

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: Ward 11
COMMITTEE DATE: January 17, 2012	
SUBJECT/REPORT NO: Application for a Change in Zoning for the Lands Located at 22 Lochside Drive (Stoney Creek) (PED12003) (Ward 11)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Joe Muto (905) 546-2424, Ext. 7859
SIGNATURE:	

RECOMMENDATION

That approval be given to **Zoning Application ZAR-11-049, by James and Betty Watson, Owners**, for a change in zoning from the Rural Residential Estate "RRE" Zone to the Single Residential "R1-18" Zone, with a Special Exception (Block "2"), and Rural Residential Estate "RRE-4" Zone, with a Special Exception (Block "1"), in the City of Stoney Creek Zoning By-law No. 3692-92, to permit the development of a single detached dwelling on the southerly portion of the subject lands (Block "2"), and to recognize By-law deficiencies for the existing single detached dwelling (Block "1"), for the lands located at 22 Lochside Drive (Stoney Creek), as shown on Appendix "A" to Report PED12003, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED12003, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (b) That the proposed changes in zoning are consistent with the Provincial Policy Statement (PPS), and conform with Places to Grow, the Hamilton-Wentworth Official Plan, and the City of Stoney Creek Official Plan.

EXECUTIVE SUMMARY

The purpose of this application is for changes in zoning to permit the future development of a single detached dwelling on the southerly portion of the subject lands, with frontage on McCollum Road, in accordance with conditionally approved Consent Application SC/B-11:36 (see Appendix “C”).

For the northerly portion of the property (see Appendix “A” - Block “1”), the application proposes modifications to the lot area requirement, easterly side yard, and minimum rear yard in order to recognize these deficiencies as a result of the severance. For the southerly portion of the property (see Appendix “A” - Block “2”), the applicant proposes modifications to the parent Single Residential “R1” Zone, which include the minimum lot area, the minimum lot frontage, the minimum front yard, the maximum front yard, and the minimum side yard. These modifications are discussed in the Analysis/Rationale for Recommendation section of this Report.

The application can be supported since it is consistent with the Provincial Policy Statement, and conforms with Places to Grow, the Hamilton-Wentworth Official Plan, and the City of Stoney Creek Official Plan. The proposal also fulfils a condition of the approval for Consent Application SC/B-11:36 (see Appendix “C” - Condition No. 3).

Alternatives for Consideration - See Page 11.

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

Financial: N/A.

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a change in zoning.

HISTORICAL BACKGROUND (Chronology of events)

Proposal

The application is to change the existing zoning from the Rural Residential Estate “RRE” Zone to the Single Detached “R1-18” Zone, Modified, for the newly created lot (Block 2), and for a modification to the existing “RRE” Zone to recognize the deficiencies for the existing dwelling on the retained lot at 22 Lochside Drive (Block “1”), as shown on Appendix “A”. The effect of the application is to permit the future development of a single detached dwelling on the southerly portion of the subject lands, with frontage on McCollum Road. The site-specific regulations being sought for each lot are as follows:

SUBJECT: Application or a Change in Zoning for the Lands Located at 22 Lochside Drive (Stoney Creek) (PED12003) (Ward 11) - Page 3 of 12

Severed Lot (17 McCollum Road)

- A minimum required lot area of 780 square metres, whereas the By-law requires 600 square metres for an interior lot;
- A minimum lot frontage of 23 metres, whereas the By-law requires 18 metres for an interior lot;
- A minimum front yard of 6 metres, except 7.5 metres to an attached garage or attached carport, whereas the By-law requires 6 metres;
- A maximum front yard of 7.5 metres, except 8 metres to an attached garage or attached carport, whereas the By-law does not provide a provision for a maximum front yard; and,
- A minimum side yard width of 1.85 metres, whereas the By-law requires 1.25 metres and 3 metres where no attached garage or carport is provided.

Retained Lot (22 Lochside Drive)

- A minimum lot area of 2,850 square metres, whereas the By-law requires 4,000 square metres;
- A minimum easterly side yard of 4.4 metres, whereas the By-law requires 4.5 metres and;
- A minimum rear yard of 57 metres, whereas the By-law requires that no dwelling or part thereof shall be located further from the front lot line than 55 metres.

