



PLANNING COMMITTEE

MINUTES 15-009

9:30 am

Tuesday, May 19, 2015

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors J. Partridge (Chair), B. Johnson, (1st Vice Chair), M. Pearson (2nd Vice-Chair), C. Collins, D. Conley, J. Farr, M. Green, A. Johnson, and R. Pasuta

Absent with regrets:

THE FOLLOWING ITEMS WERE REPORTED FOR THE CONSIDERATION OF COUNCIL:

- 1. Business Licensing Audit Review Update (PED13037(c)) (City Wide) (Outstanding Business List Item) (Item 5.1)**

(B. Johnson/M. Green)

That Report PED13037(c) respecting Business Licensing Audit Review Update be received.

CARRIED

- 2. Proposal to Proceed with an OMB Appeal for Minor Variance Application FL/A-15:40, 71 Innovation Drive, Flamborough (PED15066) (Ward 15) (Item 5.2)**

(A. Johnson/Pasuta)

That Council agree to the following action, as detailed in Report PED15066, respecting the appeal of City of Hamilton Committee of Adjustment Minor Variance Application FL/A-15:40 (19067273 (Jaswinder Gill)), 71 Innovation Drive (Flamborough), as shown on Appendix "A" to Report PED15066, approved by the Committee of Adjustment but recommended for denial (in part) by the Planning and Economic Development Department, Development Planning, Heritage and Design Section;

- (a) That Council of the City of Hamilton proceed with the appeal to the Ontario Municipal Board (OMB) against the decision of the Committee of Adjustment to approve Application FL/A-15:40; and,

- (b) That appropriate Legal Services and Planning staff be directed to attend the future OMB Hearing in opposition to the decision of the Committee of Adjustment to approve Application FL/A-15:40.

CARRIED

3. Application for an Amendment to the Town of Flamborough Zoning By-Law No. 90-145-Z, for the Lands Located at 12 McDonald Court, Flamborough (PED15062) (Ward 15) (Item 6.1)

(Partridge/Collins)

That **Zoning Application ZAR-14-013 by Michael and Amanda Domenichetti, Owner**, for a modification to the Urban Residential (Single Detached) “R1-6” Zone, Modified, to facilitate a severance of the lands located at 12 McDonald Court, Flamborough, as shown on Appendix “A” to Report PED15062, **be DENIED** on the following basis:

- (a) That the proposal represents an over-intensification of development within an established residential neighbourhood that would detract from the residential character of the neighbourhood;
- (b) That the application does not comply with the Urban Hamilton Official Plan, in that it is not compatible with the existing character of the neighbourhood; and,
- (c) That approval of the application would encourage other similar applications, which, if approved, would undermine the intent of the Official Plan and Zoning By-law.

CARRIED

4 Hess Village Paid Duty Policing Pilot (Item 9.2)

(B. Johnson/Farr)

That the Hamilton Police Service be requested to report to the Planning Committee on the levels of policing required in Hess Village under current conditions and possible alternatives for those requirements and the costs of the proposed Paid Duty Policing Pilot.

CARRIED

5. Hamilton Municipal Heritage Committee Summary of Nominations (Item 9.3)

(Pearson/Conley)

That the Hamilton Municipal Heritage Committee Summary of Nominations for the 2014 Heritage Property Recognition Awards, attached to Item 9.2 as Appendix “A”, be approved.

CARRIED

FOR THE INFORMATION OF COUNCIL:

Chair Partridge recognized the tragic accident that took the life of Ryan Powless who worked for the City of Hamilton as a Special Enforcement Officer in Municipal Law Enforcement. She expressed sincere condolences and requested prayers for his family on behalf of the Planning Committee and the City of Hamilton.

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised that Item 12.1 respecting Proposed Settlement of the Appeals of Flamborough Power Centre Inc., Flamborough South Centre Inc. and Clappison Five Six Properties Inc. et al, of Official Plan Amendment Application OPA-13-013 and Zoning By-law Amendment Application ZAC-13-045 Legal Direction (Ward 15) – LS15006(a)/PED15031(a) is deleted from the agenda and will be included on the agenda of a future meeting.

(B. Johnson/Conley)

That the Agenda for the May 19, 2015 meeting of the Planning Committee be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (Item 3)

(i) May 5, 2015 Meeting

(A. Johnson/Farr)

That the Minutes of the May 5, 2015 meeting be approved.

CARRIED

(d) CONSENT ITEMS (Item 5)

(i) Business Licensing Audit Review Update (PED13037(c)) (City Wide) (Outstanding Business List Item) (Item 5.1)

(B. Johnson/Green)

That staff be directed to report back to Committee within a year's time respecting the Business Licensing Audit Review Update with regards to whether the revenues justify the requirement of the FTE.

CARRIED

For disposition refer to Item 1.

(e) DELEGATIONS/PUBLIC HEARINGS (Item 6)

- (i) Application for an Amendment to the Town of Flamborough Zoning By-Law No. 90-145-Z, for the Lands Located at 12 McDonald Court, Flamborough (PED15062) (Ward 15) (Item 6.1)**

Chair Partridge relinquished the Chair to Vice Chair B. Johnson.

In accordance with the provisions of the *Planning Act*, Vice Chair B. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the zoning by-law amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Written Comments

6.1(i) Written comments from David and Jane Lee

(Partridge/Green)

That the written comments from David and Jane Lee be received.

CARRIED

Delia McPhail, Planner, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. A copy of her presentation has been uploaded onto the City's website.

Delia McPhail responded to questions from Committee.

(Partridge/Conley)

That the staff presentation be received.

