



**CITY OF HAMILTON**

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b> Chair and Members Planning Committee	<b>WARD(S) AFFECTED:</b> WARD 11
<b>COMMITTEE DATE:</b> June 19, 2012	
<b>SUBJECT/REPORT NO:</b> Application for Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for Lands Located at 76 Creanona Boulevard (Stoney Creek) (PED12108) (Ward 11)	
<b>SUBMITTED BY:</b> Tim McCabe General Manager Planning and Economic Development Department	<b>PREPARED BY:</b> Joe Muto (905) 546-2424, Ext. 7859
<b>SIGNATURE:</b>	

**RECOMMENDATION:**

- (a) That approval be given to **Official Plan Amendment Application OPA-12-002, by Bluescape Limited, Owner**, for Official Plan Amendment No. [REDACTED], to amend Schedule "A" General Land Use Plan and Schedule "A4" Urban Area Lakeshore Secondary Plan for a text amendment to permit reduced lot frontages, for lands located at the rear of 76 Creanona Boulevard (Stoney Creek), as shown on Appendix "A" (Block 2) to Report PED12108, on the following basis:
  - (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED12108, be adopted by City Council.
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan.

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- (b) That approval be given to **Zoning Application ZAC-12-006, by Bluescape Limited, Owner**, for changes in zoning to Stoney Creek Zoning By-law No. 3692-92 from the Single Residential “R2” Zone to the Single Residential “R2-60” Zone, with a Special Exception (Block 1), and from the Neighbourhood Development “ND” Zone to the Single Residential “R3-35” Zone, with a Special Exception (Block 2), in order to recognize the location of the existing single detached dwelling fronting onto Creanona Boulevard, and to facilitate the creation of 3 single detached dwelling lots fronting onto Montreal Circle, as shown on Appendix “A” to Report PED12108, on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED12108, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
  - (ii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the City of Stoney Creek Official Plan upon finalization of Official Plan Amendment No. [REDACTED].

**EXECUTIVE SUMMARY**

The purpose of these applications is for an amendment to the Stoney Creek Official Plan and Zoning By-law to facilitate the creation of 3 single detached dwelling lots fronting onto Montreal Circle, and to recognize the existing single detached dwelling fronting onto Creanona Boulevard. The subject applications are conditions of approval for Severance Applications SC/B:11-62 and SC/B:11-63 (see Appendix “D” - Conditions 3 and 4).

The proposal has merit and can be supported as the applications are consistent with the Provincial Policy Statement, and conform to the Places to Grow Plan and the Hamilton-Wentworth Official Plan. The proposed development is considered to be compatible with and complementary to the existing and planned development in the immediate area.

Alternatives for Consideration - See Page 14.

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS**

**Financial:** N/A.

**Staffing:** N/A.

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

## **HISTORICAL BACKGROUND**

### **Background**

The subject lands were subject to Severance Applications SC/B:11-63 and SC/B-11:63, which were approved by the Committee of Adjustment on August 18, 2011, subject to a number of conditions including, amongst others, final approval of Official Plan and Zoning By-law Amendments (see Appendix “D” - Conditions 3 and 4). The applicant has one year from the approval date to fulfill the applicable conditions or the approval will lapse.

### **Proposal**

In order to implement the proposal, an Official Plan Amendment is required, as well as a change in zoning from the Single Residential “R2” Zone to the Single Residential “R2-60” Zone, Modified (Block 1), and from the Neighbourhood Development “ND” Zone to the Single Residential “R3-35” Zone, Modified (Block 2), in order to recognize the location of the existing single detached dwelling on Creanona Boulevard, and to also permit the development of 3 single detached dwellings fronting onto Montreal Circle (see Appendix “A”).

The applicant has requested the following modifications for the three lots fronting onto Montreal Circle:

#### **Single Residential “R3” Zone:**

- Reduce the minimum required front yard setback from 6.0 metres to 3.0 metres to the face of a dwelling, and 5.8 metres to the face of the garage.
- Reduce the minimum side yard setback from 1.25 metres to 1.2 metres.
- Increase the maximum lot coverage from 40% to 45% for 1-storey and/or bungalow dwelling units.

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Through staff's review of the applications, the following modification is also required for the existing dwelling fronting onto Creanona Boulevard:

Single Residential "R2" Zone:

- Recognize the rear yard setback to the new rear lot line of 6.7 metres, whereas 7.5 metres is required by Zoning By-law No. 3692-92.

The proposed modifications are discussed in the Analysis/Rationale for Recommendation section of this Report.

