

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 12
COMMITTEE DATE: July 9, 2013	
SUBJECT/REPORT NO: Committee of Adjustment Consent Application AN/B-12:105 for the Property Known as 19 Cameron Drive (Ancaster) - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED13122) (Ward 12)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Daniel Barnett (905) 546-2424 Ext. 4445
SIGNATURE:	

RECOMMENDATION:

That Report PED13122, respecting Committee of Adjustment Consent Application AN/B-12:105, for the property known as 19 Cameron Drive (Ancaster), as shown on Appendix "A" to Report PED13122, supported by the Planning and Economic Development Department, but Denied by the Committee of Adjustment, be received and no further action be taken.

EXECUTIVE SUMMARY

The applicant submitted Consent Application AN/B-12:105 to permit the severance of the existing lot to create a total of two single detached residential lots for the lands located at 19 Cameron Drive (Ancaster).

Application AN/B-12:105 was considered before the Committee of Adjustment on January 31, 2013. Comments from staff to the Committee of Adjustment supported the application (see Appendix "B"). The application was considered to be consistent with the Provincial Policy Statement, in conformity to the Hamilton-Wentworth Official Plan,

SUBJECT: Committee of Adjustment Consent Application AN/B-12:105 for the Property Known as 19 Cameron Drive (Ancaster) - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED13122) (Ward 12) - Page 2 of 13

and maintained the intent and purpose of the Town of Ancaster Official Plan and the Zoning By-law.

The Committee of Adjustment Tabled the application on January 31, 2013, for a site visit, and the application was brought back to the Committee of Adjustment on February 14, 2013, at which point the Committee of Adjustment denied the application for the reasons provided in Appendix "C". The decision was appealed to the Ontario Municipal Board (OMB) by the applicant on March 13, 2013. To date, an OMB Hearing has not been scheduled; however, in discussions with the City of Hamilton Legal Department, Legal staff has indicated the OMB is looking to schedule a Hearing as soon as possible.

Alternatives for Consideration - See Page 12.

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

Financial: Planning and Economic Development Department staff supported the subject application. However, if Council wishes to support the Committee of Adjustment's decision to deny the application, the City must retain an outside Planning Consultant, and any other experts who can professionally support the denial. If an outside Planning Consultant is retained, the costs would be approximately \$3,000 to \$5,000 for each day of a Hearing. If this action is desired by Council, a funding source for these costs would have to be identified.

Staffing: One representative from Legal Services would be required for preparation and attendance at the OMB Hearing. One member of Planning staff would attend as an expert witness at the Hearing, should Council support Option 2.

Legal: No legal implications are expected.

HISTORICAL BACKGROUND (Chronology of events)

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 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

SUBJECT: Committee of Adjustment Consent Application AN/B-12:105 for the Property Known as 19 Cameron Drive (Ancaster) - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED13122) (Ward 12) - Page 3 of 13

an application(s) that was supported by staff. In response to such a Report, Council may determine its position on the Committee of Adjustment 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."

Proposal:

In 2011, the applicant previously applied for severance (AN/B-11:15) approval and minor variance (AN/A-11:61) approval for the property at 19 Cameron Drive. Both the severance and minor variance applications were supported by staff, and the original applications were approved by the Committee of Adjustment (see Appendices "D" and "E"). The approval of Severance Application AN/B-11:15 was subject to conditions, which were required to be completed within 1 year of approval, otherwise the application for severance would lapse. The applicant failed to fulfill all of the conditions within the 1 year timeframe. As such, the application lapsed and, in 2012, the applicant reapplied for the same severance (AN/B-12:105). The variance, which did not have a 1 year time limit, remains in effect.

The subject property is located at 19 Cameron Drive (Ancaster) (see Appendix "A"). The consent application (AN/B-12:105) was to sever the property into two lots, with the lands to be severed having a lot frontage of 16.2m and a lot area of 927.9 sq. m., and the lands to be retained having a lot frontage of 16.04m and a lot area of 1,313 sq. m. Both the lands to be conveyed and retained front onto Cameron Drive. The existing dwelling straddles the proposed lot line and, therefore, staff required that the dwelling be demolished as a condition of consent if the severance was approved (see Appendix "F" - Condition 6).

The application was reviewed against all applicable Provincial and Local planning policy documents. Planning staff recommended approval of the severance application, subject to the applicable conditions of consent (see Appendix "F"), as the proposal is consistent with the Provincial Policy Statement, conforms to the Hamilton-Wentworth Official Plan, and maintains the intent and purpose of the Town of Ancaster Official Plan and Town of Ancaster Zoning By-law. However, the application was denied by the Committee of Adjustment for the reasons provided (see Appendix "C").

