwise specified in this Plan.

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

a) LOW DENSITY – approximately 1 to 29 units per Net Residential Hectare. This designation permits predominantly single family detached, duplex and semi-detached dwellings. These types of dwellings are to be generally located at the interior of Residential Neighbourhoods adjacent to local roads.

A.1.2.14 Within each of the Secondary Plan’s Residential Density designations outlined in Policy 1.2.12 of this Subsection, the Zoning By-law will restrict the uses of any site to one or more of the dwelling unit types permitted within that designation. Such restrictions will be implemented to preserve the character of a neighbourhood and to promote compatibility of dwelling unit types with surrounding existing and proposed land uses.”

The proposed three single detached dwellings will have legal frontage on Palacebeach Trail, which is to be constructed in conjunction with the future Bridgeport Phase 3 (draft plan of subdivision 25T-200309) development. Once constructed, full municipal urban services will be available along Palacebeach Trail. Consent Application SC/B-07:44 contains a specific condition of approval (see Appendix “D” – Condition #5) for the registration of the Bridgeport Subdivision Phase 3, which must be cleared prior to the finalization of the severance.

As outlined above, the “Low Density Residential” designation permits a Net Residential Density of approximately 1 to 29 units per hectare. The proposal will create a Net Residential Density of 30.7 units per hectare, which is slightly higher than the density
envisioned for the area. However, if the proposal is reviewed with the additional lands owned by the applicant (portion of 481 Glover Road fronting on Glover Road – see Appendix “A”), the total Net Residential Density is 24.4 units per hectare. As such, the proposal is consistent with the “Low Density Residential” designation.

Therefore, the proposal for single detached residential development conforms to the “Residential” and “Low Density Residential” designations within the City of Stoney Creek Official Plan.

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:

- Taxation Division (Corporate Services Department).
- Traffic Engineering & Operations Section (Public Works Department).
- Forestry & Horticulture Section (Public Works Department).
- Health Protection Division (Public Health Services).
- Strategic & Environmental Planning Section (Public Works Department).
- Transit Division (Public Works Department).
- Hamilton Conservation Authority.
- Ministry of Transportation Ontario.
- Horizon Utilities Corporation.
- Union Gas.
- Bell Canada.
- Hydro One Networks Inc.
- Hamilton-Wentworth District School Board.
- Hamilton-Wentworth Separate School Board.
- French Public School Board.
- French Catholic School Board.

The City’s Budgets and Finance Division (Corporate Services Department) has advised that the owner is required to pay the commutation amount of $3,211.83 for the Glover Road Municipal Act Sewer Project. Consent Application SC/B-07:44 contains a specific condition of approval (see Appendix “D” – Condition #8) that requires the owner to pay all outstanding taxes and/or all other charges owing to the City Treasurer, which must be cleared prior to the finalization of the severance.

Public Consultation

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, pre-circulation of the application was not required since the properties were also subject of a Consent Application in May 2007, which was a public process.
The consent application to sever the subject land to facilitate the development of three new single detached dwelling lots was provisionally approved by the Committee of Adjustment on May 16, 2007. No letters were received in response to the circulation of the severance applications, and no residents were in attendance at the Committee of Adjustment hearing. However, in accordance with the new provisions of the Planning Act, thirty-five (35) notices of complete application were mailed to all property owners within 120 metres of the subject property. To date, no submissions have been received.

Further, a Public Notice sign was posted on the property on May 23 2007, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

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<th>CITY STRATEGIC COMMITMENT:</th>
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<tr>
<td>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.</td>
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</tbody>
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**Community Well-Being is enhanced.** ☑ Yes ☐ No
The application creates a consistent and compatible built form and zoning on Palacebeach Trail.

**Environmental Well-Being is enhanced.** ☑ Yes ☐ No
Applying the principles of intensification and best use of available land.

**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

:DF
Attachs. (4)
Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: ZAR-07-015
Date: May 2nd 2007

Appendix "A"
Scale: N.T.S.
Planner/Technician: DF/MF

Subject Property
481 Glover Road

- Block 1 - Change in Zoning from the Rural Residential "RR" Zone to the Single Residential "R4-13" Zone.
- Block 2 - Change in Zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R4-13" Zone.
- Additional Lands Owned by Applicant.

Ward 11 Key Map
CITY OF HAMILTON

BY-LAW NO.  