**Chronology:**

<u>July 20, 2011:</u>	Applications for consent to sever received (File Nos. SC/B-11:62 and SC/B-11:63).
<u>August 18, 2011:</u>	Committee of Adjustment grants conditional approval of the consent applications.
<u>September 15, 2011:</u>	Committee of Adjustment decision becomes final and binding.
<u>February 14, 2012:</u>	Applications for Amendments to the Stoney Creek Official Plan and Zoning By-law are received (File Nos. OPA-12-002 and ZAR-12-006).
<u>February 24, 2012:</u>	Applications OPA-12-002 and ZAR-12-006 are deemed complete.
<u>March 7, 2012:</u>	Notice of Complete Applications mailed to all residents within 120 metres of the subject lands.
<u>March 13, 2012:</u>	Public Notice Sign erected on site.
<u>June 1, 2012:</u>	Notice of Public Meeting is mailed to all residents within 120 metres of the subject lands.

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**Details of Submitted Applications**

**Location:** 76 Creanona Boulevard (Stoney Creek)

**Owner/Applicant:** Bluescape Limited (c/o Jasmine Greenhow)

**Property Size:**

<u>Total Area:</u>	1, 853.22 square metres
<u>Frontage:</u> (Creanona Boulevard)	19.66 metres
<u>Frontage:</u> (Montreal Circle)	37.03 metres

**Servicing:** Full Municipal Servicing

**EXISTING LAND USE AND ZONING:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Existing Single Detached Dwelling (to remain)	Single Residential "R2" Zone and Neighbourhood Development "ND" Zone
<b><u>Surrounding Lands:</u></b>		
<b>North</b>	Single Detached Dwellings	Single Residential "R3-32" Zone
<b>South</b>	Single Detached Dwellings	Single Residential "R2" Zone
<b>East</b>	Single Detached Dwellings	Single Residential "R4-18" Zone
<b>West</b>	Single Detached Dwellings	Single Residential "R2" Zone

## **POLICY IMPLICATIONS**

### **Provincial Policy Statement**

The applications have been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the application is consistent with the policies that focus growth in Settlement Areas 1.1.3.1.

Policy 2.6.2 of the PPS provides policy related to archaeological potential.

The following condition of approval was applied to the consent application (see Appendix "D" - Condition 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.

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)."

As the above noted condition is required to finalize the severances, and as approval will lapse if the condition is not satisfied, staff is of the opinion that the Provincial interest has been appropriately addressed.

Based on the foregoing, the application is consistent with the Provincial Policy Statement.

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

The Places to Grow Plan is more formally known as The Growth Plan for the Greater Golden Horseshoe, and it was prepared and approved under the Places to Grow Act, 2005 by the Province of Ontario. The Plan formally came into effect on June 16, 2006.

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The Plan was created to provide a strategic vision and key policy planning direction to planners in one of the fastest growing metropolitan areas in North America. It is expected that 3.7 million people will move to the Greater Golden Horseshoe by 2031, and that 1.8 million new jobs will also exist by that time. The Plan's main objective is to provide direction in developing communities with a better mix of housing, jobs, shops, and services in close proximity.

The subject lands are located within a built-up area, as defined by Places to Grow. Policy 2.2.3.1 states that by the year 2015, and for each year thereafter, a minimum of 40% of all residential development occurring annually within each upper and single-tier municipality will be within the built-up area. The subject lands are within the built-up area, and the Plan encourages intensification within it. Based on the foregoing, the proposal conforms with the Growth Plan for the Greater Golden Horseshoe.

**Hamilton-Wentworth Official Plan**

The subject property is designated as "Urban Area" in 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.

Based on the foregoing, the application conforms with the policies of the Hamilton-Wentworth Official Plan.

**City of Stoney Creek Official Plan**

The lands are designated "Residential" on Schedule "A" - General Land Use Plan and "Low Density Residential" on Schedule "A4" - Urban Lakeshore Area Secondary Plan in the Stoney Creek Official Plan.

Policies A.1.2.14 and A.13.4.8 outline the restriction of built form within the Stoney Creek Secondary Plans. Since the proposed lot is to be used for a single detached dwelling, it is consistent with the character of the area, which also has low density residential housing in the form of single detached dwellings. Accordingly, the application will continue to preserve the character of the Fifty Point Neighbourhood and the density of 13 units per net residential hectare.

Policy A.1.2.9 provides that where appropriate, residential intensification will be encouraged, subject to development complying with Policies A.1.2.18, A.1.2.20, A.1.2.21, and A.1.2.22. The proposed development conforms with these policies.

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Policies C.2.1(a) and C.2.1(c) outline conditions for conveyance of land within the Urban Policy Area. The proposed lots to be severed conform to these policies, in that they have access to full municipal services and are consistent with the lot pattern occurring on Montreal Circle. The proposed rezoning is consistent with the Committee of Adjustment's decision on the conditional severance, and is considered good planning.

