

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 12
COMMITTEE DATE: January 15, 2013	
SUBJECT/REPORT NO: Committee of Adjustment Consent/Land Severance Applications AN/B-12:76-77-78 for the Property Known as Block 102 of Plan 62M-1116 on Fair Street (Ancaster) - Recommended for Denial by the Planning and Economic Development Department but Approved by the Committee of Adjustment (PED13012) (Ward 12)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Kate Mihaljevic (905) 546-2424 Ext. 4424
SIGNATURE:	

RECOMMENDATION:

That Council agrees to the following actions, as detailed in Report PED13012, respecting the appeal of City of Hamilton Committee of Adjustment Consent/Land Severance Applications AN/B-12:76-77-78 (Landmart Reality Corp, Owner), for Block 102 of Plan 62M-1116 on Fair Street (Ancaster) to permit 4 parcels for single detached dwellings and 1 remnant parcel, as shown on Appendix “A” to Report PED13012, approved by the Committee of Adjustment but recommended for denial by the Planning and Economic Development Department:

- (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 Applications AN-12:76-77-78.
- (b) That Council authorizes the City Solicitor to retain outside Counsel to support the City of Hamilton before the Ontario Municipal Board (OMB) in respect of Applications AN-12:76-77-78.

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- (c) That Council directs Planning staff to attend the future Ontario Municipal Board (OMB) Hearing in support of the appeal.

EXECUTIVE SUMMARY

The applicant submitted Consent/Land Severance Applications AN/B-12:76-77-78 to permit the division of Block 102, located within registered Plan of Subdivision 62M-1116, "Meadowlands - Phase 10", into five parcels of land to be used for residential purposes (see Appendix "G").

Applications AN/B-12:76-77-78 were considered before the Committee of Adjustment on September 13, 2012. Comments to the Committee of Adjustment from the Planning Division did not support the applications, as it was the opinion of staff that they did not conform to the severance criteria under Sub-section 51(24) of the Planning Act, the policies of the Town of Ancaster Official Plan, and would create a lot which is not consistent with the provisions of the Town of Ancaster Zoning By-law. However, Development Planning staff prepared conditions, should the Committee of Adjustment decide to approve the applications.

The Committee of Adjustment, at its meeting of September 13, 2012, approved the Consent/Land Severance applications, subject to standard conditions, but did not impose the conditions recommended by Planning staff (see Appendix "C"). Due to the appeal period, Planning and Economic Development staff submitted an appeal letter and the required fee to the Secretary-Treasurer of the Committee of Adjustment to initiate the appeal process, subject to Council's approval/ratification.

Alternatives for Consideration - See Page 11.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: Planning and Economic Development Department staff has submitted the required fee of \$175.00 to the Minister of Finance to begin the appeal process (\$125.00 for standard appeal fee, plus \$25.00 per additional related application). Other than this one-time fee, the costs for the Hearing are covered by the respective Departmental Work Programs/Budgets. Therefore, no additional funds would be required.

Staffing: One representative each from Development Planning and Legal Services would be required for preparation and attendance at an Ontario Municipal Board Hearing for Option 1.

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Legal: No legal implications are expected.

HISTORICAL BACKGROUND

Proposal

The subject lands are known as Block 102 of Plan 62M-1116, located between 223 and 257 Fair Street (Ancaster) (see Appendix "A").

Consent/Land Severance Applications AN/B-12:76-77-78 were intended to obtain consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit:

- 1) The conveyance of a vacant parcel of land measuring 12.4m in width with an area of 392m², to be known municipally as 235 Fair Street, to be used for residential purposes, and to retain two vacant parcels of land, one measuring 18.24m in width with an area of 482m², to be known municipally as 229 Fair Street, and the other vacant parcel measuring 24.5m in width with an area of 881m², for residential purposes (see Appendix "B" - Page 1);
- 2) The conveyance of a vacant parcel of land measuring 12.6m in width with an area of 392m², to be known municipally as 241 Fair Street, to be used for residential purposes, and to retain a vacant parcel of land measuring 19.5m in width with an area of 83.2m², to be known municipally as 253 Fair Street, for residential purposes (see Appendix "B" - Page 2); and,
- 3) The conveyance of a vacant parcel of land to be merged in title with adjacent lands measuring 7.5m in width with an area of 83.3m², to be known municipally as 253 Fair Street, to be used for residential purposes, and to retain a vacant parcel of land, to be merged with adjacent lands, measuring 12.0m in width with an area of 413m², for residential purposes (see Appendix "B" - Page 3).

The applications were reviewed against all applicable planning policy documents, which included the Planning Act, Provincial Policy Statement, the Hamilton-Wentworth Official Plan, the Town of Ancaster Official Plan, and the Town of Ancaster Zoning By-law. Planning Division staff recommended denial of the application on the basis of non-conformity with the Planning Act and the Town of Ancaster Official Plan.

Planning staff prepared a list of conditions in the event the applications were approved (see Appendix "I"). The Committee of Adjustment approved the application on September 13, 2012, subject to standard conditions (see Appendix "C"), but did not

SUBJECT: Committee of Adjustment Consent/Land Severance Applications AN/B-12:76-77-78 for the Property Known as Block 102 of Plan 62M-1116 on Fair Street (Ancaster) - Recommended for Denial by the Planning and Economic Development Department but Approved by the Committee of Adjustment (PED13012) (Ward 12) - Page 4 of 12

impose the staff recommended conditions, namely Conditions 2 and 3, as shown on Appendix "I".

Details of Submitted Application

Location: Block 102 of Plan 62M-1116 on Fair Street (Ancaster)

Owner: Landmart Reality Corporation

Agent: IBI Group

Property Description:

<u>Frontage:</u>	66.74m
<u>Lot Depth:</u>	33.94m (irregular)
<u>Area:</u>	1,755 sq. m

POLICY IMPLICATIONS

Planning Act:

The subject lands are located within registered Plan of Subdivision 62M-1116, "Meadowlands - Phase 10". In accordance with Sub-section 53(12), the approval authority shall have regard for the matters under Sub-section 51(24). Sub-sections 51(24)(b), 51(24)(c), 51(24)(d), and 51(24)(f) state:

- "(b) Whether the proposed subdivision is premature or in the public interest;
- (c) Whether the plan conforms to the Official Plan and adjacent plans of subdivision, if any;
- (d) The suitability of the land for the purposes for which it is to be subdivided; and,
- (f) The dimensions and shapes of the proposed lots."

In accordance with the original approved Draft Plan of Subdivision, and subsequently acknowledged in the Subdivision Agreement for Registered Plan 62M-1116, the subject lands are intended to be merged with lands to the west. The purpose of merging these lands is to ensure orderly development, and provide the required dimensions and shapes of lots consistent with the registered plan of subdivision. Any application to divide Block 102 into five parcels, where only three of which would satisfy the criteria of 51(24), is considered to be premature, while the other two parcels are not consistent with the dimensions and shapes of lots of the subdivision. Therefore, the proposal does not conform to the criteria under Section 51(24) of the Planning Act.

