



**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> November 6, 2012	
<b>SUBJECT/REPORT NO:</b> Applications for Amendments to the Township of Glanbrook Official Plan and Zoning By-law No. 464, and Approval of a Draft Plan of Subdivision, Known as “Binbrook Heights Addition”, on Lands Located at 139 Fall Fair Way (Glanbrook) (PED12182) (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-11-016, by John Bruce Robinson Construction Limited, Owner**, for Official Plan Amendment No. [REDACTED], for a change in designation for a portion of land on Schedule “B” of the Township of Glanbrook Official Plan from “Low Density Residential” and “Corner Retail” to “Medium Density Residential”, for the lands located within proposed Draft Plan of Subdivision “Binbrook Heights Addition”, at 139 Fall Fair Way (Glanbrook), as shown on Appendix “A” to Report PED12182, on the following basis:
  - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED12182, 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 Urban Hamilton Official Plan Amendment No. [REDACTED], to amend Map B.5.1-1 - Binbrook Village Secondary Plan Land Use Plan from “Local Commercial” to “Low Density Residential 2h”, attached as Appendix “C” to Report PED12182, be received and held in abeyance until such time as the relevant sections of the Urban Hamilton Official Plan come into force and effect; and following such final decision, Planning and Economic Development Department staff be directed and authorized to hold a Public Meeting pursuant to the provisions of the Planning Act to consider the proposed Urban Hamilton Official Plan Amendment, for lands located within the proposed Draft Plan of Subdivision “Binbrook Heights Addition”, 139 Fall Fair Way (Glanbrook).
- (c) That approval be given to **Zoning Application ZAC-11-065, by John Bruce Robnson Construction Limited, Owner**, for changes in zoning to Glanbrook Zoning By-law No. 464 from the Restricted Agricultural “A2” Zone to the Residential “R4-276” Zone, Modified, with a Special Exception (Block 1); the Residential Multiple “RM2-277” Zone, Modified, with a Special Exception (Block 2); the Residential “R4-222” Zone, Modified, with a Special Exception (Block 3); and the Residential Multiple “RM2-161” Zone, Modified, with a Special Exception (Block 4); and from the Residential “R4-222” Zone, Modified, to the Residential Multiple “RM2-277” Zone, Modified, with a Special Exception (Block 5), to permit 113 lots for single detached dwellings, 32 lots for street townhouse dwellings, and 9 blocks for future residential to be developed in conjunction with adjacent lands, as shown on Schedule “A” to Appendix “D” of Report PED12182, on the following basis:
- (i) That the draft By-law, attached as Appendix “D” to Report PED12182, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (ii) That the changes in zoning conform to the Hamilton-Wentworth Official Plan, and will conform to the Glanbrook Official Plan upon finalization of Official Plan Amendment No. [REDACTED].
- (d) That approval be given to **Draft Plan of Subdivision Application 25T-201109, by John Bruce Robnson Construction Limited, Owner**, to establish a draft plan of subdivision, known as “Binbrook Heights Addition”, on lands at 139 Fall Fair Way, in the former Township of Glanbrook, as shown on Appendix “E” to Report PED12182, subject to the following conditions:
- (i) That this approval apply to “Binbrook Heights Addition”, 25T-201109, prepared by A.J. Clarke & Associates Ltd., and certified by B.J. Clarke, O.L.S., dated April 2, 2012, showing 113 lots for single detached dwellings (Lots 1-113), 32 lots for street townhouse dwellings (Lots 114-145), 9

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blocks for future residential (6 single detached dwellings, 15 street townhouse dwellings, and approximately 12 townhouse units on a common elements road) to be developed in conjunction with adjacent lands (Blocks 146-154), 1 block for a public walkway (Block 155) and 2 streets (Festival Way and Fairgrounds Drive), attached as Appendix “E” to Report PED12182, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions, attached as Appendix “F” to Report PED12182.

- (ii) Acknowledgement that there will be no City share for any municipal works associated with this development.
- (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each building permit, with the exception of Lots 114 to 145 and Blocks 146, 147, and 154, for which payment shall be based on the value of the land on the day prior to the issuance of the first building permit for each said block.

With regard to Lots 1-113 and Blocks 148-153 (Single Detached Residential), a parkland dedication at a ratio of 5% shall be required.

With regard to Lots 114-145 and Blocks 146, 147, and 154 (Street Townhouses), a parkland dedication at a ratio of 1 ha per 300 dwellings units shall be required.

All in accordance with the City’s Financial Policies for Development and Parkland Dedication By-law, as approved by Council.

**EXECUTIVE SUMMARY**

The purpose of these applications is to amend the Township of Glanbrook Official Plan and Zoning By-law, and for approval of a Draft Plan of Subdivision, known as “Binbrook Heights Addition” (see Appendix “E”), in order to permit the development of the subject lands for 113 lots for single detached dwellings, 32 lots for street townhouses, and 9 blocks to be developed in conjunction with adjacent lands, for a total of approximately 178 dwelling units, including 1 block for a public walkway and 2 local streets.

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The proposal has merit and can be supported since the applications are consistent with the Provincial Policy Statement, and conform with the Growth Plan for the Greater Golden Horseshoe 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, and is in keeping with the intent of the Glanbrook Official Plan and the Binbrook Village Secondary Plan.

*Alternatives for Consideration - See Page 24.*

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS**

**Financial:** N/A.

**Staffing:** N/A.

**Legal:** As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider applications for Amendments to the Official Plan and Zoning By-law, and for approval of a Draft Plan of Subdivision.

**HISTORICAL BACKGROUND**

The applicant has submitted a plan of subdivision application, together with applications to amend the Township of Glanbrook Official Plan and Township of Glanbrook Zoning By-law No. 464, in order to permit the implementation of the proposed plan of subdivision.

On June 22, 2006, Applications were accepted for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision for “Binbrook Heights Addition”. The 2006 proposal identified 103 lots for single detached dwellings, and 5 blocks, for a total of 17 future single detached dwellings, and 1 block for a total of approximately 12 street townhouse dwelling units. The 2006 proposal would have yielded a total of approximately 132 units. Those applications proceeded to be processed by the City and were, subsequently, abandoned by the applicant.

**Proposal:**

The applicant proposes to redesignate a portion of the subject lands on Schedule “B” of the Township of Glanbrook Official Plan (Binbrook Secondary Plan) from “Low Density Residential” and “Corner Retail” to “Medium Density Residential”. The proposed changes in zoning are from the Restricted Agricultural “A2” Zone to various residential zones to allow 113 lots for single detached dwellings, 32 lots for street townhouse dwelling units, and 9 blocks will also be rezoned to the existing abutting zones to allow

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for residential uses. Overall, the proposal will allow for the development of approximately 178 units. These amendments will implement the proposed draft plan of subdivision, and are further discussed below.

**Official Plan Amendment:**

An application to amend the Township of Glanbrook Official Plan (Schedule “B” - Binbrook Village Secondary Plan) is required in order to redesignate a portion of the subject lands to reflect the proposed draft plan of subdivision from:

- “Low Density Residential” to “Medium Density Residential”; and,
- “Corner Retail” to “Medium Density Residential”.

**Zoning By-law Amendment:**

A corresponding application to amend the Glanbrook Zoning By-law is also required to rezone the lands to reflect the proposed draft plan of subdivision. Two new site-specific zones are being proposed to facilitate the development. For those lands to be developed in conjunction with the neighbouring lands, two existing site-specific zones will be utilized. The two new site-specific zones are comparable to some of the existing zones in the immediate neighbourhood; however, they require separate provisions in order to recognize four modifications: an enhancement to increase parking for each residential unit; an enhanced side yard setback; to incorporate a reduced setback from the transmission pipeline which this development abuts; and to permit the encroachment of a cantilever or alcove to project into a yard. There is also a remnant sliver of land to the southwest of the subject lands, which is also included in the implementing Zoning By-law (see Appendix “D” - Block 5). While this remnant sliver is not owned by the applicant, the existing owner has agreed to have these lands rezoned, as proposed, which will allow for the future orderly development of the lands for street townhouse units. These modifications are discussed in detail in the Analysis/Rationale for Recommendation section of the Report.

**Plan of Subdivision:**

The proposed draft plan of subdivision (see Appendix “E”) is intended to create:

- 113 single detached dwelling lots (Lots 1-113);
- 32 lots for street townhouse dwellings (Lots 114-145);
- 9 blocks for future residential (6 single detached dwellings, 15 street townhouse dwelling units, and approximately 12 street townhouse units on a common element road) to be developed in conjunction with adjacent lands (Blocks 146-154);

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- 1 block for a public walkway (Block 155); and,
- 2 internal public roads (Festival Way and Fairgrounds Drive).

**Chronology:**

- June 22, 2006: Applications accepted for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision for “Binbrook Heights Addition”. Applications were circulated by the City and, subsequently, abandoned by the applicant.
- June 22, 2011: FC-11-058 considered at the Development Review Committee. The Formal Consultation Document was issued, which identified the required studies and materials necessary for complete application submission.
- November 3, 2011: Applications ZAC-11-065, OPA-11-016, and 25T-201109 are deemed complete.
- November 10, 2011: Notice of Complete Application and Preliminary Circulation for Applications ZAC-11-065, OPA-11-016, and 25T-201109 was mailed out to all property owners and residents within 120m of the subject lands.
- November 28, 2011: Public Notice sign posted on the property.
- September 28, 2012: Circulation of Notice of Public Meeting to all residents within 120m of the subject lands.

**Details of Submitted Applications:**

**Location:** 139 Fall Fair Way (Glanbrook)  
**Owner/Applicant:** John Bruce Robinson Construction Ltd.  
**Agent:** A.J. Clarke and Associates Ltd.

**Property Description:** Area: 7.427 hectares  
Frontage: +/- 60m (along Fall Fair Way)  
Depth: 217.45m

**Servicing:** Full Municipal Services

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**EXISTING LAND USE AND ZONING:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Vacant	Restricted Agricultural “A2” Zone
<b><u>Surrounding Lands:</u></b>		
<b>North</b>	Farm Field and Interprovincial Pipeline (Enbridge)	General Agricultural “A1” Zone
<b>South</b>	Street and Block Townhouse Dwellings	Residential Multiple “RM3-223”, “RM2-161” Zones, and Residential “R4-22” Zone
<b>East</b>	Block Townhouse Dwellings	Residential Multiple “RM3-231” Zone
<b>West</b>	Single Detached Dwellings	Residential “R4-222” Zone

<b>POLICY IMPLICATIONS</b>
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**Provincial Policy Statement:**

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

**Places to Grow: Growth Plan for the Greater Golden Horseshoe:**

The subject lands are located within a designated Greenfield area, as defined by Places to Grow. Policy 2.2.7.2 states that the designated Greenfield area of each upper or single-tier municipality will be planned to achieve a minimum density target that is not less than 50 residents and jobs combined per hectare. The Planning Justification Report, prepared by A.J. Clarke and Associates Ltd., dated October, 2011, provides a detailed calculation of the Growth Plan density calculation for the proposed development. It identifies that the Growth Plan density is at 57.1 residents and jobs per hectare, which exceeds the minimum density target. Based on the foregoing, this development proposal conforms to Places to Grow.

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**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, 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.

Therefore, based on the above, the proposal conforms with the Hamilton-Wentworth Official Plan.

