



CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 12
COMMITTEE DATE: November 20, 2012	
SUBJECT/REPORT NO: Application for Amendment to the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 446 Springbrook Avenue (Ancaster) (PED12208) (Ward 12)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Chris Bell (905) 546-2424 Ext. 1262
SIGNATURE:	

RECOMMENDATION:

That approval be given to **Amended Zoning Application ZAR-12-018, by Emidio and Maria Casimirri, Owners**, for changes in zoning from the Agricultural “A” Zone to the Agricultural “H-A-654” Holding Zone (Block 1), and to the Residential “R4-555” Zone, Modified, with a Special Exception (Block 2), to permit land use regulations to facilitate a condition of Consent Application AN/B-12:39, thereby allowing the existing dwelling to be located on a severed lot and facilitate the future residential development of the remaining lands fronting onto Springbrook Avenue, on lands located at 446 Springbrook Avenue (Ancaster), as shown on Appendix “A” to Report PED12208, on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED12208, 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 in conformity with the Hamilton-Wentworth Official Plan and Official Plan for the Town of Ancaster.

EXECUTIVE SUMMARY

The purpose of the application is to rezone the subject property in order to facilitate the severance of a lot containing an existing dwelling at 446 Springbrook Avenue (Block 2 - Appendix "A"), and place the remaining lands in a Holding - 'H' Zone to ensure that development on the retained parcel occurs in a comprehensive manner in conjunction with the larger adjacent land holding (Block 1 - Appendix "A").

The proposal has merit and can be supported, as it is consistent with the Provincial Policy Statement, conforms with the Hamilton-Wentworth Official Plan, and maintains the general intent of the Ancaster Official Plan and approved Meadowlands Neighbourhood IV Secondary Plan. The proposal implements conditions of approval for a related consent application (see Appendix "C" - Conditions 3 and 9), and is also compatible with existing and planned development in the surrounding area.

Alternatives for Consideration - See Page 13.

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 approval of a Zoning By-law Amendment.

HISTORICAL BACKGROUND (Chronology of events)

Proposal

The Zoning By-law Amendment application is required as conditions of approval for Consent Application AN/B-12:39 that was conditionally approved by the Committee of Adjustment at its meeting of May 31, 2012 (see Appendix "C" - Conditions 3 and 9). Its purpose is to introduce appropriate zoning regulations to create a lot containing the existing dwelling, while staging the remaining lands for future residential development in a comprehensive manner in association with surrounding lands.

More particularly, a Zoning By-law Amendment is being sought to change portions of the Agricultural "A" Zone to the Agricultural "H-A-654" Holding Zone (see Block 1 on Appendix "A"), and to the Residential "R4-555" Zone, Modified - a residential zoning category that will allow the existing dwelling to be situated on a new lot (see Block 2 on Appendix "A").

SUBJECT: Application for Amendment to Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 446 Springbrook Avenue (Ancaster) (PED12208) (Ward 12) - Page 3 of 13

With respect to the Holding - 'H' Zone that is proposed to be applied to Block 1, the severance application contained a condition prescribing the following specific items that were to be included in the implementing Zoning By-law:

- (i) A draft plan of subdivision has been approved for the development of the subject lands, which includes a municipal road and full municipal services, and is consistent with the approved Ancaster Meadowlands Neighbourhood IV Secondary Plan;
- (ii) Springbrook Avenue has been fully urbanized, including, but not limited to, municipal storm and sanitary sewers, and the owner has paid the City of Hamilton their fair share of the as-constructed costs of the works, less over-sizing, for the full frontage of both the subject lands and the lands at 446 Springbrook Avenue (Block 2);
- (iii) The owner of the subject lands has provided a sanitary sewer service to 446 Springbrook Avenue (Part 2), and ensured that the existing home has been connected and the existing septic system/water wells have been satisfactorily decommissioned, all to the satisfaction of the Manager of Engineering Design.

These items have been included in the implementing By-law (see Appendix "B"), which will ensure that development does not occur until these conditions have been met, and the associated Holding - 'H' provision removed.

Chronology:

- May 31, 2012: Committee of Adjustment Application AN/B-12:39, which proposed to create a parcel to contain the existing dwelling at 446 Springbrook Avenue and convey the remaining lands for future residential development, was conditionally approved. The Zoning application subject to this Report is a condition of final approval of Application AN/B-12:39.
- June 20, 2012: Submission of Application ZAR-12-018 by Emidio and Maria Casimirri.
- July 3, 2012: Application ZAR-12-018 is deemed complete.
- July 6, 2012: Circulation of Notice of Complete Application for application ZAR-12-018 to all residents within 120m of the subject lands.
- November 2, 2012: Circulation of Notice of Public Meeting to all residents within 120m of the subject lands.

