

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 15
COMMITTEE DATE: March 20, 2012	
SUBJECT/REPORT NO: Application for Amendment to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 17 Howard Boulevard (Flamborough) (PED12022) (Ward 15)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Daniel Barnett (905) 546-2424, Ext. 4445
SIGNATURE:	

RECOMMENDATION:

That approval be given to **Amended Zoning Application ZAR-11-058, by Marc and Lisa Cardinali Owners**, for a change in zoning from the Urban Residential (Single Detached) "R1-6" Zone to the Urban Residential (Single Detached) "R1-58" Zone, with a Special Exception, to facilitate the creation of one additional single detached residential dwelling lot, on lands located at 17 Howard Boulevard (Flamborough), as shown on Appendix "A" to Report PED12022, on the following basis:

- a) That the draft By-law, attached as Appendix "B" to Report PED12022, 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 Section 6 of Zoning By-law No 90-145-Z as "R1-58".

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- (c) That the proposed change in zoning conforms to the Places to Grow Plan, is consistent with the Provincial Policy Statement, and is in conformity with the Hamilton-Wentworth Official Plan, the Town of Flamborough Official Plan, and New Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The purpose of this application is for a change in zoning to facilitate a condition of severance required through approval of Application FL/B-11:34, which sought to divide the existing single detached residential dwelling lot in order to create one additional lot for a new single detached residential dwelling.

The proposal has merit and can be supported, as it is consistent with the Provincial Policy Statement, and conforms to the Places to Grow Plan, the Hamilton-Wentworth Official Plan, and the Town of Flamborough Official Plan. The proposed rezoning is considered to be compatible with existing development in the surrounding area.

Alternatives for Consideration - See Page 14.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: None.

Staffing: None.

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

HISTORICAL BACKGROUND (Chronology of events)

Severance Application FL/B-11:34:

On May 11, 2011, the applicant submitted an application for severance in order to divide the lands located at 17 Howard Boulevard to create one new, single detached residential dwelling lot. Through the review of the severance application, it was noted that the proposed lots would not comply with the By-law requirements of the Urban Residential (Single Detached) "R1-6" Zone with respect to lot frontage or lot area, for either lot, and for side yard setback for the existing dwelling on the lands to be retained. As a consequence, given the nature and scale of the required modifications to the existing performance standards, staff required, as a condition of consent approval, that the applicant receive approval of an application for rezoning. The severance application was brought before the Committee of Adjustment on June 9, 2011, and was approved

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subject to the requested conditions, which included, among others, that the applicant apply for and receive rezoning approval (see Appendices “C” and “E”).

Proposal

The subject property is zoned Urban Residential (Single Detached) “R1-6” Zone Modified. The subject property has a lot frontage of 34.4 metres on Howard Boulevard, and has a lot area of 1,392.9 sq. m. The lands to be severed (Part 1) will have a lot frontage of 17m and a lot area of 689.9 sq. m., and the lands to be retained (Part 2) will have a lot frontage of 17.3m and a lot area of 701 sq. m. (see Appendix “D”).

Chronology

- September 13, 2011: The applicant submits an application for rezoning in order to facilitate a condition of Severance Application FL/B-11:34.
- September 30, 2011: The application for rezoning was deemed to be complete.
- October 20, 2011: A notice of complete application was mailed to all residents within 120m of the subject property.

Details of Submitted Application

Location: 17 Howard Boulevard (Flamborough)

Owner: Marc and Lisa Cardinali

Applicant: Marc Cardinali

Property Description:

Frontage: 34.44m

Lot Depth: 40.46m

Area: 1,393.44 sq. m.

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Single Detached Residential Dwelling	Urban Residential (Single Detached) "R1-6" Zone
<u>Surrounding Lands:</u>		
West	Single Detached Residential Dwelling	Urban Residential (Single Detached) "R1-6" Zone
North	Single Detached Residential Dwelling	Urban Residential (Single Detached) "R1-6" Zone
East	Single Detached Residential Dwelling	Urban Residential (Single Detached) "R1-6" Zone
South	Single Detached Residential Dwelling	Urban Residential (Single Detached) "R1-2" Zone

POLICY IMPLICATIONS

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS) policies that contribute to the development of healthy, liveable, and safe communities, as contained in Section 1.1.1. The subject lands are considered to be within a Settlement Area, as defined by the PPS. As such, the application is consistent with Policy 1.1.3.1 with respect to focusing growth and regeneration within existing Settlement Areas. As the proposal is to facilitate a severance for the creation of one additional single detached residential dwelling within the Urban Area, the proposal is consistent with the Provincial Policy Statement.

Provincial Growth Plan for the Greater Golden Horseshoe

The application has been reviewed with respect to the Provincial Growth Plan for the Greater Golden Horseshoe (Places to Grow).

The application conforms with the policies that manage growth within the built up area, as per the policies contained in Section 2.2.2 of the Places to Grow Plan.

Hamilton-Wentworth Official Plan

The subject property is designated “Urban Area” in the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban uses, determined through Area municipal Official Plans and based on full municipal services, will be concentrated in the Urban Area. Policy 3.1.1 encourages compact, mixed-use to ensure people are close to shopping and their workplace, and that growth can be accommodated within the existing Urban Area.

As the proposal is to facilitate a severance for the creation of one additional single detached residential dwelling within the Urban Area, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

Town of Flamborough Official Plan

The subject property is designated “Urban Residential” in the Town of Flamborough Official Plan, which permits detached and semi-detached single dwellings, low to medium density linked multiple unit dwellings, apartment units, converted dwellings, quadraplex dwellings, shared accommodation, rooming and boarding houses, and other suitable forms of dwellings.”

“A.2 Objectives:

- To ensure that new Urban Residential development or redevelopment is compatible with the existing and proposed development.”

The above objectives are to be achieved through satisfying, in particular, the following policies:

“E.3.2.1 Residential Intensification involves the creation of additional housing units, generally in existing areas. Intensification may include conversion and the creation of additional units, infilling, redevelopment, and temporary mobile dwellings, which are defined as follows:

- ii) Infilling is the use of vacant land for new residential development either by adding a new unit to an individual site or on newly created lots or sites, predominately in built-up areas.”

As the proposal is to facilitate the creation of one additional residential lot within the built-up area, the proposal would be considered residential intensification in the form of infill development.

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The following policy provides the context in which to assess the appropriateness of the proposed development:

“E.3.2.4 Infilling, as defined in Section E.3.2, may be permitted on lands designated Settlement Residential and in the Urban Area, subject to consideration of the following, where applicable:

- i) As a concept and guideline for the consideration of infilling and applications in the Urban Area, compatibility means mutually tolerant and capable of existing together in harmony in the same area. Compatibility should not be narrowly interpreted to mean “the same as” or even as “being similar to”. In the final analysis, the goal of this policy is to allow for intensification which does not cause an unacceptable impact upon the exiting neighbourhood.”

The proposal is required to facilitate an additional dwelling unit that, subject to the recommended performance standards, would be mutually tolerant and exist in harmony with the character of the area in general, and the lot fabric and scale of units within the area in particular.