Consent Application SC/B-11:36:

Consent Application SC/B-11:36 was conditionally approved by the Committee of Adjustment on June 23, 2011. The last day of appeal of the Committee's decision was July 20, 2011. No letters of objection or appeal were submitted. The purpose of the application was to sever the southerly portion of the subject property for the future development of a single detached dwelling, with frontage on McCollum Road, and to retain a parcel with frontage on Lochside Drive containing an existing single detached dwelling. The application was conditionally approved, including approval of the subject rezoning application (see Appendix "C" - Condition No. 3). The retained lot will remain as 22 Lochside Drive, and the severed lot will be assigned the new municipal address of 17 McCollum Road.

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Chronology:

- June 23, 2011: Consent Application SC/B-11:36 approved by the Committee of Adjustment.
- August 29, 2011: Submission of Zoning Amendment Application (ZAC-11-049).
- September 7, 2011: Zoning Amendment Application (ZAC-11-049) deemed complete.
- September 21, 2011: Sign Posting Requirements sent to Applicant.
- September 23, 2011: Circulation of Notice of Complete Application and Preliminary Circulation to all residents within 120 metres of the subject lands.
- December 22, 2011: Circulation of Notice of Public Meeting to all residents within 120 metres of the subject lands.

Details of Submitted Application:

Location: 22 Lochside Drive (Stoney Creek)

Owners: James and Betty Watson

Applicant: Dino DeFaveri

Property Description:

Frontage: Approximately 39.17 metres on Lochside Drive
Approximately 32.75 metres on McCullum Road

Depth: Approximately 134.09 metres

Area: Approximately 4,029 square metres

EXISTING LAND USE AND ZONING:

	<u>Existing Land Uses</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Single Detached Dwelling	Rural Residential Estate “RRE” Zone
<u>Surrounding Lands:</u>		
North	Single Detached Dwellings	Rural Residential Estate “RRE-2” Zone
South	Single Detached Dwellings	Single Residential “R1-9” Zone and Single Residential “R1-12” Zone
East	Single Detached Dwellings	Rural Residential Estate “RRE-3” Zone and Single Residential “R1-18” Zone
West	Single Detached Dwelling	Rural Residential Estate “RRE” Zone

POLICY IMPLICATIONS

Provincial Policy Statement

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

However, Policy 1.7.1 (e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered, and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety. The subject lands are intended to be developed for residential purposes and are located within approximately 225 metres from Fifty Road. As such, a noise warning clause advising potential purchasers that there may be occasional noise impacts due to increasing road traffic was included within the Consent Agreement for the subject land through Consent Application SC/B-11:36. This requirement was included as Condition No. 2 of the approved consent application (see Appendix “C”).

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

The Places to Grow Plan is more formally known as The Growth Plan for the Greater Golden Horseshoe, and it was prepared and approved under the Places to Grow Act, 2005 by the Province of Ontario. The Plan formally came into effect on June 16, 2006. The Plan was created to provide a strategic vision and key policy planning direction to planners in one of the fastest growing metropolitan areas in North America. It is expected that 3.7 million people will move to the Greater Golden Horseshoe by 2031, and that 1.8 million new jobs will also exist by that time. The Plan's main objective is to provide direction in developing communities with a better mix of housing, jobs, shops, and services in close proximity.

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

Hamilton-Wentworth Official Plan

The subject property is designated as "Urban Area" in the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. These areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

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

City of Stoney Creek Official Plan

The subject property is designated "Residential" on Schedule "A" - Land Use Concept Plan and "Low Density Residential" on Schedule "A4" - Urban Lakeshore Area Secondary Plan (Fifty Point Neighbourhood) in the City of Stoney Creek Official Plan. The following policies, among others, apply:

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

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

Policies C.2.1(a) and C.2.1(c) outline conditions for Conveyance of land within the Urban Policy Area. The proposed lot to be severed conforms to these policies, in that it has access to full municipal services and is consistent with the lot pattern occurring on McCollum Road, namely located at 19 McCollum Road (easterly lot abutting proposed lot). The proposed rezoning is consistent with the Committee of Adjustment's decision on the conditional severance, and is considered good planning.

Based on the foregoing, the proposed development conforms with the policies of the Stoney Creek Official Plan.