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Details of Submitted Application:

Location: 446 Springbrook Avenue (Ancaster) (See Appendix "A")

Owner: Emidio and Maria Casimirri

Applicant: Springbrook West Developments

Agent: Liam Doherty

Property Description: Total Lot Frontage: 62.10m (Springbrook Avenue)

Lot Depth: 194.9 ha.

Total Lot Area: 1.21 ha.

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Single Detached Dwelling Fronting onto Springbrook Avenue and Vacant	"A" (Agricultural) District
<u>Surrounding Lands:</u>		
North	Single Detached Dwellings and Vacant	"A" (Agricultural) District
South	Single Detached Dwellings, Landscaping Supply, and Vacant	"H-R4-548" (Residential - Holding) District, "H-R4-555" (Residential - Holding) District, Modified, and "I3" (Major Institutional) District
East	Single Detached Dwellings and Vacant	"A" (Agricultural) District and "R4-562" (Residential) District, Modified
West	Redeemer University College	"I" (Institutional) District

POLICY IMPLICATIONS

Provincial Policy Statement:

Staff recognizes that the application is consistent with the policies of Sub-section 1.1.3.1 that focus growth in Settlement Areas.

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.

Staff notes that a portion of the subject lands is intended to be developed for residential purposes, and is located adjacent to Springbrook Avenue and within approximately 200m from Garner Road East. The proximity of the proposed sensitive land use to road noise sources triggers the requirements for a Noise Study. Said Noise Study would be required as a condition of a future draft plan of subdivision application.

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

Section 1.2.2 of the Growth Plan for the Greater Golden Horseshoe 2006 indicates that some of the guiding principles of the Plan are to “build compact, vibrant, and complete communities”, and to “optimize the use of existing and new infrastructure to support growth in a compact, efficient form”. The application is consistent with these principles, as it proposes to build a more compact community by allowing a development which will maximize the development potential of the site.

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. Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

The proposed amendments to the Ancaster Zoning By-law conform to the Hamilton-Wentworth Regional Official Plan.

Town of Ancaster Official Plan:

The subject lands fall within the Ancaster Meadowlands Neighbourhood IV Secondary Plan and are designated “Low Density Residential”. As the proposal is to “stage” a portion of the subject lands for future residential development to be implemented by a plan of subdivision, the following land use-related policies apply:

“6.8.6 Residential Policies”

- (a) Development within the Meadowlands Neighbourhood IV is intended to provide a mix and diversity of housing opportunities in terms of lot size, unit size, style, and tenure that are suitable for different age levels, income groups, lifestyles, and household structures.
- (b) In an effort to make the best use of lands currently located within the City’s urban area, higher densities will be encouraged throughout this neighbourhood. This can be achieved through the provision of smaller lots in interior locations and higher density developments located at external locations within the neighbourhood.
- (c) The Residential densities within the respective Residential land use designations, identified on Map 1 - Land Use, shall be as follows:
 - (i) Low Density: Approximately 1 to 30 units per Net Residential Hectare. This designation permits predominantly 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.
- (d) For the purposes of this Secondary Plan, Net Residential Density refers to the number of dwelling units per Net Residential Hectare of any particular development or redevelopment. In the case of single family, duplex, and semi-detached dwellings, Net Residential Hectare includes only the land for residential lots, and excludes lands for public roads, public parks, and hazard lands. In the case of any other housing form other than single family, duplex, or semi-detached dwellings, Net Residential Density includes the lands for dwellings, private internal roads, parking areas, open space, and other associated amenities directly related to and forming part of the development and/or redevelopment.

6.8.7 Design Policies

This Secondary Plan incorporates a number of design considerations in order to take advantage of the unique physical setting of the area and to create a visually and aesthetically distinct neighbourhood. Principles embodied in the design of this area, and which should be addressed during the processing of a development application, shall include:

- (a) A local road pattern consisting of a generalized grid style local road pattern, which promotes pedestrian movements, friendlier streetscapes, and neighbourhood connectivity.
- (b) Traffic calming features such as reduced roadway widths, curbing incorporating on street parking, formal boulevard landscaping, and special intersection treatments and roundabouts.
- (c) Where appropriate, alternative development standards (i.e. 18m wide road allowances for local roads) will be implemented in an effort to maximize the use of urban land and municipal services in accordance with the Provincial Policy Statement on Housing.
- (d) Streetscape features such as decorative streetlamps, landscaped traffic circle islands, reduced front yards, front and side yard porches, recessed or detached garages.
- (e) Existing trees, significant vegetation, and distinctive site views should be protected and preserved through sensitive subdivision design.
- (f) Building and site design, setbacks, landscaping, screening, and buffering techniques shall be applied to minimize potential conflicts between new and existing uses.”

The proposed development maintains the intent of the Official Plan insofar as the lands containing the existing dwelling will remain a single detached dwelling lot, and the remaining lands will be of a size and configuration to ensure that the design-related policies of the Official Plan can be implemented when considering a future Zoning By-law Amendment and Draft Plan of Subdivision applications for the larger consolidated land parcel.