POLICY IMPLICATIONS

Planning Act:

The application has been reviewed with respect to the criteria of the Planning Act.
"53(1) Permits a land owner or the owner's agent to apply for a consent application.

SUBJECT: Committee of Adjustment Consent Application AN/B-12:105 for the Property Known as 19 Cameron Drive (Ancaster) - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED13122) (Ward 12) - Page 4 of 13

- 53(12) A Council or Minister, in determining whether a provisional consent is to be given, shall have regard to the matters under Sub-section 51(24).
- 51(24) In considering a Draft Plan of Subdivision, regard shall be had, among other matters, to the health, safety, convenience, and welfare of the present and future inhabitants of the municipality and to:
- a) The effect of development of the proposed subdivision on matters of Provincial interest, as reflected in Section 2;
 - 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 lands for the purpose for which it is to be subdivided;
 - e) The number, width, location, and proposed grades and elevations of highways and the adequacy of them, and the highways linking the highway in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
 - f) The dimensions and shape of the proposed lots;
 - g) The restrictions or proposed restrictions, if any, on the land proposed to be subdivided, or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
 - h) Conservation of natural resources and flood control;
 - i) The adequacy of utilities and municipal services;
 - j) The adequacy of school sites;
 - k) The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes; and,
 - l) The physical layout of the plan having regard to energy conservation.”

SUBJECT: Committee of Adjustment Consent Application AN/B-12:105 for the Property Known as 19 Cameron Drive (Ancaster) - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED13122) (Ward 12) - Page 5 of 13

The proposed severance provides for new residential development within the Urban Area and promotes a more efficient use of the existing infrastructure. The proposed severance conforms to the policies of the Hamilton-Wentworth and Town of Ancaster Official Plans, and the lots are of a size suitable for single detached residential dwellings. The proposed lots are of a shape and dimension that reflect lots that are located on the bend of a street. The proposed severance will establish lots that conform to the By-law restrictions of lot frontage and area, and can accommodate dwellings that conform to the setback requirements of the Zoning By-law. Staff recommended that the applicant enter into a Consent Agreement as a condition of severance, if the severance was approved, which would have addressed lot grading and ensured the lots were drained in an appropriate manner. The 2 proposed lots will utilize existing utilities and municipal services, and will not create a burden on the existing services. As the proposal has adequate regard to the criteria under Section 51(24) of the Planning Act, the proposed severance complies with the applicable provisions of the Planning Act.

Places to Grow:

The application has been reviewed with respect to the Places to Grow - Growth Plan for the Greater Golden Horseshoe (P2G).

- “2.2.2.1 Population and Employment growth will be accommodated by:
- a) Directing a significant portion of new growth to the built-up areas of the community through intensification.
- 2.2.3.1 By the year 2015, and for each year thereafter, a minimum of 40 per cent of all residential development occurring annually within each upper and single-tier municipality will be within the built-up area.”

As the proposal is to sever and create a new residential lot within the built-up area, the proposal conforms with the policies of the Places to Grow Plan.

Provincial Policy Statement (PPS):

The application has been reviewed with respect to the Provincial Policy Statement (PPS).

- “1.1.3.1 Settlement Areas shall be the focus of growth, and their vitality and regeneration shall be promoted.
- 1.1.3.2 Land use patterns within Settlement Areas shall be based on:
- a. Densities and a mix of land uses, which:

SUBJECT: Committee of Adjustment Consent Application AN/B-12:105 for the Property Known as 19 Cameron Drive (Ancaster) - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED13122) (Ward 12) - Page 6 of 13

1. Efficiently use land and resources;
 2. Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and,
 3. Minimize negative impacts to air quality and climate change, and promote energy efficiency in accordance with Policy 1.8; and,
- b. A range of uses and opportunities for intensification and redevelopment in accordance with the criteria in Policy 1.1.3.3.
- 1.1.3.3 Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated, taking into account existing building stock or areas, including Brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.
- 1.4.3 Planning authorities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area by:
- b) Permitting and facilitating:
1. All forms of housing required to meet the social, health, and well-being requirements of current and future residents, including special needs requirements; and,
 2. All forms of residential intensification and redevelopment in accordance with Policy 1.1.3.3.”

The Provincial Policies promote intensification and a range of housing densities within the Settlement Area, taking into account existing character and the availability of services.