New Urban Hamilton Official Plan

The new Urban Hamilton Official Plan was adopted by Council on July 9, 2009, and was approved by the Minister of Municipal Affairs and Housing on March 16, 2011. The Ministerial Approval has been appealed to the Ontario Municipal Board, and the plan is not yet in full force and effect. The subject lands are designated "Neighbourhoods" on Schedule "E" - Urban Structure, and "Neighbourhoods" on Schedule "E-1" - Urban Land Use Designations. In addition, the subject lands are designated "Low Density Residential 2b" on Map B.7.3.1 - Urban Lakeshore Area Secondary Plan.

Infilling is encouraged by the Ministry Approved Urban Hamilton Official Plan, as outlined in Policy B.2.4. Accordingly, B.2.4.1.4 states that residential infill should be consistent with the surrounding neighbourhood development pattern, which enhances the built form. As the proposal is for the creation of a lot that is consistent with the lots on McCollum Road, it conforms with these policies.

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

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

RELEVANT CONSULTATION

The following Departments/Agencies had no comments or objections:

- Source Water Protection, Public Works Department.
- Operations and Waste Management Division, Public Works Department.
- Traffic Engineering Section, Public Works Department.
- Taxation Division, Corporate Services Department.
- Hamilton Municipal Parking System.

Public Consultation

In accordance with the new provisions of the Planning Act, Notice of Complete Application was circulated to 57 property owners within 120 metres of the subject property on September 30, 2011. To date, no formal responses have been received from the public. In accordance with Council's Public Participation Policy, preliminary circulation of the application was not required since the property was also the subject of a Consent Application, which is a public process. No letters were received in response to the circulation of the severance application, and no members of the public attended the Committee of Adjustment hearing.

In addition, a Public Notice Sign was erected on the property on October 5, 2011, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow).
 - (ii) It conforms with the Hamilton-Wentworth Official Plan, the City of Stoney Creek Official Plan, and the Urban Hamilton Official Plan.
 - (iii) It is compatible with the existing and planned uses in the surrounding area.
 - (iv) It satisfies a condition for the approval of Consent Application SC/B-11:36 (see Appendix "C" - Condition No. 3).

2. The proposed modification in zoning is to satisfy a condition of Consent Application SC/B-11:36 for the purpose of creating a lot for a single detached dwelling. The site is zoned Rural Residential Estate "RRE" Zone, which permits single detached dwellings, but the proposed lots do not meet all of the requirements of the Zone. The property abuts lands to the east at 19 McCollum Road and 28 Lochside Drive that were recently rezoned (File No. ZAC-08-043) for the same purpose as this application. The lands also abut single detached dwellings on all sides. The proposed use is not out of character with the neighbouring residential uses.
3. In order to implement the Consent Application for the proposed development on the severed lot and recognize the existing dwelling on the retained lot, modifications to the Zoning By-law are required. They are as follows:

Severed Lot (17 McCollum Road) Single Residential "R1" Zone (see Appendix "B" - Block 2)

The severed lot requires the same modifications in zoning as the neighbouring lot and, therefore, the site-specific "R1-18" zone provisions shall also apply.

Minimum Lot Area:

The applicant requires an increase in the minimum lot area to 780 square metres, whereas the By-law requires 600 square metres. This modification is required to ensure that larger lot sizes are maintained to provide an appropriate gradation of lots, as outlined in the Official Plan. Further, this modification is consistent with the Single Residential "R1-18" Zone to the east.

Minimum Lot Frontage:

The requested change to the minimum lot frontage is to 23.0 metres, whereas the By-law requires 18 metres. This request is considered appropriate as it recognizes the existing width of the original lot, provides an appropriate gradation of lots, and maintains the intent of the Official Plan and By-law, which places emphasis on the neighbourhood character. This modification is also consistent with the Single Residential "R1-18" Zone to the east.

Minimum Front Yard:

Relief is also being sought for a minimum front yard of 6.0 metres, except 7.5 metres to an attached garage or attached carport, whereas the By-law only specifies 6.0 metres. The addition of this provision to the minimum front yard requirement is considered appropriate and corresponds with guiding principles of urban streetscape character and design, and maintains consistency of the neighbouring front yards, while providing for tandem parking, as per the Zoning By-law parking provisions.