**Glanbrook Official Plan:**

The subject lands are designated “Binbrook Village” on Schedule ‘A’ - Land Use Plan, and “Low Density Residential”, “Medium Density Residential”, and “Corner Retail” on Schedule “B” - Binbrook Village Secondary Plan in the Township of Glanbrook Official Plan. The application also proposes to redesignate a small portion of land from “Corner Retail” to “Medium Density Residential”. The existing “Corner Retail” is comprised of only a small portion of the subject lands, and could not develop commercially, given its size. Further, through Implementing By-law No. 464-70-00, passed in 2000 for the subdivision to the south known as “Woodview Estates” and subsequently amended in 2002, the westerly larger portion of the “Corner Retail” was, at that time, redesignated as “Medium Density Residential”. Staff is supportive of the redesignation, and is of the opinion that the existing and proposed village commercial uses around the Community Core are more in keeping with the vision of the Official Plan, as it allows for a variety of local commercial uses that are within walking distance to the proposed development and neighbourhood.

The proposed development of single detached dwellings and street townhouses conforms with the Glanbrook Official Plan and Binbrook Village Secondary Plan, as it provides for a minor increase in unit yield based on the proposed number of street townhouse dwellings. Upon redesignation of the subject lands, the proposed changes in zoning and Draft Plan of Subdivision will conform to the existing “Low Density Residential” and proposed “Medium Density Residential” designations.

**Urban Hamilton Official Plan:**

The proposal has been evaluated against the policies of the new Urban Hamilton Official Plan, which was adopted by Council on July 9, 2009. The Minister of Municipal Affairs and Housing issued its approval on March 10, 2011, but the decision has been appealed by a number of parties and, at this time, the new Urban Hamilton Official Plan is not in effect. As such, Council-approved Official Plan Amendments made prior to the final



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decision will be held in abeyance until their incorporation into the Plan can be requested of the Ontario Municipal Board (OMB), or through a future housekeeping amendment.

It is prudent and part of natural justice to identify any changes to the Urban Hamilton Official Plan as part of the public notice, in the staff report, and notice of adoption.

The new Urban Hamilton Official Plan designates the subject lands as “Neighbourhoods” on Schedule “E-1” Urban Land Use designations, and as “Local Commercial” and “Low Density Residential 2h” on Map B.5.1-1, the Binbrook Village Secondary Plan. The “Neighbourhoods” designation permits a range of residential uses, but amendments to the Binbrook Village Secondary Plan are needed to redesignate a portion from “Local Commercial” to “Low Density Residential 2h” in order to permit the proposed street townhouse dwellings.

As the new Urban Hamilton Official Plan has been appealed to the OMB, the applicant is currently unable to amend the Secondary Plan, as it is not in force and effect. Therefore, the proposed amendment to the Urban Hamilton Official Plan (see Appendix “C”) will be held in abeyance until a final decision has been made regarding the Urban Hamilton Official Plan.

**City of Hamilton Staging of Development**

The proposal is consistent with the criteria for Staging of Development, in that utilities and services are available, there are no unanticipated budgetary impacts, it supports a healthy growing economy, provides for additional assessment and Development Charges revenue, provides employment opportunities, and upon finalization of the Official Plan Amendment, will conform with the land use policies of the Township of the Glanbrook Official Plan. The application has been identified in the 2011-2013 Staging Plan, with a proposed draft plan approval date of 2011, but will be incorporated into the revised Staging of Development Report with applicable corresponding draft approval date of 2012.

**RELEVANT CONSULTATION**

The following Departments and Agencies had no comments or objections:

- Taxation Division, Corporate Services Department.
- Operations and Waste Management Division, Public Works Department.
- Hydro One Networks Inc.

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The following Departments and Agencies submitted the following comments:

**Budgets and Finance Division (Corporate Services Department)** has advised that the applicant will be required to pay the Binbrook Stormwater Management Charge of \$40,735.00 dollars. This has been addressed through a draft plan condition (see Appendix “F” - Condition No. 5).

**Forestry and Horticulture Section (Public Works Department)** has advised that there are no municipal tree assets impacted by the development, and that street tree plantings will be required. This is addressed through the Standard Form Subdivision Agreement (Clause 2.8).

**Traffic Engineering Section (Public Works Department)** has advised that the current development cap imposed for the Binbrook developments, on the west side of Regional Road No. 56, has been reviewed and revised from 660 units to 900 units. This cap is based on the projected capacity of the existing temporary traffic signal at the intersection of Fall Fair Way and Maggie Johnson Drive and Regional Road No. 56. Traffic advises that allocation of units to be developed will be based on the previous three-party developer agreement. They advise that the cap limit is applicable to the “Binbrook Heights Addition” development applications. Traffic has been in discussion with the applicant and other City staff. Traffic advises that they will continue to schedule yearly traffic counts on Fall Fair Way at Regional Road No. 56, and other intersections within the Village of Binbrook, in order to maintain a database and identify growth and increased traffic volumes on a yearly basis. They advise that they have no comments regarding the Official Plan or Zoning Amendment applications. However, they requested a condition for the draft plan of subdivision (see Appendix “F” - Condition No. 22).

**Hamilton Municipal Parking System (HMPS)** advises that the applicant is providing the minimum 6.5m between the driveways, based on their lot sizes. They further advise that the on-street parking layout is satisfactory; however, they have some concerns overall.

HMPS advises that the preliminary parking plan, which was provided by the applicant, includes tandem parking for the townhouse units fronting onto Fairgrounds Drive. They advise the second car is overhanging onto the right-of-way, and would be subject to parking enforcement. The preliminary parking plan identifies that 40% of on-street parking is being achieved; however, HMPS is not in support of some of the parking spaces. Given that the 40% requirement is only a guideline for single detached dwelling units, the preliminary on-street parking plan accommodates only 30% on-street parking. In this regard, the applicant has advised that the proposed floor plans will provide for larger garages that can adequately allow for 2 parking spaces within each garage for the single detached units. The implementing Zoning By-law has addressed this parking concern through the inclusion of a site-specific provision for parking. In this regard, planning staff is of the opinion that the development can provide a sufficient level of

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parking for the proposed amount of units. Further, HMPS has requested that a warning clause be placed in all purchase of sale agreements as follows:

*“Garages are intended for use as parking. It is the owner’s responsibility to ensure that their parking needs can be met on their own property. On-street parking in this area is limited, and cannot be guaranteed in perpetuity.”*

This clause has been included as a draft plan condition (see Appendix “F” - Condition No. 4).

**Enbridge Pipelines Inc. (Enbridge)** has advised that they operate 2 high pressure petroleum pipelines contained in an 18.3m wide right-of-way/easement adjacent to the subject lands. In their letter, dated June 17, 2011, they had advised that they have no objections to the proposed development provided that the following conditions for working on or near the Enbridge right-of-way are adhered to:

- That a permanent fence be constructed, prior to construction, along the south edge of the Enbridge right-of-way to prevent future encroachments, and ensure heavy equipment does not cross the pipeline during construction.
- Enbridge is regulated by the National Energy Board (NEB) Act. Section 112 of the Act states that “No person shall, unless leave is first obtained from the Board, construct a facility across, on, along, or under a pipeline, or excavate using power-operated equipment or explosives within 30m of a pipeline”.
- No grading or placing of fill on Enbridge’s right-of-way will be permitted without the prior written approval of Enbridge.
- No work shall take place on Enbridge’s right-of-way without the presence of an Enbridge inspector.
- No heavy machinery will be permitted to cross Enbridge’s right-of-way without the prior written approval of Enbridge.
- No landscaping shall take place on Enbridge’s right-of-way without Enbridge’s written approval.

The applicant has been advised of the above noted concerns, and they have been addressed, where appropriate, as a draft plan condition (see Appendix “F” - Condition Nos. 1, 12, and 25). The Standard Form Subdivision Agreement (Clause 1.21) will also address their concerns. Further, the implementing Zoning By-law also includes a provision which addresses the setback distance from the pipeline right-of-way. This is discussed below.

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**Union Gas Limited** has advised that the owner/applicant provide the necessary easements and/or agreements required by Union Gas for the provision of gas services for this project. The concern will be addressed through the Standard Form Subdivision Agreement (Clause 1.21).

**Bell Canada** has advised that conditions of draft plan approval are required to ensure all telecommunication infrastructure is adequately provided for in the development. These comments are addressed through standard conditions of approval in the Standard Form Subdivision Agreement (Clause 1.21).

**Canada Post** has advised that conditions of draft plan approval must be included pertaining to warning clauses for purchasers that mail delivery will be from a designated centralized mail box, and to provide for a location for a mail box. This is addressed in the Standard Form Subdivision Agreement (Clause 1.22).

**Niagara Peninsula Conservation Authority (NPCA)** has reviewed the 'Functional Servicing Report - Binbrook Heights Addition' (dated October, 2011) by A.J. Clarke and Associates Ltd., and the “Summerlea” Subdivision Summary of Water Resources Issues' (updated February, 2006) by Weslake Inc. Based upon their review, the NPCA offers the following comments:

1. The NPCA is satisfied that the existing Stormwater Management Pond #2, constructed in the “Summerlea” Subdivision, has been designed to provide stormwater quality controls for the “Binbrook Heights Addition” development.
2. The NPCA is satisfied that the existing Stormwater Management Pond #5, constructed in the “Southbrook-on-the-Green” development, has been designed to provide stormwater quantity controls for the “Binbrook Heights Addition” development.
3. The NPCA has no objection to the provision of an orifice within the “Binbrook Heights Addition” storm sewer in order to attenuate the flows to prevent surcharging of the downstream “Woodview Estates” storm system.
4. Prior to construction, the NPCA will require that detailed grading, storm servicing, and construction sediment control drawings be submitted to this office for review and approval.

In addition to the above comments, the NPCA requests that the following clauses be included as conditions of Draft Plan Approval (the equivalent City of Hamilton standard draft plan wording is acceptable, where applicable):

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1. That detailed lot grading and drainage plans, delineating both existing and proposed grades and the means whereby major system flows will be accommodated across the lands, be submitted to the NPCA for review and approval.
2. That the owner prepares and implements an erosion and sediment control plan for the subject property, to the satisfaction of the NPCA, including all erosion and sediment control measures that shall be installed, prior to development, and maintained throughout the construction process and inspected after each rainfall, to the satisfaction of Authority staff, until all disturbed areas have been re-vegetated.
3. That the owner/developer agrees in the executed Subdivision Agreement to implement Conditions 1 and 2 noted above.

The above noted conditions have been addressed through draft plan conditions (see Appendix “F” - Condition Nos. 23 and 24).

## **PUBLIC CONSULTATION**

In accordance with the new provisions of the Planning Act and the Council-adopted Public Participation Policy, Notices of Complete Application and Preliminary Circulation were circulated to 195 property owners and tenants within 120m of the subject property on November 10, 2011, requesting public input on the application. A Public Notice sign was also posted on the property on November 28, 2011, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act. Five letters of concern were submitted by local residents (see Appendix “G”), and are discussed in the Analysis/Rationale for Recommendation section of this Report.