As the proposal is to sever the lot to create 2 single detached residential lots within a Settlement Area, to construct a new dwelling unit on both the severed and retained lots, and, as the proposed lot size and building envelope are consistent with the character of the area, the proposal would constitute appropriate intensification. Therefore, the proposal is consistent with the policies of the Provincial Policy Statement.

SUBJECT: Committee of Adjustment Consent Application AN/B-12:105 for the Property Known as 19 Cameron Drive (Ancaster) - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED13122) (Ward 12) - Page 7 of 13

Hamilton-Wentworth Official Plan:

The subject property is designated “Urban Area” in the Hamilton-Wentworth Official Plan.

“C.3.1 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. Accordingly, the Plan establishes a land use strategy for the Urban Area that consists of:

- Compact urban form, including mixed-use areas;

C.3.1.1 A compact higher density urban form, with mixed-use development in identified regional and municipal centres, and along corridors, best meets the environmental, social, and economic principles of sustainable development.

Mixed forms of development within an Urban Area are preferable to widespread, low density, residential development and scattered rural development, because:

- Growth can be accommodated by building on vacant or redeveloped land without taking up agricultural lands or natural areas; and,
- Higher density development can reduce per capita servicing costs, and makes more efficient use of existing services;”

The policies of the Hamilton-Wentworth Official Plan promote higher density within the Urban Area, requiring that 96% of new development be accommodated within the Urban Area. The policies promote more compact development due to the fact that it is more sustainable, reduces servicing costs, and the need to develop on agricultural lands and/or environmentally sensitive areas.

As the proposal is to sever the lot to create 2 single detached residential lots within the Urban Area, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

SUBJECT: Committee of Adjustment Consent Application AN/B-12:105 for the Property Known as 19 Cameron Drive (Ancaster) - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED13122) (Ward 12) - Page 8 of 13

Town of Ancaster Official Plan:

The subject property is designated “Residential” in the Town of Ancaster Official Plan.

“4.4.1 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).

4.4.14 The subdivision of land, in the area designated “Residential” by this Plan, shall be predominately 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:

- i) The proposal does not involve more than the minor extension of an existing road;
- ii) The proposal will not prejudice the future development of nearby lands or the location of future roads or services;
- iii) The proposal is in compliance with the Zoning By-law and the Secondary Plan, where such a Plan exists at the time when this Plan is approved;
- iv) Full municipal services are available;
- v) The proposed lots are of a shape consistent with the existing lots in the general area;
- vi) The proposed lots are of a size consistent with the existing lots in the general area and in accordance with the appropriate regulations of the Zoning By-law; and,
- vii) The proposed lots are not within lands that are the subject of a subdivision application before the municipality.

7.7.1.1 Land development will occur primarily by Registered Plan of Subdivision pursuant to the Planning Act. Where it is clearly not necessary, nor in the public interest that development of land proceeds by means of a Registered Plan, the division of land by Consent of the Land Division Committee may be considered.

SUBJECT: Committee of Adjustment Consent Application AN/B-12:105 for the Property Known as 19 Cameron Drive (Ancaster) - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED13122) (Ward 12) - Page 9 of 13

- 7.7.1.2 When considering any application for consent for the division of land for any purpose, conformity with the following provisions is required:
- i) 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.
 - ii) No Consent shall be finalized unless the proposal is in conformity with the Zoning By-law.
 - iii) That the lot to be retained and the lot to be severed must have frontage on, and have direct access to an open, improved public road which is maintained on a year-round basis.
 - vi) Severances within the Urban Area Boundary shall be permitted only where the proposed development is serviced by municipal sewer and water systems, or the services have been committed to be extended.”

The policies of the Town of Ancaster Official Plan permit lot creation in “Residential” designated areas so long as the proposed lots have adequate municipal services, road access, and are of a shape and size that is consistent with the character of the area.

As the proposal is to create a new residential lot that is similar in size and shape to other properties in the area, complies with the Zoning By-law, and can be adequately serviced, the proposal conforms to the policies of the Town of Ancaster Official Plan.

City of Hamilton Urban Official Plan (Council-Approved):

The Urban Hamilton Official Plan was adopted by Council on July 9, 2009, and 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 subject property is designated “Neighbourhoods” in the Urban Hamilton Official Plan.