As outlined above, the "Residential" designation permits the proposed single-detached dwellings. Also, the "Low Density Residential" designation permits a maximum net Residential Density of 29 units per hectare. The proposal is consistent with the Residential policies.

Policy 13.4.9 encourages increased front and side yard setbacks, however, the policy allows final determination of the yard requirements to be made by the City at the time of its review of the zoning and subdivision applications. Staff is of the opinion that the proposal makes efficient use of the existing infrastructure and is compatible with, and complementary to, the established development pattern in the neighbourhood.

OPA 135 was approved to allow smaller lots, and higher density was deemed appropriate for the area, which permitted development of the adjacent subdivision known as "Mattamy on the Lake". However, at the time of that application, the subject lands were not included and, as a result, the proposal is subject to the policy below, which must be amended:

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

An Amendment to Policy 13.4.8 is required for the proposed lots. The merits of the proposed amendment are discussed in the Analysis/Rationale for Recommendation section of this Report.



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Similarly, the lands immediately to the north of the subject lands (80 Creanona Boulevard) went through the same OPA and rezoning processes, and those applications were approved in October 2010 by Council.

**Neighbourhood Plan**

The subject lands are designated “Low Density Residential” in the Fifty Point Neighbourhood Plan, which was approved by Council on July 23, 1991. The proposal conforms with the approved Neighbourhood Plan.

**Urban Hamilton Official Plan**

The new Urban Hamilton Official Plan was adopted by Council on July 9, 2009, and was approved by the Minister of Municipal Affairs and Housing on March 16, 2011. The Ministerial Approval has been appealed to the Ontario Municipal Board, and the plan is not yet in full force and effect. The new Urban Hamilton Official Plan designates the subject lands as “Neighbourhoods” on Schedule “E” Urban Structure and Schedule “E-1” Urban Land Use Designations. The property is designated “Low Density Residential 2b” on Map B.7.3-1 Urban Lakeshore Area Secondary Plan. The proposal conforms to the New Urban Hamilton Official Plan.

Infilling is encouraged, as outlined in Policy B.2.4. Accordingly, B.2.4.1.4 states that residential infill should be consistent with the surrounding neighbourhood development pattern, which enhances the built form. As the proposal is for the creation of three lots that are consistent with the lots on Montreal Circle, it conforms with these policies.

Policy E.3.4 states that the character of an established neighbourhood should be continued with further development of these areas. The proposed lots to be severed are of similar size to the lands adjacent to the east and the properties south of the subject lands on Montreal Circle. As well, Policy E.3.4.1 requires that “Low Density Residential” will only occur in the interior of the established neighbourhood. It is noted that the majority of the Fifty Point Neighbourhood is designated as “Low Density Residential” and, therefore, the proposal conforms with this policy.

Based on the foregoing, the proposed development would conform with the policies of the Urban Hamilton Official Plan.

**RELEVANT CONSULTATION**

The following Departments and Agencies had no comments or objections:

- Traffic Engineering and Operations Section, Public Works Department.
- Operations and Waste Management Division, Public Works Department.

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- Taxation Division, Corporate Services Department.
- Recreation, Community Services Department.
- Horizon Utilities.

**Forestry and Horticulture Section (Public Works Department)** has indicated that a Tree Management Planting Plan is required. This Plan and required fees will be submitted through the Consent Agreement, which is a condition of severance approval (see Appendix “D” - Conditions 5 and 7, Pages 3 and 4).

## **PUBLIC CONSULTATION**

In accordance with the new provisions of the Planning Act, Notice of Complete Application was circulated to 125 property owners within 120 metres of the subject property on March 7, 2012. To date, no formal responses have been received from the public. In accordance with Council’s Public Participation Policy, preliminary circulation of the application was not required since the property was also the subject of a Consent Application, which is a public process. No letters were received in response to the circulation of the severance application, and no members of the public attended the Committee of Adjustment hearing.

In addition, a Public Notice Sign was erected on the property on March 13, 2012, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

## **ANALYSIS / RATIONALE FOR RECOMMENDATION**

1. The proposed applications have merit and can be supported for the following reasons:
  - (i) They are consistent with the Provincial Policy Statement and conform to the Places to Grow Plan (Growth Plan for the Greater Golden Horseshoe);
  - (ii) They conform to the Hamilton-Wentworth Official Plan;
  - (iii) The proposed development is compatible with and complementary to existing and planned development in the immediate area;
  - (iv) The proposal implements the “Neighbourhoods” and “Low Density Residential 2b” designations in the new Urban Hamilton Official Plan; and,
  - (v) The proposal implements conditions of approval for Severance Applications SC/B:11-62 and SC/B:11-63 (see Appendix “D” - Conditions 3 and 4, Pages 3 and 4).