New Urban Official Plan:

The Urban Hamilton Official Plan received Ministerial Approval from the Ministry of Municipal Affairs and Housing on March 16, 2011. However, it has been appealed to the Ontario Municipal Board.

The site is located within the “Neighbourhoods” designation of the Council-adopted Urban Official Plan. The current Ancaster Meadowlands Neighbourhood IV Secondary Plan policies found in the Town of Ancaster Official Plan also continue to apply to this property, with minor modifications to be consistent with the formatting of the new Urban Hamilton Official Plan. As such, Planning staff is of the opinion that the proposed rezoning is consistent with the policies of the new Urban Hamilton Official Plan.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections:

- Recreation Division, Community Services Department.
- Traffic Planning Division, Public Works Department.
- Operations and Waste Management Division, Public Works Department.
- Bell Canada.
- Union Gas.
- Canada Post.
- Cogeco Cable.
- Hamilton-Wentworth Separate School Board.
- Hydro One.

Environmental Planning Section (Planning and Economic Development Department) staff has advised that there is an on-going Class EA for Garner Road. At this point, Environmental Planning staff has advised that no development is to occur within portions of the lands fronting onto Garner Road until the EA is further advanced. However, they have no concerns with the proposed Zoning By-law Amendment application.

The **Hamilton Conservation Authority** advised that they have no objection to the application, but note that the larger land parcel to be assembled with surrounding lands for a future residential development partially falls within the HCA’s regulated area, which may result in future development restrictions in the area and on adjacent lands. A full assessment of the relevance and impact of the regulated area will be assessed during the review of future development applications on the retained lands. In the meantime, the Holding - ‘H’ zoning that applies to the property will preclude development.

Public Consultation

The initial consent application considered by the Committee of Adjustment included a public notice and meeting. No letters of objections were received in response to the circulation of the severance application, and no members of the public attended the Committee of Adjustment Meeting.

In accordance with the Bill 51 changes to the Planning Act and Council's Public Participation Policy, a first Notice of Complete Application was circulated to 33 property owners within 120m of the subject property on July 6, 2012. Although not necessary in accordance with Council's Public Participation Policy due to the proposal having previously been through a Committee of Adjustment application, the Notice of Complete Application also, inadvertently, indicated the zoning notice was a "Preliminary Circulation". A Public Notice Sign was also posted on the subject lands at that time.

Staff did not receive any letters of objection from the public as a result of notice for this application or the previous Committee of Adjustment severance application.

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 proposed amendment to the Town of Ancaster Zoning By-law has merit, and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement, as it represents an opportunity for growth in a Settlement Area;
 - (ii) It conforms to the Hamilton-Wentworth Official Plan, and maintains the purpose and objectives of the Town of Ancaster Official Plan and the Land Use designations of the Meadowlands Neighbourhood IV Secondary Plan;
 - (iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area;
 - (iv) The proposed development represents good planning by providing a compact urban form; and,
 - (v) It implements conditions of approval for Severance Application AN/B-12:39 (see Appendix "C" - Conditions 3 and 9).

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2. The lands subject to this application fall within the Meadowlands Neighbourhood IV Secondary Plan and are designated “Low Density Residential”, a designation that permits, among other things, single detached dwelling lots. The subject lands contain an existing dwelling that is proposed to be separated from the remainder of the larger land holding by way of Consent Application AN/B-12:39, which was conditionally approved by the City of Hamilton Committee of Adjustment on May 31, 2012. The lands proposed to be severed will continue to be used for low density residential purposes, and the lands to be retained will be consolidated with adjacent lands to be used in a manner consistent with the Secondary Plan.
3. While there are municipal water services available within Springbrook Avenue to service the subject lands, there are currently no municipal sanitary sewers within Springbrook Avenue. As such, the existing dwelling on 446 Springbrook Avenue is serviced by an individual private septic system.
4. Considering the need for improved levels of municipal services, future residential development should not occur on the larger parcel until arrangements for future servicing have been formalized by way of draft plan of subdivision, together with a Subdivision Agreement. Therefore, the Agricultural “H-A-654” Holding Zone has been applied to Block 1 - Appendix “A”, which will preclude development from occurring until a subdivision application is considered by the City that will include, among other things, provisions concerning the installation of services. As part of the future subdivision application, a future Zoning By-law Amendment application will be considered, which would remove the Holding - ‘H’ provisions.

Further, while the subject rezoning application will only place development regulations on the property, and not effectively create new separate conveyable lots, beyond the new lot conditional approval by Consent Application AN/B-12:39, staff notes that the septic system servicing the existing residential dwelling at 446 Springbrook Avenue is located on the future development block. A condition of consent for the severance application requires that the existing tile bed be protected through a septic easement prior to final approval of the severance (see Condition 10 - Appendix “C”). The easement will stay in place until it can be abandoned at such a time as the dwelling can connect to municipal services to be installed on Springbrook Avenue.