- ”E.3.2.3 The following uses shall be permitted on lands designated “Neighbourhoods” on Schedule E-1 - Urban Land Use Designations:
- a) Residential dwellings, including second dwelling units and housing with supports;

SUBJECT: Committee of Adjustment Consent Application AN/B-12:105 for the Property Known as 19 Cameron Drive (Ancaster) - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED13122) (Ward 12) - Page 10 of 13

E.3.2.13 The City supports residential intensification on lands within the “Neighbourhoods” designation, in accordance with Section B.2.4 - Residential Intensification Policies, F.1.14 - Lot Creation, and other applicable policies.

B.2.4 Residential intensification is a key component of Hamilton’s growth strategy, and is essential to meet our growth and employment targets. Intensification ensures land, urban services, and the transportation network are used more efficiently, and sufficient population is maintained to support existing community facilities. Successfully accommodating more residents within the existing built-up area reduces the need for development of Greenfield lands and urban boundary expansions.

F.1.14.3.1 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.”

As the proposed residential lots will reflect the general scale and character of the established development pattern in the surrounding area, and have municipal water and sanitary sewage services, the proposal would conform to the policies of the Urban Hamilton Official Plan.

RELEVANT CONSULTATION

- Legal Services Division.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

1. The subject lands are zoned Existing Residential “ER” Zone in the Town of Ancaster Zoning By-law. The proposed lot frontage of the 2 lots is 16m. The applicant previously received minor variance approval from the Committee of Adjustment to reduce the lot frontage from 18m to 16m (see Appendix “E”). Unlike the previous severance approval which lapsed, the variance approval remains in force and effect. The “ER” Zone permits single-detached dwellings; therefore, the proposed use is permitted, subject to the applicable performance standards in the Zoning By-law.
2. The lands to be severed and lands to be retained will meet the minimum lot frontage requirement of 16m as previously varied, and minimum lot area of 695 sq. m. of the “ER” Zone. Both the lands to be severed and lands to be retained will be pie-shaped lots that are narrower at the front and wider towards the rear (see Appendix “G”). Pie-shaped lots are a common lot shape for lots that are located at the end of a court or on the bend of a road, as is the case with the subject property. Lot frontages for pie-shaped lots are measured at 7.5m back from the front lot line because pie-shaped lots traditionally have a narrower frontage at the road edge, but remain compatible to the neighbouring rectangular shaped lots with respect to lot width, building size, and building setbacks due to the fact that the lots are wider at the point where the dwelling is intended to be built.

The subject property, as it currently exists, is nearly twice the size of the other lots in the area. In review of the lot sizes that currently exist in the area, staff identified a range of lot areas, from the largest being 2,240 sq. m. for the existing property at 19 Cameron Drive, with the second largest being 29 Cameron Drive with a lot area of 1,560 sq. m., to the smallest lot area of 500 sq. m. for 6 Cameron Drive. The 3 lots to the south are all approximately 870 sq. m, while the lots to the west decrease in size from 17 Cameron Drive with a lot area of 1,023 sq. m., to 11 Cameron Drive with a lot area of 670 sq. m. The 2 proposed lots have areas of 1,313 sq. m. and 927 sq. m., which is closer in size and scale to that of the neighbouring lots. With respect to lot frontage, lots in the surrounding area range in size from 20m to 30m in lot width, with most of the lots having a lot width of 22m to 23m. As the proposed lots will have a frontage of

SUBJECT: Committee of Adjustment Consent Application AN/B-12:105 for the Property Known as 19 Cameron Drive (Ancaster) - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED13122) (Ward 12) - Page 12 of 13

16m, the lot widths of both properties will constitute the smallest lot widths in the neighbourhood. However, as the lots are pie-shaped and located on a bend, they are wider further away from the street and can accommodate a dwelling which is compatible with the size and scale of other dwellings in the neighbourhood. As the lot area and frontage will be compatible with the size and scale of other lots in the area, the proposed severance would be in keeping with the character of the area.

3. The proposed severance application was reviewed by City of Hamilton Growth Management staff, and it was identified that there are existing municipal services from which the properties would be able to be serviced (see Appendix “B” - Page 5). Growth Management staff had recommended the inclusion of 3 conditions to properly facilitate the development, including a Consent Agreement, which would have ensured that the lots are appropriately graded to ensure proper drainage, a requirement that the owner pay the Future Urbanization Cost for future sidewalks and curbs along Cameron Drive, and that the owner provide separate servicing connections or demonstrate that the servicing connections have already been established (see Appendix “F” - Conditions 7, 8, and 9).