- “ii) When considering infilling development, regard will be had to the following criteria to determine the compatibility of the proposal:
 - a. Lot size, building setback, density, and the height and mass of buildings in the surrounding area;
 - b. Impact on the existing streetscape and landscape, and opportunities to maintain and/or enhance the existing streetscape.”

As the proposal is to create one additional single detached residential dwelling, and as the lands to be severed will have a lot frontage of 17m and a lot area of 689 sq. m., and lands to be retained will have a lot frontage of 17.3m and a lot area of 703 sq. m. (which is similar in size to other lots within the area that have lot frontages of 18m and lot areas of 815 sq. m., and another with a lot frontage of 18m and a lot area of 575 sq. m.), staff considers the proposal to be compatible with the character of the surrounding area and conform to the policies of the Town of Flamborough Official Plan.

New Urban Hamilton Official Plan (Under Appeal)

The Urban Hamilton Official Plan received Ministerial Approval from the Ministry of Municipal Affairs and Housing on March 16, 2011, and is currently under appeal.

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The subject property is designated as “Neighbourhoods in the New Urban Hamilton Official Plan.

“E.3.2.1 Areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.

E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 - Urban Land Use Designations:

- a) Residential dwellings, including second dwelling units and housing with supports.”

As the proposal is to facilitate the creation of one additional single detached residential lot, the proposal conforms to Policy E.3.2.3.

“E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 - Residential Intensification and other applicable policies of this Plan.”

As the proposed lands to be severed and lands to be retained will be similar in size and scale to other residential lots in the neighbourhood, the proposed lots will enhance and be compatible to the scale and character of the existing residential neighbourhood.

“F.1.14.3.1 Consents for new lot creation, for both the severed and retained lands, for residential uses in the Neighbourhoods designation shown on Map E-1 - Urban Land Use Designation, shall be permitted provided the following conditions are met:

- d) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy, and overview;
- e) The lots are fully serviced by municipal water and wastewater systems; and,
- f) The lots have frontage on a public road.”

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As the proposal is to facilitate a severance for the creation of one additional single detached residential dwelling, and as the lands to be severed and lands to be retained have access to full municipal water and waste water systems, have access to a public road, and reflect the general scale and character of the established pattern in the surrounding area with respect to lot frontage, lot area, building height, lot coverage, mass, privacy, and overview, staff considers that the proposal would conform to the policies of the New Urban Hamilton Official Plan.

RELEVANT CONSULTATION

Agencies/Departments Having no Comment or Objections

- Forestry and Horticulture Section, Public Works Department.
- Operations and Waste Management Division, Public Works Department.
- Environment and Sustainable Infrastructure Division, Public Works Department.
- Traffic Engineering and Operations Section, Public Works Department.
- Recreation Division, Community Services Department.
- Hamilton Municipal Parking System.

Public Consultation

In accordance with Council's Public Participation Policy, as additional modifications were requested that were not identified through the severance application, this application was pre-circulated to 94 property owners within 120 metres of the subject lands. A Public Notice Sign was also posted on the subject lands at that time. To date, staff has received no letters of objection, but has received 5 letters of support (see Appendix "F").

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

1. The proposal has merit and can be supported for the following reasons:
 - i) It is consistent with the Provincial Policy Statement and conforms to the Places to Grow Plan, the Hamilton-Wentworth Official Plan, Town of Flamborough Official Plan, and New Urban Hamilton Official Plan.
 - ii) It is compatible with the type and form of development in the surrounding neighbourhood.
 - iii) It implements a condition of approval for Severance Application FL/B-11:34 (see Appendix "C" - Condition 4).

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2. The subject property is located within the Urban Area of Waterdown, on the west side of Howard Boulevard and South of Dundas Street East. There is an existing single detached dwelling located on the south side of the property, on the lands identified in the attached Appendix “D”, as the “lands to be retained (Part 2).

The subject property is Zoned Urban Residential (Single Detached) “R1-6” Zone Modified, which requires that residential lots have a minimum lot area of 1,390 sq. m. and a minimum lot frontage of 30m. The proposed lands to be severed (Part 1) (see Appendix “D”) will have a lot area of 689.98 sq. m. and a lot frontage of 17m, whereas the lands to be retained (Part 2) (see Appendix “D”) will have a lot area of 703.01 sq. m. and a minimum lot frontage of 17.4m.

The northerly and southerly side yard setback of 1.1m for the existing dwelling on the lands to be retained will not comply with the required 3m side yard setback. The lands to be retained will not comply with the maximum lot coverage requirement of 15%, and will have a maximum lot coverage of 26%, while the applicant has proposed a maximum lot coverage of 40% for the lands to be severed. The applicant has also requested a reduction to the side yard setback from 3m to 1.2m for the lands to be severed (Part 1). Staff does not support the proposed reduction for the side yard setback for (Part 1) for the reasons discussed below, and instead, recommend a minimum side yard setback of 1.8m. A list of the requested By-law modifications are detailed below.

Requested By-law Modification:

<u>Retained:</u>	<u>Severed:</u>	<u>Required:</u>
i) <u>Lot Area:</u> 703 sq. m. (minimum)	i) <u>Lot Area:</u> 689 sq. m. (minimum)	i) <u>Lot Area:</u> 1,390 sq. m. (minimum)
ii) <u>Lot Frontage:</u> 17.4m (minimum)	ii) <u>Lot Frontage:</u> 17.0m (minimum)	ii) <u>Lot Frontage:</u> 30m (minimum)
iii) <u>Lot Coverage:</u> 25.9% (maximum)	iii) <u>Lot Coverage:</u> 39.9% (maximum)	iii) <u>Lot Coverage:</u> 15% (maximum)
iv) <u>Side Yard Setback:</u> 1.1m (minimum)	iv) <u>Side Yard Setback:</u> 1.2m (minimum)	iv) <u>Side Yard Setback:</u> 3m (minimum)

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The site-specific modifications to the “R1-6” Zone will be discussed in the following section:

Lot Area:

Section 6.3.6 a), of the Town of Flamborough Zoning By-law 90-145-Z, states that a minimum lot area of 1,390 sq. m. is required. The intent and purpose of the large lot area requirement is to maintain the character of the area, to ensure that a suitable sized dwelling with sufficient amenity space can be established, and to maintain adequate space for the provision of private services.

The proposed lot area of 703 sq. m. for the lands to be retained and 689 sq. m. for the lands to be severed are required in order to facilitate Condition 4 of Severance Application FL/B-11:34 (see Appendix “C”). The proposed lots will be of sufficient size to maintain the existing dwelling on the lands to be retained and to ensure that a suitable sized dwelling can be established on the lands to be severed. The lands to be severed and lands to be retained will be similar in size to the properties at 22 Howard Boulevard and 12 Howard Boulevard, which have lot areas of approximately 800 sq. m., and will be larger than the lot at 2 Orchard Drive, which has a lot area of approximately 575 sq. m. The lots have access to full municipal services and, therefore, do not require a 1,390 sq. m. lot area for the provision of private services. Therefore, the proposed 703 sq. m. lot area for the lands to be retained and 689 sq. m. lot area for the lands to be severed will be compatible with the streetscape character of the area.