To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Lands Located at the Rear of 481 and 483 Glover Road, Stoney Creek

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

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of 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 07- of Report of the Economic Development & 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. 2 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 Rural Residential “RR” Zone to the Single Residential “R4-19” Zone, the land comprised in Block “1”; and,

   (b) by changing the zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R4-19” Zone, the land comprised in Block “2”;
the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That Subsection 6.5.7, “Special Exemptions”, of Section 6, Single Residential “R4” Zone, of Zoning By-law No. 3692 (Stoney Creek), be amended by adding a new special exemption, “R4-19”, as follows:

“R4-19” - 481 and 483 Glover Road, Schedule “A”, Map No. 2

Notwithstanding the provisions of paragraphs (c), (d), (e), (f) and (g) of Subsection 6.5.3 of the Single Residential “R4” Zone, on those lands zoned “R4-19” by this By-law, the following shall apply:

(c) Minimum Front Yard - 3 metres, except 5.8 metres to an attached garage or an attached carport;

Maximum Front Yard - 4.5 metres, except 6.3 metres to an attached garage or an attached carport;

(d) Minimum Side Yard - No part of any dwelling shall be located closer than 1.2 metres, except as provided in clause (i) below:

(i) The minimum side yard on the side of the dwelling containing an attached garage or attached carport may be 0.6 metres except for a side yard which abuts a flankage street;

(e) Minimum Rear Yard - 7.0 metres

(f) Maximum Building Height - 12.6 metres

(g) Maximum Lot Coverage - None

Notwithstanding the provision of Paragraph (a) of Section 4.16.1 - “Unitary Equipment”, on those lands zoned “R4-19” by this By-law, the following shall apply:

(a) Minimum Distance to any side lot line – 1.0 metres.

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 Single Residential “R4” Zone provisions, subject to 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 , 2007.

FRED EISENBERGER
MAYOR

KEVIN C. CHRISTENSON
CLERK

ZAR-07-015
This is Schedule "A" to By-Law No. 07-____
Passed the ........... day of .................., 2007

Schedule "A"
Map Forming Part of
By-Law No. 07-____
to Amend By-law No. 3692-92

Subject Property
481 Glover Road

- Block 1 - Change in Zoning from the Rural Residential "R6" Zone to the Single Residential "R4-19" Zone.
- Block 2 - Change in Zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R4-19" Zone.
- Additional Lands Owned by Applicant.
APPLICATION NO. SCIB-07-44
SUBMISSION NO. B-44/07

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 rear lands of municipal number 461 Glover Road, formerly in the City of Stoney Creek, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent Planning and Engineering Initiatives Ltd. on behalf of the owner 1973099 Ontario Inc. (Dan Gabriele), 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 attached sketch) measuring 10.16m (33.33') x 32.11m (105.34') for single family residential purposes and to retain two parcels of land; one (Part 2 on attached sketch) measuring 10.16m (33.33') x 32.08m (105.24') and the other (Part 3 on attached sketch) measuring 10.16m (33.33') x 32.14m (105.44') for single family residential purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application IS APPROVED for the following reason:

1. That the said application is in the opinion of the Committee of Adjustment Office, unless exempted by the Land Registrar.

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

3. That the owner/applicant submit a Deposited Ontario Land Surveyor's Reference Plan to the Development Planning East Team;

4. That the owner/applicant receive final approval of Rezoning Application ZAR-07-015;

5. That the Bridgeport Subdivision Phase 3, 2ST-200309, be registered.

6. 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,

7. That the owner/applicant shall investigate the noise levels on the site and determine the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment's recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Development and Real Estate.

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

CERTIFIED, A TRUE COPY
SECRETARY-TREASURER
NOTES (To be included in decision):

1. 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 Toffoli at 905-545-2442 Ext. 4348 Development and Real Estate Dept., Legislative Approvals.

2. Staff note that the applicant will be required to pay cash-in-lieu of parkland dedication at the time of a Building Permit application for the newly created lot(s), based on the value of the lands as of the day before Building Permit issuance.

DATED AT HAMILTON this 16th day of May, 2007.

M. Dudic, Chairman

V. Abraham

C. Lewis

D. Serwatuk

D. DeLillo

D. Drury

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS May 23rd, 2007. HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (May 23rd, 2008) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(4)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS June 12th, 2007.

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