ALTERNATIVES FOR CONSIDERATION:

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

Option 1:

Council may instruct Legal Services to attend the Ontario Municipal Board Hearing, in support of the Committee of Adjustment’s decision, and to retain outside professional(s).

Option 2:

Council may decide to support the appeal against the Committee of Adjustment’s decision to deny, and direct Legal Services to attend the Ontario Municipal Board Hearing in support of the appeal to the applications, and to use City Planning staff as its professional witness.

Option 3:

Council may decide to not send Legal Services to the Ontario Municipal Board, either in support of the Committee’s decision, or against the decision.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:

Strategic Priority #1:

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective:

1.5 Support the development and implementation of neighbourhood and City-Wide strategies that will improve the health and well-being of residents.

Strategic Priority #2:

Valued & Sustainable Services

WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.

Strategic Objective:

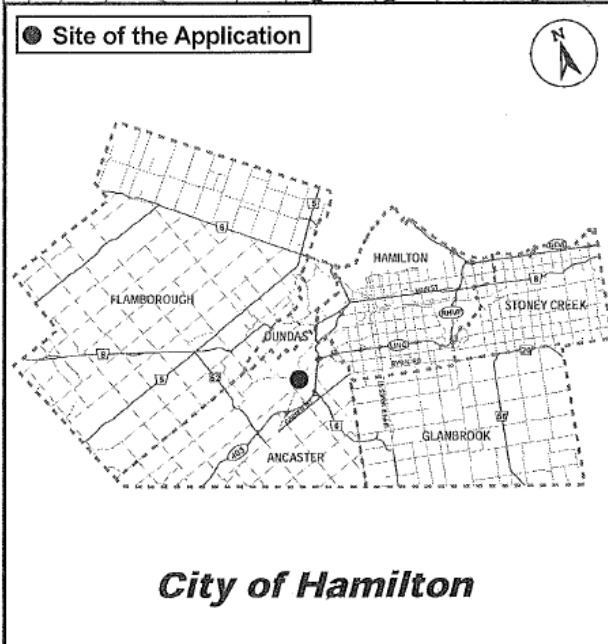
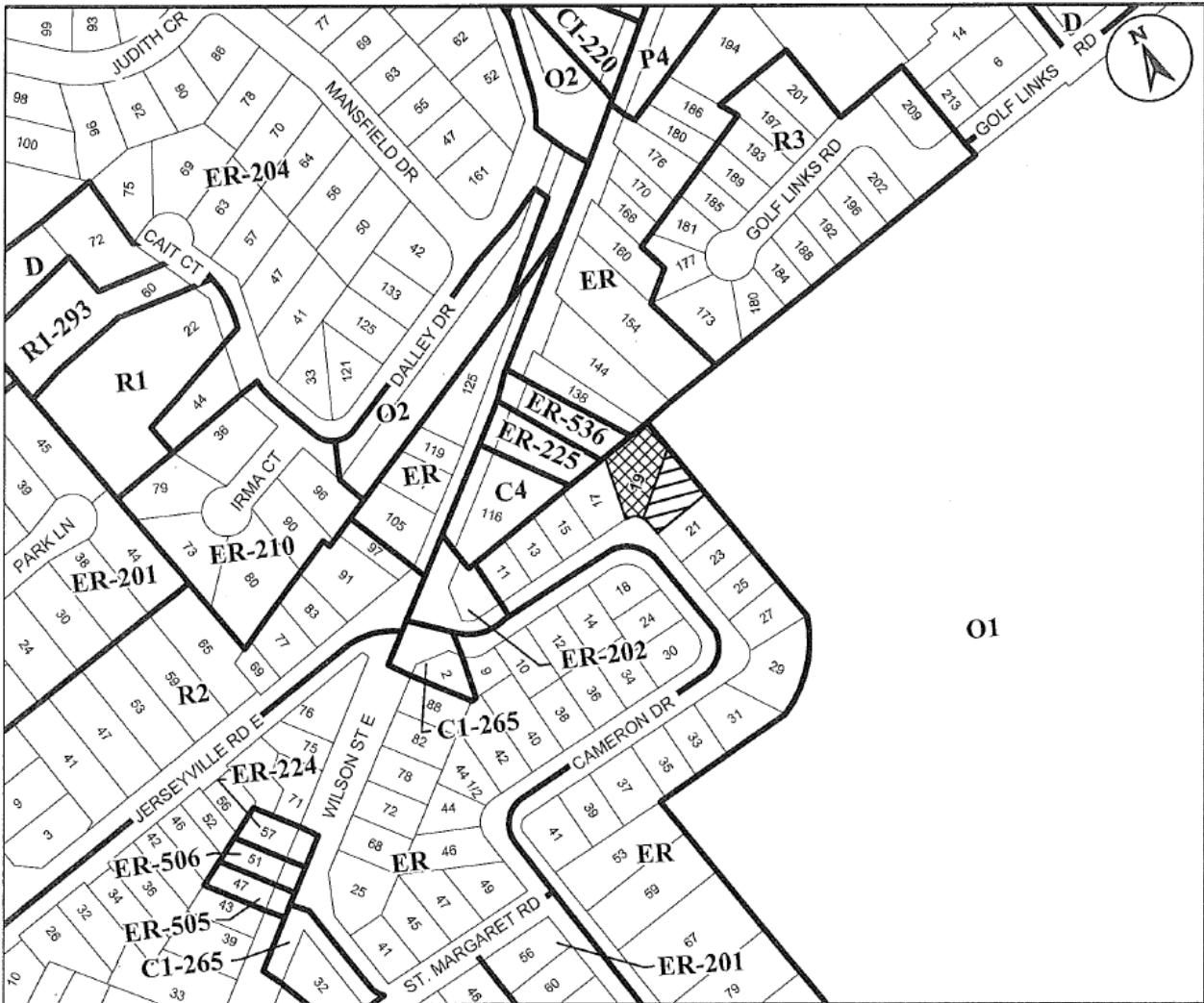
2.2 Improve the City's approach to engaging and informing citizens and stakeholders.