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Provincial Policy Statement:

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

Hamilton-Wentworth Official Plan:

The subject lands are designated as “**Urban Area**” within the Hamilton-Wentworth Regional 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.

Town of Ancaster Official Plan:

The subject property is designated “Residential” in the Town of Ancaster Official Plan. Policy 4.4.1 states: “The predominant use of lands designated Residential on Schedule B shall be for dwellings in areas which will be supplied with urban services (sanitary and storm sewers and watermains).”

In accordance with Section 7.7.1.2 (vi):

“No consent shall be permitted unless the proposal is in compliance with the policies of this Plan, the Regional Official Plan, the Niagara Escarpment Plan, approved settlement capability studies, the requirements of the Planning Act, and the Minimum Distance Separation Formula of the Agricultural Code of Practice.”

In accordance with Section 7.7.1.2 (viii):

“No consent shall be permitted if the result of such a severance would be to undermine the objectives or prevent the achievement of a development scheme proposed in any approved Secondary Plan.”

In accordance with Section 7.7.1.4:

“The Town may require, as a condition of approval of a consent application for the severed lot, or the retained lot, certain conditions which are relevant and reasonable.”

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Further, Section 4.4.4 states:

“Certain lands designed “Residential” by this Plan in the Urban Area shall be developed by integrating road systems, accommodating the community requirements of the residents, assuring compatibility of dwelling types and other uses, and such other matters deemed necessary in order to achieve an orderly and integrated growth of the Urban Area.”

Section 4.4.14 states:

“The subdivision of land, in the area designated “Residential” by this Plan, shall be predominantly, by means of a Registered Plan of Subdivision, in accordance with the Planning Act. However, the creation of new Residential lots by means of “metes and bounds” conveyances, through the Consent of the Regional Land Division Committee, may be considered provided:

- ii) The proposal will not prejudice the future development of nearby lands or the location of future roads or services; and,
- vi) The proposed lots are of a shape consistent with the existing lots in the general area and in accordance with the appropriate regulations of the Zoning By-law.”

The proposal to sever the subject lands into five parcels does not conform to the policies of the Official Plan discussed above. Although three of the five proposed lots would conform to the policies noted above on their individual merits, the retained parcel does not conform to the policies of the Official Plan, and cannot be developed in an appropriate manner without prejudicing the future development opportunities of the abutting lands. Therefore, the proposal does not conform to the Town of Ancaster Official Plan.

Meadowlands Neighbourhood IV Secondary Plan:

The subject property is designated as “Low Density Residential” in the Meadowlands Neighbourhood IV Secondary Plan. Policy 6.8.4 states: “The Meadowlands Neighbourhood IV Secondary Plan is intended to be consistent with the goals and objectives and land use designations set out in the Official Plan for Ancaster.”

Policy 6.8.6 c) i) states: “Low Density: Approximately 1 to 30 units per Net Residential Hectare. This designation permits predominately single family detached dwellings, duplex, and semi-detached dwellings. These types of uses are to be generally located at the interior of residential neighbourhoods adjacent to local and/or collector roads.”

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As the proposal is for the creation of single family dwelling lots, the proposal conforms to Policy 6.8.6 c) i) of the Meadowlands Neighbourhood IV Secondary Plan.

New Urban Hamilton Official Plan:

The subject lands are designated “Neighbourhoods” on Schedule E-1 Urban Land Use Designations and as “Low Density Residential 2b”, which permits single detached dwellings.

In accordance with the Consent Policies outlined in Chapter F - Implementation in Volume 1, Policy F.1.14.3.1 states:

“Consents for new lot creation, for both the severed and retained lands, for residential uses in the Neighbourhoods designation shown on Map E-1 - Urban Land Use Designation, shall be permitted, provided the following conditions are met:

- a) The lots comply with the policies of this Plan, including Secondary Plans, where one exists;
- b) The lots comply with existing Neighbourhood Plans;
- c) The lots are in conformity with the Zoning By-law or a minor variance is approved;
- d) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy, and overview;
- e) The lots are fully serviced by municipal water and wastewater systems; and,
- f) The lots have frontage on a public road.”

Further, Policy F.1.14.3.2 states:

“Where a consent is required for the purposes of land assembly to implement a Secondary Plan or Neighbourhood Plan, Policy F.1.14.3.1 c) shall not apply.”

As the applicant proposes no land assembly to facilitate the proposed severances, and 2 of the 5 lots are not in character with the established development pattern (see Appendix “G” - Page 1 - Lots 4 and 5), Policies F.1.14.3.1 c) and d) apply. Therefore, based on the foregoing, the proposed severances would not conform to the New Hamilton Urban Official Plan.

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Town of Ancaster Zoning By-law:

The subject lands are Zoned Residential “R4-563” Zone in the Town of Ancaster Zoning By-law 87-57. The Zoning permits single detached dwellings on lots having a minimum area of 375 sq. m and a minimum frontage of 12m. Application AN/B-12:78 will create a lot which is significantly undersized (76.07 sq. m) and cannot be used for a single detached dwelling (see Appendix “B” - Page 3). Therefore, the proposed severance application does not meet the intent of the Zoning By-law.

It is noted by staff that the lands to be retained for Application AN/B-12:78 cannot support a single detached dwelling in accordance with the setback provisions of the Zoning By-law (see Appendix “G” - Page 2). As the proposed lot is irregular in shape, both the 10.2m lot line and 21.66m lot line would be defined as rear lot lines, and a 7.5m setback would be required to be maintained from both lot lines, resulting in severely compromising the size of the building envelope. Without modification to the setback requirements, the building envelope would be out of character with the subdivision. The previous Zoning By-law Amendment, which created the Residential “R4-563” Zone, did not contemplate irregular shaped building lots, which would have a negative effect on the performance standards of the zone. Therefore, the creation of a lot which will conflict with these performance standards and prevent the development of a single detached dwelling without the approval of a modification to the zoning provisions, is not consistent with the intent of the Zoning By-law.

ANALYSIS / RATIONALE FOR RECOMMENDATION

Roles and Responsibilities of the Committee of Adjustment (PD02116(a)):

In December 2002, City Council endorsed a staff Report related to the Roles and Responsibilities of the Committee of Adjustment. The recommendations included the following:

“That the Planning and Economic Development Department be authorized and directed to prepare an Information Report to the Committee of the Whole when an appeal is made to the Ontario Municipal Board, of a decision made by the Committee of Adjustment to deny an application(s) that was supported by staff. In response to such a Report, Council may determine its position on the Committee of Adjustment’s decision, and may instruct Legal Services to attend the Ontario Municipal Board Hearing, in support of the Committee’s decision, and to retain outside professional(s) accordingly.”

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The situation with the subject Fair Street applications is one in which the Committee of Adjustment “approved” an application that was “not” supported by staff. What is consistent between the above resolution and the subject applications is that the Committee of Adjustment decided against the staff recommendation. As a result, the above application is being brought to the attention of Council for their consideration and direction.

Due to the short appeal time frame regulated through the Planning Act, the prescribed fee and appeal letter were submitted to begin the appeal process, subject to confirmation of this action from Council.