Lot Frontage:

Section 6.3.6 b), of the Town of Flamborough Zoning By-law 90-145-Z, states that a minimum lot frontage of 30m is required. The intent and purpose of requiring a large lot frontage is to maintain the streetscape character of the area, to ensure a suitable size dwelling can be accommodated on site, and to maintain adequate space for the provision of private on-site services.

The proposed lot frontage of 17.3m for the lands to be retained, and 17m for the lands to be severed, are required in order to facilitate Condition 4 of Severance Application FL/B-11:34 (see Appendix “C”). The proposed lots will be of sufficient size to maintain the existing dwelling on the lands to be retained and to ensure that a suitable sized dwelling can be established on the lands to be severed. The lands to be severed and lands to be retained will be similar in size to the properties at 22 Howard Boulevard and 2 Orchard Drive, which have lot frontages of approximately 18m. The lots have access to full municipal services and do not require a 30m wide lot for the provision of private services. Therefore, the proposed 17.3m lot frontage for the lands to be retained and 17m

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lot frontage for the lands to be severed will be compatible with the streetscape character of the area.

Lot Coverage:

Section 6.3.6 d), of the Town of Flamborough Zoning By-law 90-145-Z, states that a maximum lot coverage of 15% is permitted. The applicant has requested that this be modified to 26% for the lands to be retained, and to 40% for the lands to be severed. The intent and purpose of permitting a maximum lot coverage of 15% is to maintain the streetscape character of the area, to provide adequate private services, and adequate on-site drainage.

As previously mentioned, the “R1-6” Zone was established for the area prior to full municipal services being established, and sufficient land was required to remain undeveloped in order to facilitate private services. As the property has access to full municipal services, a maximum 15% lot coverage is not required for the provision of private services.

With respect to drainage, the lot coverage of the lands to be retained will have a lot coverage of 26%, and the lot coverage of the lands to be severed are proposed to have a lot coverage of 40%. Therefore, neither lot will exceed the 40% lot coverage, which is the maximum lot coverage permitted without a Stormwater Management Report, as outlined in Section 2.4.3.4 of the Development Engineering Guidelines. Furthermore, the applicant is required, as a condition of consent, to enter into a Consent Agreement with the City, through which the applicant must demonstrate that the proposed lots can be properly drained.

With respect to streetscape character, the By-law modification for the lands to be retained is to permit the existing dwelling to remain on the newly severed lot. As the dwelling will be similar in size to other dwellings in the area, it will maintain the streetscape character of the area. With respect to the lands to be severed, the proposed 40% lot coverage is required to implement the construction of a dwelling with a side yard setback of 1.2m. As noted below, staff does not support a side yard setback of 1.2m, and instead recommends a side yard setback of 1.8m, which would reduce the lot coverage of the proposed dwelling to 37%. As additional lot coverage could be added to the rear of the dwelling without encroaching into the required rear yard setback, a 40% lot coverage can be maintained, and along with the 1.8m side yard setback, it is the opinion of staff that the proposed 40% lot coverage will maintain the character of the area and can, therefore, be supported.

Side Yard Setback:

Section 6.3.6 e) of the Town of Flamborough Zoning By-law 90-145-Z, states that a minimum side yard setback of 3m is required. The applicant has requested this be reduced to a 1.1m side yard setback for the lands to be retained, and a 1.2m side yard setback for the lands to be severed. The intent and purpose of requiring a 3m side yard setback is to maintain the streetscape character of the area, and to maintain adequate space for access, maintenance, and drainage.

The existing dwelling on the lands to be retained has a southerly side yard setback of 1.1m, and will maintain a northerly side yard setback of 1.2m from the new property line. In order to comply with the required 3m side yard setback, a larger northerly side yard setback would have been required, which would have required that the lands to be severed be reduced in size to 15.2m wide with a lot area of 616.5 sq. m. In balancing the impact upon character, it was considered more appropriate to reduce the required side yard, as opposed to further reducing the required lot frontage of the lands to be severed, which would have not been in keeping with the character of the area.

On this basis, it is noted, however, that the reduction to the southerly and northerly side yard setback should only be applied to the dwelling existing on the date of the passing of the By-law. Should the existing dwelling be demolished at some future date, any new dwelling would be required to comply with the 1.8m side yard setback proposed by staff.

With respect to the lands to be severed, it is the opinion of staff that a 1.2m side yard setback would not reflect the character of the neighbourhood. While there is no uniform side yard setback in the area, larger side yard setbacks tend to be more common, and the large side yard setbacks contribute to the streetscape character. The "R1-6" Zone requires a minimum lot width of 30m, and the required 3m side yard setback comprises 10% of the width of the lot. In order to maintain the character of the area, staff recommends that a minimum side yard setback of 1.8m be required which, based on the proposed 17m lot width, would comprise approximately 10% of the width of the lot. It is the opinion of staff that a 1.8m side yard setback will maintain adequate space for access, maintenance, and drainage, and will maintain the streetscape character of the area. It is noted that the applicant does not agree with the position of staff, and maintains the request for a 1.2m side yard. For the reasons stated above, staff does not support that request and recommends that a 1.8m side yard setback be established.

Height:

The applicant previously requested a change to the maximum height requirement of 8.2m required under Section 6.3.6 c) of the Town of Flamborough Zoning By-law 90-145-Z, and requested a maximum height of 10.5m. The applicant has since indicated that a modification to the maximum height requirement is no longer required. Therefore, the maximum height of 8.2m will be brought forward from the “R1-6” Zone to the new Site-Specific Zone.

Gross Floor Area:

The Urban Residential (Single Detached) “R1-6” Zone restricts a dwelling to a maximum gross floor area of 186 sq. m. for a 1 or 1½-storey dwelling, and a maximum of 372 sq. m. for a 2-storey dwelling. The standard Urban Residential (Single Detached) “R1” Zone has no maximum gross floor area restriction. The provisions of the “R1-6” Zone will, therefore, be brought forward into the implementing By-law in order to ensure that the size and scale of a dwelling is compatible with the character of the area (see Appendix “B”).

3. The subject property meets three of the ten criteria used by the City of Hamilton and Ministry of Tourism and Culture for determining archaeological potential:
 - 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
 - 2) In an area of sandy soil in areas of clay or stone; and,
 - 3) In the vicinity of distinctive or unusual landforms.

The archaeological potential of the property was noted in the comments for Severance Application FL/B-11:34. Also, a note was included in the severance decision advising the applicant of the archaeological potential of the property and the applicant’s responsibility should archaeological resources be found on site during any excavation or construction work.

4. The subject property is within 179m of Dundas Street East, which will generate noise levels that can affect the existing dwelling and the proposed dwelling. In this regard, a noise warning clause, advising potential purchasers that there may be occasional noise impacts due to increasing road traffic, is to be included within the Consent Agreement for the subject lands through Consent Application FL/B-11:34.