## **ANALYSIS / RATIONALE FOR RECOMMENDATION**

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 Places to Grow (Growth Plan for the Greater Golden Horseshoe);
  - (ii) It conforms to the Hamilton-Wentworth Official Plan, and upon redesignation of a portion of the subject lands, will also conform to the Township of Glanbrook Official Plan;
  - (iii) The proposed development provides for a minor realignment of the location of townhouses and single detached dwellings with only a minimal increase in density, and conforms with the intent of the policies in the Binbrook Village Secondary Plan of the Glanbrook Official Plan; and,

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- (iv) The proposal is compatible with the range of uses approved in the surrounding neighbourhood.
2. Staff has had consideration for the criteria contained in Sub-section 51 (24) of the Planning Act to assess the appropriateness of the proposed subdivision and advises that:
- a) It complies with the Provincial Policy Statement.
  - b) Through the phasing of development within the Binbrook Village Secondary Plan, the proposal represents a logical and timely extension of existing development and services, and is in the public interest.
  - c) It conforms with the general intent of the Official Plan, and upon finalization of the proposed Official Plan Amendment, will comply with the Township of Glanbrook Official Plan.
  - d) The lands can be appropriately used for the uses for which they are to be subdivided.
  - e) The proposed roads will adequately service the proposed subdivision and can connect with the current road system.
  - f) The dimensions and shape of the lots are appropriate.
  - g) Restrictions and regulations for the development of the subdivision may be included in the implementing Zoning By-law Amendment, conditions of draft plan approval, and the Standard Form Subdivision Agreement.
  - h) No substantial natural resources are evident on site, and flood control will be addressed through stormwater management plans that will be required as a standard condition of draft plan approval.
  - i) Adequate municipal services will be available, the particulars of which will be determined as part of the conditions of draft plan approval and the Standard Form Subdivision Agreement.
  - j) School Boards have advised that adequate school sites are available to accommodate the anticipated student yield of this subdivision.
  - k) Public land will be conveyed to create road rights-of-way, the particulars of which will be determined as part of the Standard Form Subdivision Agreement and final registration of the plan of subdivision.

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3. The Growth Management Division (GMD) reviewed the applications, and has no objection to the proposed Official Plan Amendment; however, advises that the subject lands must be developed under a satisfactory plan of subdivision.

With respect to the zoning application and the proposed sideyard setbacks, GMD staff recommends that 1.2m minimum setbacks be required on both sides of all lots to accommodate the required drainage swales and provide for unobstructed pedestrian access to the back yard if one-way (back-to-front) drainage is being utilized, otherwise the lots will be required to utilize two-way (split) drainage. A minimum separation of 2.0m is required between buildings in order to provide an emergency overland flow route where a rear lot catch basin is being proposed.

Based on the City’s new Grading Policy for one-way drainage, there must be a minimum 2.0m separation between the buildings, and a minimum of 1.2m on the garage side. Where rear lot catchbasins are proposed, a maximum 0.5m depth of ponding shall be permitted. This concern has been addressed through the implementing Zoning By-law provisions for minimum side yards.

With respect to the Draft Plan of Subdivision known as “Binbrook Heights Addition”, GMD staff provides the following information in conjunction with the draft plan conditions (see Appendix “F” - Conditions Nos. 5 to 21):

- (i) There are existing watermains available on Festival Way, Blue Ribbon Way, and Fall Fair Way which can be extended to service the proposed development. The static pressures at the street lines are, on average, in the range of 59-64 psi. The owner is required to submit a Water Servicing Study focusing on the following issues:
  - (a) Provide the expected occupancy, water demand generation, and fire flow calculation for the development;
  - (b) Demonstrate how the proposal fits with GRIDS numbers;
  - (c) Confirm the water servicing layout based on field information and hydraulic models;
  - (d) Provide the new hydrant locations on the Water Distribution Plan.
- (ii) The owner is advised that water servicing approvals are no longer processed under the MOE Safe Drinking Water Act Certificate of Approval Program. Water servicing is now approved under the MOE’s New Municipal Drinking Water Licensing Program.

**SUBJECT: Applications for Amendments to the Township of Glanbrook Official Plan and Zoning By-law No. 464, and Approval of a Draft Plan of Subdivision, Known as “Binbrook Heights Addition”, on Lands Located at 139 Fall Fair Way (Glanbrook) (PED12182) (Ward 11) - Page 16 of 25**

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Under provincial license, the new system provides the municipality with a Municipal Drinking Water Permit, from which the municipality issues Drinking Water Works Permits Amendments for the works to be constructed by the developer. For more information and requirements on this program, please visit the Ministry of Environment website at the following link:

[http://www.ontario.ca/ONT/portal51/drinkingwater/Combo?docId=STEL01\\_046856&breadcrumbLevel=1&lang=en&comboTarget=](http://www.ontario.ca/ONT/portal51/drinkingwater/Combo?docId=STEL01_046856&breadcrumbLevel=1&lang=en&comboTarget=)

- (iii) There are existing storm and sanitary sewers on Festival Way, Blue Ribbon Way, and Fall Fair Way which can be extended to service the proposed development.
- (iv) The storm drainage system for this development is intended to outlet to the existing quality control stormwater management facilities located south of Binbrook Road.
- (v) The owner is advised that the storm and sanitary sewer MOE Certificate of Approval is now called the Environmental Compliance Approval, as of October 31, 2011. The new form can be found on the Ministry’s web site at the following link.

[http://www.ene.gov.on.ca/environment/en/resources/STDPROD\\_090550.html](http://www.ene.gov.on.ca/environment/en/resources/STDPROD_090550.html)

- (vi) Due to the narrow width of some of the lots within the proposed development, it is recognized that on-street parking may be a concern. Therefore, the owner will be required to provide the City with an on-street parking plan for Festival Way and Fairgrounds Drive, based on the premise of achieving on-street parking for 40% of the total number of single family units.

GMD staff advises that a preliminary parking plan was received as part of the application submission. It was noted that the plan indicates the applicant is proposing to achieve on-street parking of approximately 30% of the total number of single family units (see Appendix “H”). To create additional parking, the applicant’s plan has demonstrated that additional parking can be accommodated within proposed double driveways and garages for the single detached lots. In this regard, the implementing Zoning By-law has included a provision to provide 4 parking spaces per single detached lot. Two (2) parking spaces per street townhouse unit is the standard By-law requirement. Also, the subsequent Purchase and Sale



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Agreements will address the parking requirements for this subdivision (see Appendix “F” - Condition No. 4).

- (vii) The owner is advised that servicing cannot commence until downstream vegetation removal works in the channel have been completed. In addition, an analysis and verification of the overland flow route and the Southbrook Storm Pond is required prior to servicing.
  - (viii) There is no cost sharing by the City anticipated for this development.
4. The applicant has requested amendments to Township of Glanbrook Zoning By-law No. 464 in order to provide development regulations implementing the draft plan of subdivision. The requested amendments are similar to the neighbouring site-specific zones which currently exist; however, some site-specific regulations for each of the single detached dwelling lots and street townhouse blocks are required, as noted above. The proposed modifications are discussed below:

**Residential “R4-276” Zone (see Appendix “D” - Block 1):**

Minimum Lot Frontage:

The requested change to the minimum lot frontage is 10m, except 11.8m for a corner lot, whereas the By-law requires 12m, except 16m on a corner lot. This request is considered minor and appropriate, as it maintains the intent of the Official Plan and By-law without a noticeable impact to streetscape frontage. Further, the proposed frontages will be in keeping with the existing developments already approved and built within the neighbouring subdivisions.

Minimum Lot Area:

The applicant has also requested a corresponding reduction in the minimum lot area to 320 sq. m for a lot, whereas the By-law requires 400 sq. m, except 500 sq. m for a corner lot. This modification is supportable, as this reduction is consistent with the abutting subdivision to the west.

Maximum Lot Coverage:

The applicant has also requested that the maximum 35 per cent lot coverage requirement be deleted. The justification for allowing no maximum lot coverage is that removal of this regulation allows greater flexibility in architecture and design, while maintaining an established building footprint as a result of the minimum required setbacks. The City of Hamilton Zoning By-law No. 05-200 has removed

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this requirement from the regulations for this very reason. As a result, this request is considered minor and supportable.

Minimum Front Yard:

Relief is also being sought for a minimum front yard of 4.5m to the dwelling, except 6.0m to a garage, whereas the By-law requires 7.5m for a front yard. This request is considered appropriate, and corresponds with guiding principles of urban streetscape character and design, while maintaining consistency of front yards for the entire draft plan of subdivision, and provides for tandem parking, as per the Zoning By-law parking provisions.

Minimum Side Yard:

Modifications to the minimum required side yard are also being requested for 1.2m on one side and 0.6m on the other side, except for a corner lot abutting a flankage street, which shall be 3.0m; and where the garage fronts onto the flankage street, it shall not be located within 6.0m of the flankage lot line, and on a corner lot with a daylight triangle, a minimum 2.0m setback for any building from the hypotenuse of the daylight triangle is required. The parent By-law requires 1.2m on one side, as well as a 4.5m side yard for a corner lot, and 6.0m for the flankage lot line. In keeping with other recent development approvals, the City has further modified this request to specify that the 1.2m shall only be on the garage side, and the 0.6m shall be on the non-garage side, subject to a maintenance easement registered on title for any minimum side yard that is less than 1.2m. In addition, with the narrower side yard provision, split drainage for each lot will be a requirement in order to convey surface drainage in accordance with the City's Grading Policy. The maintenance easement will permit the encroachment across neighbouring properties for maintenance purposes only. A further provision has also been included to address GMD staff concerns regarding emergency spillway in the event of the rear lot catch basin becoming blocked during a major storm event. In this regard, the regulation ensures that a minimum 2.0m separation is provided between buildings along one common lot line. Staff is satisfied that this additional modification will allow for appropriate and reasonable access to the rear yard, while maintaining technical engineering requirements with respect to overland stormwater movement and, therefore, is supportable.

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Minimum Rear Yard:

The applicant has requested that the rear yard setback be reduced to 7.0m, whereas 7.5m is required. This requested modification cannot be supported by staff, as the cumulative impact from the front and side yard reductions, in conjunction with any reduction to the required rear yard, will impact the overall amenity space. As well, any additional development (i.e. deck or accessory structure) would also impact overland stormwater runoff. As such, no special provisions have been incorporated into the By-law with regard to rear yard setbacks.

Minimum Parking Requirements:

The applicant had requested that in addition to stairs, a maximum of 3 risers and a door swing shall be permitted to encroach into the interior garage parking space, whereas they are not recognized under the current By-law. This provision can negatively impact parking within the garage and, therefore, will not be included. This provision was further modified to ensure that a minimum of 2 parking spaces will be accommodated within the garage of the proposed units, as well as ensuring 2 parking spaces within the driveway. This provision certifies that each individual single detached dwelling lot will provide 4 parking spaces per unit.

Special Setback from Transmission Pipeline Right-of-Way:

The applicant has requested that a special setback for all principal buildings from a transmission pipeline right-of-way be a minimum 7.5m, whereas the By-law requires 10m. This request has been supported by staff in the past for similar developments along the Enbridge Pipeline right-of-way in Binbrook, and Enbridge has no objection to the modification. Based on this, staff is of the opinion that the request is minor and consistent with previously approved developments to the east and west of the subject lands and, therefore, supportive of the modification, as requested.