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2. Policy 13.4.8 noted above is applicable to the subject lands and, as a result, an Official Plan Amendment is required in order to permit three new single detached dwelling lots with frontages under the required 15 metre minimum. With respect to the proposed development, two lots will have a frontage of 12.34 metres, and one lot with a frontage of 12.35 metres. The three proposed lots would result in a new residential development density of 10 units per hectare. In this regard, the OPA is only required to address the deficient lot frontage. The Policy is as follows:

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

The above noted policy was previously amended via O.P.A. 135 (noted above), for the adjacent “Mattamy on the Lake” Subdivision (which is adjacent to the subject lands). Through the implementation of this O.P.A., it was determined that smaller lot frontages and a higher density was appropriate for the area:

“13.4.14 For the lands located in Part Lot 3, Broken Concession, and known municipally as 1353, 1357, 1427 Baseline Road and part of 22 Falcon Road, the following policies shall apply:

- a) Notwithstanding Policies A.1.2.12 a) and A.13.4.9, the maximum density on the subject land shall be 32 units per Net Residential Hectare. A wide variety of dwelling types including single detached, semi-detached, and townhouse units are permitted.”

The above noted policy deleted the requirement for lots with larger frontages and a maximum density of 13 units per hectare, and permitted a maximum density of 32 units per hectare within the “Mattamy on the Lake” Subdivision, which surrounds this development. There were only a few remnant parcels, including

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the subject lands, not included in the Official Plan Amendment. The proposed density for the subject lands is approximately 10 units per hectare.

Based on the foregoing, staff supports the proposed Official Plan Amendment.

3. The applicant has requested a change in zoning from the Single Residential “R2” Zone to the Single Residential “R2-60” Zone, Modified (Block 1), and from the Neighbourhood Development “ND” Zone to the Single Residential “R3-35” Zone, Modified (Block 2), in order to permit the development of 3 single detached dwellings fronting onto Montreal Circle, and recognize one deficient zone requirement for the existing single detached dwelling fronting onto Creanona Boulevard (see Appendix “A”). The following modifications are required:

**Single Residential “R2-60” Zone (Existing Dwelling)**

**Minimum Rear Yard**

Through staff’s review of the applications, it was determined that as a result of the consent application, a deficient rear yard would be created. As a result of the severance, the existing single detached dwelling fronting onto Creanona would have a minimum rear yard of 6.7 metres, whereas the Zoning By-law requires 7.5 metres. As this is recognizing an existing situation, staff is of the opinion that this is minor and supportable.

**Single Residential “R3-35” Zone (Three New Lots on Montreal Circle)**

**Minimum Front Yard Setback**

The applicant has requested to reduce the minimum required front yard setback from 6.0 metres to 3.0 metres to the face of a dwelling, and 5.8 metres to the face of the garage. This provision is based on a design standard which minimizes the impact of the garage. This reduced setback also provides for efficient use of the land, while maintaining a 5.8 metre setback to the face of the garage, allowing for an adequate parking space length, in that By-law No. 3692-92 requires a minimum parking stall size of 2.75 metres by 5.8 metres. It is consistent with the dwellings on the east side of Montreal Circle zoned “R4-18”, and the lots to the immediate north of the subject lands zoned “R3-32”, which include the same provision.

Minimum Side Yard Setback

A modification has been requested to reduce the minimum side yard setback from 1.25 metres to 1.2 metres. Staff is of the opinion that the reduction is minor in nature and will allow for efficient use of the land. A side yard setback of 1.2 metres on one side of the dwelling and the parent provision of 1.0 metre for an attached garage on the other side of the dwelling will still be applied, as requested by the applicant. The proposed setback is also consistent with the side yard setback for single detached dwellings on the east side of Montreal Circle zoned "R4-18", and to the immediate north of the subject lands zoned "R3-32", which permits one side yard to be 0.6 metres.

Maximum Lot Coverage

The applicant has also requested an increase in the maximum lot coverage from 40% to 45% for 1-storey and/or bungalow dwelling units. Staff is of the opinion that the increase is minor and notes that the provision will only apply to 1-storey dwellings, and the dwelling will still be required to meet the front and rear yard setbacks ensuring that sufficient amenity and landscaping is being provided. This modification is also consistent with the abutting lands zoned "R3-32" to the north.

4. There are full municipal services available on Montreal Circle. There is an existing 0.3 metre reserve adjacent to the proposed lots on Montreal Circle. A portion of this reserve must be incorporated as part of the Montreal Circle road allowance prior to the development of these lands. As a condition of severance approval (see Appendix "D" - Condition 9) the applicant will be required to provide a payment to the City, as a benefiting landowner, for their share of the improvement roadway costs, sanitary trunk sewer, storm channel, and municipal services, including private drain connections which were required to be constructed in conjunction with the "Mattamy on the Lake" Registered Plan of Subdivision (62M-1096).