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5. As already mentioned, the owner is required to enter into a Consent Agreement with the City as a condition of Consent Application FL/B-11:34. The Consent Agreement will deal with grading and drainage on the subject property. There is also an existing 200mm watermain, a 450mm storm sewer, and a 250mm sanitary sewer adjacent to the subject property to adequately service the site directly. Furthermore, as per Section 2.4.3.4 of the Development Engineering Guidelines, the proposed lot coverage cannot exceed 40% without the applicant demonstrating, through a Stormwater Management Report, how the additional stormwater runoff will be dealt with.

ALTERNATIVES FOR CONSIDERATION:

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

If the proposed rezoning application is not approved, the applicant would not be able to finalize Severance Application FL/B-11:34, and could continue to utilize the property for residential purposes in the form of one single detached dwelling.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

Financial Sustainability

- ◆ Effective and sustainable Growth Management.

Social Development

- ◆ Everyone has a home they can afford that is well maintained and safe.

Environmental Stewardship

- ◆ Reduced impact of City activities on the environment.
- ◆ Aspiring to the highest environmental standards.

Healthy Community

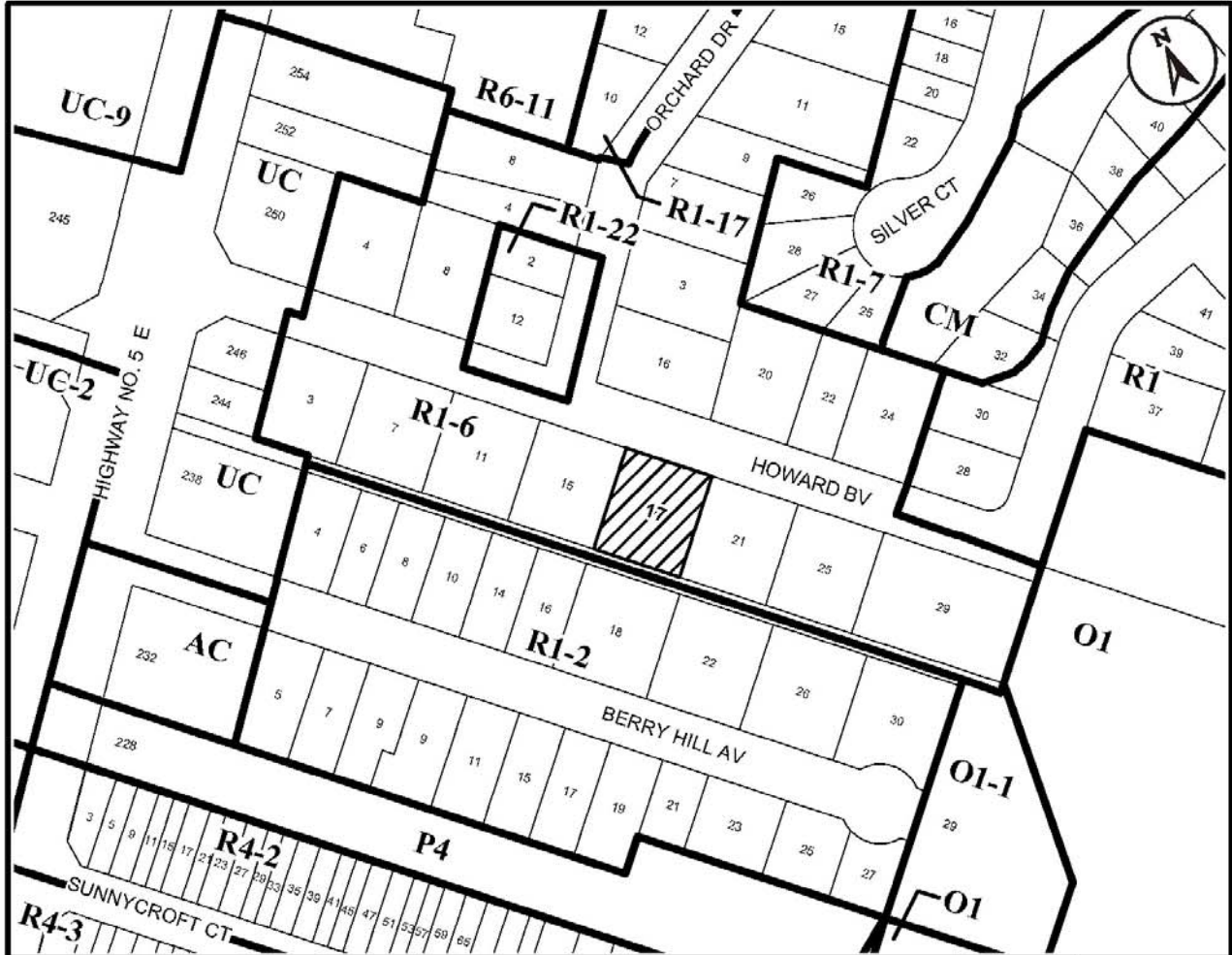
- ◆ Plan and manage the built environment.
- ◆ Adequate access to food, water, shelter and income, safety, work, recreation and support for all (Human Services).

APPENDICES / SCHEDULES

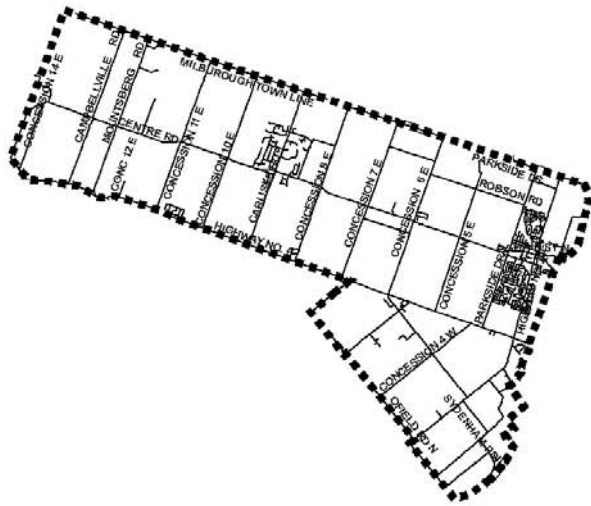
- Appendix "A": Location Map
- Appendix "B": Draft By-law and Schedule A Map
- Appendix "C": Decision for Severance Application FL/B-11:34
- Appendix "D": Concept/Survey Plan
- Appendix "E": Staff Comments for Severance Application FL/B-11:34
- Appendix "F": Letters of Support

:DB

Attachs. (6)



● Site of the Application



Ward 15 Key Map

N.T.S.

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAR-11-058

Date:
September 30, 2011

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
DB/AL

Subject Property

17 Howard Boulevard

Authority: Item [REDACTED]
Planning Committee
Report: 12-[REDACTED] (PED12022)
CM: [REDACTED]
Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

**To Amend Zoning By-law No. 90-145-Z (Flamborough), as Amended,
Respecting Lands located at 17 Howard Boulevard (Flamborough)**

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 Town of Flamborough" 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. 90-145-Z (Flamborough) was enacted on the 5th day of November 1990, and approved by the Ontario Municipal Board on the 21st day of December, 1992;

AND WHEREAS the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 12-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2012, recommended that Zoning By-law No. 90-145-Z (Flamborough), be amended as hereinafter provided;

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

1. That Schedule No. A-30, attached to and forming part of Zoning By-law 90-145-Z (Flamborough), as amended, is hereby amended by changing the zoning from the "R1-6" (Urban Residential (Single Detached)) Zone to the "R1-58" (Urban Residential (Single Detached)) Zone, Modified; the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That the "R1" (Urban Residential (Single Detached)) District regulations, as contained in Section 6 of Zoning By-law No. 90-145-Z, be modified to include the following special requirements:

"R1-58" (See Schedule A-30)

Permitted Uses:

- (a) Sub-section 6.1 shall apply.