Yard Encroachments:

The applicant has requested the following yard encroachments:

- That covered porches may project into any required front yard a distance of not more than 3.0m, whereas the By-law permits 1.5m;
- That bay windows, either with or without foundations, may project into any required front, rear, or flankage yards a distance of not more than 0.9m, whereas the By-law permits 0.5m;

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- That stairs may project into any required front yard a distance of not more than 4.5m, whereas the By-law does not recognize stairs;
- That a cantilever and/or alcove, either with or without foundations, may project into any required front, rear, or garage side yard setback a distance of not more than 0.6m, whereas the By-law does not recognize a cantilever or alcove; and,
- That a covered porch may project into a required flankage yard a distance of not more than 1.8m, whereas the By-law permits 1.5m.

These provisions are consistent with other developments in Stoney Creek, Ancaster, and Glanbrook. The request is justifiable, and can be supported, as it is a product of constructing dwelling units on smaller lots, which is a result of recent planning and urban design initiatives to increase densities under Places to Grow the Urban Hamilton Official Plan, and is consistent with the Secondary Plan policies. Further, it is consistent with some of the built form in the City and other municipalities from a new urbanism approach.

**Residential Multiple “RM2-277” Zone (see Appendix “D” - Blocks 2 and 5):**

**Minimum Lot Frontage:**

The requested change to the minimum lot frontage is 6.0m per dwelling unit, except 8.0m for a dwelling end unit which does not abut a flanking street, and 10.0m for a corner lot for a dwelling end unit adjacent to a flanking street, whereas the By-law requires 7.0m per dwelling unit, except 9.0m for a dwelling end unit which does not abut a flanking street, and 12m for a corner lot for an end dwelling unit. This request is considered minor and appropriate, as it maintains the intent of the Official Plan and By-law without a noticeable impact to streetscape frontage.

**Minimum Lot Area:**

The applicant has also requested a corresponding reduction in the minimum lot area of 180 sq. m per dwelling unit, except 240 sq. m for a dwelling end unit which does not abut a flanking street, and 300 sq. m on a corner lot for a dwelling end unit abutting a flanking street, whereas the By-law requires 210 sq. m per dwelling unit, except 270 sq. m for a dwelling end unit which does not abut a flanking street, and 360 sq. m on a corner lot for a dwelling end unit abutting a flanking street. The variation in lot areas provides for a slightly higher density and mix of lot areas, which is in keeping with the Binbrook Village Secondary Plan. Further, the overall lot areas will range from 180 to 240 sq. m, with substantial rear yard setbacks and adequate rear yard amenity space. These modifications are

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supportable, as it is consistent with the existing character of the Binbrook Community, while still providing sizable units which can accommodate sufficient parking for each dwelling within the driveway and garages.

Maximum Lot Coverage:

The applicant has also requested that the maximum 35 per cent lot coverage requirement be deleted. The justification for allowing no maximum lot coverage is that removal of this regulation allows greater flexibility in architecture and design, while maintaining an established building footprint as a result of the minimum required setbacks. The City of Hamilton Zoning By-law No. 05-200 has removed this requirement from the regulations for this very reason. As a result, this request is considered minor and supportable.

Minimum Front Yard:

Relief is also being sought for a minimum front yard of 6m to the dwelling, whereas the By-law requires 7.5m for a front yard. This request is considered appropriate, and corresponds with guiding principles of urban streetscape character and design, while maintaining consistency of front yards for the entire draft plan of subdivision, and provides for tandem parking, as per the Zoning By-law parking provisions.

Minimum Side Yard:

Modification to the minimum required side yard is also being requested for 1.2m on an end unit not abutting a flanking street and 3.0m for an end unit on a corner lot abutting a flanking street, whereas the By-law requires 2.0m for an end unit not abutting a flanking street and 6.0m for end dwelling unit on a corner lot abutting a flanking street. The modification to a 1.2m side yard is considered minor, and can be supported. With respect to the requested 3.0m provision, staff is of the opinion that this request is considered appropriate and corresponds with guiding principles of urban streetscape character and design for the proposed end and corner units.

Minimum Rear Yard:

The applicant has requested that the rear yard setback be reduced to 7.0m, whereas 7.5m is required. This requested modification cannot be supported by staff, as the cumulative impact from the front and side yard reductions, in conjunction with any reduction to the required rear yard, will impact the overall amenity space. As well, any additional development (i.e. deck or accessory structure) would also impact overland stormwater runoff. As such, there will be no change to the parent By-law provision.

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Minimum Landscape Area:

The applicant has proposed that the minimum landscape area be reduced to 25 percent of the lot area, whereas the By-law requires 30 per cent of the lot area. Staff is satisfied that a reduction of 5 per cent is considered minor, still maintains the intent of the Official Plan and the Zoning By-law, and is reflective of reduced lot widths.

Yard Encroachments:

The applicant has requested the following yard encroachments:

- That covered porches may project into any required front yard a distance of not more than 3.0m, whereas the By-law permits 1.5m;
- That bay windows, either with or without foundations, may project into any required front, rear, or flankage yards a distance of not more than 0.9m, whereas the By-law permits 0.5m;
- That stairs may project into any required front yard a distance of not more than 4.5m, whereas the By-law does not recognize stairs;
- That a cantilever and/or alcove, either with or without foundations, may project into any required front, rear, or side yard (end unit and/or corner unit) a distance of not more than 0.6m, whereas the By-law does not recognize a cantilever or alcove; and,
- That a covered porch may project into a required flankage yard a distance of not more than 1.8m, whereas the By-law permits 1.5m.

These provisions are consistent with other developments in Stoney Creek, Ancaster, and Glanbrook. The request is justifiable and can be supported, as it is a product of constructing dwelling units on smaller lots, which is a result of recent planning and urban design initiatives to increase densities under the Places to Grow Plan and the Urban Hamilton Official Plan, and is consistent with the Secondary Plan policies. Further, the built form will be consistent with architectural design and flexibility, including other municipalities approach to new urbanism.

**Residential Multiple “RM2-161” Zone (see Appendix “D” - Block 4):**

The site-specific “RM2-161” Zone was established through the approval of By-law No. 464-70-00. The subject lands are abutting the lands, which were zoned in 2000 for a plan of subdivision known as “Woodview Estates”, and subsequently amended in 2006. It was always anticipated that the subject lands would be developed in conjunction with these lands. It is noted that this block will be undevelopable until such time as the lands have merged in order to create sufficiently sized lots; and, that as per the Standard Form Subdivision Agreement, the owner will be required to declare these lands undevelopable until such time as land assembly occurs.

**Residential “R4-222” Zone (see Appendix “D” - Block 3):**

The site-specific “R4-222” Zone was established through the “Fairgrounds East” draft plan of subdivision. The implementing Zoning By-law, which permits the uses within the plan of subdivision, came into force in 2007. It was also intended that the subject lands were to be developed in conjunction with the “Fairgrounds East” plan of subdivision to the west. Once again, this block will also be undevelopable until such time as the lands have merged in order to create sufficiently sized lots.

5. Five letters of concern were received from residents whom have recently taken occupancy in the townhouse units to the neighbouring southerly development, at 10 Pumpkin Pass. Their concerns are centralized on the types of units/density proposed along the rear yard lot line, public notice issuance, and the notion of decreased property values. Staff’s response is as follows:

**Increased Density and Property Values:**

The public perception of this proposal having an increase in density is not justified. The current “Binbrook Heights Addition” applications would permit a total of approximately 178 units, and permits a mix of both single detached and street townhouse dwellings. This residential mix is in keeping with the rest of the neighbourhood. In response to resident’s concerns, the existing residential designation which abuts the resident’s lands (“Low Density Residential”) would permit approximately 16 single detached units, whereas the current proposed designation would permit approximately 30 street townhouse units backing onto the subject lands. The overall proposed increase is considered appropriate, and is in keeping with the Growth Plan and the overall density ranges for the Village of Binbrook.

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Staff is not aware of any data that would support the opinion that the proposed higher density development would result in a loss of property values.

Notice:

With respect to the improper notice, or lack of, the residents are all recent owners of the townhouse development, and took occupancy after the public notice had been issued. In this regard, the City’s tax roll had not been updated at the time of the original notice of complete applications and preliminary notice. Further, the Planning Act identifies that a public notice sign also be erected on-site, which was done on November 28, 2011, and, therefore, proper notice was issued pursuant to the Act.

6. With respect to vehicular parking constraints and new residential development within the Village of Binbrook, all proposed residential development within a proposed draft plan of subdivision is required to submit an on-street parking plan. A preliminary parking plan was submitted by the applicant, and the appropriate staff reviewed the plan and provided comment. Staff from HMPS, Traffic, and GMD had conducted a review of the preliminary street parking plan (see Appendix “H”), which was submitted by the applicant. With respect to their comments, they have requested that draft plan conditions be included which address parking (see Appendix “F” - Condition Nos. 4 and 17). Further, through meetings with the developer and the Ward Councillor, the developer has advised that all of the proposed single detached dwellings will have two-car garages with double-wide driveways and the minimum required two spaces will be provided for the street townhouse units.

**ALTERNATIVES FOR CONSIDERATION:**

If the applications are denied, the lands could only be developed for the uses permitted under the Restricted Agricultural “A2” Zone, which includes agricultural uses, except new intensive livestock operations and kennels, one single detached dwelling on one lot, and commercial greenhouse operations.



**SUBJECT: Applications for Amendments to the Township of Glanbrook Official Plan and Zoning By-law No. 464, and Approval of a Draft Plan of Subdivision, Known as “Binbrook Heights Addition”, on Lands Located at 139 Fall Fair Way (Glanbrook) (PED12182) (Ward 11) - Page 25 of 25**

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**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**

- ◆ Effective and sustainable Growth Management.
- ◆ Generate assessment growth/non-tax revenues.