As a condition of the associated severance applications, the applicant will also be required to enter into and register a Consent Agreement with the City (see Appendix "D" - Conditions 5 and 7, on Pages 2 and 4) to ensure the orderly and proper development of the proposed 3 new residential lots. This will include, but not be limited to; the construction of and/or abandonment of private sewer and water drain connections, driveway approaches, curbing, lot grading, street tree planting, and the restoration of Montreal Circle.

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**ALTERNATIVES FOR CONSIDERATION:**

If the application is denied, the severances will lapse and the lands could be developed in accordance with the current Single Residential “R2” and Neighbourhood Development “ND” Zone provisions.

**CORPORATE STRATEGIC PLAN**

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**

- ◆ Delivery of municipal services and management capital assets/liabilities in a sustainable, innovative, and cost-effective manner.
- ◆ Generate assessment growth/non-tax revenues.

**Social Development**

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

**Environmental Stewardship**

- ◆ Natural resources are protected and enhanced.
- ◆ Reduced impact of City activities on the environment.

**Healthy Community**

- ◆ Plan and manage the built environment.
- ◆ An engaged Citizenry.

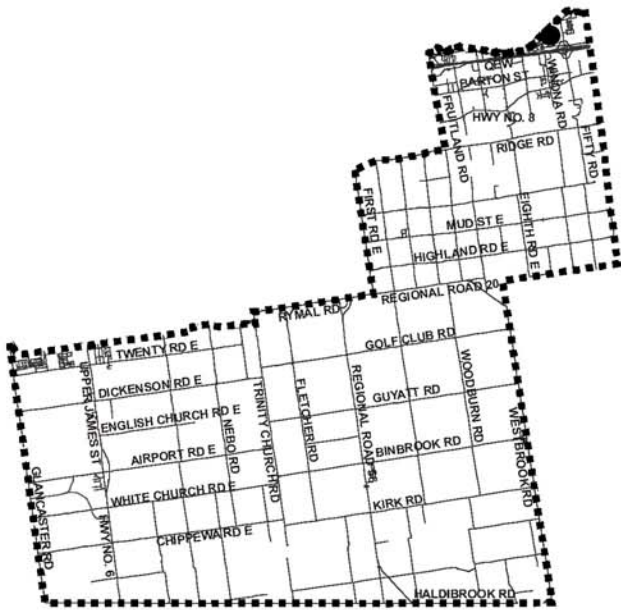
**APPENDICES / SCHEDULES**

- Appendix “A”: Location Map
- Appendix “B”: Draft Official Plan Amendment (Stoney Creek)
- Appendix “C”: Draft Zoning By-law Amendment (3692-92)
- Appendix “D”: Severance Applications and Draft Reference Plan

:JM  
Attachs. (4)



● Site of the Application



Ward 11 Key Map

N.T.S.

## Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-12-006 / OPA-12-002

Date:  
May 8, 2012

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
JM / MB

### Subject Property



76 Creanona Blvd.

**Schedule "1"**

**DRAFT**

**Amendment No. [REDACTED]**

**to the**

**former City of Stoney Creek Official Plan**

The following text, together with Schedule "A" (Schedule A - Land use Plan) and Schedule "B" (Schedule "A4", Secondary Plan - Urban Lakeshore Area), attached hereto, constitutes Official Plan Amendment No. [REDACTED].

**Purpose:**

The purpose of the proposed Amendment is to permit reduced lot frontages on the subject lands. The effect of the proposed Amendment is to permit the development of three lots for single detached dwellings fronting onto Montreal Circle.

**Location:**

The lands affected by this Amendment are located at the rear of 76 Creanona Boulevard and front onto Montreal Circle, in the Fifty Point Neighbourhood, in the former City of Stoney Creek.

**Basis:**

The intent of the Amendment is to permit a moderate increase in residential density. The basis for permitting the proposal is as follows:

- The proposal is consistent with the Provincial Policy Statement, and conforms to the Places to Grow Plan and the Region of Hamilton-Wentworth Official Plan; and,
- The proposal is compatible with and complementary to the existing and planned development in the surrounding residential area.

**Actual Changes:**

**Schedule Changes**

1. That Schedule "A" General Land Use Plan be revised by annotating the subject lands as OPA No. [REDACTED], as shown on the attached Schedule "A" of this Amendment.



2. That Schedule "A4", Secondary Plan - Urban Lakeshore Area be revised by annotating the subject lands as OPA No. [REDACTED], as shown on the attached Schedule "B" of this Amendment.