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This modification is also consistent with the Single Residential “R1-18” Zone to the east.

Minimum Side Yard Requirements:

In keeping with the newer residential lots in the neighbourhood, the minimum required side yard of 1.25 metres is being increased to 1.85 metres. Staff supports the proposed increase in the side yard setback since it will provide for a form of development that is compatible with the scale and character of the existing neighbourhood. Further, the modification will also permit an attached garage or attached carport to be erected a distance of not less than 1.25 metres from the side lot line, and where there is no attached garage or attached carport, a minimum 3.0 metre side yard setback shall be provided. The proposed modifications to the side yard setback are also consistent with the Single Residential “R1-18” Zone on the property to the east, which has undergone a similar rezoning.

Retained Lot (22 Lochside Drive) Rural Residential Estate “RRE” Zone (see Appendix “B” - Block 1

Minimum Lot Area Requirements:

As a result of the consent application, the retained lot requires that the minimum lot area be modified from 4,000 square metres to 2,850.8 square metres. The minimum 4,000 square metre lot area for the Rural Residential Estate “RRE” Zone was intended for lots that required private sanitary and water service. Municipal sanitary sewers have been installed and the existing single detached dwelling has been connected. As a result, the minimum 4,000 square metre lot area is not necessary, and the proposed reduction can be supported.

Minimum Side Yard:

In processing the application, it was identified that the easterly side yard is deficient. The existing easterly side yard is 4.4 metres, whereas the By-law requires 4.5 metres. This modification can be supported since it is recognizing an existing situation and is considered minor.

Minimum Rear Yard:

This modification is to recognize an existing situation. The proposed modification would ensure that no dwelling or part thereof shall be located further from the front lot line by having a minimum rear yard of 57 metres, whereas the By-law requires 55 metres. The 57 metres is similar to the existing modified zoning for the lands to the east. This modification is supportable and considered minor, as there would be no foreseeable impact with the increase of two metres, while still maintaining the deeper setback from the street.

4. The proposed development abuts Special Policy Area “E” to the south. Special Policy Area “E” is intended to allow for a range of residential types which includes single detached dwellings, semi detached dwellings, and townhouse units. The proposed lot is in keeping with the neighbourhood character identified in Special Policy Area “E” and the overarching residential policies of the Stoney Creek Official Plan.

The proposed zoning is consistent with the two properties abutting the subject lands on the easterly lot lines (28 Lochside Drive and 19 McCollum Road). The proposed lot size created by Consent Application SC/B-11:36 is similar to the size and yard requirements of the easterly property, which was created under Consent Application SC/B-08:63. Should the application be approved, development would be consistent with this adjacent property and in keeping with the character of development along McCollum Road.

5. Development Engineering has advised that McCollum Road and Lochside Drive both have existing right-of-way widths of 20.11m (66 feet). No additional road widenings are necessary and the lands presently do not have direct access to McCollum Road. There is an existing 0.3m reserve abutting these lands along the north side of McCollum Road (Block 14, 62M-444), which was dedicated to the former City of Stoney Creek (Lochside Survey Plan of Subdivision). A portion of this reserve, by part on a reference plan of survey, will have to be lifted and transferred from the City to the applicant, by deed, and merged on title in order to allow access to the proposed new lot. There are no cost recoveries associated with the lifting of the reserve across these lands. All costs associated with the preparation of a reference plan, including both legal and registration costs, are the responsibility of the applicant. They also advised that there is a Local Improvement/Municipal Act charge outstanding against these lands. In accordance with Municipal By-law No. 02-183, the owner will be required to provide the City with a sewer payment as a condition of consent approval (see Appendix “C” - Condition Nos. 6 and 9).

ALTERNATIVES FOR CONSIDERATION

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

Should the application be denied, conditions of Consent Application SC/B-11:36 will not be satisfied and the Committee of Adjustment approval will lapse. The lands would then be subject to the regulations of Rural Residential Estate “RRE” Zone. Under these circumstances, the proposed development could not take place.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

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

Financial Sustainability

- ◆ Effective and sustainable Growth Management.
- ◆ Delivery of municipal services and management capital assets/liabilities in a sustainable, innovative, and cost-effective manner.