APPENDICES / SCHEDULES

- Appendix "A": Location Map
- Appendix "B": Staff Comments for AN/B-12:105
- Appendix "C": AN/B-12:105 Consent Decision
- Appendix "D": AN/B-11:15 Previous Consent Decision
- Appendix "E": AN/A-11: 61 Minor Variance Decision
- Appendix "F": AN/B-10:133 Consent Conditions
- Appendix "G": Site Plan Sketch
- Appendix "H": Minutes of Public Meeting
- Appendix "I": Letters of Objection
- Appendix "J": Letter from the Applicant



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Attachs. (10)



Committee of Adjustment

Subject Property
 19 Cameron Drive

 Lands to be Conveyed
 Lands to be Retained

File Name/Number:
AN/B-12:105

Date:
Jan. 18, 2013

Technician:
DB

Map Not to Scale

Appendix "A"



January 31st, 2013

AN/B-12:105 (19 Cameron Drive, Ancaster)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – West:

The applicant is proposing to divide an existing 2,241.3 sq. m. property to create one additional single detached residential lot. The applicant previously applied to sever the subject property (AN/B-11:15) and was given approval by the Committee of Adjustment, however the applicant failed to clear the conditions of approval within 1 year and therefore the application lapsed.

Provincial Policy Statement

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

However, Policy 1.7.1 (e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered and separated from each other to prevent adverse effects from odour, **noise** and other contaminants, and minimize risk to public health and safety. Staff note, that the subject lands are intended to be developed for residential purposes and are located within approximately 65 m from **Wilson Street East**. As such, should the Committee approve the subject application; staff requires the fulfilment of condition No. 1 stated below.

Hamilton-Wentworth Official Plan

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

The subject property meets two of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- 1) In an area of sandy soil in areas of clay or stone; and
- 2) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this severance is granted, staff require that the inclusion of condition No. 2 as stated below.

The subject property contains trees that are regulated by the Ancaster Tree Cutting By-law. While staff have no concerns about the consent/severance and minor variance, a General Vegetation Inventory/Tree Protection Plan may be required as a condition of site plan approval if there are any plans to remove trees on site. Therefore staff require the inclusion of condition No. 4 as stated below.

AN/B-12:105

Page 2

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 water mains)."

Policy 7.7.1.2 states "When considering any application for consent for the division of land for any purpose, conformity with the following provisions is required:

- i) No consent shall be permitted unless the proposal is in compliance with the policies of this Plan, the Regional Official Plan, 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.
- ii) No Consent shall be finalized unless the proposal is in conformity with the Zoning By-law.
- iii) That the lot to be retained and the lot to be severed must have frontage on and have direct access to an open, improved public road which is maintained on a year-round basis.
- vi) Severances within the Urban Area Boundary shall be permitted only where the proposed development is serviced by Municipal sewer and water systems or the services have been committed to be extended.

As the proposed severance is to create one additional single detached residential dwelling lot with full municipal services and frontage on a public road the proposal conforms to the policies of the Town of Ancaster Official Plan.