Text Changes

3. That Policy 13.4. [REDACTED] be added as follows:

For the lands located at the rear of 76 Creanona Boulevard, as identified on Schedule "A4" of this Plan, notwithstanding its location 500 metres beyond Baseline Road, a minimum lot frontage of 12 metres shall be permitted. The minimum lot area on these lands shall be established by the implementing Zoning By-law."

**Implementation:**

A Zoning By-law Amendment will give effect to this Amendment.

This is Schedule "1" to By-law No. [REDACTED], passed on the [REDACTED] day of [REDACTED], 2012.

**The City of Hamilton**

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R. Bratina  
Mayor

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R. Caterini  
Clerk



**Authority:** Item [REDACTED]  
Planning Committee  
Report: 12-[REDACTED] (PED12108)  
CM: [REDACTED]

**Bill No.**

## **CITY OF HAMILTON**

**BY-LAW NO. [REDACTED]**

**To Amend Zoning By-law No. 3692-92 (Stoney Creek)  
Respecting the Lands Located at 76 Creanona Boulevard, Stoney Creek**

**WHEREAS** the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1<sup>st</sup>, 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 8<sup>th</sup> day of December, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May, 1994;

**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. 3692-92 (Stoney Creek), be amended as hereinafter provided;

**AND WHEREAS** this By-law will be in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan) upon approval of Official Plan Amendment No. [REDACTED];

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

1. That Map No. 4 of Schedule 'A', appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended by changing the zoning from the Single Residential "R2" Zone to the Single Residential "R2-60" Zone, Modified (Block 1), and from the Neighbourhood Development "ND" Zone to the Single Residential "R3-35" Zone, Modified (Block 2), on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule 'A'.
2. That Sub-section 6.3.7, "Special Exemptions", of Section 6.3 Single Residential "R2" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, "R2-60", as follows:

**"R2-60" 76 Creanona Boulevard, Schedule 'A', Map No. 4**

Notwithstanding the provision of Paragraph (e) of Section 6.3.3 "Zone Regulations" of Zoning By-law No. 3692-92, on those lands zoned "R3-35" by this By-law, the following shall apply:

(e) Minimum Rear Yard 6.7 metres

3. That Sub-section 6.4.7, "Special Exemptions", of Section 6.4 Single Residential "R3" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, "R3-35", as follows:

**"R3-35" 76 Creanona Boulevard, Schedule 'A', Map No. 4**

Notwithstanding the provisions of Paragraphs (c), (d), and (g) of Section 6.4.3 "Zone Regulations" of Zoning By-law No. 3692-92, on those lands zoned "R3-35" by this By-law, the following shall apply:

(c) Minimum Front Yard: 3.0 metres to the face of a dwelling and 5.8 metres to the face of the garage.

(d) Minimum Side Yard: No part of any dwelling shall be located closer than 1.2 metres, an attached garage or attached carport may be erected at a distance of no less than 1 metre from a side lot line.

(g) Maximum Lot Coverage: 40 percent, except 45 percent for a 1-storey and/or bungalow dwelling unit.

4. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Single Residential "R2" Zone and the Single Residential "R3" Zone provisions, subject to the special requirements referred to in Sections 2 and 3.
5. 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.