CARRIED

Michael Domenichetti, the owner and applicant addressed Committee. He distributed copies of the "Residential Intensification Guide" and copies of excerpts from other documents related to his proposal. A copy of his hand-out has been retained for the public record and a copy has been uploaded onto the City's website.

Michael Domenichetti's comments included, but are not limited to, the following:

- He and his wife submitted their application in January 2013 before the change over from the Provincial plan for intensification which occurred in August 2013 and they would like their application process to be completed under the Provincial plan;
- Their application is being refused because it is not in keeping with the character of the neighbourhood;
- He loves the character of the neighbourhood and he and his wife want to live there for the rest of their lives;
- They want to fit the character of the neighbourhood and are therefore, not proposing a large house;
- They are proposing similar architecture and landscaping to fit into character of the neighbourhood;
- The lands already approved for severance are directly adjacent to 12 McDonald Court;
- 8 McDonald Court and 10 McDonald Court are directly adjacent to subject lands;
- 13 McDonald Court and 15 McDonald Court are directly across the street;
- The two lots that would result if their severance is approved would be larger at 770 square metres and 880 square metres compared to 650 square metres approved at 15 McDonald Court;
- The size of the house that they are proposing would comply with the current by-law.

Michael Domenichetti responded to questions from Committee.

(Partridge/Green)

That the presentation by Michael Domenichetti be received.

CARRIED

Speakers

1. Robert Potter, 21 McDonald Court

Robert Potter addressed Committee and read from a prepared statement and a copy was submitted to the Committee Clerk for the public record. A copy has also been uploaded onto the City's website.

He indicated that he does not support this proposal for the following reasons:

- There is no guarantee of what the applicant would do if the severance is approved;
- After moving the existing house onto a smaller lot, the applicant's renters had to park on his property during the winter as there is no on street parking;

- McDonald Court has been deemed a unique community by a previous OMB judge in 1994 and they want to keep it that way;
- Their homes are their biggest investment.

(Green/Conley)

That the delegation from Robert Potter be received.

CARRIED

2. Janice Lauren, 48 McDonald Court

Janice Lauren addressed Committee and her comments included, but were not limited to, the following:

- Her property is located on the back side of this lot being proposed for severance;
- She moved to McDonald Court 30 years ago;
- She needed a home and she found one;
- She wants to preserve the uniqueness and the character of McDonald Court for herself and the other residents;
- It is a fenceless community;
- They borrow each other's furniture and cut each other's lawns;
- It is a tight knit community;
- If this is approved a fence will go up;
- Do you need this and do you want this?

Janice Lauren responded to questions from Committee.

(Farr/Partridge)

That Janice Lauren's delegation be received.

CARRIED

3. Amanda Domenichetti, 2 Melissa Crescent

Amanda Domenichetti addressed Committee and indicated that she is Michael Domenichetti's wife. Her comments included, but were not limited to, the following:

- She was not planning to speak but the comments from the other residents made her change her mind;
- The house at 12 McDonald Court was full of mould and rot and by moving it they improved the neighbourhood;
- Their intention was and still is to build a home on the court and live there to raise their children and grandchildren;
- This is not a whim;

- With respect to the “love” of McDonald Court they have tried to help the neighbours however, they were bullied and threatened to sign a petition against another resident;
- It is not the love of McDonald Court but it is bullying that has helped names to be added to the petition.

(Collins/Farr)

That the delegation from Amanda Domenichetti be received.

CARRIED

(Partridge/Green)

That the public meeting be closed.

CARRIED

For disposition of this matter refer to Item 3.

Councillor Partridge assumed the Chair.

(f) MOTIONS

(i) Waive Minor Variance Fee for 27 Vanderlip, Ancaster (Item 9.1)

Councillor Farr addressed Committee and explained that after he received the background information regarding this matter and learning that there was no staff error, he indicated that he was withdrawing his motion to waive the Minor Variance Fee for 27 Vanderlip, Ancaster.

(ii) Hess Village Paid Duty Policing Pilot (Item 9.2)

Councillor Farr spoke to his motion which was before Committee for its consideration.

(Johnson/Farr)

(a) That the motion respecting Hess Village Paid Duty Policing Pilot be deferred in order to request that the Hamilton Police Service provide a report to the Planning Committee on the levels of policing required in Hess Village under current conditions and possible alternatives for those requirements and the costs of the proposed Paid Duty Policing Pilot, and;

(b) That the motion remain deferred pending receipt of the report.

CARRIED

For disposition of this matter refer to Item 4.

(g) NOTICES OF MOTIONS

Councillor Farr presented the following Notice of Motion:

Re: Status of White Star Property

That legal staff be directed to report back to Committee with an update respecting the White Star property.

(h) GENERAL INFORMATION/OTHER BUSINESS

(i) Outstanding Business List (Item 11.1)

(B.Johnson/Pearson)

(a) That the following new due date be approved:

Item "F"- By-law to Regulate Parking on Boulevards and Front and Side Yard (PED13042)

Due date: May 19, 2015

Proposed New Due Date: September 15, 2015

(b) That the following Items be removed:

Item "U" – Work Plan to Address Performance Audit Report 2013-14 - Unlicensed Businesses (See Item 5.1)

Item "KK" - New Multi-residential tax class (The same Item is on the Audit, Finance and Administration Committee Agenda)

CARRIED

(i) ADJOURNMENT (Item 12)

(Pearson/A.Johnson)

There being no further business, that the Planning Committee be adjourned at 10:40 a.m.

CARRIED

Respectfully submitted,

Councillor J. Partridge
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk