



# PLANNING COMMITTEE REPORT 21-008

May 18, 2021

9:30 a.m.

Council Chambers, Hamilton City Hall  
71 Main Street West

**Present:** Councillors J.P. Danko (Chair)  
B. Johnson (1<sup>st</sup> Vice Chair), J. Farr (2<sup>nd</sup> Vice Chair), C. Collins,  
M. Pearson, L. Ferguson, M. Wilson and J. Partridge

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## THE PLANNING COMMITTEE PRESENTS REPORT 21-008 AND RESPECTFULLY RECOMMENDS:

### 1. Demolition Permit – 1462 Upper James Street Hamilton (PED21092) (Ward 8) (Item 7.1)

That the Chief Building Official be authorized to issue a demolition permit for 1640 Upper James Street, Hamilton, in accordance with By-law 09-208, as amended by Bylaw 13-185, pursuant to Section 33 of the *Planning Act* as amended, without having to comply with conditions 6(a), (b), and (c) of the Demolition Control By-law 09-208.

### 2. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21105) (City Wide) (Item 7.2)

That Report PED21105 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

### 3. Hamilton Municipal Heritage Committee Report 21-003 (Item 7.3)

#### (b) Membership of the Heritage Permit Review Sub-Committee (Added Item 11.1)

WHEREAS, the Heritage Permit Review Sub-Committee has two vacancies in its current membership;

WHEREAS, members of the Hamilton Municipal Heritage Committee are permitted to sit on the Heritage Permit Review Sub-Committee;

WHEREAS, members of the Heritage Permit Review Sub-Committee have asked Hamilton Municipal Heritage Committee members for an additional member; and,

WHEREAS, additions to memberships must be approved by Council;

THEREFORE BE IT RESOLVED:

That the appointments of K. Burke and G. Carroll as a members of the Heritage Permit Review Sub-Committee, be referred to Council for their consideration.

**4. Application for a Zoning By-law Amendment for lands located at 974 and 980 Upper Paradise Road and Blocks 131, 132, 133 and 134 of Registered Plan 62M-1085 (Hamilton) (PED21086) (Ward 14) (Item 9.3)**

- (a) That Zoning By-law Amendment application ZAC-19-021, by T. Johns Consulting Group Ltd. on behalf of Winzen Ancaster Residential Homes Ltd., (Owner), for changes in zoning from “C/S-1534” and “C/S-1788” (Urban Protected Residential Etc.) District, Modified to “C/S-1534-H” (Urban Protected Residential, Etc.) District, Modified, Holding (Block 1); from “AA” (Agricultural) District to “C/S-1534a-H” (Urban Protected Residential, Etc.) District, Modified, Holding (Block 2); from “AA” (Agricultural) District to “C-H” (Urban Protected Residential, Etc.) District, Holding (Block 3); and from “AA” (Agricultural) District to “C” (Urban Protected Residential, Etc.) District (Block 4) to facilitate the creation of four lots fronting onto Woodvalley Court, as well as the creation of one new lot fronting onto Upper Paradise Road, for the lands located at 974 and 980 Upper Paradise Road and Blocks 131-134 of Registered Plan 62M-1085, as shown on Appendix “A” to Report PED21086, be APPROVED, on the following basis:
  - (i) That the draft By-law, attached as Appendix “B” to Report PED21086, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding ‘H’ as a suffix to the proposed zoning for a portion of 974 Upper Paradise Road and Blocks 131, 132, 133 and 134 of Registered Plan 62M-1085, as shown on Schedule “A” of Appendix “B” to Report PED21086.

The Holding Provisions “C/S-1534-H” (Urban Protected Residential Etc.) District, Modified, Holding, “C/S-1534a-H” (Urban Protected Residential Etc.) District, Modified, Holding and “C-H” (Urban Protected Residential Etc.) District, Modified, Holding be removed:

- (1) upon the completion of the required upgrades to the City's sanitary infrastructure (Twenty Road Pumping Station) to the satisfaction of the Senior Director of Growth Management.
  - (iii) That the proposed changes in zoning comply with the Urban Hamilton Official Plan.
  - (b) That the public submissions were received and considered by the Committee in approving the application.
- 5. Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 270 Melvin Avenue, Hamilton (PED21104) (Ward 4) (Item 9.4)**
  - (a) That Draft Plan of Condominium application 25CDM-2021007, by Wilson Street., Ancaster Inc., Owner to establish a Draft Plan of Condominium (Common Element) comprised of a private road, sidewalks, landscaped areas, and eight visitor parking spaces for 42 street townhouse dwellings on lands located at 270 Melvin Avenue (Hamilton), as shown on Appendix "A", attached to Report PED21104, be APPROVED subject to the following conditions:
    - (i) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-2021007 applies to the plan prepared by A.T. McLaren Limited, certified by S.D. McLaren, O.L.S., and dated October 20, 2020, comprised of a private road, sidewalks, landscaped areas and eight visitor parking spaces for 42 street townhouse dwellings, attached as Appendix "B" to Report PED21104;
    - (ii) That the conditions of Draft Plan of Condominium Approval 25CDM-2021007, attached as Appendix "C" to Report PED21104, be received and endorsed by City Council.
  - (b) That there were no public submissions received regarding this matter.
- 6. City Initiative CI-20-C to Amend the Rural Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 435 Carluke Road West, Ancaster (PED20073) (Ward 12) (Item 9.5)**
  - (a) That City Initiative CI-20-C, to amend the Rural Hamilton Official Plan designation from "Open Space" to "Agriculture" and to delete the lands from the Neighbourhood Park Classification on Appendix "A" to facilitate the adaptive reuse of the former community centre for a residential use for the lands located at 435 Carluke Road West, Ancaster, as shown on Appendix "A" to Report PED20073, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED20073, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council;
  - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Greenbelt Plan (2017).
- (b) That City Initiative CI-20-C, to change the zoning from the Open Space (P4) Zone to the Agriculture (A1, 743) Zone to limit the residential uses to the existing building on the property in order to facilitate the adaptive reuse of the former community centre for the lands located at 435 Carluke Road West, Ancaster, as shown on Appendix “A” to Report PED20073, be APPROVED on the following basis:
  - (i) That the draft By-law, attached as Appendix “C” to Report PED20073, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to the Greenbelt Plan (2017) and will comply with the Rural Hamilton Official Plan upon approval of Rural Hamilton Official Plan Amendment No. XX.
- (c) That the public submissions were received and considered by the Committee in approving the application.

**7. Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Application FL/B-20:86 for the Lands Located at 173 Highway No. 52, Flamborough (PED21059) (Ward 12) (Item 10.1)**

That staff be directed to withdraw the appeal letter, which was filed by staff against the decision of the Committee of Adjustment to the LPAT (FL/B-20:86 for 173 Highway No. 52); and, provided no further appeals are filed, this option allows the Committee of Adjustment's consent approval to stand, and a successful Official Plan and Zoning By-law Amendment is required prior to the Consent being finalized.

**8. Disposition of 435 Carluke Road West – Parking Lot and Playground Equipment (Added Item 11.1)**

- (a) That prior to offering 435 Carluke Road West for sale, staff be directed to examine the options for resolving the parking issues at the Carluke Cemetery (due to the loss of the current parking lot when the property is sold), using some of the funds from the sale, with a report back to the General Issues Committee; and,

- (b) That staff be directed to offer the playground equipment at 435 Carluke Road West to the community if they have a location for it, and if they are unable to find a suitable location, that the playground equipment be offered to Tricia Simons and her family for their special needs children.

**FOR INFORMATION:**

**(a) APPROVAL OF AGENDA (Item 2)**

The Committee Clerk advised of the following changes to the agenda:

**1. DELEGATION REQUESTS (Item 6)**

- 6.1 Adam Colalillo respecting 322 Mount Albion Road - Municipal Heritage Register (Item 7.3(a) on today's agenda) (For today's meeting) – To be heard before Item 7.3.

**2. PUBLIC HEARINGS / DELEGATIONS (Item 9)**

- 9.1 Louis Zavodni respecting Demolition Permit Conditions for 1462 Upper James Street, to be heard before 7.1.
- 9.2 Rick Bartels respecting Denial of a Site Alteration permit – WITHDRAWN
- 9.4 Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 270 Melvin Avenue, Hamilton (PED21104) (Ward 4)  
  
\*Revised Appendix “C”
- 9.5 City Initiative CI-20-C to Amend the Rural Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 435 Carluke Road West, Ancaster (PED20073) (Ward 12)

**(a) Registered Delegations**

- (a) Janice Currie
- (b) Doug Cranston, Carluke Cemetery Board

**(b) Written Submissions**

- (a) Tricia Simons
- (b) Pascal Gauthier
- (c) Geoffrey Crow
- (d) St. Paul's Carluke Cemetery Board

The agenda for the May 18, 2021 meeting was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 3)**

None declared.

**(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)**

**(i) May 4, 2021 (Item 4.1)**

The Minutes of the May 4, 2021 meeting were approved, as presented.

**(d) DELEGATION REQUESTS (Item 6)**

**(i) Adam Colalillo respecting 322 Mount Albion Road – Municipal Heritage Register (Item 7.3(a)) (Added Item 6.1)**

The delegation request from Adam Colalillo respecting 322 Mount Albion Road – Municipal Heritage Register (Item 7.3(a)), was approved for today's meeting, to be heard before Item 7.3.

**(e) PUBLIC HEARINGS / DELEGATIONS (Item 9)**

**(i) Louis Zavodni respecting Demolition Permit Conditions for 1462 Upper James Street (Approved at the May 4, 2021 meeting) (Item 9.1)**

Louis Zavodni addressed the Committee respecting Demolition Permit Conditions for 1462 Upper James Street (Item 7.1 on today's agenda).

The delegation from Louis Zavodni respecting Demolition Permit Conditions for 1462 Upper James Street, was received.

For disposition of this matter, refer to Item 1.

**(ii) Adam Colalillo respecting 322 Mount Albion Road – Municipal Heritage Register (Item 7.3(a)) (Added Item 6.1)**

Adam Colalillo addressed the Committee respecting 322 Mount Albion Road – Municipal Heritage Register (Item 7.3 on today's agenda).

The delegation from Adam Colalillo respecting 322 Mount Albion Road – Municipal Heritage Register, was received.

For disposition of this matter, refer to Item 3.

**(f) CONSENT ITEMS (Item 7)**

**(i) Hamilton Municipal Heritage Committee Report 21-003 (Item 7.3)**

**(a) Inventory and Research Working Group Recommendations respecting 322 Mt. Albion Road, Hamilton (Item 10.1)**

The Inventory and Research Working Group Recommendations respecting 322 Mt. Albion Road, Hamilton, were DEFERRED to a future Planning Committee meeting to allow staff time to meet with the applicants for further discussions.

For disposition of this matter, refer to Item 3.

**(g) PUBLIC HEARINGS / DELEGATIONS (Item 9)**

In accordance with the *Planning Act*, Chair Danko advised those viewing the virtual meeting that the public had been advised of how to pre-register to be a virtual delegate at the Public Meetings on today's agenda.

In accordance with the provisions of the *Planning Act*, Chair Danko advised 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 Draft Plan of Condominium, Zoning By-law Amendment and Official Plan Amendment applications before the Committee today, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

**(i) Application for a Zoning By-law Amendment for lands located at 974 and 980 Upper Paradise Road and Blocks 131, 132, 133 and 134 of Registered Plan 62M-1085 (Hamilton) (PED21086) (Ward 14) (Item 9.3)**

The staff presentation was waived.

Katelyn Gillis with T. Johns Consulting was in attendance and indicated support for the staff report.

The delegation from Katelyn Gillis with T. Johns Consulting, was received.

The following written submissions (Item 9.3(a)), were received:

**(a) Sandra Serafini**

The public meeting was closed.