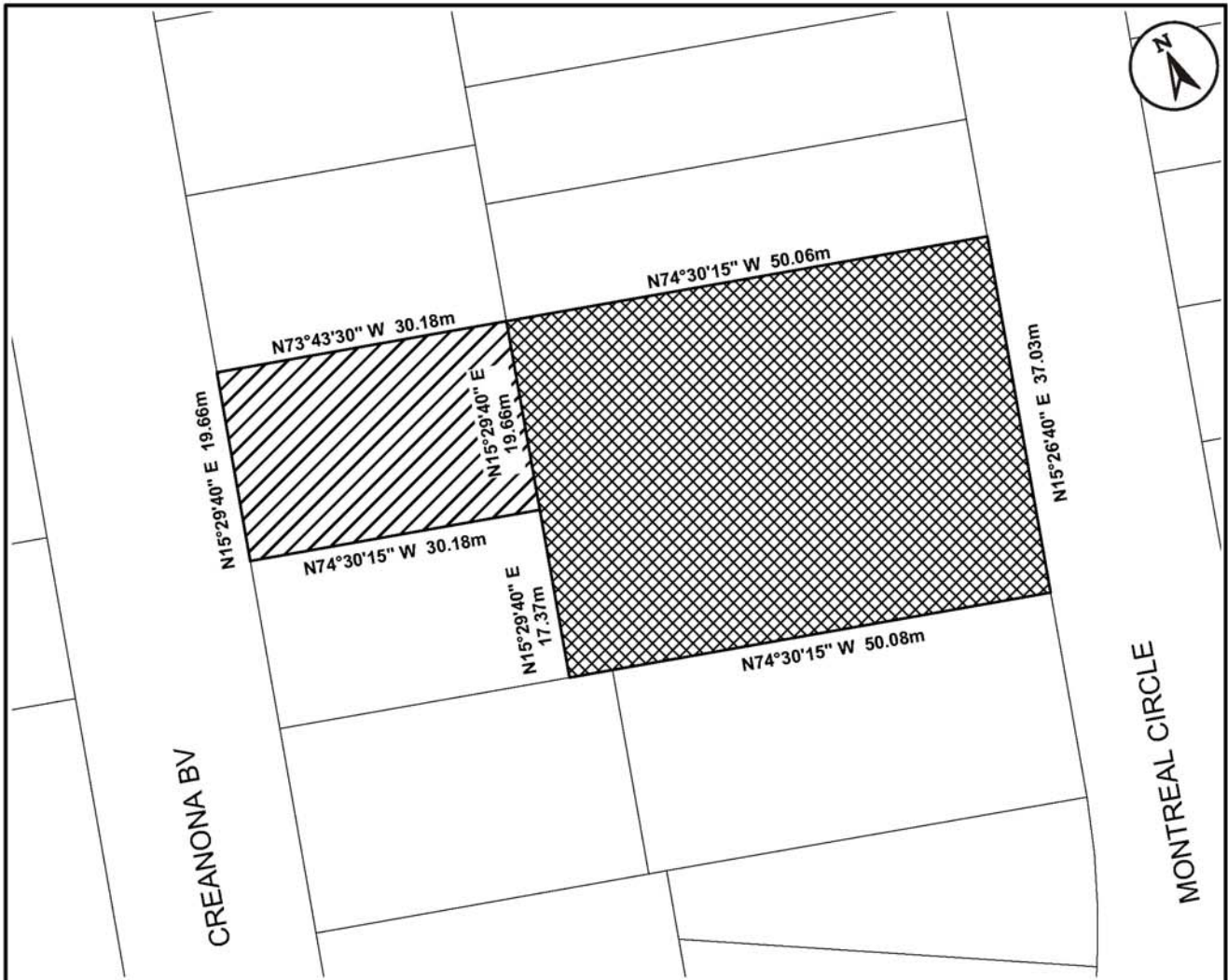
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R. Bratina  
Mayor

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Rose Caterini  
Clerk

ZAC-12-006  
OPA-12-002



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

Passed the ..... day of ....., 2012

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Mayor

-----  
Clerk

## Schedule "A"

Map Forming Part of  
By-Law No. 12-\_\_\_\_\_

to Amend By-law No. 3692-92

### Subject Property

76 Creanona Blvd.



**Block 1:** Change in Zoning from the Single Residential "R2" Zone to the Single Residential "R2-60" Zone, Modified



**Block 2:** Change in Zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R3-35" Zone, Modified

Scale:  
N.T.S.

File Name/Number:  
ZAC-12-006 / OPA-12-002

Date:  
April 27, 2012

Planner/Technician:  
JM / MB



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



Committee of Adjustment  
Hamilton City Hall  
71 Main Street West, 5<sup>th</sup> 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. SC/B-11:62**  
**SUBMISSION NO. B-62/11**

**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 76 Creanona Boulevard, formerly in the City of Stoney Creek, now in the City of Hamilton;

**AND IN THE MATTER OF AN APPLICATION** by the agent Jasmine Greenhow of Bluescape Limited on behalf of the owners Ivan and Nevenka Topic, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a parcel of land measuring 19.66m (64.5ft) x 30.18m (99.01ft) (being Part 1 on the attached sketch) containing an existing single family dwelling known municipally as 76 Creanona Boulevard for residential purposes and to retain a parcel of land measuring 37.02m (121.45ft) x 50.06m (164.23ft) (being Parts 2, 3 and 4 on the attached sketch) for residential purposes. This application will be heard in conjunction with consent application SC/B-11:63

**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 City of Stoney Creek 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. 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.


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)\*;

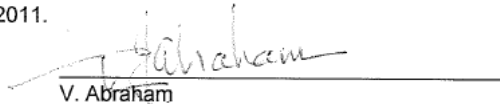
3. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-Law as determine necessary by the Planning and Economic Development Department (Building Services Division).