Zoning Provisions:

- | | | |
|-----|---|--------------------|
| (a) | Lot Area (minimum) | 689 square metres. |
| (b) | Lot Frontage (minimum) | 17 metres. |
| (c) | Height (maximum) | 8.2 metres. |
| (d) | Lot Coverage (maximum) | 40 per cent. |
| (e) | Side yard setback for a dwelling existing on the date of the passing of this By-law, being the [REDACTED] day of [REDACTED], 2012 (minimum) | 1.1 metres. |
| (f) | Side Yard Setback (minimum) | 1.8 metres. |

(g) Floor Space (maximum)

1 storey	186 square metres.
1-1/2 storeys	186 square metres on main floor.
2 storeys	372 square metres.

(h) All other zone provisions of Sub-section 6.2 shall apply.

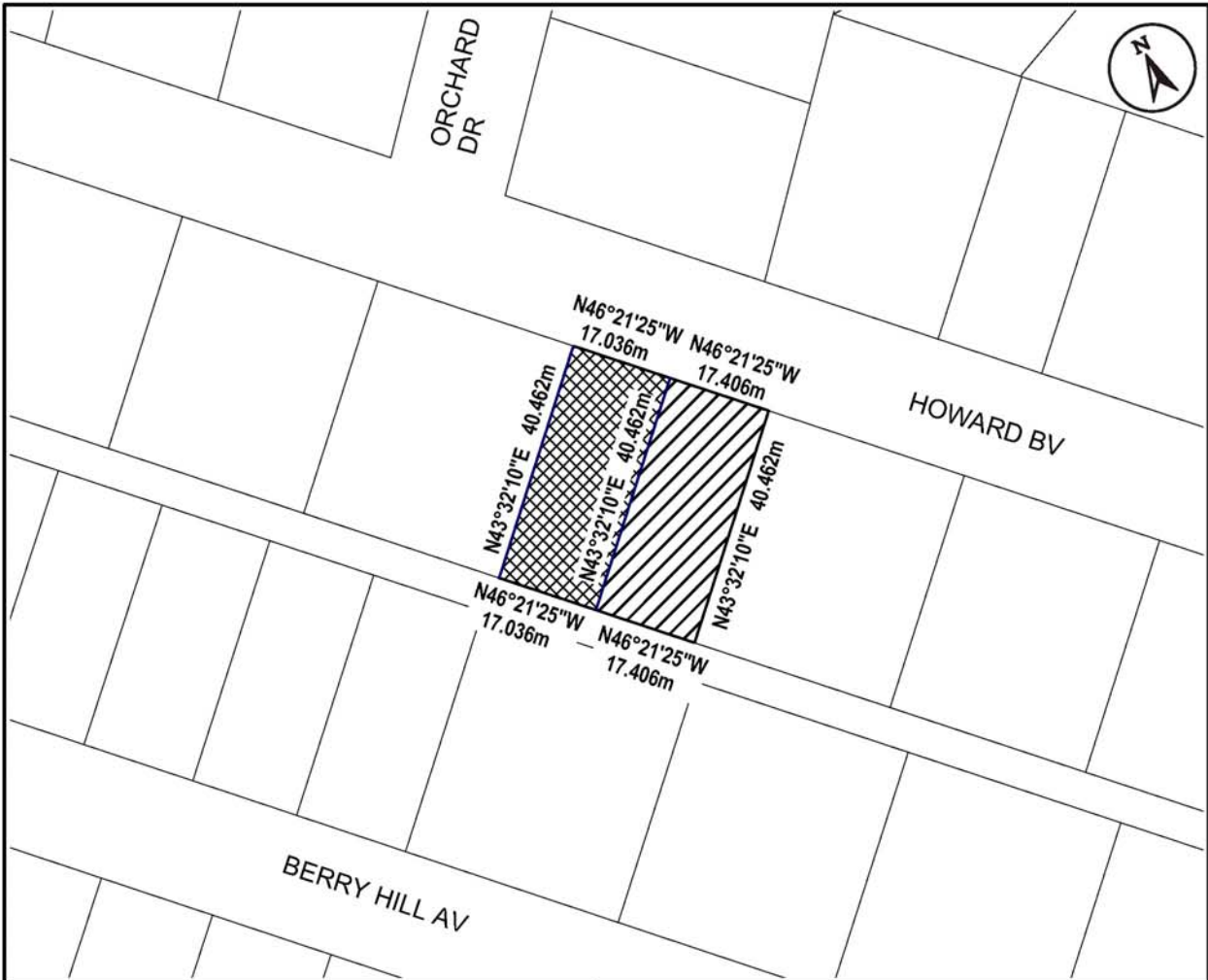
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this [REDACTED] day of [REDACTED], 2012.

R. Bratina
Mayor

Rose Caterini
Clerk

ZAR-11-058



This is Schedule "A" to By-Law No. 12-

Passed the day of, 2012

 Clerk


 Mayor


Schedule "A"

Map Forming Part of
 By-Law No. 12-_____

to Amend By-law No. 90-145-Z

Subject Property
 17 Howard Boulevard

 **Block 1:** Change in Zoning from the Urban Residential (Single Detached) "R1-6" Zone to the Urban Residential (Single Detached) "R1-58" Zone

 **Block 2:** Change in Zoning from the Urban Residential (Single Detached) "R1-6" Zone to the Urban Residential (Single Detached) "R1-58" Zone

Scale: N.T.S.	File Name/Number: ZAR-11-058	 Hamilton
Date: Dec. 13, 2011	Planner/Technician: DB/MB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		



Committee of Adjustment
Hamilton City Hall
71 Main Street West, 5th floor
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221
Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. FL/B-11:34
SUBMISSION NO. B-34/11

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 17 Howard Boulevard, formerly in the Town of Flamborough, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the owners Marc and Lisa Cardinali, 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 measuring 17.06m (55.97') x 40.46m (132.74') for single family residential purposes, and to retain a parcel of land measuring 17.37m (56.98') x 40.38m (132.48') containing an existing single family dwelling for residential purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out in paragraph three above, **IS APPROVED** for the following reasons:

1. The proposal does not conflict with the intent of the Hamilton-Wentworth and Town of Flamborough Official Plans.
2. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
3. The Committee considers the proposal to be in keeping with development in the area.

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/applicant shall include the following warning clause in the consent/development agreement and in all purchase and sale and/or lease/rental 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."
3. The owner shall submit a completed Change of Address form along with the required fee (\$250.00 for 2011) to the Growth Planning Section.
4. The owner/applicant shall receive rezoning approval to the satisfaction of the Manager of Development Planning.
5. The owner/applicant shall ensure compliance with Ontario Building Code requirements regarding separation distances to the satisfaction of the Planning and Economic Development Department (Building Services Division).
6. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Services Division).
7. The owner shall submit survey evidence that the existing structures located on both the lands to be conveyed and the lands to be retained conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Services Division).