Wilson Street Secondary Plan

Staff note that the subject property falls within the proposed Ancaster Wilson Street Secondary Plan Area and designated Low Density Residential 1. This Plan is currently under appeal at the Ontario Municipal Board and so the policies are not in full force and effect. The proposed severance and construction of single family dwellings conform to the proposed Secondary Plan Policies. Therefore, staff has no concerns with this application.

Town of Ancaster Zoning By-law

The subject property is zoned Existing Residential "ER" Zone in the Town of Ancaster Zoning By-law, to which the proposed use complies.

The proposed lands to be severed and lands to be retained will comply with the minimum lot area requirement of 695 sq. m. however neither the lands to be severed or lands to be retained will comply with the minimum lot frontage requirement of 18m. It should be noted that while the proposed lands to be severed will be 12m wide at the road and the lands to be retained will be 11.6m wide at the road, for the purposes of the Zoning By-law lot frontage where it is concave

AN/B-12:105
Page 3

and continuous, is determined by the length of the straight line connecting the side lot lines, measured from the points located 7.5m from the intersections of the side and front lot lines. As such both the lands to be severed and lands to be retained will have a lot frontage of approximately 16m and would not comply to the minimum lot frontage requirement of 18m. Staff note however that subject property previously received minor variance approval to reduce the minimum lot frontage requirement from 18m to 16m and therefore the proposed severance will conform to the requirements of the Zoning By-law.

The existing dwelling straddles the proposed lot line therefore the dwelling will have to be demolished as a condition of consent.

Recommendation:

Staff recommends that the proposed severance be **Approved**, subject to the following conditions:

CONDITIONS (IF APPROVED):

1. That the owner/applicant agree to include the following warning clause in the consent/development agreement and in all purchase and sale and/or lease/rental agreements:

"Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality's and the Ministry of the Environment's noise criteria."

2. That the proponent shall carry out an archaeological assessment of the entire property 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 and the Ministry of Tourism and Culture confirming that all archaeological resource concerns have met licensing and conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Tourism and Culture.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Tourism and Culture (MTC) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTC 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 receive a demolish permit to demolish the existing dwelling to the satisfaction of the Director of Building Services.

AN/B-12:105
Page 4

4. That the owner/applicant submit a General Vegetation Inventory/Tree Protection Plan to the satisfaction of the Manager of Development Planning Heritage and Design.

NOTE (TO BE INCLUDED IN DECISION IF APPROVED):

1. Based on the attached plans, and on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be conveyed will be assigned the municipal address of 19 ½ Cameron Drive due to the lack of available municipal numbers and that the lands to be retained will remain as 19 Cameron Drive.

Building Services Division:

COMMENTS:

1. Demolition of all or an appropriate portion of the building straddling the proposed property line should be a condition of consent. The demolition is subject to a demolition permit issued in the normal manner.
2. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Legislative Approvals Section of the Planning and Economic Development Department prior to the issuance of a building permit.
3. The Committee of Adjustment previously granted a minor variance (File No. AN/A-11:61) to permit a minimum lot frontage of 16.0m for both the lands to be retained and the lands to be conveyed. The lot frontages shown on the sketch submitted (16.04m for the lands to be retained and 16.28m for the lands to be conveyed) conform to this minor variance.
4. While not shown on the sketch submitted, according to the City's GIS information and air photos of the property, there is a detached building at the south side of the dwelling located on the portion of the lands to be conveyed. As such, a variance is required to permit the accessory structures to remain on the conveyed lands when no main use/building has been established. Alternatively, the applicant can demolish or remove the accessory building. The demolition is subject to a demolition permit issued in the normal manner.

CONDITIONAL UPON:

1. The owner shall demolish or remove the accessory building located on the lands to be conveyed or 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).
2. 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). Subject to a demolition permit issued in the normal manner.

AN/B-12:105

Page 5

Source Water Protection:

No comment.

Development Engineering – West:

Information

1. There is an existing 250mm diameter sanitary sewer and 150mm diameter watermain on Cameron Drive adjacent to the subject lands to service this site directly.
2. The City has no road widening requirements on this section of Cameron Drive.
3. Cameron Drive has not been constructed to a full urban cross section with sidewalks, curbs, etc. The owner will be required to make a cash payment to the City of Hamilton for the future urbanization of Cameron Drive at the current New Roads Servicing Rate.