SC/B-11:62  
Page 2

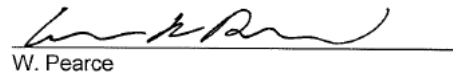
4. The owner shall submit survey evidence that the existing structures located on both the lands to be conveyed and the lands to be retained conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the zoning By-Laws as determined necessary by The Planning and Economic Development Department (Building Services Division).
5. That the Owner enter into and register a Consent Agreement with the City of Hamilton to the satisfaction of the Manager of Development Engineering for the purpose of, but not limited to lot grading.
6. That the applicant/owner pay all outstanding costs to the City Of Hamilton for their share of the improvement roadway costs, sanitary trunk sewer, storm channel and municipal services including a private drain connection.
7. That the applicant/owner be responsible for the preparation of a reference plan showing that portion of the 0.30 metre reserve (Block 291 on Plan 62M-1096) adjacent to the land to be retained and severed that is to be incorporated into the Montreal Circle road allowance. All costs associated with the preparation of a reference plan, including both legal and registration costs are the responsibility of the applicant/owner.
8. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
9. The owner submit to the Committee of Adjustment office an administration fee of \$45.90 (\$15.30 per lot) payable to the City of Hamilton to cover the costs of setting up a new tax account for the newly created lot.

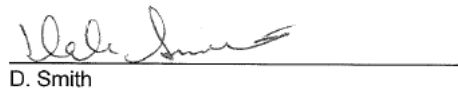
DATED AT HAMILTON this 18th day of August, 2011.

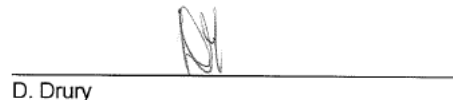
  
M. Dudzic, Chairman

  
V. Abraham

  
I. Dunlop

  
W. Pearce

  
D. Smith

  
D. Drury

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS August 25th, 2011.  
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (August 25th, 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 **September 14th, 2011.**

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

NOTES (TO BE INCLUDED IN DECISION IF APPROVED):

1. Based on the attached plans, and on this application being approved and all conditions being met, the owner / applicant should be made aware that the following addresses will be assigned. Part 2 – 419 Montreal Circle; Part 3 – 415 Montreal Circle; Part 4 – 411 Montreal Circle. Part 1 will remain as 76 Creanona Boulevard.
2. 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 lots, based on the value of the lands as of the day before Building Permit issuance.
3. There are two servicing easements (AB358080 and AB354825) over the rear of the subject lands which appear to no longer be applicable or in force. The owner may wish to have these easements discharged from the property. If a septic tank exists on the subject property, it is recommended that it be emptied by a Ministry of Environment licensed sewage hauler, and then filled with soil. This is to reduce the likelihood of a safety hazard.





Committee of Adjustment  
Hamilton City Hall  
71 Main Street West, 5<sup>th</sup> floor  
Hamilton, ON L8P 4Y5  
Telephone (905) 546-2424, ext. 4221  
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**COMMITTEE OF ADJUSTMENT**  
**NOTICE OF DECISION**

**APPLICATION FOR CONSENT LAND SEVERANCE**

**APPLICATION NO. SC/B-11:63**  
**SUBMISSION NO. B-63/11**

**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 76 Creanona Boulevard formerly in the City of Stoney Creek, now in the City of Hamilton;

**AND IN THE MATTER OF AN APPLICATION** by the agent Jasmine Greenhow of Bluescape Limited on behalf of the owners Ivan and Nevenka Topic, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a parcel of land measuring 12.34m (40.48ft) x 50.07m (164.27ft) (being part 3 on the attached sketch) for residential purposes, and to retain two parcels of land measuring 12.34m (40.48ft) x 50.06m (164.23ft) (being part 2 on the attached sketch) and 12.34m (40.48ft) x 50.09m (164.33ft) (being part 4 on the attached plan) to be used for residential purposes. This application is being heard in conjunction with consent application SC/B-11:62.

**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 City of Stoney Creek 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. 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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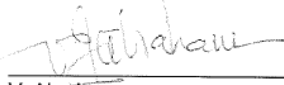
3. That the owner apply for, and receive final approval of, an application for Official Plan Amendment for the severed and retained lands, to the satisfaction of the Manager of Planning.

SC/B-11:62  
Page 2

4. That the owner apply for, and receive final approval of, an application for Zoning By-law Amendment for the severed and retained lands, to the satisfaction of the Manager of Planning.
5. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-Law as determine necessary by the Planning and Economic Development Department (Building Services Division).
6. 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-Laws as determined necessary by The Planning and Economic Development Department (Building Services Division).
7. That the Owner enter into and register a Consent Agreement with the City of Hamilton to the satisfaction of the Manager of Development Engineering for the purpose of, but not limited to lot grading.
8. That the applicant/owner pay all outstanding costs to the City Of Hamilton for their share of the improvement roadway costs, sanitary trunk sewer, storm channel and municipal services including a private drain connection.
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11. The owner submit to the Committee of Adjustment office an administration fee of \$45.90 (\$15.30 per lot) payable to the City of Hamilton to cover the costs of setting up a new tax account for the newly created lot.

DATED AT HAMILTON this 18th day of August, 2011.

  
M. Dudzic, Chairman

  
V. Abraham

  
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