5. ZONING BY-LAW AMENDMENT:

The applicant has requested amendments to Town of Ancaster Zoning By-law No. 87-57 in order to include regulations to allow the existing lot at 446 Springbrook Drive to continue to be located on the proposed newly severed lot, and to encourage the assembly of the remaining lands with surrounding vacant lands so they may be developed in a comprehensive manner. Staff has had regard for the regulations being sought to ensure that they implement the policies of the Ancaster Meadowlands Neighbourhood IV Secondary Plan. The requested amendments include the following changes in zoning categories:

- Change the zoning from the Agricultural “A” Zone to the Agricultural “H-A-654” Holding Zone, to prepare the subject lands for a future plan of subdivision to create individual residential lots (Block 1).
- Change in zoning from the Agricultural “A” Zone to the Residential “R4-555” Zone, Modified, to allow a lot containing the existing dwelling located at 446 Springbrook Avenue (Block 2).

The particular land use objectives of the zoning regulations for each new zoning category are outlined below:

Block 1 of Appendix “B”- Agricultural “H-A-654” Zone:

The regulations of the “H-A-654” Zone have the effect of precluding development from occurring until:

- (i) A draft plan of subdivision has been approved for the development of the subject lands, which includes a municipal road and full municipal services, and is consistent with the approved Ancaster Meadowlands Neighbourhood IV Secondary Plan;
- (ii) Springbrook Avenue has been fully urbanized, including, but not limited to, municipal storm and sanitary sewers, and the owner has paid the City of Hamilton their fair share of the as-constructed costs of the works, less over-sizing, for the full frontage of both the subject lands and the lands at 446 Springbrook Avenue (Block 2);
- (iii) The owner of the subject lands has provided a sanitary sewer service to 446 Springbrook Avenue (Part 2), and ensured that the existing home has been connected and the existing septic system/water wells have been satisfactorily decommissioned, all to the satisfaction of the Manager of Engineering Design.

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Once these conditions have been satisfied, the Holding provision may be removed, and appropriate zoning may be put in place once a final layout is determined.

Block 2 of Appendix “B” - Residential “R4-555” Zone and Special Provisions:

The “R4-555” Zone provides special provisions to recognize the size and location of the existing dwelling at 446 Springbrook Avenue, including:

- A minimum lot frontage of 15m, whereas 12.0m is required;
- A maximum lot coverage of 45 percent, whereas 35 percent is permitted; and,
- A minimum front yard of 6.0m, whereas 7.5m is required.

The “R4-555” Zone is an existing zoning category that has been applied to a number of residential lots within the Meadowlands Neighbourhood IV that either front onto or are in close proximity to Springbrook Avenue, including lands at 460 and 480 Springbrook Avenue.

Planning staff is satisfied that the items noted above will provide zoning regulations that are commonly applied to more contemporary development. The regulations will result in development that is in keeping with the character of other similar single detached dwelling lots to be developed within the neighbourhood in terms of lot size, building size, and streetscape character.

6. The subject lands have archaeological potential, as they are located within 250m of known archaeological sites; 300m of a primary watercourse or permanent waterbody, 200m of a secondary watercourse or seasonal waterbody, or 300m of a prehistoric watercourse or permanent waterbody; and in an area of sandy soil, clay, or stone.

The larger Block 1 is the portion of the lands that are undisturbed and subject to archaeological potential. An Archaeological Assessment is required as a condition of the associated consent application (see Appendix “C” - Condition 2), which will ensure that archaeological issues will be cleared prior to the completion of the severance.

SUBJECT: Application for Amendment to Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 446 Springbrook Avenue (Ancaster) (PED12208) (Ward 12) - Page 13 of 13

ALTERNATIVES FOR CONSIDERATION:

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

The subject lands are zoned Agricultural “A” Zone in the Town of Ancaster Zoning By-law. Should the proposed change in zoning be denied, the subject lands could be developed for only 1 single detached dwelling unit per existing lot of 1,850 sq. m or larger. As Block 1 requires the rezoning subject to this application as a condition of approval of the associated severance application considered by the Committee of Adjustment, a denial would also result in the inability of the owner to fulfil the conditions required for final approval. As such, the denial of this application would also nullify the severance.

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.
- ◆ Generate assessment growth/non-tax revenues.

Environmental Stewardship

- ◆ Natural resources are protected and enhanced.