**Social Development**

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

**Healthy Community**

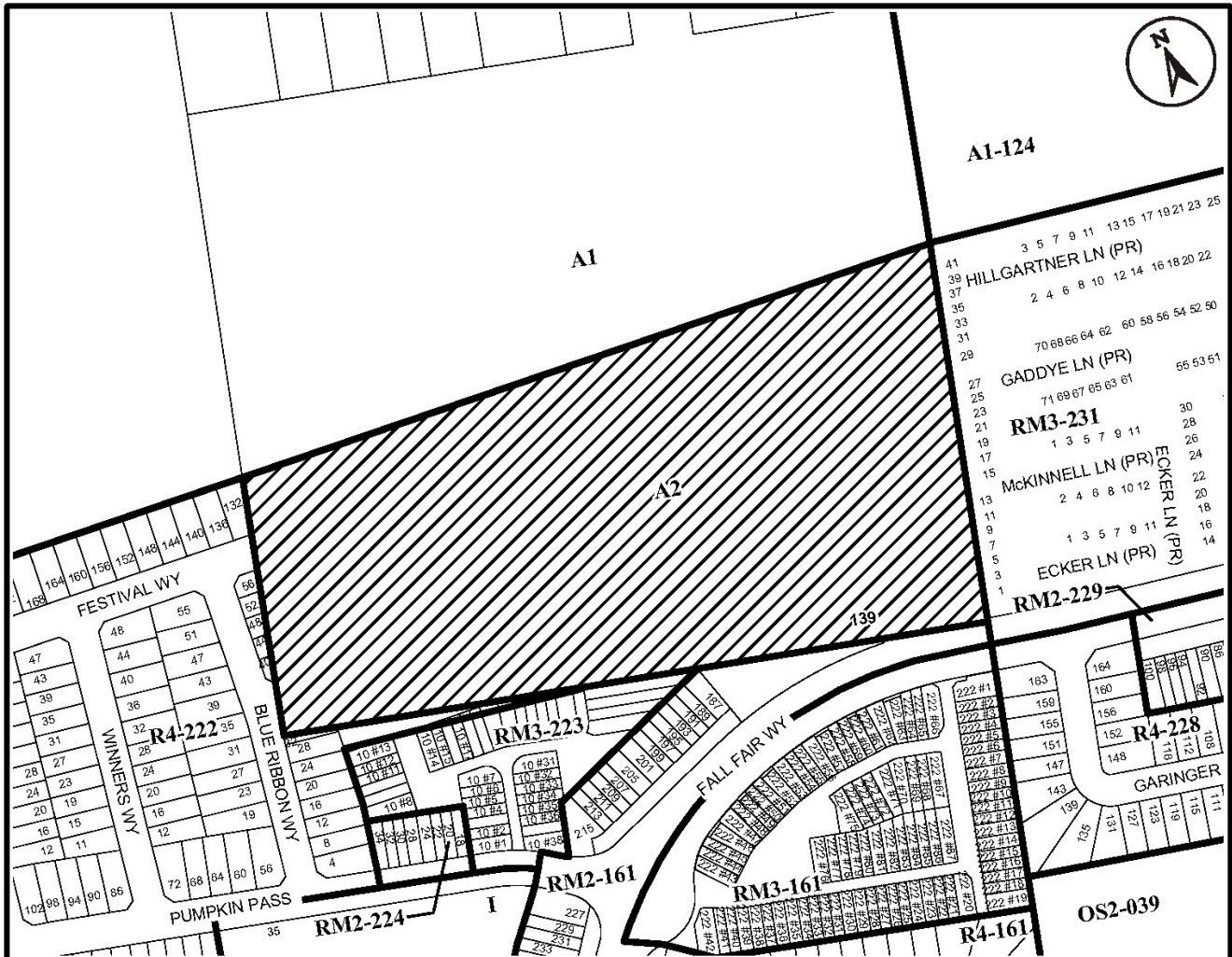
- ◆ Plan and manage the built environment.

**APPENDICES / SCHEDULES**

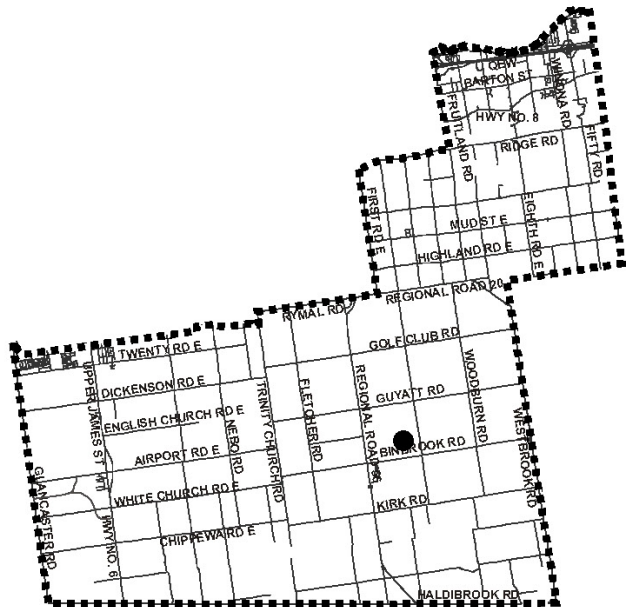
- Appendix “A”: Location Map
- Appendix “B”: Draft Official Plan Amendment to the Glanbrook Official Plan
- Appendix “C”: Draft Official Plan Amendment to the Urban Hamilton Official Plan
- Appendix “D” Draft Zoning By-law Amendment
- Appendix “E”: Draft Plan of Subdivision “Binbrook Heights Addition”
- Appendix “F”: Draft Plan Conditions of Approval
- Appendix “G”: Resident’s Letters
- Appendix “H”: Preliminary Parking Plan

:JM

Attachs. (8)



● Site of the Application



Ward 11 Key Map

N.T.S.



## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:

ZAC-11-065\_25T-201109\_OPA-11-016

Date:

November 2, 2011

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
JM/AL

### Subject Property



139 Fall Fair Way

**Schedule "1"**

**Amendment No. [REDACTED]**

**to the**

**Official Plan for the Former Township of Glanbrook**

The following text, together with Schedule "A" [Schedule "B", Binbrook Village Secondary Plan], attached hereto, constitute Official Plan Amendment No. [REDACTED].

**Purpose:**

The purpose of this Amendment is to redesignate portions of Schedule "B" - Binbrook Village Secondary Plan from "Low Density Residential" and "Corner Retail" to "Medium Density Residential".

**Location:**

The lands affected by this Amendment are Part of Lot 2, Block 4, Concession 3, south of the Enbridge Pipeline Easement, and municipally known as 139 Fall Fair Way, within the Village of Binbrook.

**Basis:**

- The range of residential types and tenures permitted in the revised boundaries of the "Low Density Residential" and "Medium Density Residential" will be compatible with adjacent development in the existing neighbourhood, which essentially consists of a mix of street townhouses and single detached residential housing types.
- Inclusion of the pedestrian walkway and revision in the proposed road pattern is consistent with good neighbourhood design.
- The proposed development is in keeping with the residential development objectives of the Binbrook Village Secondary Plan.

**Actual Changes:**

**Map Changes:**

1. Schedule "B", Binbrook Village Secondary Plan, as amended, be revised by redesignating portions of the subject lands from:
  - a) "Low Density Residential" to "Medium Density Residential"; and,
  - b) "Corner Retail" to "Medium Density Residential".

**Implementation:**

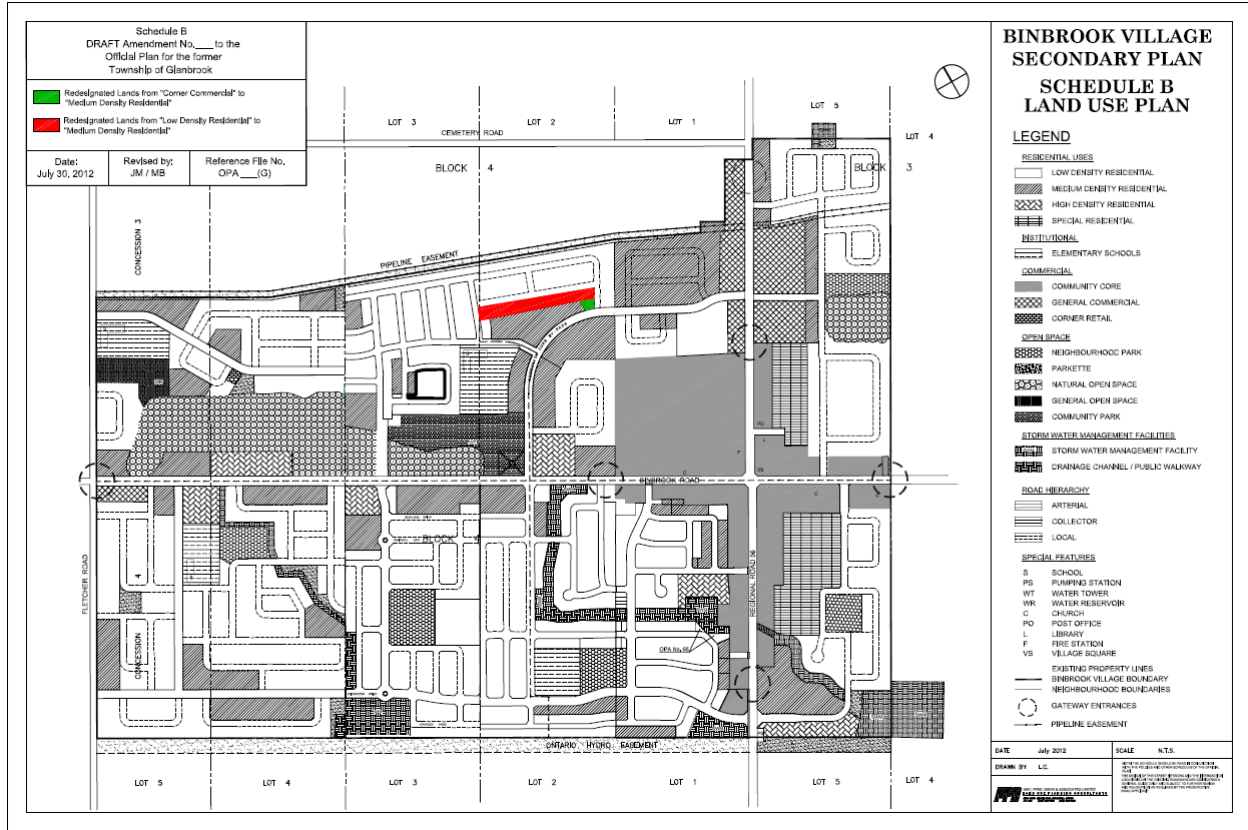
An implementing Zoning By-law Amendment and Plan of Subdivision will give effect to this Amendment.

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

**The  
City of Hamilton**

\_\_\_\_\_  
R. Bratina  
Mayor

\_\_\_\_\_  
R. Caterini  
Clerk



**DRAFT Amendment No. [REDACTED]  
to the  
Urban Hamilton Official Plan**

The following text, together with Appendix "A" – Urban Hamilton Official Plan - Volume 2, Binbrook Village Secondary Plan – Land Use Plan, Map B.5.1-1, attached hereto, constitutes Official Plan Amendment No. [REDACTED] to the Urban Hamilton Official Plan.

**1.0 Purpose:**

The purpose of this Amendment is to amend the Binbrook Village Secondary Plan from "Local Commercial" to "Low Density Residential 2h".

**2.0 Location:**

The lands affected by this Amendment are municipally identified as 139 Fall Fair Way, in the Subdivision known as "Binbrook Heights Addition", in the former Township of Glanbrook.

**3.0 Basis:**

The basis for permitting this Amendment is as follows; the proposed Amendment:

- Is consistent with the Provincial Policy Statement, and conforms to Places to Grow (Growth Plan for the Greater Golden Horseshoe).
- Provides for a minor realignment of the location of street townhouse dwellings, with only a minimal increase in density, and conforms with the intent of the policies within the Binbrook Village Secondary Plan of the Glanbrook Official Plan.
- Is compatible with the range of approved surrounding land uses.

**4.0 Changes:**

**4.1 Mapping Changes:**

4.1.1 Urban Hamilton Official Plan - Volume 2, Chapter B.5.1-1  
- Glanbrook Secondary Plans; Binbrook Village Secondary  
Plan - Land Use Plan is amended by redesignating subject  
lands from "Local Commercial" to "Low Density Residential  
2h",

as shown on Appendix "A" attached to this Amendment.

**5.0 Implementation:**

An implementing Zoning By-law Amendment and Plan of Subdivision will  
give effect to this Amendment.