Social Development

- ◆ Everyone has a home they can afford that is well maintained and safe.
- ◆ Residents in need have access to adequate support services.

Healthy Community

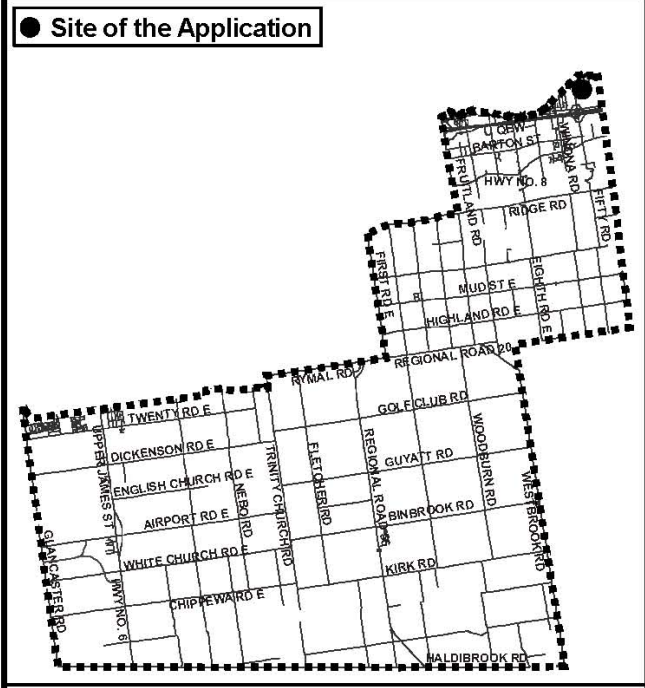
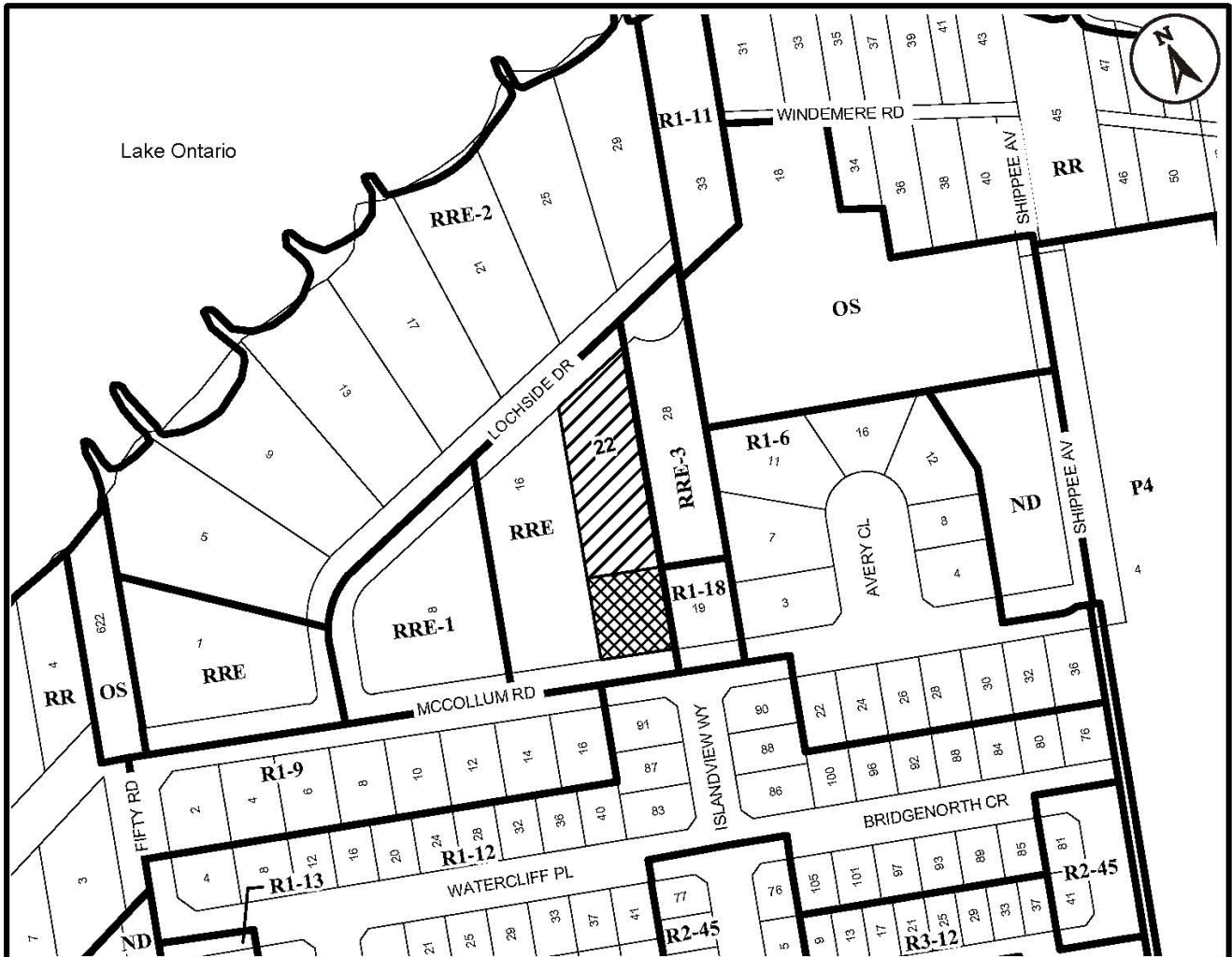
- ◆ Plan and manage the built environment.
- ◆ An engaged Citizenry.
- ◆ Adequate access to food, water, shelter and income, safety, work, recreation and support for all (Human Services).