Healthy Community

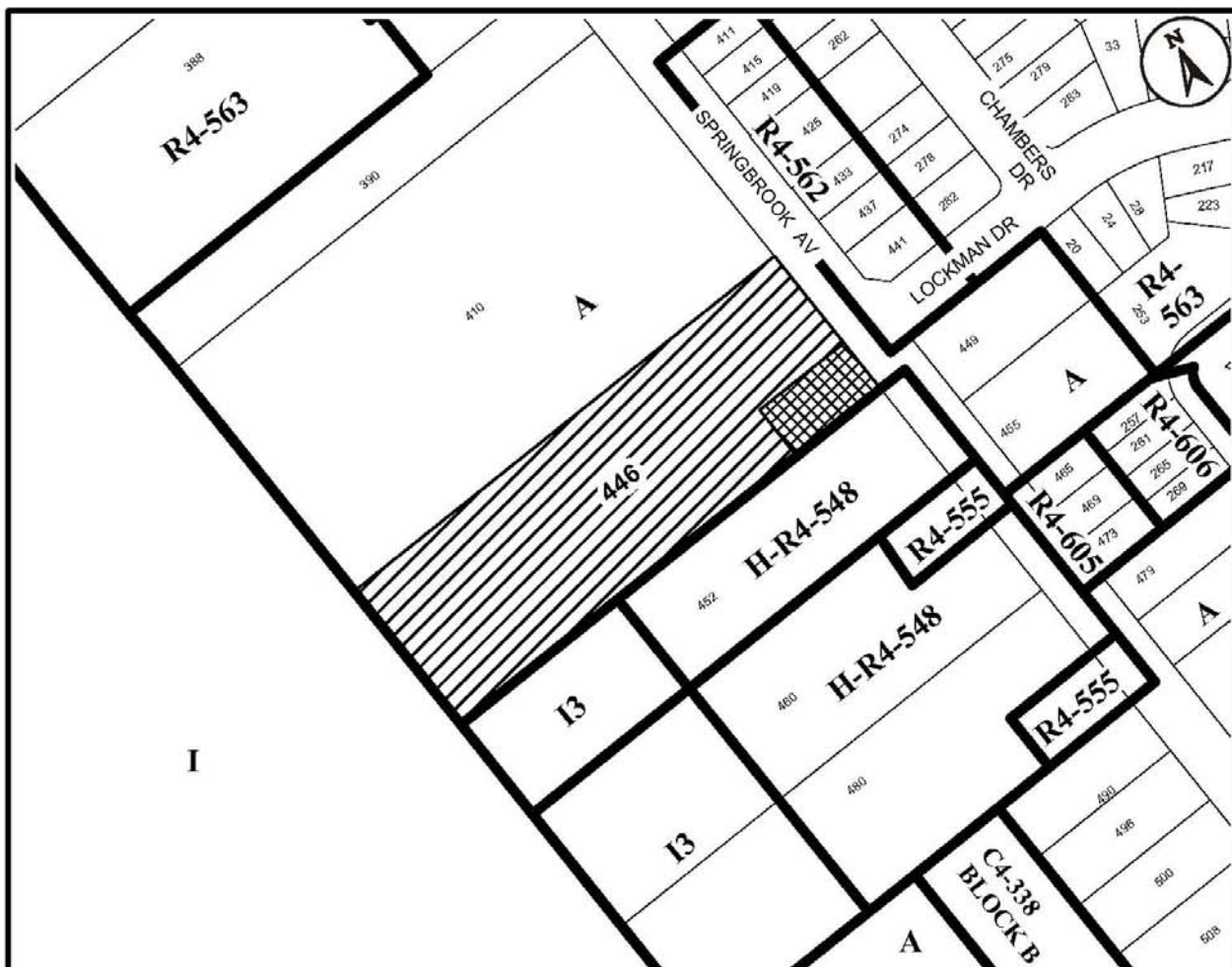
- ◆ Plan and manage the built environment.

APPENDICES / SCHEDULES

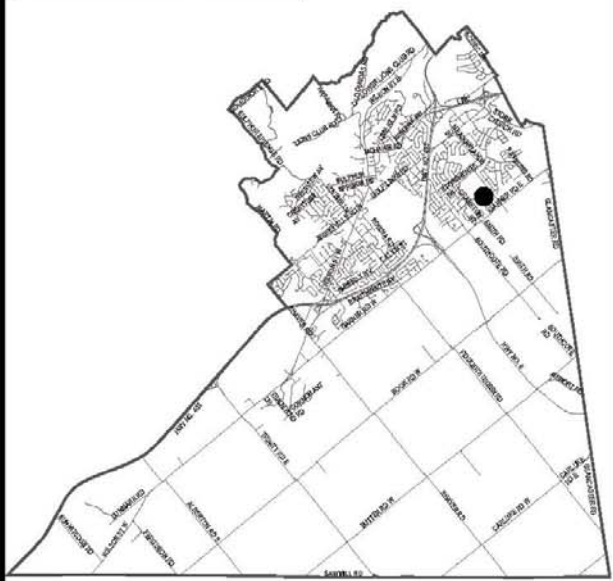
- Appendix “A”: Location Map
- Appendix “B”: Draft By-law (Zoning By-law 87-57)
- Appendix “C”: Notice of Decision of the Committee of Adjustment for AN/B-12:39

:CB


Attachs. (3)



● Site of the Application



Ward 12 Key Map

N.T.S. 