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

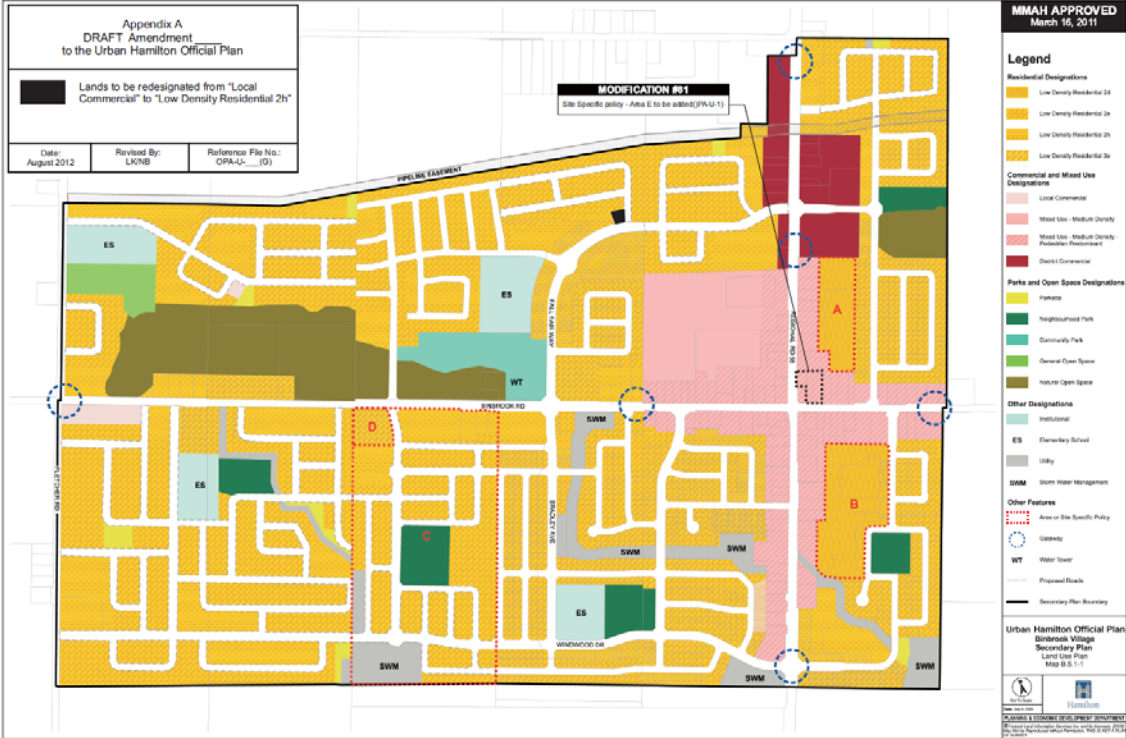
**The  
City of Hamilton**

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R. Bratina  
MAYOR

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Rose Caterini  
CLERK





**Authority:** Item [REDACTED]  
Planning Committee  
Report: 12-[REDACTED] (PED12182)  
CM: [REDACTED]

**Bill No.**

## **CITY OF HAMILTON**

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

### **To Amend Zoning By-law No. 464 (Glanbrook) Respecting the Property Located at 139 Fall Fair Way, Binbrook**

**WHEREAS** the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City Of Hamilton";

**AND WHEREAS** the City Of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Township of Glanbrook" 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. 464 (Glanbrook) was enacted on the 16<sup>th</sup> day of March, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May, 1993;

**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. 464 (Glanbrook) be amended as hereinafter provided;

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

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

1. That Schedule "H", appended to and forming part of By-law No. 464 (Glanbrook), is amended by changing the zoning from the:
  - (a) Restricted Agricultural "A2" Zone to the Residential "R4-276" Zone, Modified, on the lands comprised of Block 1;
  - (b) Restricted Agricultural "A2" Zone to the Residential Multiple "RM2-277" Zone, Modified, on the lands comprised of Block 2;
  - (c) Restricted Agricultural "A2" Zone to the Residential "R4-222" Zone, Modified, on the lands comprised of Block 3;
  - (d) Restricted Agricultural "A2" Zone to the Residential Multiple "RM2-161" Zone, Modified, on the lands comprised of Block 4; and,
  - (e) Residential "R4-222" Zone, Modified, to the Residential Multiple "RM2-277" Zone, Modified, on the lands comprised of Block 5;

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

2. That Section 44, "Exceptions to the Provisions of the By-law", be amended by adding new Special Exceptions, "R4-276" and "RM2-277", as follows:

**"R4-276"**

Notwithstanding the regulations of Paragraphs (a), (b), (c), (d), (e), and (i) of Sub-section 16.2 **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUB-SECTION 16.1 (SINGLE DETACHED DWELLING)** of **SECTION 16: RESIDENTIAL "R4" ZONE**, for those lands zoned "R4-276", the following regulations shall apply:

- (a) Minimum Lot Frontage: 10m, except 11.8m for a corner lot.
- (b) Minimum Lot Area: 320 sq. m.
- (c) Maximum Lot Coverage: N/A.
- (d) Minimum Front Yard: 4.5m to the dwelling, except 6.0m to the garage.

- (e) Minimum Side Yard: 1.2m on the garage side and 0.6m on the non-garage side, subject to a maintenance easement registered on title for any minimum side yard that is less than 1.2m, with said maintenance easement permitting encroachment for maintenance purposes only for no more than 0.6m into the side yard of the lot adjacent the yard with a side yard setback less than 1.2m. A 0.6m side yard setback shall not be permitted adjacent to any side lot line less than 1.2m, except:

On a corner lot, the minimum side yard abutting the flankage street shall be 3.0m, except that an attached garage which fronts on the flankage street shall not be located within 6.0m of the flankage street line; and on a corner lot with a daylight triangle, a minimum 2.0m setback for any building from the hypotenuse of the daylight triangle is required; and,

On a lot where an emergency spillway/overland flow route shall be located, a minimum 2.0m side yard separation between buildings shall be provided and maintained between buildings along one common lot line.

- (i) Minimum Parking Requirements:

Pursuant to the provisions of Sub-sections 7.35, 11.5, and 11.6. Every single detached dwelling unit shall provide and maintain 2 parking spaces within the garage and 2 parking spaces within the driveway.

Notwithstanding the regulations of Sub-sections 7.25 and 7.35 (a)(vii) in **Section 7: GENERAL PROVISIONS FOR ALL ZONES**, and Sub-section 11. (d)(i) **SECTION 11: GENERAL PROVISIONS FOR ALL RESIDENTIAL ZONES**, for those lands zoned "R4-276", the following regulations shall apply:

- 7.25 A minimum setback of 7.5m from the boundary of a transmission pipeline right-of-way shall be provided and maintained for all buildings and/or structures.

In addition to the provisions of Paragraphs (a) and (b) of Sub-section 7.26 **ENCROACHMENT INTO YARDS**, on those lands zoned "R4-276", the following regulations shall apply:

- (i) Covered porches may project into any required front yard a distance of not more than 3.0m.
- (ii) Bay windows, either with or without foundations, may project into any required front, rear, or flankage yards a distance of not more than 0.9m.
- (iii) Stairs may project into any required front yard a distance of not more than 4.5m.
- (iv) A cantilever and/or alcove, either with or without foundations, may project into any required front, rear, or garage side yard a distance of not more than 0.6m.
- (v) A covered porch may encroach into a required flankage yard a distance of not more than 1.8m.

**"RM2-277"**

Notwithstanding the regulations of Paragraphs (a), (b), (c), (d), (e), and (i) of Sub-section 18.2 **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUB-SECTION 18.1 (STREET TOWNHOUSE DWELLING) OF SECTION 18: RESIDENTIAL MULTIPLE "RM2" ZONE**, for those lands zoned "RM2-277", the following regulations shall apply:

- (a) Minimum Lot Frontage: 6.0m per dwelling unit, except 8.0m for a dwelling end unit which does not abut a flanking street, and 10.0m on a corner lot for a dwelling end unit adjacent to a flanking street.
- (b) Minimum Lot Area: 180 sq. m per dwelling unit, except 240 sq. m for a dwelling end unit which does not abut a flanking street, and 300 sq. m on a corner lot for a dwelling end unit abutting a flanking street.
- (c) Maximum Lot Coverage: N/A.
- (d) Minimum Front Yard: 6.0m.
- (e) Minimum Side Yard: 1.2m on an end unit not abutting a flanking street, and 3.0m for an end unit on a corner lot abutting a flanking street.
- (i) Minimum Landscaped Area: 25 percent of the lot area.

In addition to the provisions of Paragraphs (a) and (b) of Sub-section 7.26 **ENCROACHMENT INTO YARDS**, on those lands zoned "RM2-277", the following regulations shall apply:

- (i) Covered porches may project into any required front yard a distance of not more than 3.0m.
  - (ii) Bay windows, either with or without foundations, may project into any required front, rear, or flankage yards a distance of not more than 0.9m.
  - (iii) Stairs may project into any required front yard a distance of not more than 4.5m.
  - (iv) A cantilever and/or alcove, either with or without foundations, may project into any required front, rear (all units), or side yard (end unit and/or corner unit) a distance of not more than 0.6m.
  - (v) A covered porch may encroach into a required flankage yard a distance of not more than 1.8m.
3. 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 "R4" and "RM2" Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.
4. 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.

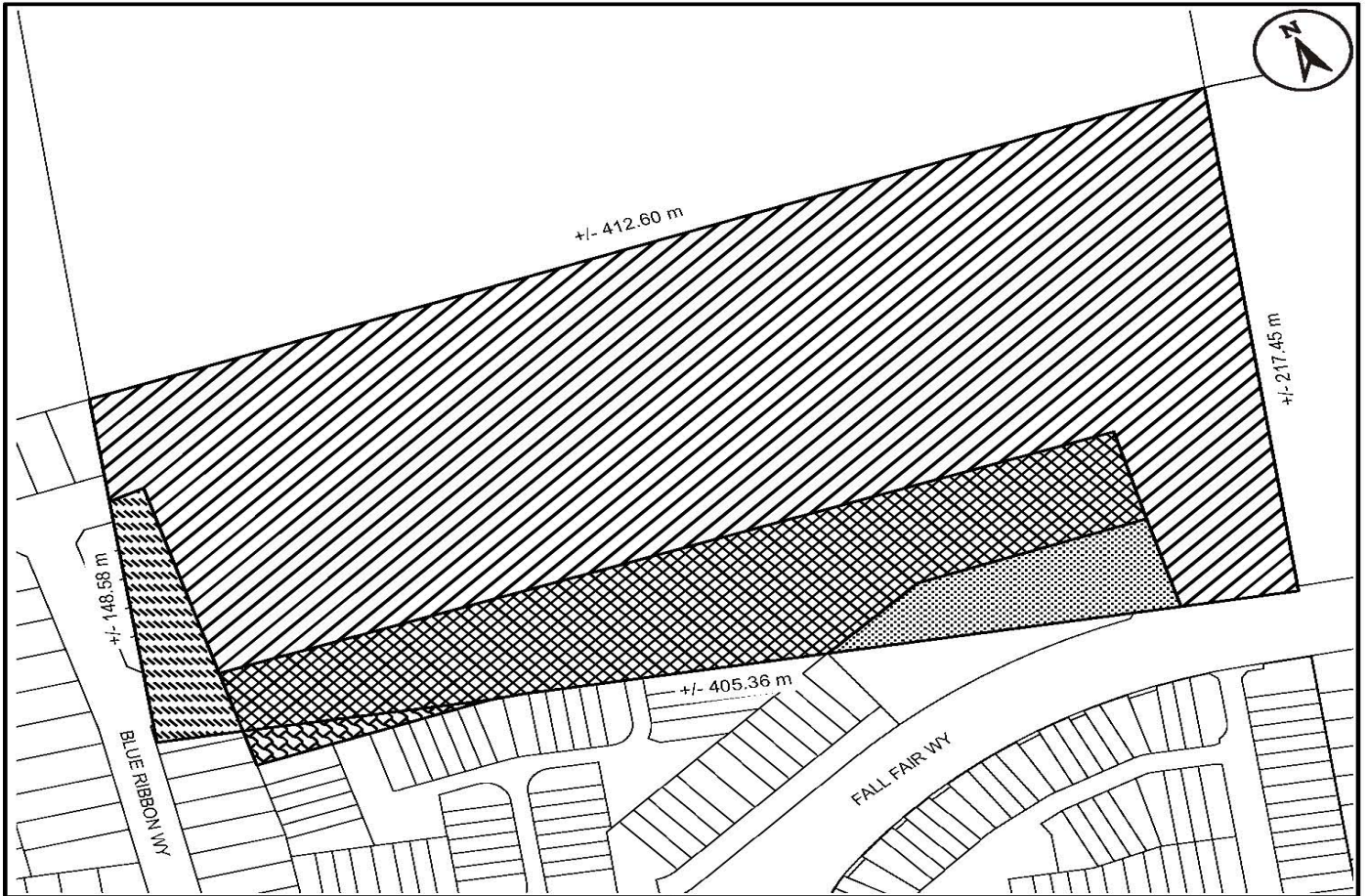
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R. Bratina  
Mayor