- (a) That Zoning By-law Amendment application ZAC-19-021, by T. Johns Consulting Group Ltd. on behalf of Winzen Ancaster Residential Homes Ltd., (Owner), for changes in zoning from “C/S-1534” and “C/S-1788” (Urban Protected Residential Etc.) District, Modified to “C/S-1534-H” (Urban Protected Residential, Etc.) District, Modified, Holding (Block 1); from “AA” (Agricultural) District to “C/S-1534a-H” (Urban Protected Residential, Etc.) District, Modified, Holding (Block 2); from “AA” (Agricultural) District to “C-H” (Urban Protected Residential, Etc.) District, Holding (Block 3); and from “AA” (Agricultural) District to “C” (Urban Protected Residential, Etc.) District (Block 4) to facilitate the creation of four lots fronting onto Woodvalley Court, as well as the creation of one new lot fronting onto Upper Paradise Road, for the lands located at 974 and 980 Upper Paradise Road and Blocks 131-134 of Registered Plan 62M-1085, as shown on Appendix “A” to Report PED21086, be APPROVED, on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED21086, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding ‘H’ as a suffix to the proposed zoning for a portion of 974 Upper Paradise Road and Blocks 131, 132, 133 and 134 of Registered Plan 62M-1085, as shown on Schedule “A” of Appendix “B” to Report PED21086.
- The Holding Provisions “C/S-1534-H” (Urban Protected Residential Etc.) District, Modified, Holding, “C/S-1534a-H” (Urban Protected Residential Etc.) District, Modified, Holding and “C-H” (Urban Protected Residential Etc.) District, Modified, Holding be removed:
- (1) upon the completion of the required upgrades to the City’s sanitary infrastructure (Twenty Road Pumping Station) to the satisfaction of the Senior Director of Growth Management.
- (iii) That the proposed changes in zoning comply with the Urban Hamilton Official Plan.

The recommendations in Report PED21086 were **amended** by adding the following sub-section (b):



- (b) That the public submissions were received and considered by the Committee in approving the application.**

For disposition of this matter, refer to Item 4.

- (ii) Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 270 Melvin Avenue, Hamilton (PED21104) (Ward 4) (Item 9.4)**

The staff presentation was waived.

Matt Johnston with Urban Solutions Inc., was in attendance and indicated support for the staff report.

The delegation from Matt Johnston with Urban Solutions, was received.

The public meeting was closed.

- (a) That Draft Plan of Condominium application 25CDM-2021007, by Wilson Street., Ancaster Inc., Owner to establish a Draft Plan of Condominium (Common Element) comprised of a private road, sidewalks, landscaped areas, and eight visitor parking spaces for 42 street townhouse dwellings on lands located at 270 Melvin Avenue (Hamilton), as shown on Appendix "A", attached to Report PED21104, be APPROVED subject to the following conditions:

- (i) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-2021007 applies to the plan prepared by A.T. McLaren Limited, certified by S.D. McLaren, O.L.S., and dated October 20, 2020, comprised of a private road, sidewalks, landscaped areas and eight visitor parking spaces for 42 street townhouse dwellings, attached as Appendix "B" to Report PED21104;
- (ii) That the conditions of Draft Plan of Condominium Approval 25CDM-2021007, attached as Appendix "C" to Report PED21104, be received and endorsed by City Council.

The recommendations in Report PED21104 were **amended** by adding the following sub-section (b):

- (b) That there were no public submissions received regarding this matter.**

For disposition of this matter, refer to Item 5.

**(iii) City Initiative CI-20-C to Amend the Rural Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 435 Carluke Road West, Ancaster (PED20073) (Ward 12) (Item 9.5)**

Elyse Meneray, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

The following registered delegations (Item 9.3(a)), were received:

- (a) Janice Currie in Opposition to the application
- (b) Doug Cranston in Opposition to the application

The following written submissions (Item 9.3(b)), were received:

- (a) Tricia Simons in Opposition to the application
- (b) Pascal Gauthier in Opposition to the application
- (c) Geoffrey Crow in Opposition to the application
- (d) St. Paul's Carluke Cemetery Board in Opposition to the application

The public meeting was closed.

- (a) That City Initiative CI-20-C, to amend the Rural Hamilton Official Plan designation from "Open Space" to "Agriculture" and to delete the lands from the Neighbourhood Park Classification on Appendix "A" to facilitate the adaptive reuse of the former community centre for a residential use for the lands located at 435 Carluke Road West, Ancaster, as shown on Appendix "A" to Report PED20073, be APPROVED on the following basis:
  - (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED20073, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council;
  - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Greenbelt Plan (2017).
- (b) That City Initiative CI-20-C, to change the zoning from the Open Space (P4) Zone to the Agriculture (A1, 743) Zone to limit the residential uses to the existing building on the property in order to facilitate the adaptive reuse of the former community centre for the lands located at 435 Carluke Road West, Ancaster, as shown on Appendix "A" to Report PED20073, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED20073, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to the Greenbelt Plan (2017) and will comply with the Rural Hamilton Official Plan upon approval of Rural Hamilton Official Plan Amendment No. XX.