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAR-12-018

Date:
October 2, 2012


Appendix "A"


Scale:
N.T.S.

Planner/Technician:
CB /KA

Subject Property

446 Springbrook Avenue

 **Block 1** - Change in Zoning from the Agricultural "A" Zone to the Agricultural "H-A-654" Holding Zone.

 **Block 2** - Change in Zoning from the Agricultural "A" Zone to the Residential "R4-555" Zone, Modified

Authority: Item [REDACTED]
Planning Committee
Report: 12-[REDACTED] (PED12208)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

To Amend Zoning By-law No. 87-57 Respecting Lands Located at 446 Springbrook Avenue, in the former Town of Ancaster, now in the City of Hamilton

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

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as the "The Corporation of the Town of Ancaster" 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 and Official Plans of the former area municipalities and the Official Plan of the former regional municipality 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. 87-57 (Ancaster) was enacted on the 22nd day of June 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

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. 87-57, be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Ancaster).

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

1. That Map 1 of Schedule "B" of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended as follows:
 - (a) By changing the zoning from the Agricultural "A" Zone to the Agricultural "H-A-654" Holding Zone on the lands comprised of Block 1; and,
 - (b) By changing the zoning from the Agricultural "A" Zone to the Residential "R4-555" Zone, Modified, on the lands comprised of Block 2;

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

2. That Section 34, Exceptions of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following Sub-sections:

"H-A-654"

The 'H' Holding prefix shall be lifted from the "**H-A-654**" Zone once the following conditions have been completed:

- (i) A draft plan of subdivision has been approved for the development of the subject lands, which includes a municipal road and full municipal services, and is consistent with the approved Ancaster Meadowlands Neighbourhood IV Secondary Plan, to the satisfaction of the Manager of Development Planning;
- (ii) Springbrook Avenue has been fully urbanized, including, but not limited to, municipal storm and sanitary sewers, and the owner has paid the City of Hamilton their fair share of the as-constructed costs of the works, less over-sizing, for the full frontage of both the subject lands and the lands at 446 Springbrook Avenue, to the satisfaction of the Manager of Engineering Design; and,
- (iii) The owner of the subject lands has provided a sanitary sewer service to 446 Springbrook Avenue, and ensured that the existing home has been connected, and the existing septic system/water wells have been satisfactorily decommissioned; all to the satisfaction of the Manager of Engineering Design.

City Council may remove the (H) symbol, and thereby give effect to the "A-654" Zone, by enactment of an amending By-law once the above conditions have been fulfilled.

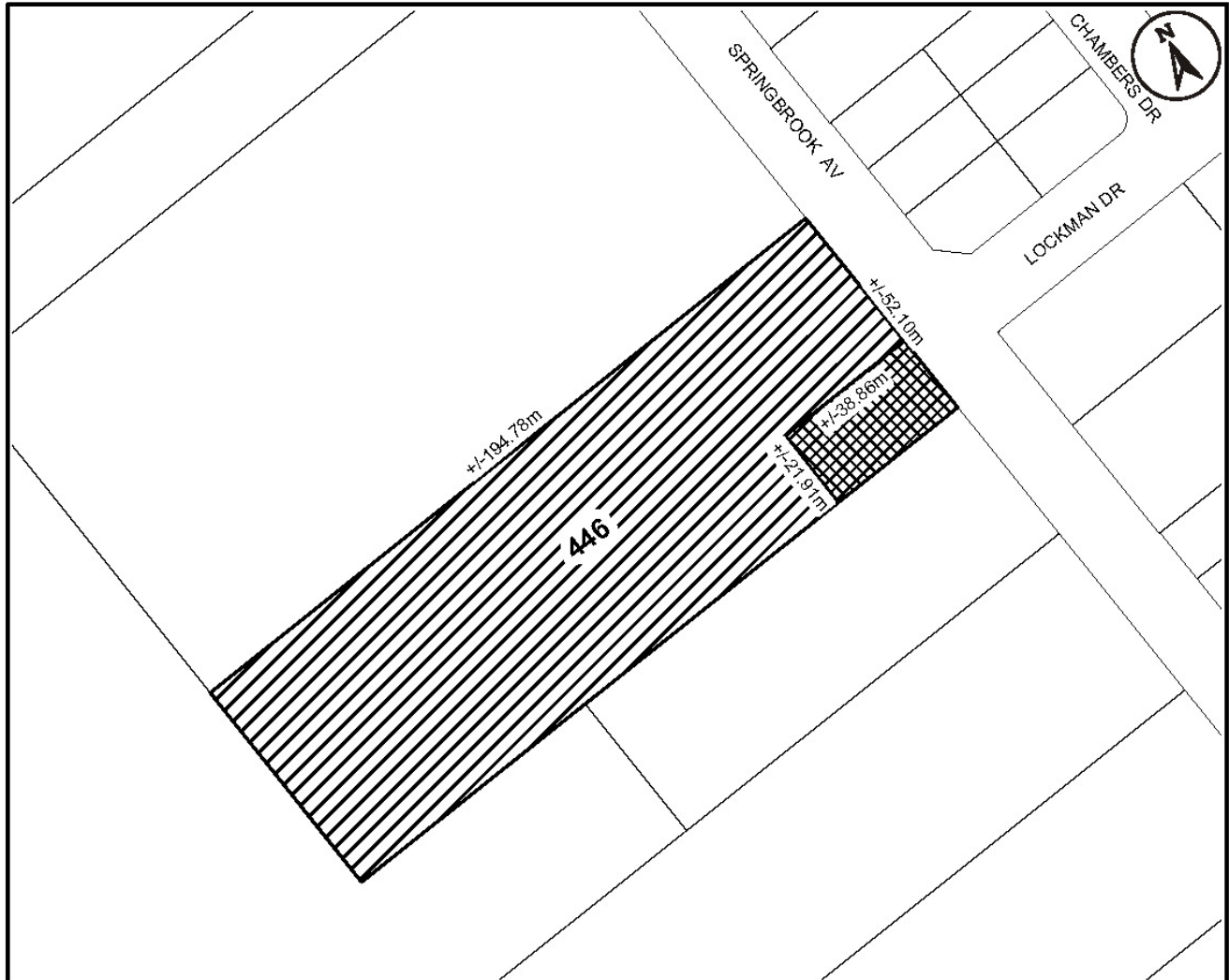
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this [REDACTED] day of [REDACTED], 2012.