APPENDICES / SCHEDULES

- Appendix "A": Location Map
- Appendix "B": Draft Implementing Zoning By-law
- Appendix "C": Consent Application/Decision SC/B-11:36
- Appendix "D": Survey Plan

:JM

Attachs. (4)



Ward 11 Key Map N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAR-11-049

Date:
September 20, 2011

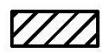
Appendix "A"

Scale:
N.T.S.

Planner/Technician:
JMB/KA

Subject Property

22 Lochside Drive



Block 1 - Change in Zoning from the Rural Residential Estate "RRE" Zone to the Rural Residential Estate "RRE-4" Zone, Modified..



Block 2 - Change in Zoning from the Rural Residential Estate "RRE" Zone to the Single Residential "R1-18" Zone, Modified

Authority: Item [REDACTED]
Planning Committee
Report 12-[REDACTED] (PED12003)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

**To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting the Lands Located at 22 Lochside Drive, Stoney Creek**

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

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Stoney Creek" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 12-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2012, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan) approved by the Minister under the Planning Act on May 12, 1986;

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

1. That Map No. 4 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended as follows:
 - (a) by changing the zoning from the Rural Residential Estate "RRE" Zone to the Rural Residential Estate "RRE-4" Zone, Modified, on the lands comprised in Block "1"; and,
 - (b) by changing the zoning from the Rural Residential Estate "RRE" Zone to the Single Residential "R1-18" Zone, Modified, on the lands comprised in Block "2";

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

2. That Sub-section 5.5.6, "Special Exemptions", of Section 5.5 Rural Residential Estate "RRE" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, "RRE-4", as follows"

"RRE-4" - 22 Lochside Drive, Schedule "A", Map No. 4

Notwithstanding the provisions of Paragraphs (a), (d), and (f) of Section 5.5.3 of the Rural Residential Estate "RRE" Zone, on those lands zoned "RRE-4" by this By-law, the following shall apply:

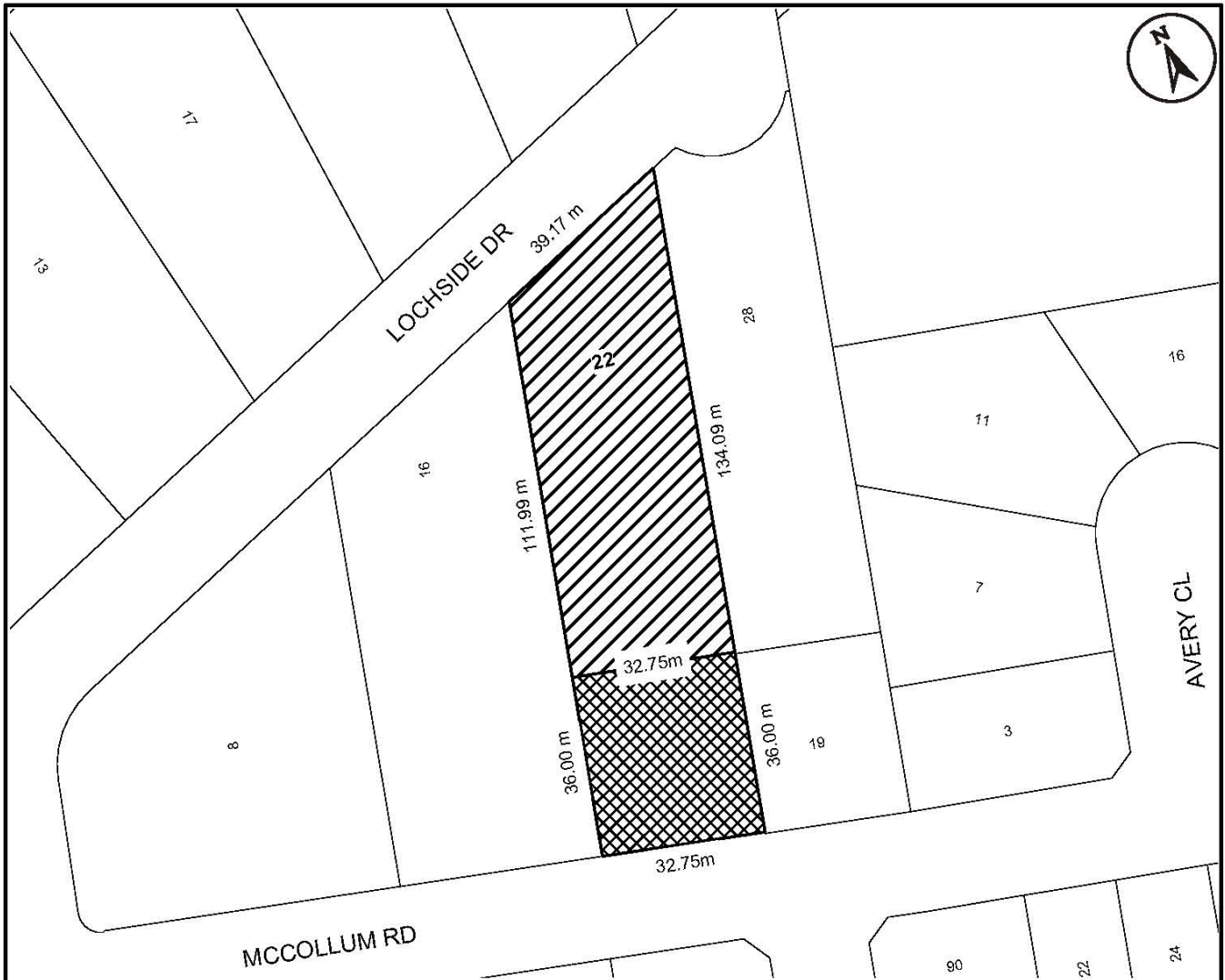
- (a) Minimum Lot Area - 2,850 square metres.
 - (d) Minimum Side Yard - 4.5 metres, except 4.4 metres along the easterly side lot line.
 - (f) Minimum Rear Yard - No dwelling or part thereof shall be located further from the front lot line than 57 metres.
3. That no building or structure shall be erected, 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 Rural Residential Estate "RRE" Zone provisions, subject to the special requirements referred to in Section 3, and the Single Residential "R1-18" Zone.
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.

B. Bratina
Mayor

R. Caterini
Clerk

ZAR-11-049



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

Passed the day of, 2012

Clerk

Mayor

Schedule "A"

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

to Amend By-law No. 3692-92

Subject Property

22 Lochside Drive



Block 1 - Change in Zoning from the Rural Residential Estate "RRE" Zone to the Rural Residential Estate "RRE-4" Zone, Modified..



Block 2 - Change in Zoning from the Rural Residential Estate "RRE" Zone to the Single Residential "R1-18" Zone, Modified

Scale:
N.T.S.