FL/B-11:34
Decision
Page 2

8. The owner shall enter into, and register on the title of the lands, a Consent Agreement with the City of Hamilton to the satisfaction of the Manager of Engineering Design and Construction to deal with the grading and drainage on the subject lands. The applicant shall demonstrate to the satisfaction of the Manager of Engineering Design and Construction that all drainage from the site shall be taken to suitable outlet.
9. The owner shall submit to the Committee of Adjustment Office an administration fee of \$15.30, payable to the City of Hamilton, to cover the cost of setting up a new tax account for the newly created lot.
10. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

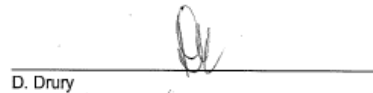
DATED AT HAMILTON this 9th day of June, 2011.


M. Dudzic, Chairman

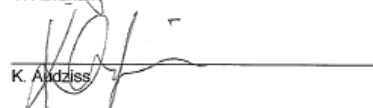

I. Dunlop


W. Pearce


L. Gaddy


D. Drury


V. Abraham


K. Addiss

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS June 16th, 2011.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (June 16th, 2012) 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 July 6th, 2011.

THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

NOTES:

1. Due to the lack of available municipal numbers between # 15 and #17 Howard Blvd, the existing dwelling on the land to be retained will be required to change their address from 17 to 19 Howard Blvd. An application will need to be filled out and returned to the Growth Planning Section with the applicable fee. Please contact 905-546-2424 ext. 4348 or ptoffole@hamilton.ca for a copy of the application.
2. The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances and the proponent is advised to conduct a Stage 1 and 2 archaeological assessment prior to such impacts in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Testing and Stage 4 Mitigation may be required as determined by the Ontario Ministry of Culture. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the Ministry of Culture.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Culture (MCL) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MCL and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).

June 9th, 2011

FL/B-11:34 (17 Howard Boulevard, Flamborough)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – West:

The applicant is proposing to sever the subject property in order to create one additional single detached residential dwelling lot.

Niagara Escarpment Plan

The subject lands are located within the Niagara Escarpment Plan Area and are designated as "**Urban Area**". Staff note, that the lands are located outside of the Niagara Escarpment Commission's Development Control Area.

Provincial Policy Statement

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

However, Policy 1.7.1 (e) 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. Staff note, that the subject lands are intended to be developed for residential purposes and are located within approximately 179 m from **Dundas Street East**. As such, should the Committee approve the subject application, staff require the fulfilment of condition No. 1 stated below.

Hamilton-Wentworth Official Plan

The subject property is designated as "**Urban Area**" within the Hamilton-Wentworth 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. These areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

The subject property meets three of the 10 criteria used by the City of Hamilton and Ministry of Tourism and Culture for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;

...../2

FL/B-11:34

Page 2

- 2) In an area of sandy soil in areas of clay or stone; and,
- 3) In the vicinity of distinctive or unusual landforms.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this severance is granted, staff require the fulfilment of condition No. 2 stated below.

Town of Flamborough Official Plan

The subject property is designated "Urban Residential" in the Town of Flamborough Official Plan. Policy A.2.1 states "The uses permitted in areas designated Urban Residential on Schedule "A", shall be: detached and semi-detached single dwellings; low to medium density linked multiple unit dwellings; apartment units; converted dwellings; quadruplex dwellings; shared accommodation; rooming and boarding house; and other suitable forms of dwellings."

Policy A.2.3(i) "Low Density – up to 26 units per Net Residential Hectare. This density range permits single detached, semi-detached and duplex dwellings, converted dwellings, shared accommodation, rooming and boarding houses and other similar forms of housing. Development at this density level shall be by plan of subdivision except when consent to sever is granted by the land Division Committee. Development proposed on the basis of a plan of subdivision shall be subject to the Town's Design Criteria for subdivision development.

Policy E.3.2.4 states "Infilling as defined in section E.3.2 may be permitted on lands designated Settlement Residential and in the Urban Area subject to consideration of the following, where applicable:

- i) As a concept and guideline for the consideration of infilling and applications in the Urban Area, compatibly means mutually tolerant and capable of existing together in harmony in the same area. Compatibility should not be narrowly interpreted to mean "the same as" or even as "being similar to". In the final analysis, the goal of this policy is to allow for intensification which does not cause an unacceptable impact upon the exiting neighbourhood."

As the proposal is to create one additional single detached residential dwelling lot with a density of approximately 15 units per hectare and as the proposed lots are compatible with the surrounding neighbourhood fabric, the proposal conforms to the policies of the Town of Flamborough Official Plan.

Town of Flamborough Zoning By-law

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The subject property is zoned Urban Residential (Single Detached) "R1-6" Zone in the Town of Flamborough Zoning By-law, to which the proposed use complies.

The "R1-6" Zone requires a minimum lot frontage of 30m and a minimum lot area of 1,390 sq. m. Neither the lands to be severed or lands to be retained will comply with the minimum lot area or lot frontage requirements and will, in fact, have a lot area and lot frontage of approximately half of what is required in the Zoning By-law. Furthermore staff cannot determine if the existing dwelling will comply with the minimum side yard setback requirement of 3m and the minimum lot coverage requirement of 15%. Therefore the applicant will be required to receive rezoning approval as a condition of consent.

The proposed lot size for both the lands to be severed and lands to be retained are similar in size to the lots located on Berry Hill Avenue, as well as similar in size to 12 and 22 Howard Boulevard and 2 Orchard Drive. Therefore, staff are of the opinion that the lots will be compatible with surrounding development.

Recommendation:

Staff recommends that the proposed severance be **Approved** subject to the following conditions:

Conditions:

- 1) That the owner/applicant agree to include the following warning clause in the consent/development agreement and in all purchase and sale and/or lease/rental 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) That the proponent shall carry out an archaeological assessment of the entire property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and the Ministry of Tourism and Culture confirming that all archaeological resource concerns have met licensing and conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Tourism and Culture.

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Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Tourism and Culture (MTC) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTC and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).

- 3) That the owner shall submit a completed Change of Address form along with the required fee (\$250.00 for 2011) to the Growth Planning Section.
- 4) That the owner/applicant receive rezoning approval to the satisfaction of the Manager of Development Planning.

NOTE (TO BE INCLUDED IN DECISION IF APPROVED):

1. Due to the lack of available municipal numbers between # 15 and #17 Howard Blvd, the existing dwelling on the land to be retained will be required to change their address from 17 to 19 Howard Blvd. An application will need to be filled out and returned to the Growth Planning Section with the applicable fee. Please contact 905-546-2424 ext. 4348 or ptoffole@hamilton.ca for a copy of the application.

Building Services Division:

The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Development Section of the Planning and Economic Development Department prior to the issuance of a building permit.

Variances for lot width and lot area will be required for zoning compliance for the lands to be severed and the lands to be retained. Further, variances for a northerly side yard may be required for zoning compliance for the lands to be retained.