R. Bratina
Mayor

Rose Caterini
Clerk

ZAR-12-018




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


 Mayor

 Clerk

Schedule "A"
 Map Forming Part of
 By-Law No. 12-_____
 to Amend By-law No. 87-57

Subject Property
 446 Springbrook Avenue

 **Block 1** - Change in Zoning from the Agricultural "A" Zone to the Agricultural "H-A-654" Holding Zone.

 **Block 2** - Change in Zoning from the Agricultural "A" Zone to the Residential "R4-555" Zone, Modified.

Scale:
 N.T.S.

File Name/Number:
 ZAR-12-018

Date:
 October 17, 2012

Planner/Technician:
 CB/KA

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT





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-12:39
SUBMISSION NO. B-39/12

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 446 Springbrook Avenue, formerly in the Town of Ancaster, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION, AS AMENDED, by the agent Liam Doherty on behalf of the owners Emidio & Maria Casimirri, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a parcel of land (Part 1) measuring approximately 40.2m along Springbrook Avenue with an area of 11,251m² to be used for future development, and to retain a parcel of land (Part 2) measuring approximately 31.8m in width, 38.9m in depth with an area of 849m² containing the existing single detached dwelling known municipally as 446 Springbrook Avenue for residential purposes.

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. The proponent shall carry out an archaeological assessment of the portion of the property to be retained and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Tourism, Culture and Sport.

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

3. That the owner/applicant applies for and receives approval of a rezoning application, which will include a 'H' Holding provision on the land to be conveyed (Part 1), to the satisfaction of the Manager of Development Planning.

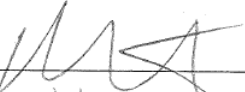
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4. The applicant shall ensure compliance with Ontario Building Code requirements regarding unprotected openings of any structures to the satisfaction of the Planning and Economic Development Department (Building Services Division).
5. The owner shall 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).
6. The owner shall demolish all or an appropriate portion of any buildings straddling the proposed property line, to the satisfaction of the Planning and Economic Development Department (Building Services Division). May be subject to a demolition permit issued in the normal manner.
7. The owner/applicant shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Services Division), if required;
8. That the owner/applicant apply for and receive any required building permits in the normal manner to the satisfaction of the Planning and Economic Development Department (Building Services Division). (Septic System)
9. That a Holding provision be placed on Part 1 until such time as:
 - i) a draft plan of subdivision has been approved for the development of Part 1, which includes a municipal road and full municipal services, and is consistent with the approved Ancaster Meadowlands Neighbourhood IV Secondary Plan;
 - ii) Springbrook Avenue has been fully urbanized, including but not limited to municipal storm and sanitary sewers, and the Owner has paid to the City of Hamilton the their fair share of the as-constructed costs of the works, less oversizing, for the full frontage of Parts 1 and 2;
 - iii) the Owner of Part 1 has provided a sanitary sewer service to 446 Springbrook Avenue (Part 2), and ensured that the existing home has been connected and the existing septic system/water wells have been satisfactorily decommissioned; all to the satisfaction of the Manager of Engineering Design.
10. That a septic easement be established, over Part 1 and in favour of Part 2, to remain in place until such time as the existing dwelling on Part 2 has been serviced with a sanitary sewer, to the satisfaction of the Manager of Engineering Design.
11. The owner shall submit to the Committee of Adjustment Office an administration fee of \$15.30, payable to the City of Hamilton, to cover the cost of setting up a new tax account for the newly created lot.
12. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

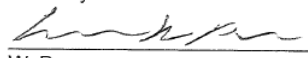
DATED AT HAMILTON this 31st day of May, 2012.