Consent/Land Severance Applications AN/B-12:76-77-78:

As detailed in the policy review above, the proposal, as submitted, would permit the division of Block 102 located within the registered Plan of Subdivision 62M-1116, “Meadowlands - Phase 10” into five parcels of land to be used for residential purposes.

Three of these lots would conform to the Town of Ancaster Zoning By-law and the policies of the Town of Ancaster Official Plan (see Appendix “G”, Page 1 - Lots 1-3). The dimensions of these lots would allow for the construction of single detached dwellings, consistent with the provisions of the Zoning By-law. The fourth lot created in this severance would have an irregular shape (see Appendix “G” - Page 1 - Lot 4), resulting in conflicts with the performance standards of the Zone, preventing the development of a single detached dwelling without an approved modification to the Zone (see Appendix “G” - Page 2). The fifth parcel retained would be a significantly undersized lot, which could not be used for a single detached dwelling (see Appendix “G” - Page 1 - Lot 5). To avoid the deficiencies with the Zoning By-law, and to be consistent with the Plan of Subdivision, the subject lands should be merged with adjacent lands as originally contemplated by the Draft Plan (see Appendix “D” - Page 2). Therefore, these applications would result in the creation of lots which would prejudice the future development opportunities of the abutting lands.

Staff did not support the applications, however, did prepare a list of conditions, if approved, including:

1. That the owner receives approval of a Zoning By-law Amendment for lands to be severed on Application AN/B-12:78, to the satisfaction of the Manager of Development Planning (see Appendix “I” - Condition 2).
2. That a 0.3m reserve be established on the proposed lots to be dedicated to the City of Hamilton (see Appendix “I” - Condition 3).

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It was determined that Condition 1 was not required, as the remaining remnant portion of the block does not need to conform to the Zoning By-law within the subdivision. The purpose and effect of Condition 2 above was to protect the lands not suitable for development, while permitting three of the five lots to be created. As development of two of the five lots is dependant on the availability of adjacent lands, Condition 2 would maintain the remaining lands in their current state, until such time as they can be developed with the adjacent lands.

Part Lot Control (PLC-12-006):

As the subject lands are within a Registered Plan of Subdivision, the applicant may, in accordance with Sub-section 50(5) of the Planning Act, apply for Part Lot Control for the division of the subject lands. On April 5, 2012, the owner submitted an application for Part Lot Control to create five parcels, four of which were proposed for single detached dwellings, while the remaining parcel was undersized and not buildable. Upon review of this application, staff was supportive of three of the five parcels, but was unable to support the other two, as both are required to be developed with adjacent lands (see Appendix "G" - Page 3). Staff was prepared to support the three parcels provided that the balance of the lands were protected from development by way of a 0.3m reserve to be provided on their lands until such time as the lands were properly merged with the adjoining lands. As the owner did not consent to this approach, they withdrew the Part Lot Control application and submitted Severance Applications AN/B-12:76-77-78.

Registered Plan of Subdivision 62M-1116:

The owner's original Draft Plan of Subdivision, as approved by the OMB on July 18, 2007, showed Blocks 103 to 106 (now registered as Block 102) lotted out in conjunction with, and incorporating part of the abutting lands (see Appendix "D"). This configuration, unlike that proposed in Severance Applications AN/B-12:76-77-78, represented an effective and suitable division of the subject lands. When this draft plan was approved, Condition #17, as approved by the OMB, states that *"the owner agrees that a Building Permit will not be issued for Blocks 97,101, 103 to 106, 121, 122, 126, and 127 until such time as they are consolidated with adjacent lands, and/or Fair Street is extended to provide a full municipal street across the frontage of the lots, to the satisfaction of the Director of Planning"* (see Appendix "E").

Due to the inability to secure the abutting property on Springbrook Avenue for development at the time, the owner had agreed, in the executed Subdivision Agreement, to deem Blocks 103 to 106 as "Lands Unsuitable for Development" until land assembly could take place (see Appendix "F" - Item 5.11). As the abutting lands are still unavailable for development with the subject lands, the proposed severances are premature and violate the executed Subdivision Agreement.

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Further, the abutting Plan of Subdivision 62M-1161, “Fair Acres”, registered by another developer, has also identified lands intended for future development, namely Blocks 13 and 14, until such time as these lands can be adequately assembled with abutting lands (see Appendix “H”). Blocks of this nature are provided in plans of subdivision to ensure that the present and future development rights of abutting lands are not prejudiced, and that the lands are developed in a consistent manner. The City imposes these conditions throughout all plans of subdivision where future development potential exists. As it affects the subject lands, the proposal prejudices the development opportunity of 455 Springbrook Avenue (see Appendix “G” - Pages 1 and 3). Further, developers agree to these conditions through Registered Subdivision Agreements because they too recognize the potential for future development opportunities to complete the plan of subdivision.

From the detailed review and analysis of the proposal through the previous Subdivision application, the Part Lot Control application, and the subject Consent applications, in order to facilitate the orderly development of the subject lands they must include the abutting parcels and appropriate conditions be applied to ensure the efficient and orderly development of the subject lands. Accordingly, staff recommends that Council proceed with the appeal against the Committee of Adjustment’s decision to approve the applications.

ALTERNATIVES FOR CONSIDERATION:

Option 1

Council could proceed with the appeal and direct appropriate Legal Services and Planning staff to attend the Ontario Municipal Board Hearing in opposition to the approved severance applications, as recommended in this Report.

Option 2

Council may direct staff to withdraw the appeal letter, which was filed by staff against the decision of the Committee of Adjustment to the Ontario Municipal Board. As there are no other appeals, the severances could be finalized.

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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.