In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.

Conditional Upon:

1. The applicant shall ensure compliance with Ontario Building Code requirements regarding separation distances to the satisfaction of the Planning and Economic Development Department (Building Services Division).
2. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Services Division).

...../5

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3. The owner shall submit survey evidence that the existing structures located on both the lands to be conveyed and the lands to be retained conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Services Division).

Development Engineering – West:

Information:

1. The existing road allowance width adjacent to the subject lands is 66 feet (20.117 m). The City of Hamilton does not require a road widening adjacent to the subject lands.
2. There is an existing 200 mm watermain, a 450 mm storm sewer, and a 250 mm sanitary sewer adjacent to the subject lands to service this site directly.
3. The owner will be required to enter into a consent agreement with the City Of Hamilton to deal with grading and drainage on the subject lands.

Recommendations:

1. That the owner enters into, and registers on the title of the lands, a Consent Agreement with the City Of Hamilton to the satisfaction of the Manager of Engineering Design and Construction to deal with the grading and drainage on the subject lands. The applicant shall demonstrate to the satisfaction of the Manager of Engineering Design and Construction that all drainage from the site shall be taken to suitable outlet.

Hamilton Municipal Parking System (Parking Services):

No concerns.

PUBLIC WORKS DEPARTMENT

Traffic, Engineering and Operations Division:

For the information of the owner/applicant, a separate access is required for both the severed parcel and the retained parcel. Details on the permit and construction of the access can be obtained through the offices of the Municipal Parking Systems at Extension 4578.

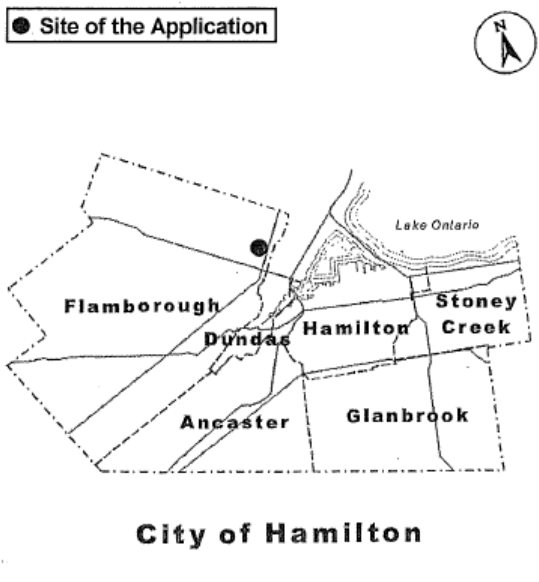
CORPORATE SERVICES:

...../6

FL/B-11:34
Page 6

Budgets, Taxation & Policy (outstanding taxes):

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



Committee of Adjustment

<p>Subject Property 17 Howard Boulevard</p> <p> Lands to be Retained Lands to be Severed </p>	<p>File Name/Number: FL/B-11:34</p>
	<p>Date: May 30, 2011</p>
	<p>Technician: KA</p>
	<p>Map Not to Scale</p>
	<p>Appendix "A"</p>
<p>Hamilton</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	

Marc Cardinali

From: McCarthys
Sent: January 10, 2012 6:51 PM
To: Paul.Mallard@hamilton.ca;
Subject: (no subject)

Paul: My parents live at 15 Howard Rd. in Waterdown, I am speaking on their behalf. They expect a new house next door, with set backs of 1.2 m. I understand the lot size is 55' x 132' = 7260 sq.ft. coverage of 39%.

We have no objection to these setbacks and wonder why there seems to be a new requirement of 3.m setbacks, which, has not been required of any other severances and rezoning in the immediate area.

It is my hope that Marc Cardinali be approved under the same requirements that have allowed the others to proceed. He has been a respected neighbor who has improved the home that he has resided in for many years.

If you have any questions or concerns please do not hesitate to call me at home or
Kind Regards
Jim McCarthy

Randy & Carol Gerritsen
20 Howard Blvd
Waterdown, Ont
L0R 2H4

February 6, 2012.

In Regards to Mr. Cardinali's Rezoning of 17 Howard Boulevard

To: Daniel Barnett
Cc: Paul Mallard

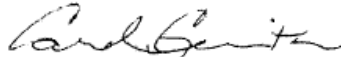
I am writing this letter to express my frustration towards the City planning staff. In 2002 my husband and I were against the 1.2m side yard minor variance that our former neighbour Dave Lowndes had applied for. We showed up to the committee meeting and voiced our opinion. It was still approved by the Committee and supported by the planning staff that this minor variance has no or little effect on the neighbourhood. Since then over time to think about it, we have learned that the area is changing and we accept and embrace that change.

I ask the city planners and those on the committee, "What is the difference with Mr. Cardinali's property 10 years later?" In our opinion there is no difference! Mr. Cardinali has been a great neighbour and his renovation has contributed to our neighbourhood. When Mr. Cardinali purchased the property he did extensive work to the property and the house. Many neighbours at the time were commenting positively on the clean up of the landscaping alone. The renovated house has great curb appeal and we are quite confident after viewing his current plan that he is continuing a beautiful look for this area.

My husband and I both feel that the people of this community should be treated equally. We both feel that a 1.2m side yard and a 40% lot coverage is suitable and fair since many others in the area have received this through rezoning or a minor variance in the past.

Please except our letter in support of Mr. Cardinali's rezoning for a 1.2m side yard and a 40% lot coverage area.

Sincerely,



Carol Gerritsen

You will receive more letters of support from neighbouring properties that are in support emailed to you at a later date.

Please take the time to review those letters as well.

From: john hauzar
Sent: Wednesday, February 08, 2012 8:39 PM
To: Barnett, Daniel
Cc: Mallard, Paul; Partridge, Judi
Subject: Re: 17 Howard Blvd.

John Hauzar
2 Orchard Dr
Waterdown, Ont.
L0R 2H4

To: Daniel Barnett
Cc Paul Mallard

Re: 17 Howard Blvd, Waterdown

In 1998, I was the owner of 12 Howard Blvd. My wife and I severed and rezoned 12 Howard Blvd to create our current property in which we reside in at 2 Orchard Dr. I had one conflict when going through my severance and rezoning which was a neighbouring property owner. Even with a neighbour against us the Planning Staff and the Committee supported the change in the area.

My wife and I continued through the process and in a timely fashion we met the conditions of severance and had a home constructed in the same year.

Last May 2011 our neighbour Gerald Aggus (former Flamborough Councilor) had met all his conditions of severance, and his property at 23 Orchard Dr was rezoned successfully. For the first time in the area a 46' lot width was approved with a 4 foot side yard. I have always expected that the lot minimum after severance and rezoning would be no less than 50 feet.

I have had conversations with Marc Cardinali, the owner of 17 Howard Blvd on numerous occasions. I am writing this letter to express my **support** for this property and it's reduced side yards of 4 feet. Marc was nice enough to share his design with us. My wife and I believe it will add to this community and more specifically this area of Howard Blvd and Orchard Dr.