File Name/Number:
ZAR-11-049

Date:
November 21, 2011

Planner/Technician:
JM/KA



Hamilton



Committee of Adjustment
Hamilton City Hall
71 Main Street West, 6th floor
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221
Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENTLAND SEVERANCE

APPLICATION NO. SC/B-11:36
SUBMISSION NO. B-36/11

IN THE MATTER OF The Planning Act, R.S.O. 1990, Chapter P13, Section 53(1);

AND IN THE MATTER OF the Premises known as Municipal number 22 Lochside Drive, formerly in the City of Stoney Creek, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent Dino DeFaveri on behalf of the owners James & Betty Watson, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a vacant parcel of land having a frontage (on McCollum Road) of 32.753m± (107'±) and an area of 1178.8m²± (0.29ac±) for single family residential purposes, and to retain a parcel of land having a frontage of 32.753m± (107'±) and an area of 2850.2m²± (0.70ac±) containing an existing single family dwelling for residential purposes.

NOTE: This is a re-submission of an application (SC/B-09:81) which was previously approved by the Committee of Adjustment. The application lapsed due to the fact that the conditions were not fulfilled within the prescribed one-year time limit.

THE DECISION OF THE COMMITTEE IS:

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

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

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions.


1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar.
2. That the owner/applicant agree to include the following warning clause in the consent/development agreement and in all purchase and sale and/or lease/rental agreements:


"Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality's and the Ministry of the Environment's noise criteria."
3. That the applicant apply for, and receive final approval of, a Zoning By-law Amendment application for both the severed and retained portions of the subject lands to the satisfaction of the Manager of Planning.
4. That the Owner enters into and the City of Hamilton registers a Consent Agreement to deal with and address issues including, but not limited to: grading and drainage; cash payment requirements for items such as trees, urbanization of the adjacent road, cost recoveries for

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- existing above and/or underground services, inspection of grading and services to be installed; and securities for items such as: estimated cost of services to be installed, lot grading, driveway approaches, new or re-location of sidewalks adjacent to the subject lands and any damages to the existing City infrastructure or public property during construction.
5. That the Owner prepares an approved reference plan showing that portion of Block 14 adjacent to the severed lot to be lifted and incorporated into the McCollum Road road allowance. All costs associated with the preparation of the reference plan and legal documents must be borne by the Owner.
 6. That the Owner in accordance with Municipal By-law No. 02-183 provide the City Of Hamilton with a sewer payment prior to connecting the existing dwelling to the Lochside Drive sanitary sewer.
 7. The owner shall submit survey evidence that the existing structures located on the lands to be retained conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Services Division).
 8. The owner/applicant shall submit survey evidence from a qualified designer (Part 8 Sewage System), professional engineer or architect that the existing septic system is located entirely within the lands to be severed and/or retained to the satisfaction of the Planning and Economic Development Department (Building Services Division).
 9. The applicant pay the required commutation amount of Local Improvement Charges to Budgets & Finance, City of Hamilton.
 10. The owner submit to the Committee of Adjustment office an administration fee of \$15.30 payable to the City of Hamilton to cover the costs of setting up a new tax account for the newly created lot.
 11. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.


DATED AT HAMILTON this 23rd day of June, 2011.


M. Dudzic, Chairman


W. Pearce


I. Dunlop


D. Serwatuk


D. Smith


D. Drury

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS June 30th, 2011.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (June 30th, 2012) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS July 20th, 2011.

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

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NOTE: (TO BE INCLUDED IN DECISION IF APPROVED):

1. Based on the attached plans, and on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be conveyed (Part 1) will be assigned the municipal address of 17 McCollum Road and that the lands to be retained (Part 2) will remain as 22 Lochside Drive.
2. The applicant will be required to pay cash-in-lieu of parkland dedication at the time of a Building Permit application for each of the newly created lot(s), based on the value of the lands as of the day before Building Permit issuance.

NOTE: (TO BE INCLUDED IN DECISION IF APPROVED):

The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances and the applicant is advised to conduct a Stage 1 and 2 archaeological assessment prior to such impacts in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Testing and Stage 4 Mitigation may be required as determined by the Ontario Ministry of Culture. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Culture.

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