Healthy Community

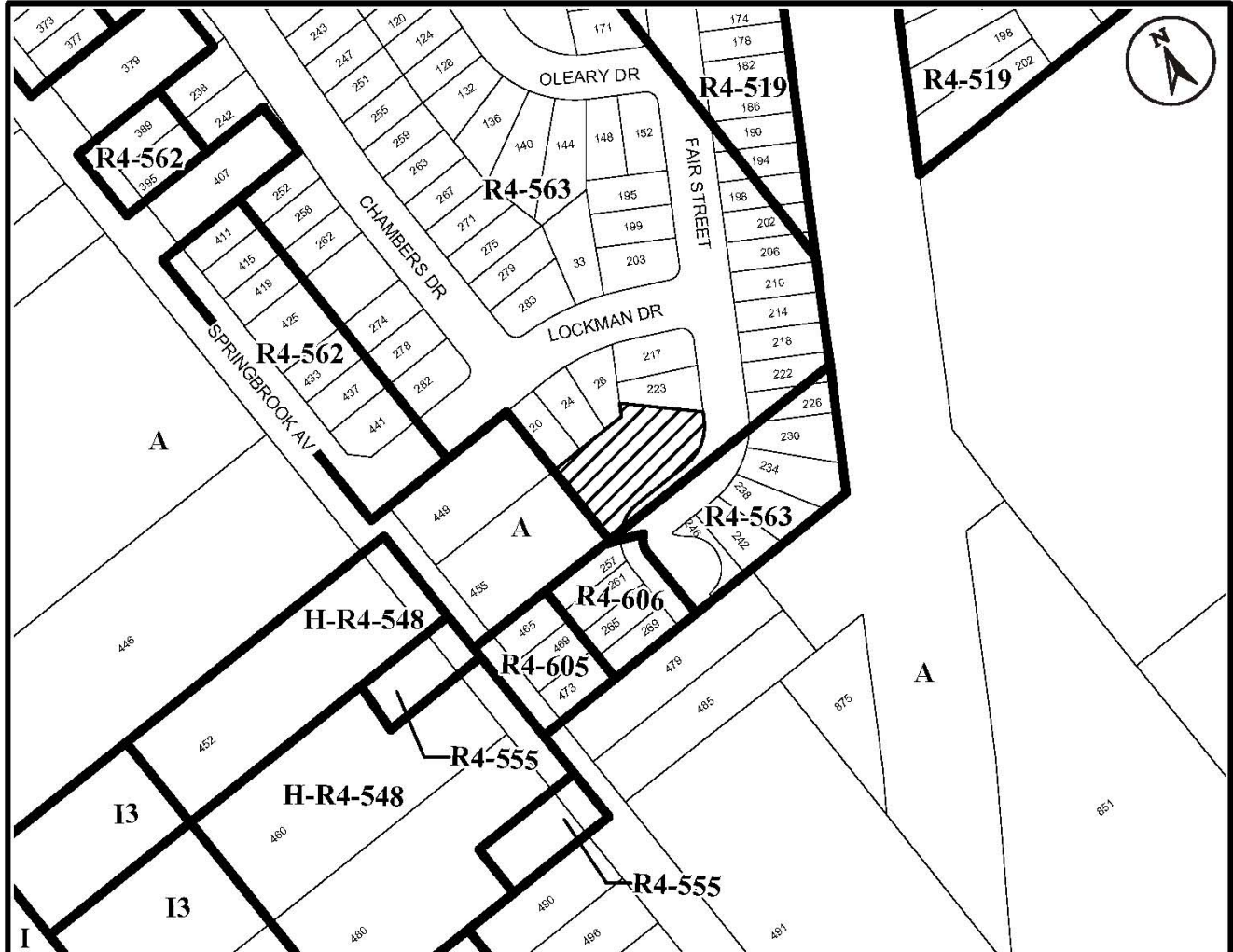
- ◆ Plan and manage the built environment.

APPENDICES / SCHEDULES

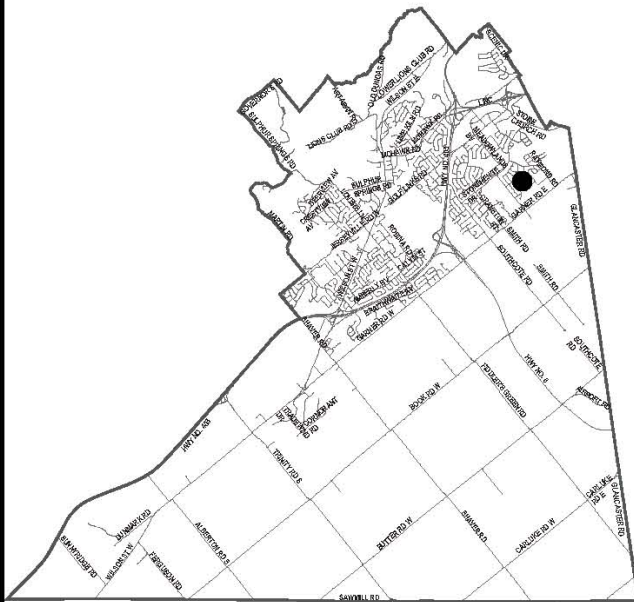
- Appendix "A": Location Map
- Appendix "B": Severance Sketches for Applications AN/B-12:76-77-78
- Appendix "C": AN/B-12:76-77-78 Committee of Adjustment Decisions
- Appendix "D": Draft Plan of Subdivision "Meadow Lands - Phase 10", Approved by OMB July 18, 2007
- Appendix "E": Draft Plan Approval Conditions Approved by the OMB July 18, 2007
- Appendix "F": Subdivision Agreement, dated September 10, 2007
- Appendix "G": Proposed Lots and Building Envelope for Lot 4
- Appendix "H": Registered Plan of Subdivision 62M-1161, "Fair Acres"
- Appendix "I": Planning Staff Recommended Conditions

:KM

Attachs. (9)



● Site of the Application



Ward 12 Key Map

N.T.S.



Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
AN-B-12-76-78

Date:
October 19, 2012

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
KM/AL

Subject Property



Block 102 of Plan 62M-1116
"Meadowlands Phase 10"



Committee of Adjustment
Hamilton City Hall
71 Main Street West, 5th floor
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221
Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT

CORRECTED

NOTICE OF DECISION

APPLICATION FOR CONSENTLAND SEVERANCE

**APPLICATION NO. AN/B-12:76
SUBMISSION NO. B-76/12**

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

AND IN THE MATTER OF the Premises to be known as 229, 235, 241, 247 & 253 Fair Street formerly in the Town of Ancaster, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent IBI Group on behalf of the owners Landmart Realty Corp., 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 measuring 12.4m in width with an area of 392m², to be known municipally as 235 Fair Street, to be used for residential purposes and to retain two vacant parcels of land one measuring 18.24m in width with an area of 482m², to be known municipally as 229 Fair Street and the other vacant parcel measuring 24.5m in width with an area of 881m², for residential purposes.

This application will be heard in conjunction with consent applications AN/B-12:77 and AN/B-12:78.

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 Town of Ancaster 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.

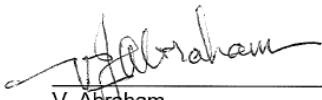
1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar.
2. That the Owner provide an Engineered drawing showing the driveways, boulevard and road for all 3 lots to the satisfaction of the Traffic, Engineering and Operations Division (Johanna Black).
3. That the Owner pay their fair share for the construction of Fair Street fronting Block 102 on Plan 62M-1116 or provide proof that their financial obligation for these costs have been satisfactorily addressed.

AN/B-12:76
Page 2

4. That the Owner enters into, and the City of Hamilton register, a Consent Agreement to deal with issues including, but not limited to: grading and drainage; 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, and any damages to the existing City infrastructure or public property during construction.
5. That the Owner provides separate, independent water and sanitary services to both the severed and retained lands or if separate services already exist, proof thereof, to the satisfaction of the Manager of Development Engineering.
6. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
7. The owner submit to the Committee of Adjustment office an administration fee of \$61.20 (15.30 per lot) payable to the City of Hamilton to cover the costs of setting up new tax accounts for the newly created lots.

DATED AT HAMILTON this 13th day of September, 2012.


M. Dudzic, Chairman


V. Abraham


L. Gaddy


D. Serwatu

K. Audziss


D. Drury

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS September 20th, 2012.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (September 20th, 2013) 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 October 10th, 2012.

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

NOTE (TO BE INCLUDED IN DECISION IF APPROVED) for AN/B-12:76:

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 we confirm that the lands to be conveyed will be assigned the municipal address of 235 Fair Street, that the lands to be retained (to the east of the conveyed parcel) will be assigned the municipal address 229 Fair Street, and that the lands to be retained (to the west of the conveyed parcel) will be assigned 241 Fair Street.



Committee of Adjustment
Hamilton City Hall
71 Main Street West, 5th floor
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221
Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. AN/B-12:77
SUBMISSION NO. B-77/12

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

AND IN THE MATTER OF the Premises to be known as 241, 247 & 253 Fair Street formerly in the Town of Ancaster, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent IBI Group on behalf of the owners Landmart Realty Corp., 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 measuring 12.6m in width with an area of 396m², to be known municipally as 241 Fair Street, to be used for residential purposes and to retain a vacant parcel of land measuring 19.5m in width with an area of 496m², for residential purposes.

This application will be heard in conjunction with consent applications AN/B-12:76 and AN/B-12:78.

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 Town of Ancaster 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.

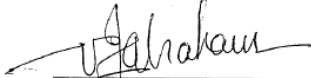
Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions.

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 provide an Engineered drawing showing the driveways, boulevard and road for all 3 lots to the satisfaction of the Traffic, Engineering and Operations Division (Johanna Black).
3. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
4. The owner submit to the Committee of Adjustment office an administration fee of \$61.20 (15.30 per lot) payable to the City of Hamilton to cover the costs of setting up new tax accounts for the newly created lots.

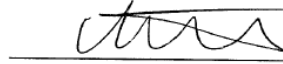
AN/B-12:77
Page 2

DATED AT HAMILTON this 13th day of September, 2012.


M. Dudzic, Chairman


V. Abraham


L. Gaddy


D. Serwatak

K. Audziss


D. Drury

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS September 20th, 2012.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE
OF THIS NOTICE OF DECISION (September 20th, 2013) 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 October 10th, 2012.

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

NOTE (TO BE INCLUDED IN DECISION IF APPROVED) for AN/B-12:77:

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 we confirm that the lands to be conveyed will be assigned the municipal address of 241 Fair Street, and that the lands to be retained will be assigned the municipal address 247 Fair Street.



Committee of Adjustment
Hamilton City Hall
71 Main Street West, 5th floor
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221
Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

**APPLICATION NO. AN/B-12:78
SUBMISSION NO. B-78/12**

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

AND IN THE MATTER OF the Premises to be known as 247 & 253 Fair Street formerly in the Town of Ancaster, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent IBI Group on behalf of the owners Landmart Realty Corp., 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 to be merged in title with adjacent lands measuring 7.5m in width with an area of 83.2m², to be known municipally as 253 Fair Street, to be used for residential purposes and to retain a vacant parcel of land, to be merged with adjacent lands, measuring 12.0m in width with an area of 413m², for residential purposes.

This application will be heard in conjunction with consent applications AN/B-12:76 and AN/B-12:77.

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 Town of Ancaster 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 provide an Engineered drawing showing the driveways, boulevard and road for all 3 lots to the satisfaction of the Traffic, Engineering and Operations Division (Johanna Black).
3. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
4. The owner submit to the Committee of Adjustment office an administration fee of \$61.20 (15.30 per lot) payable to the City of Hamilton to cover the costs of setting up new tax accounts for the newly created lots.


.../2

AN/B-12:78
Page 2

DATED AT HAMILTON this 13th day of September, 2012.



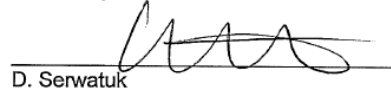
M. Dudzic, Chairman



V. Abraham



L. Gaddy



D. Serwatak

K. Audziss



D. Drury



THE DATE OF GIVING OF THIS NOTICE OF DECISION IS September 20th, 2012.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE
OF THIS NOTICE OF DECISION (September 20th, 2013) OR THE APPLICATION
SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

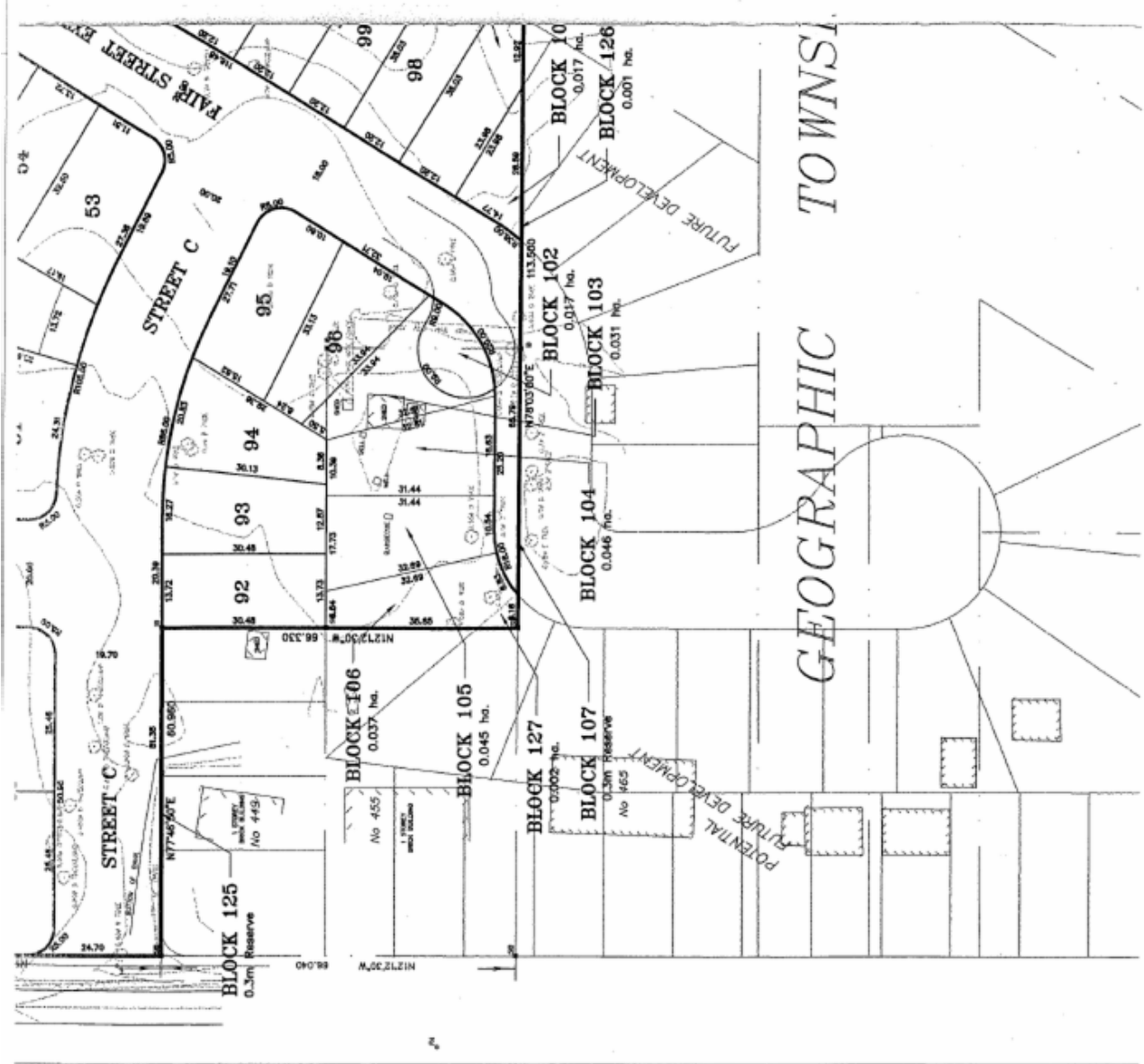
NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL
BOARD MAY BE FILED IS October 10th, 2012.

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

NOTE (TO BE INCLUDED IN DECISION IF APPROVED) for AN/B-12:76:

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 we confirm that the lands to be conveyed will be assigned the municipal address of 235 Fair Street, that the lands to be retained (to the east of the conveyed parcel) will be assigned the municipal address 229 Fair Street, and that the lands to be retained (to the west of the conveyed parcel) will be assigned 241 Fair Street.

DRAWN	JM	CHKD	JSA	06-07-2006
SCALE	HORIZ. 1:750		 1:750 (m)	
APPROVALS				
<p>Approved by the O.M.B.</p> <p>Issue Date: <u>July 18, 2007</u></p> <p>Decision/Order No. <u>2034</u></p>				
APPROVED	DATE		<small>I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL ENGINEER AND TO THE BEST OF THE UNDERSIGNED'S KNOWLEDGE AND BELIEF IT COMPLIES WITH ALL APPLICABLE REGULATIONS AND CODES.</small>	
 PELL PLANNING & ENGINEERING INITIATIVES LTD. HAMILTON - KITCHENER - TORONTO				
CITY OF HAMILTON GEOGRAPHIC TOWNSHIP OF ANCASTER PART OF LOT 50, CONCESSION 3 LANDMART REALTY CORP.				
DRAFT PLAN OF SUBDIVISION MEADOW LANDS PHASE 10				
PROJECT FILE No. HP1185			SHEET NO. 1 OF 1	



ATTACHMENT 4

Approved by the O.M.B.
Issue Date: <u>July 18, 2007</u>
Decision/Order No. <u>2034</u>

RECOMMENDATION:

- (a) That approval be given to Subdivision Application 25T-200613, by Landmart Realty Corp., applicant, to establish a draft plan of subdivision known as "Meadowlands Phase 10", as redline revised, on lands located at 425 Springbrook Avenue (Ancaster), subject to the following conditions:
- (i) That this approval apply to the Draft Plan of Subdivision "Meadowlands Phase 10", 25T-200613, as redline revised, attached as Appendix "B", prepared by Planning and Engineering Initiatives Ltd., and certified by Dan McLaren, O.L.S., dated July 20, 2006, showing 99 lots for single detached dwellings (Lots 1 to 10, 12 to 96 and 98 to 100), 20 blocks (Blocks 97, 101, 103 to 106, 108 to 116, 121 to 123, 126 and 127) for future development, 1 Lot for an existing single detached dwelling (Lot 11), 1 block for Parkland (Block 117), 6 blocks for 0.3m reserves (Blocks 107, 118 to 120, 124 and 125), 1 block for a temporary turning circle (Block 102) and 4 public streets shown as Street "A", Street "B", Fair Street Extension and Chambers Drive Extension, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, with the Special Conditions attached as Appendix "A";
 - (ii) Acknowledgement that there will be no City share for any municipal works associated with the internal works of this development, subject to any prior OMB decisions, cost-sharing agreements, and the Development Charge By-law, except for 50% of the cost for the construction of services that are required along the park frontage of Block 117 (sanitary sewer, watermain, storm sewer and road works) and 50% of the cost for the equivalent of a 1.5m high galvanized fence being installed between the park (Block 117) and the abutting residential lot (Lot 79); and,
 - (iii) Acknowledgement that there will be no requirement for cash-in-lieu of parkland dedication in this phase of development as a result of the over-dedication within Meadowlands Phase 8 of the owner's lands and the dedication of 0.2840 hectares of parkland within Meadowlands Phase 10 of the owner's lands, and that the remaining over-dedication of 0.0698 hectares of parkland will be applied as a credit towards future development by the owner,
- all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

Meadowlands Phase 10, Appendix "A", Page 4 of 5

17. That the owner agrees that a building permit will not be issued for Blocks 97, 101, 103 to 106, 108 to 116, 121, 122, 123, 126 and 127 until such time as they are consolidated with adjacent lands and/or Fair Street is extended to provide a full municipal street across the frontage of the lots to the satisfaction of the Director of Planning.
18. That the owner agrees to pay their share of the cost of the Meadowlands Neighbourhood IV Secondary Plan to the satisfaction of the Director of Planning.
19. That the owner agrees to remove and/or relocate the existing dwellings and structures on the subject lands that straddle the proposed lot lines, to the satisfaction of the Director of Building Services.
20. That a copy of the lot grading and drainage plan, showing existing and final grades, be submitted to Hydro One Networks Inc. (HONI) for review and approval. Drainage must be controlled and directed away from ORC/HONI transmission corridors to the satisfaction of Hydro One.
21. That the owner agrees to install temporary fencing along the edge of the transmission corridor prior to the start of construction at the developer's expense to the satisfaction of Hydro One.
22. That the owner agrees to install permanent fencing after construction is completed along the ORC/HONI transmission corridor at the developer's expense to the satisfaction of Hydro One.
23. That the owner agrees that the ORC/HONI transmission corridor is not to be used without the express written permission of Hydro One Networks Inc. on behalf of ORC. During construction there will no storage of materials or mounding of earth or other debris on the transmission corridor. The proponent will be responsible for restoration of any damage to the transmission corridor or HONI facilities thereon resulting from construction of the subdivision to the satisfaction of Hydro One.
24. That the owner agrees that the costs of any relocations or revisions to HONI facilities that are necessary to accommodate this subdivision will be borne by the developer to the satisfaction of Hydro One.

SUBDIVISION AGREEMENT

THIS AGREEMENT DATED as of the 10th day of September 2007 A.D.

BETWEEN:

LANDMART REALTY CORP.
(hereinafter referred to as the "Owner")
of the First Part,

- and -

CITY OF HAMILTON
(hereinafter referred to as the "City")
of the Second Part,

- and -

THE EFFORT TRUST COMPANY
and
FILIPPO CIMINO AND CALOGERA CIMINO
(hereinafter referred to as the "Mortgagee")
of the Third Part,

WHEREAS:

- (a) the Owner is the registered owner in fee simple of the lands described in Schedule "A" appended hereto (hereinafter referred to as the "Land"); and,
- (b) the Owner has made an application to the City pursuant to Section 51 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, for approval of a plan of subdivision for the Land; and,
- (c) the City has granted conditional approval of the plan of subdivision depicted in Schedule "B" appended hereto (hereinafter referred to as the "Draft Plan"); and,
- (d) the Owner is required to enter into this Agreement with the City to record the conditions under which the Owner may develop the Land in accordance with the Draft Plan; and,
- (e) certain conditions are general conditions which shall remain in force and effect until such time as this Agreement may be discharged from the title of the Land; and,
- (f) certain conditions are required to be fulfilled within certain time frames or prior to the happening of certain events as hereinafter specified.

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT, in consideration of the premises, and of the sum of FIVE (\$5.00) DOLLARS now paid by the City to the Owner, and the Mortgagee(s) (the receipt and sufficiency whereof is hereby acknowledged), and of the approval of the Owner's plan of subdivision on the conditions hereinafter set out, and of other good and valuable consideration, the Parties hereto covenant and agree each with the other as follows, namely:



i) Place a cash deposit with the City for each lot or block, the amount of which deposit shall be determined by the City in accordance with the City's Lot Grading Policy, which deposit shall be held by the City as security for the purpose of implementing the approved Plot Plan ("Builder's Grading Deposit"). The parties acknowledge and agree that the Builder's Grading Deposit shall be held by the City in addition to any other security which the Owner may be required to provide to the City in this Agreement, and in addition to any other security which the Owner's builder may be required to provide to the City pursuant to this Agreement. The Builder's Grading Deposit shall be held by the City to ensure completion of, or correction to, any grading problems which may arise in respect of final lot grading of individual lots or blocks by the property owner or builder.

The parties acknowledge and agree that the Builder's Grading Deposit, or remaining balance thereof, shall not be released until the City has accepted a Grading Certificate for the lot or block, to which the Certificate relates; and,

ii) pay to the City a fee for inspection of final lot grading by the City, which amount shall be determined in accordance with the City's current User Fee By-law.

Planting Strips 5.9

- a) Where registration of a stage of the Draft Plan results in creation of lots in which the rear lot-line abuts directly adjacent to an existing arterial or major collector road, the Owner shall obtain approval of plans from the Director of Planning showing a planting strip having a minimum width of 4.60 metres and a 1.80 metre high chain link fence. Construction of such planting strip shall be at the Owner's expense and in accordance with plans approved by the Director of Development Engineering.
- b) Such approved planting strips shall be installed by the Owner within the affected lots prior to transfer of any affected lot to a first-time occupant. For transfers which occur within the period between November 30 and April 1, the planting Strip shall be completed by June 15 of the same year following April 1.
- c) The Owner shall include a copy of the approved planting plan to all agreements of purchase and sale of lots in which the required planting strip has not been installed due to winter conditions.
- d) Where a physical noise attenuation barrier is required, such barrier shall substitute for a planting strip and fence.

Tree Management/ Tree Preservation Enhancement Plan

5.10 Where the detailed vegetation plan required under this Agreement has identified that there are trees to be retained or require further study, the Owner shall submit a Tree Preservation/Enhancement Plan to the City's Director of Planning.

All trees to be preserved on a lot or block shall be satisfactorily protected in accordance with the grading or Tree Preservation/Enhancement Plan approved by the City.

Lands Unsuitable for Development

5.11 The Owner agrees not to apply to the City for a Building Permit to erect a dwelling on Blocks 97, 101, 103 to 106, 108 to 116, 121, 122, 123, 126 and 127 of the approved Draft Plan until such time as these blocks are consolidated with adjacent lands and/or Fair Street is extended to provide a full municipal street across the frontage of the blocks to the satisfaction of the Director of Planning.



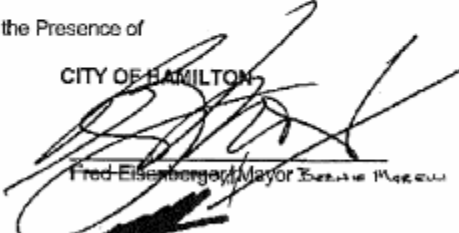

PART 6 RELEASE OF THE AGREEMENT

Final Release 6.1 At the discretion of the City and upon satisfactory completion of all works and services in the affected phase or stage of the Draft Plan, the completion of any remedial or maintenance work required and the payment in full of all City accounts, the City may, upon request and payment of any required fee, give a release of this Agreement, or any part thereof, on the Plan or individual lots and blocks thereof. The Owner acknowledges that releases will not be available for certain sections hereof, including but not limited to, any grading and restrictive covenants and warning clauses.

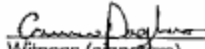
IN WITNESS WHEREOF the Parties hereto have duly executed this Agreement.

SIGNED, SEALED AND DELIVERED In the Presence of

OFFICE OF THE CLERK
APPROVED BY COUNCIL
DATE Jun 22 2007
REPORT cowley.com ITEM 47
INT. 2007-5185 YEARLINE 2007-5185

CITY OF HAMILTON

Fred Eisenberger, Mayor

Kevin C. Christenson, Clerk (c/s)

Where Owner is not a company,
the Owner's signature was signed
In the presence of:




Witness (signature)

Crammie Partlows
Print name of Witness

343 Springbrook Ave.

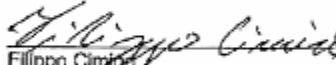
Address of Witness

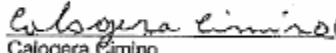
LANDMART REALTY CORP.

Per: 
(Mario) Roque, President Vice President SA.

Jason Rodus, Vice President (c/s)
We have authority to bind the corporation.

THE EFFORT TRUST COMPANY

Per: 
Elizabeth Miller (c/s)
ELIZABETH MILLER
ASSISTANT MANAGER

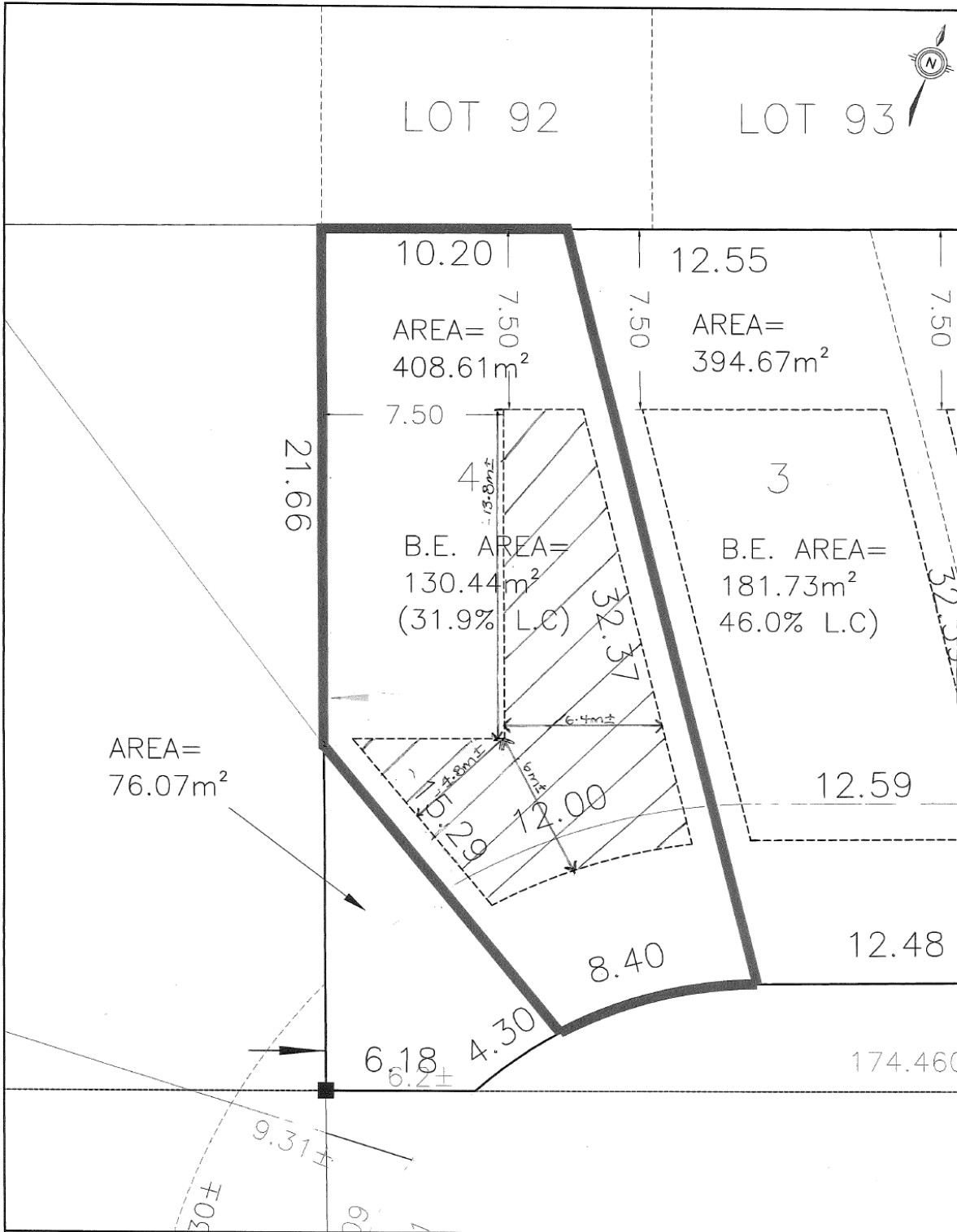

Filippo Cimino (c/s)


Calogera Cimino (c/s)

- Where Owner is a corporation, also
- i) above signature line, print corporation name
- ii) below signature line, print office/skill name's and their title;
- iii) affix corporate seal, if available.
- And, Where Owner is an individual also
- i) have witness(es) sign;
- ii) cross out phrase, "We have authority to bind the corporation."

ADDRESS FOR OWNER
911 Golf Links Road, Suite 307
Ancaster, Ontario L9K 1H9

A



LEGEND



SUITE 200, EAST WING
360 JAMES STREET NORTH
HAMILTON, ONTARIO
L8L 1H5
(905) 546-1010
www.ibigroup.com

SCALE 1:150
DATE 2012-09-11
DRAWN BY A. BUONAMICI

MEADOWLANDS
PHASE 10

CITY OF
HAMILTON

DEVELOPMENT
DETAILS

FILE No.
19249

FIGURE No.
EXHIBIT 4

September 13th, 2012

CONSOLIDATION REPORT
SEVERANCES

AN/B-12:76

The attached comments have been reviewed with regard to Committee of Adjustment Severance File AN/B-12:76 (Fair Street, Ancaster) and the following is submitted:

Should the Committee grant the severance, an approval should 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 receive approval of a Zoning By-law Amendment for lands to be severed on Application AN/B-12:78, to the satisfaction of the Manager of Development Planning.
3. That a 0.3m reserve be established on the proposed lots to be dedicated to the City of Hamilton.
4. That the Owner provide an Engineered drawing showing the driveways, boulevard and road for all 3 lots to the satisfaction of the Traffic, Engineering and Operations Division (Johanna Black).
5. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
6. The owner submit to the Committee of Adjustment office an administration fee of \$45.90 (15.30 per lot) payable to the City of Hamilton to cover the costs of setting up new tax accounts for the newly created lots.

NOTE (TO BE INCLUDED IN DECISION IF APPROVED) for AN/B-12:76:

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 we confirm that the lands to be conveyed will be assigned the municipal address of 235 Fair Street, that the lands to be retained (to the east of the conveyed parcel) will be assigned the municipal address 229 Fair Street, and that the lands to be retained (to the west of the conveyed parcel) will be assigned 241 Fair Street.

September 13th, 2012

CONSOLIDATION REPORT
SEVERANCES

AN/B-12:77

The attached comments have been reviewed with regard to Committee of Adjustment Severance File AN/B-12:77 (Fair Street, Ancaster) and the following is submitted:

Should the Committee grant the severance, an approval should 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 receive approval of a Zoning By-law Amendment for lands to be severed on Application AN/B-12:78, to the satisfaction of the Manager of Development Planning.
3. That a 0.3m reserve be established on the proposed lots to be dedicated to the City of Hamilton.
4. That the Owner provide an Engineered drawing showing the driveways, boulevard and road for all 3 lots to the satisfaction of the Traffic, Engineering and Operations Division (Johanna Black).
5. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
6. The owner submit to the Committee of Adjustment office an administration fee of \$45.90 (15.30 per lot) payable to the City of Hamilton to cover the costs of setting up new tax accounts for the newly created lots.

NOTE (TO BE INCLUDED IN DECISION IF APPROVED) for AN/B-12:77:

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 we confirm that the lands to be conveyed will be assigned the municipal address of 241 Fair Street, and that the lands to be retained will be assigned the municipal address 247 Fair Street.

September 13th, 2012

CONSOLIDATION REPORT
SEVERANCES

AN/B-12:78

The attached comments have been reviewed with regard to Committee of Adjustment Severance File AN/B-12:78 (Fair Street, Ancaster) and the following is submitted:

Should the Committee grant the severance, an approval should 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. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Services Division).
3. That the Owner receive approval of a Zoning By-law Amendment for lands to be severed on Application AN/B-12:78, to the satisfaction of the Manager of Development Planning.
4. That a 0.3m reserve be established on the proposed lots to be dedicated to the City of Hamilton
5. That the Owner provide an Engineered drawing showing the driveways, boulevard and road for all 3 lots to the satisfaction of the Traffic, Engineering and Operations Division (Johanna Black).
6. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
7. The owner submit to the Committee of Adjustment office an administration fee of \$45.90 (15.30 per lot) payable to the City of Hamilton to cover the costs of setting up new tax accounts for the newly created lots.

NOTE (TO BE INCLUDED IN DECISION IF APPROVED) for AN/B-12:78:

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 we confirm that the lands to be conveyed will be assigned the municipal address of 253 Fair Street, and that the lands to be retained will remain as 247 Fair Street.