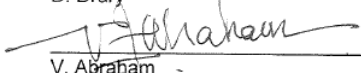

I. Dunlop (Acting Chairman)


D. Serwatak


L. Gaddy


D. Drury


W. Pearce


V. Abraham

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS June 7th, 2012.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (June 7th, 2013) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

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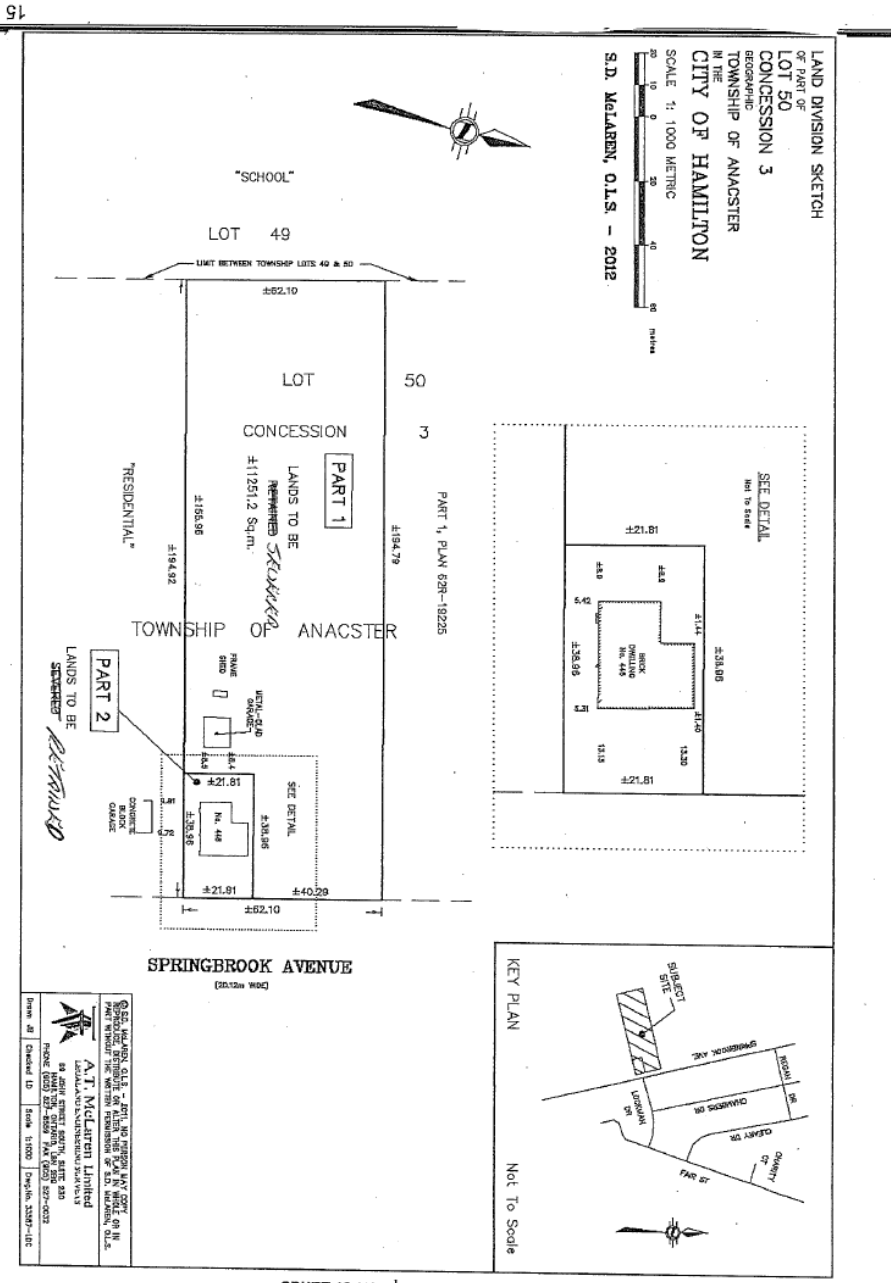
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NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS June 27th, 2012.

THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

NOTE:

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 442 Springbrook Avenue and that the lands to be retained will remain as 446 Springbrook Avenue.
2. The existing dwelling will be required to be connected to the municipal sewer service and the existing private septic system decommissioned according to Ontario regulations, when services are made available, to the satisfaction of the Public Works Department (Source Water Protection Division).



AMENDED
 AN/B-12:39
 SKETCH