My wife and I are very happy to have Marc and Lisa Cardinali as part of this neighbourhood. They have contributed to the area as soon as they purchased the property years back. They have renovated and cleaned up a property which once was "the street eye sore".

My wife and I have lived in this area for 17 years and we both welcome new homes built in this area, especially the well suited architectural home design Marc and Lisa Cardinali have planned to build.

Yours Truly,

John Hauzar

-----Original Message-----

From: Marc Cardinali [REDACTED]
Sent: Wednesday, February 08, 2012 9:59 AM
To: Barnett, Daniel
Cc: Mallard, Paul
Subject: !7 Howard Blvd

Daniel,

I have attempted to contact Councilor Judi Partridge to inform her of the issue(s) I have with my file and I am awaiting her call. Attached is a file that is a neighbouring property that has been granted a minor variance of a 1.2m side yard on the 20th of March, 2002. I am unsure if you have this information currently in the file. I am just doing what I can do on my part to further research what I have been told in the past when meeting with the planning staff before purchasing the property in 2004 and before I applied for severance and rezoning in 2011.

Included in the file are letters of neighbouring properties that are in support of a 1.2m side yard and a lot coverage area of 40%.

Lastly, I will send you an updated picture of the Committee Meeting sign with the correction today.

Thank you,

Marc



Hamilton

Planning and Economic
Development Department
Building Services Division

Mailing Address:
71 Main Street West, 3rd Floor
Hamilton, Ontario
Canada, L8P 4Y6
www.hamilton.ca/building

Facsimile

To: Mark Fax: 905-560-5803

From: Victoria Brito
71 Main St. W., 3rd Floor, Hamilton, ON, L8P 4Y5

Phone: 905-546-2424 Ext. Fax: 905-546-2764

Date: Feb 6/2012 Number of Pages: 3
(Including Cover Page)

Subject: Committee of Adjustment decisions for 22 Howard Blvd.

Please Note: The information contained in this facsimile message is privileged and confidential and is intended only for the use of the individual named above and others who have been specifically authorized to receive it. If you have received this communication in error, or if any problems occur with the transmission, please notify the sender immediately at the above-noted telephone number.

Message:

Hello Mark,

Please note, that there was no record of a
Committee of Adjustment decision in the property
file for 4 Orchard Drive.

↑
ANOTHER 1.2m property.

Yours truly,

**THE ^{New!}CITY OF
HAMILTON**

**COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE**

HOUSE

**APPLICATION NO. FL/A-02:37
SUBMISSION NO. A-37/02**

IN THE MATTER OF The Planning Act, R.S.O., 1990, c.P. 13, as amended and of the Zoning By-Law No. 90-145-Z, as amended, of the City of Hamilton (formerly Flamborough), Section(s) 6

AND IN THE MATTER OF Premises known as Part of lot 9, Registered Plan No. 894 (lands located immediately west of municipal number 24 Howard Boulevard), formerly in the Town of Flamborough, now in the City of Hamilton and in a "R1-6" (Urban Residential Single Detached) district;

AND IN THE MATTER OF AN APPLICATION by the owners David and Jennifer Lowndes, for relief from the provisions of the Zoning By-Law No. 90-145-Z, as amended, under Section 45(1) of The Planning Act, R.S.O. 1990, c. P. 13, so as to permit the erection of a single family dwelling notwithstanding that:

1. the floor space shall be 228.0 sq. m. instead of the maximum permitted floor space of 188.0 sq. m.;
2. the lot coverage shall be 25% instead of the maximum permitted lot coverage of 15%;
- ★ 3. the side yard setbacks shall be 1.2m instead of the minimum required side yard setback of 3.0m;
4. a minimum lot area of 836.10 sq. m. shall be provided instead of the minimum required 1,390.0 sq. m.; and,
5. a minimum lot frontage of 18.29m shall be provided instead of the minimum required 30.0m.

THE DECISION OF THE COMMITTEE IS:

★ → That the said application IS GRANTED for the following reasons:

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

DATED AT HAMILTON this 20th day of March, 2002.

DECISION SIGNED:

M. Dudzic (Chairman)

V. Abraham

D. Marden

D. Drury

C. Lewis

D. Sawatzki



4th floor, Suite 406, 77 James St. N.
Hamilton, ON L8P 3K3
Telephone (905) 846-3434 ext. 4221
Fax (905) 846-4222

**COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE**

SHED

**APPLICATION NO. FL/A-07:248
SUBMISSION NO. A-248/07**

IN THE MATTER OF The Planning Act, R.S.O., 1990, c.P. 13, as amended and of the Zoning By-Law No. 90-145-Z, as amended, of the City of Hamilton (formerly Flamborough), Sections 5 and 6.

AND IN THE MATTER OF the Premises known as Municipal number 22 Howard Boulevard formerly in the Town of Flamborough, now in the City of Hamilton and in an "R1-6" (Urban Residential Single Detached) district;

AND IN THE MATTER OF AN APPLICATION by the owners Jennifer & David Lowndes, for relief from the provisions of the Zoning By-Law No. 90-145-Z, as amended, under Section 45 of The Planning Act, R.S.O. 1990, c. P. 13, so as to legalize the existing 3.5m x 2.8m accessory structure (shed) notwithstanding that:

- 1) A northwest side yard to the wall of the accessory structure of 0.35m shall be provided instead of the minimum required side yard of 1.0m; and,
- 2) A northwest side yard to the eaves of the accessory structure of 0.15m shall be provided instead of the minimum required side yard of 0.35m.

THE DECISION OF THE COMMITTEE IS:

That the said application **IS GRANTED** for the following reasons:

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

Condition for Variance 2:

- 1) That the owner install and maintain an eaves trough along the northwest side of the existing shed to direct the flow water away from the northwest side lot line, to the satisfaction of the Manager, Engineering Design and Construction.

DATED AT HAMILTON this 4th day of October, 2007

M. Dudzic (Chairman)

L. Gaddy

C. Lewis

L. Tew

D. Drury

The period of appeal has expired and no such appeal has been filed.

THIS DECISION IS NOW FINAL AND BINDING (s. 43 of The Planning Act)

DEPOSED A True Copy Oct 25/07 TO THE ONTARIO MUNICIPAL BOARD

NOTE: THE LAST DATE ON WHICH AN APPEAL MAY BE FILED IS October 24th, 2007.

NOTE: This decision is not final and binding unless otherwise noted.

M. Morgan
Secretary

From: Andrew Richardson
Sent: Saturday, February 11, 2012 12:33 PM
To: Barnett, Daniel; Mallard, Paul; Partridge, Judi
Subject: 17 Howard Blvd.

We are writing this email at the request of and in support of the application to develop 17 Howard Blvd by Marc and Lisa Cardinali.

Our property abuts the rear property boundary of 17 Howard Blvd. The development will be in full view of our house and yard. We have been fully advised by Marc and Lisa of their plans throughout the process. We are fully aware that the development will have 1.2m side yards and these are being challenged by the planning department. We consider these plans to be consistent with the character of this neighborhood and a welcome addition.

We are fully in support of the application.

Yours Truly,

Andrew and Gennine Richardson
18 Berryhill Avenue
SS2 Waterdown, Ontario
L0R2H4