The recommendations in Report PED20073 were ***amended*** by adding the following sub-section (c):

- (c) ***That the public submissions were received and considered by the Committee in approving the application.***

For disposition of this matter, refer to Item 6.

**(h) DISCUSSION ITEMS (Item 10)**

- (i) **Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Application FL/B-20:86 for the Lands Located at 173 Highway No. 52, Flamborough (PED21059) (Ward 12) (Item 10.1)**

June Christy, Senior Project Manager, addressed the Committee respecting Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Application FL/B-20:86 for the Lands Located at 173 Highway No. 52, Flamborough with the aid of a PowerPoint presentation.

The staff presentation was received.

For disposition of this matter, refer to Item 7.

**(i) GENERAL INFORMATION / OTHER BUSINESS (Item 13)**

- (i) **Outstanding Business List (Item 13.1)**

The following changes to the Outstanding Business List, were approved:

- (a) Items to be Removed:

20A - Property Standards By-law - Rental Properties and Apartment  
(Addressed as Item 10.1 on the March 23, 2021 agenda)

20C - Dedicated Mohawk College Enforcement  
(Addressed as Item 10.2 on the April 20, 2021 agenda)

20G - Second Dwelling Units – Options to Increase Housing Supply  
in Hamilton's Existing Low Density Housing Stock  
(Addressed as Item 9 on the April 20, 2021 agenda)

20H - 2069 Binbrook Road OPA and Zoning By-law Amendment  
applications  
(Addressed as item 10.2 on the March 23, 2021 agenda)

**(b) Items Requiring New Due Dates:**

12A - Regulation of Rental Housing  
Current Due Date: March 23, 2021  
Proposed New Due Date: July 6, 2021

17B - Designation of the Gore District as a Heritage Conservation  
District  
Current Due Date: March 23, 2021  
Proposed New Due Date: September 21, 2021

17E - Family Friendly Housing Policy  
Current Due Date: April 20, 2021  
Proposed New Due Date: June 15, 2021

18D - Consultation on the Regulatory Content of Bill 7  
Current Due Date: November 19, 2019  
Proposed New Due Date: April 2022

18F - Hamilton Airshed Modelling System  
Current Due Date: June 15, 2021  
Proposed New Due Date: Q3 2021

19B - Modifications and Updates to the City of Hamilton Zoning By-  
law  
Current Due Date: December 8, 2020  
Proposed New Due Date: September 21, 2021

19P - Corporate Policy for Official Planning Notifications During Mail  
Strikes  
Current Due Date: December 8, 2020  
Proposed New Due Date: September 21, 2021

19Q - Application for Zoning By-law Amendment for 116 and 120  
Barnesdale Ave N

Current Due Date: February 16, 2021  
Proposed New Due Date: September 21, 2021

19BB - Parking Fee Review  
Current Due Date: March 23, 2021  
Proposed New Due Date: September 7, 2021

19FF - Support of Private Member's Bill to Reverse Pit Bull Ban in Ontario  
Current Due Date: June 1, 2021  
Proposed New Due Date: June 15, 2021

20L - Use of Tertiary Septic Systems re LPAT Case No. PL170858  
Current Due Date: TBD  
Proposed New Due Date: June 15, 2021

20N - Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan  
Current Due Date: TBD  
Proposed New Due Date: September 21, 2021

**(ii) General Manager's Update (Added Item 13.2)**

Jason Thorne, General Manager of Planning and Economic Development addressed the Committee regarding new staff members.

The General Manager's update was received.

**(j) ADJOURNMENT (Item 15)**

There being no further business, the Planning Committee adjourned at 12:08 p.m.

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Councillor J.P. Danko  
Chair, Planning Committee

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Lisa Kelsey  
Legislative Coordinator