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R. Caterini  
Clerk

ZAC-11-06  
OPA-11-016  
25T-201109



This is Schedule "A" to By-Law No. 12-  
 Passed the ..... day of ....., 2012

-----  
 Mayor  
 -----  
 Clerk






## Schedule "A"

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

to Amend By-law No. 464

### Subject Property

139 Fall Fair Way

-  **Block 1** - Change in Zoning from the Restricted Agricultural "A2" Zone to the Residential "R4-276" Zone, Modified
-  **Block 2** - Change in Zoning from the Restricted Agricultural "A2" Zone to the Residential Multiple "RM2-277" Zone, Modified
-  **Block 3** - Change in Zoning from the Restricted Agricultural "A2" Zone to the Residential "R4-222" Zone, Modified
-  **Block 4** - Change in Zoning from the Restricted Agricultural "A2" Zone to the Residential Multiple "RM2-161" Zone, Modified
-  **Block 5** - Change in Zoning from the Residential "R4-222" Zone, Modified to the Residential Multiple "RM2-277" Zone, Modified.

Scale:  
 N.T.S.

File Name/Number:  
 ZAC-11-065 / OPA-11-016

Date:  
 Oct. 10, 2012

Planner/Technician:  
 JM/KA



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



**Special Conditions of Draft Plan of Subdivision Approval  
for "Binbrook Heights Addition"**

**Planning:**

1. That, ***prior to registration of the final plan of subdivision***, the owner/applicant shall include the following warning clause for Lots 1-38 in all purchase and sale and/or lease agreements, to the satisfaction of the Director of Planning:

"Purchasers/Tenants are advised that an Enbridge Pipeline Easement is located to the north of the subject properties. This parcel of land is to remain as open space, green space, or park space, and must be accessible at all times for maintenance, inspection, and alteration of the pipelines. No fill, grading, or landscaping is to occur on Enbridge's right-of-way without prior approval from Enbridge. Furthermore, there are to be no permanent structures within the easement area; and in accordance with the regulations of the National Energy Board Act, any excavation within 30 metres of the pipeline right-of-way and any crossings of the right-of-way will require approval from Enbridge".

2. That, ***prior to registration of the final plan of subdivision***, the owner shall ***agree, in writing***, to withdraw and close Subdivision Application 25T-200609, once Subdivision Application 25T-201109 receives Draft Plan Approval, to the satisfaction of the Senior Director of Growth Management.
3. That, ***prior to the issuance of building permits***, for any lot for a single detached dwelling where an interior side yard setback is less than 1.2m, that the owner shall establish all required maintenance easements or such other mechanism that will allow for maintenance, to the satisfaction of the City Solicitor and Director of Planning. Where a foundation wall must be constructed prior to final determination of the easement location, the owner shall ***agree, in writing***, that the maintenance easements of any other mechanism that has been approved by the City Solicitor and Director of Planning will be established prior to occupancy, all to the satisfaction of the Director of Planning.
4. That, ***prior to registration of the final plan of subdivision***, the owner/applicant shall include the following warning clause in all purchase and sale and/or lease agreements, to the satisfaction of the Director of Planning:

"Garages are intended for use as parking. It is the owner's responsibility to ensure that their parking needs can be met on their own property. On-street parking in this area is limited and cannot be guaranteed in perpetuity."



**Engineering:**

5. That, ***prior to registration of the final plan***, the owner shall pay to the City any outstanding commutation charges assessed against the lands in the draft plan, which amount represents the owner's share of the Binbrook Village Stormwater Management Pond, in accordance with a sewer rate established by the City for the Binbrook Village Urban Drainage Area under By-law No. 607-00, to the satisfaction of the Senior Director of Growth Management.
6. That, ***prior to registration of the final plan***, 7.0 metre by 7.0 metre daylight triangles shall be established on the final plan of subdivision at the corner of Lot 53 and Block 154, to the satisfaction of the Senior Director of Growth Management.
7. That, ***prior to registration of the final plan***, 4.5 metre by 4.5 metre daylight triangles shall be established on the final plan of subdivision at the corner of Lots 43, 54, 113, 114, and Block 148, to the satisfaction of the Senior Director of Growth Management.
8. That, ***prior to registration of the final plan***, the final plan of subdivision shall include sufficient lands to be dedicated to the City of Hamilton as public highway, by the owner's certificate on the plan, to establish the widened limit of Fall Fair Way at 15 metres from the center line of the original road allowance, to the satisfaction of the Senior Director of Growth Management.
9. That, ***prior to registration of the final plan***, Block 155 shall be dedicated to the City of Hamilton as a public walkway, by the owner's certificate on the final plan of subdivision, to the satisfaction of the Senior Director of Growth Management.
10. That, ***prior to registration of the final plan***, there is sufficient sanitary servicing capacity available, including but not limited to, upgrades to the Binbrook Sanitary Sewer Pumping Station, all to the satisfaction of the Senior Director of Growth Management.
11. That, ***prior to registration of the final plan***, if required, the owner shall dedicate easements for conveying external drainage, to the satisfaction of the Senior Director of Growth Management.
12. That, ***prior to servicing***, the owner shall include in the engineering design for the draft plan lands, installation of a minimum 1.5 metre high galvanized chain link fence along the rear yard of Lots 1 to 37, inclusive, which yards abut the easement (PIN 17384-1028 in favour of the Interprovincial Pipeline Company), and the side yard of Lots 68, 69, 98, and 99, which abuts the City public walkway, to the satisfaction of the Senior Director of Growth Management.

13. That, ***prior to servicing***, the owner shall indicate all driveway locations on the engineering drawings for all lots, and further, that the driveways shall be established outside of the daylight triangles (Lot 53 shall not have driveway access to Fall Fair Way), to the satisfaction of the Senior Director of Growth Management.
14. That, ***prior to servicing***, the owner shall prepare a Groundwater Study, prepared by a qualified professional, which shall assess the impact that the proposed development would have on the water supply and the sewage disposal systems on the adjacent properties. Pending the outcome of the Study, the owner shall propose appropriate mitigative measures to address the concerns and provide municipal water and sewer services, as required, at the developer's expense, to any property that may be negatively impacted, all to the satisfaction of the Senior Director of Growth Management.
15. That, ***prior to servicing***, the owner, through a soil consultant or other qualified consultant, shall: check existing wells which provide potable water supply to other properties located within a reasonable distance of the subject lands to establish the existing depth of water within wells prior to the commencement of construction; monitor these wells during construction, and check wells for a period of one year after the completion of construction. Where, in the opinion of the City, if any problems arise, they must be appropriately addressed by the owner, to the satisfaction of the Senior Director of Growth Management.
16. That, ***prior to servicing***, the owner shall include in the engineering design and cost schedules the installation of sidewalks, in accordance with current City Policies and to the satisfaction of the Senior Director of Growth Management.
17. That, ***prior to servicing***, the owner shall prepare an on-street parking plan for Festival Way and Fairgrounds Drive, based on the premise of achieving on-street parking for 40% of the total number of single family units, to the satisfaction of the Senior Director of Growth Management.
18. That, ***prior to servicing***, the owner shall provide a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision, including homes. This document will also include, first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be used, the source of water, and the contractor or agent to be used to undertake the works, as well as the contractor/agent contact information so that the City can direct works be completed, as necessary, to the satisfaction of the Senior Director of Growth Management.

19. That, **prior to servicing**, the owner shall complete a water distribution analysis of the water system to determine whether the existing water system can adequately service the proposed development. The report shall also focus on the following issues:
- (a) Tabularize the expected occupancy;
  - (b) Generate residential and institutional water demand and fire flow calculation for this development;
  - (c) Demonstrate how the proposal fits with GRIDS numbers;
  - (d) Confirm the water servicing layout based on field information and hydraulic models; and,
  - (e) Provide the new hydrant locations on the Water Distribution Plan;
- all to the satisfaction of the Senior Director of Growth Management.
20. That, **prior to servicing**, the owner shall prepare and agree to implement a stormwater management plan for the subject lands, to the satisfaction of the Senior Director of Growth Management. This plan must indicate how stormwater is to be accommodated on and off the subject lands to an adequate outlet, including provisions for on-site erosion and siltation controls during construction.
21. That, **prior to servicing**, the owner shall acknowledge that servicing cannot commence until downstream vegetation removal works in the channel have been completed, to the satisfaction of the Senior Director of Growth Management.

**Traffic:**

22. That, **prior to registration**, of any phase of the draft plan, the owner, based on the three-party developer Cost Sharing Agreement, shall agree to provide the City with an updated Traffic Impact Study to investigate what additional capacity for all parties beyond the current cap of 900 units may exist at the signalized intersection of Regional Road 56 and Fall Fair Way. The report shall include revised trip generation rates for proposed housing units, current build out analysis and travel patterns, and the previously approved Binbrook Transportation Master Plan. Registration of any phase of the draft plan will be capped at the developer's share of this updated development cap, less units already built, as outlined in the aforementioned agreement, to the satisfaction of the Senior Director of Growth Management and the Director of Environmental Services and Infrastructure.

**Niagara Peninsula Conservation Authority:**

23. That, **prior to servicing**, the applicant shall prepare and implement an erosion and sediment control plan for the subject property, to the satisfaction of the Niagara Peninsula Conservation Authority. The approved plan should include the following notes:
- i. All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been re-vegetated;
  - ii. All erosion and sediment control measures shall be inspected after each rainfall, to the satisfaction of Authority staff;
  - iii. Any disturbed area not scheduled for further construction within 45-days will be provided with a suitable temporary mulch and seed cover within 7-days of the completion of that particular phase of construction; and,
  - iv. All disturbed areas shall be re-vegetated with permanent cover immediately following completion of construction.
24. That, **prior to servicing**, the applicant shall prepare and implement a lot grading and drainage plan, delineating both existing and proposed grades and the means whereby major system flows will be accommodated across the lands, to the satisfaction of the Niagara Peninsula Conservation Authority.

**Enbridge Pipeline:**

25. That, **following registration of the plan**, the **owner shall agree** to provide Enbridge with an electronic file of the registered plan in a Shapefile (.SHP) format containing the attributes associated with each feature. Land parcels shall be polygon features and contain attributes such as Parcel ID, legal land description, ownership information, and property boundary. All files shall be geo-referenced utilizing a projected co-ordinate system, preferably UTM NAD83, to the satisfaction of the Senior Director of Growth Management.

**Muto, Joe**

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**From:** Muto, Joe  
**Sent:** Tuesday, May 15, 2012 1:57 PM  
**To:** 'Chantal'  
**Subject:** RE: 10 Pumpkin Pass Unit 24



Draft\_Plan\_46.pdf  
(585 KB)



Notice Complete  
Application - ...

Ted/Chantal:

I have attached the notice of complete application and a copy of the proposed draft plan. No Planning Committee date has been set for these applications. All future notices will be mailed to. To respond to your question, at the time of circulation the Municipal Property Assessment Corporation (MPAC) information provided to the City was dated 2010, and not all of the units at 10 Pumpkin Pass received the notice.

If you have any other questions, please feel free to email or call me.  
Joe

~~~~~  
Joe Muto MCIP, RPP  
Senior Planner

City of Hamilton  
71 Main Street West, 5th Floor  
Hamilton, ON L8P 4Y5  
P 905.546.2424 ext. 7859  
F 905.546.4202

Please consider the environment before printing this email.

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

From: Chantal [mailto: ]  
Sent: Tuesday, May 15, 2012 1:08 PM  
To: Muto, Joe  
Cc: Ted Johnson  
Subject: 10 Pumpkin Pass Unit 24

Hello Joe,

It has been brought to our attention via word of mouth that there will be townhomes built directly behind our townhomes at 10 Pumpkin Pass.

However we did not receive any written communication from either our condo board or the City of Hamilton.

We have lived at this address since the beginning of July 2011.

Can you please confirm that as homeowners directly affected by this change we are to be included on the communication of any changes to the original plan of single detached homes?

Can we please receive mailed to our home address written notification of the change to have townhomes directly behind our row?

Thank you.

Home address: 24-10 Pumpkin Pass  
Binbrook, ON L0R 1C0

**Muto, Joe**

---

**From:** Muto, Joe  
**Sent:** Monday, May 14, 2012 8:12 AM  
**To:** 'David Ganong'  
**Subject:** RE: Official Plan Amendment

David, thank you for your email. No Planning Committee date has been set for this matter. However, you will be advised of the future meeting. Also, I will formerly address your concern with the proposed development via my planning staff report, which will also be made public closer to the Committee date.

If you would like to further discuss the proposal or the process, please contact me.  
Joe

~~~~~  
Joe Muto MCIP, RPP  
Senior Planner

City of Hamilton  
71 Main Street West, 5th Floor  
Hamilton, ON L8P 4Y5  
P 905.546.2424 ext. 7859  
F 905.546.4202

Please consider the environment before printing this email.

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

From: David Ganong [mailto:████████████████████] ]  
Sent: Sunday, May 13, 2012 6:18 PM  
To: Muto, Joe  
Subject: Official Plan Amendment

Hello,

This email is in reference to file no: OPA-11-016, ZAC-11-065 & 25T-201109 "Notice of Complete Application and Preliminary Circulation for an Official Plan Amendment, Zoning By-law Amendment and for approval of a Draft Plan of Subdivision known as "Binbrook Heights Addition", on lands located at 139 Fall Fair Way, Glanbrook" dated 10 Nov 11.

A Copy of the notice was given to me last week by my neighbours.

After reviewing the plan and discussing with various neighbours I have concerns regarding the proposed changes. I also have concerns that this notice was acquired by my neighbours and given to me by them rather than through official channels.

As it is laid out here I feel the proposed changes will not benefit the community and in fact will lesson the enjoyment if the current residence of their property and community.

When a date and time is set for the public meeting to discuss the issues I would very much like to attend. Please send me notification of the meeting.

Thank you for you time

Sincerely

David Ganong

**Muto, Joe**

---

**From:** Muto, Joe  
**Sent:** Friday, May 11, 2012 11:22 AM  
**To:** 'Zahir B'  
**Subject:** RE: John Robinson Construction - Development behind 10 Pumpkin Pass, Binbrook

Thank you for your email, I will respond to your concerns via my planning staff report. No Planning Committee date has been scheduled for this matter. I also will ensure that your address is on the mailing list.  
Joe

~~~~~  
**Joe Muto MCIP, RPP**

Senior Planner

City of Hamilton  
71 Main Street West, 5th Floor  
Hamilton, ON L8P 4Y5  
P 905.546.2424 ext. 7859  
F 905.546.4202

*Please consider the environment before printing this email.*

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

**From:** Zahir B [mailto: ]  
**Sent:** Tuesday, May 08, 2012 7:42 PM  
**To:** Muto, Joe  
**Subject:** Fwd: John Robinson Construction - Development behind 10 Pumpkin Pass, Binbrook

Afternoon Mr. Muto,

My email below is in reference to the follow:

File No: OPA-11-017, ZAC-11-065 & 25T-201109  
Lands located at: 139 Fall Fair Way, Glanbrook. Known as "Binbrook Heights Addition"

Sorry for not including this information in my previous email.

Thank you kindly,  
Zahir Badsha

----- Forwarded message -----

**From:** Zahir B [mailto: ]  
**Date:** Tue, May 8, 2012 at 7:33 PM  
**Subject:** John Robinson Construction - Development behind 10 Pumpkin Pass, Binbrook  
**To:** [joe.muto@hamilton.ca](mailto:joe.muto@hamilton.ca)

Good Afternoon Mr. Muto,

As you are previously aware, John Robinson Construction has requested an amendment to vary the construction of new homes adjacent to the townhouse complex located at 10 Pumpkin Pass in Binbrook. I am a resident of 10 Pumpkin Pass and reside in Unit #28. This issue was brought to my attention by my fellow neighbour, Brad, from Unit #26. I'm told by Brad that you have heard his concerns with the development of the mid-density properties being proposed by John Robinson Construction. I too would like to go on record in stating that my concerns mirror that of my neighbours. Furthermore, it is my understanding that a City of Hamilton **By-Law** stipulates that the city is to send notification of the amendment to all concerned parties within 120 meters of the proposed changes. Please note that as of today, May 8th 2012, I have not yet received notification.

If you have any questions, please do not hesitate to contact me at [REDACTED] or via email at [REDACTED]

Thank you kindly,

Zahir Badsha  
10 Pumpkin Pass  
Unit #28  
Binbrook ON L0R 1C0  
[REDACTED]  
[REDACTED]



**Muto, Joe**

---

**From:** Muto, Joe  
**Sent:** Wednesday, May 02, 2012 4:04 PM  
**To:** 'Dorlean Patterson'  
**Subject:** RE: Proposed Plan Amendment - 139 Fall Fair Way, Glanbrook

Dorlean/Brad:

Thank you for your two emails on this matter. Your issues/concerns will be formally responded to via the planning staff report in regards to the proposed applications. No public meeting date has yet been scheduled for these applications. When a meeting date has been established, you will be notified of the meeting.

I have attached the Notice of Complete Application and the proposed draft plan of subdivision for your information. If you have any further questions or concerns, please contact me at directly, and I would be happy to assist.

Joe

---

**Joe Muto MCIP, RPP**  
Senior Planner

City of Hamilton  
71 Main Street West, 5th Floor  
Hamilton, ON L8P 4Y5  
P 905.546.2424 ext. 7859  
F 905.546.4202

*Please consider the environment before printing this email.*

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

**From:** Dorlean Patterson [mailto:████████████████████]  
**Sent:** Sunday, April 29, 2012 6:39 PM  
**To:** Muto, Joe  
**Subject:** Proposed Plan Amendment - 139 Fall Fair Way, Glanbrook

Hi Joe,

Our names are Brad McIntosh and Dorlean Patterson and we live at 10 Pumpkin Pass unit 26 in Binbrook. We recently saw the sign erected on Fall Fair Way regarding the planned zoning amendment by John Robinson Construction for the above development. According to this amendment there is a proposal to back 2 townhouse units onto our property. According to your sign, notification of this amendment was sent out to all concerned parties within 120 meters of the proposed changes. To date, neither we nor our neighbours have received any such notification even though our properties back onto the proposed properties under consideration. We would appreciate receiving this documentation as well as notification of when the meeting will be held as we plan on attending.

Our concern regarding the proposed amendment is the density issue. When we looked at purchasing our

5/2/2012

property we were told by the Branthaven representative that the lot backing onto ours was too small to develop and would remain "green space". The community site plan clearly shows this and backed up what we were told. Now, not only are we dealing with an amendment to the development, but we are told that the property backing on to ours has been designated for construction of single-family homes since 2007. We realize that the information received from Branthaven is a separate issue that we must take up with them; nonetheless, we are not happy at the thought of having numerous homes backing onto our property and being able to look in to our back windows. An amendment to allow for construction of townhomes will result in 2 backyards backing onto our property (we have a double lot). This will ultimately decrease the value of our property, has the potential to impede on the enjoyment of our property, and will create a "wall" that we will have to look at on a daily basis. Given the size of the proposed lots, we have to wonder whether these will be two or three story townhomes. At least with single-family dwellings there is a gap between properties to allow light to filter through. There is also a tenancy issue. As there is no guarantee of the type of neighbour you may have, people who buy single-family homes generally take more care in the appearance of their property and tend to have more respect for their neighbours. Even though we have purchased a townhome, we purchased higher-end for just this reason. We are in the process of retaining a lawyer to represent our interests in this matter.

Here is our contact information:

Brad McIntosh/Dorlean Patterson  
10-26 Pumpkin Pass  
Binbrook, ON  
LOR 1C0  
[REDACTED]

We look forward to hearing from you soon.

Regards,

Dorlean Patterson  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Muto, Joe**

---

**From:** Muto, Joe  
**Sent:** Tuesday, May 22, 2012 9:04 AM  
**To:** 'Diana Gagliardi'  
**Subject:** RE: 10 Pumpkin Pass, Unit 23

Diana, attached you will find the Notice of Complete Application and the proposed draft plan. If you have any questions, please contact me.  
Joe

~~~~~  
**Joe Muto MCIP, RPP**

Senior Planner  
City of Hamilton  
71 Main Street West, 5th Floor  
Hamilton, ON L8P 4Y5  
P 905.546.2424 ext. 7859  
F 905.546.4202

*Please consider the environment before printing this email.*

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

**From:** Diana Gagliardi [REDACTED]  
**Sent:** Friday, May 18, 2012 3:24 PM  
**To:** Muto, Joe  
**Subject:** 10 Pumpkin Pass, Unit 23

Hi Joe,

I did not receive the notification regarding the proposed Plan Amendment for the Binbrook Heights Addition. Please send it to me.

10 Pumpkin Pass, Unit 23  
Binbrook, ON L0R 1C0

Thanks,

Diana