Recommendation

1. 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.
2. That the Owner provides cash payment to the City of Hamilton for the future urbanization cost of Cameron Drive based on the New Road Servicing Rate.
3. That the Owner enters into and the City of Hamilton registers a Consent Agreement to deal with and address issues including, but not limited to: grading and drainage; cash payment requirements for items such as trees, urbanization of the adjacent road, cost recoveries for existing above and/or underground services, inspection of grading and services to be installed; and securities for items such as: estimated cost of services to be installed, lot grading, driveway approaches, new or re-location of sidewalks adjacent to the subject lands and any damages to the existing City infrastructure or public property during construction.

Hamilton Municipal Parking System (Parking Services):

No concerns.

PUBLIC WORKS DEPARTMENT

Traffic, Engineering and Operations Division:

Separate access is required for the retained and severed lands. Any new access will require an Access Permit from Municipal Parking. Details about the permit process can be obtained from Dave Lavallo at Ext. 4578.

AN/B-12:105

Page 6

CORPORATE SERVICES:

Budget & Fiscal Policy Services (local improvement charges):

See attached.

Budgets, Taxation & Policy (outstanding taxes):

The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

See attached for additional comments.



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-12:105
SUBMISSION NO. B-105/12

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 Municipal number 19 Cameron Drive, formerly in the Town of Ancaster, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the owners Shawn and Agnieszka Murray, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of an irregular shaped parcel of land having a frontage of 12m± and an area of 927.9m²± containing a portion of an existing dwelling (to be demolished) for residential purposes, and to retain an irregular shaped parcel of land having a frontage of 11.60m± and an area of 1,313.3m²± containing a portion of an existing dwelling (to be demolished) for residential purposes.

THE DECISION OF THE COMMITTEE IS:

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

1. The Committee, having performed a site inspection of the subject property and surrounding area, is of the opinion that the proposal is not in the interest of proper planning and development and is not in keeping with the existing character of this neighbourhood.
2. The Committee is of the opinion that the applicant has not adequately addressed their concerns regarding the potential drainage problems this may create and is therefore not willing to support an application that could have a negative impact on neighbouring properties.

DATED AT HAMILTON this 14th day of February, 2013.

M. Dudzic, Chairman

D. Smith

I. Dunlop

K. Audziss

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS February 21st, 2013.

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS March 13th, 2013.

THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

CERTIFIED TRUE COPY

SECRETARY - TREASURER



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 CONSENTLAND SEVERANCE

AMENDED

APPLICATION NO. AN/B-11:15
SUBMISSION NO. B-15/11

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

AND IN THE MATTER OF the Premises known as Municipal number 19 Cameron Drive, formerly in the Town of Ancaster, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the owners Shawn and Agnieszka Murray, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of an irregular shaped parcel of land having a frontage of 16m and an area of 927.93m² containing a portion of an existing single family dwelling (to be demolished) for single family residential purposes, and to retain an irregular shaped parcel of land having a frontage of 16m and an area of 1313.34m² containing a portion of an existing single family dwelling (to be demolished) for single family 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 considers the proposal to be in keeping with development in the area.
3. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.

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 revised conditions.

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

"Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality's and the Ministry of the Environment's noise criteria."
3. That the Owner enters into and the City of Hamilton registers a Consent Agreement to deal with and address issues including, but not limited to: grading and drainage; cash payment requirements for items such as trees, urbanization of the adjacent road, cost recoveries for existing above and/or underground services, inspection of grading and services to be installed; and securities for items such as: estimated cost of services to be installed, lot grading, driveway approaches, new or re-location of sidewalks adjacent to the subject lands and any damages to the existing City infrastructure or public property during construction.
4. That the Owner pay to the City of Hamilton the future urbanization costs of Cameron Drive based on the New Road Servicing Rate for the year that final approval is obtained.
5. That the Owner pay all outstanding servicing costs to the City of Hamilton for the existing municipal sanitary sewer within the Cameron Drive road allowance to the satisfaction of the Senior Director of Growth Management.

SECRETARY-TREASURER
[Signature]
12

AN/B-11:15
Page 2

6. The owner shall receive final approval of any necessary variances (File AN/A-11:61) from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Services Division).
7. 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). Subject to a demolition permit issued in the normal manner.
8. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
9. Pay the required commutation amount of Local Improvement Charges to Budgets & Finance, City of Hamilton.
10. The owner submit to the Committee of Adjustment office an administration fee of \$15.30 payable to the City of Hamilton to cover the costs of setting up a new tax account for the newly created lot.

DATED AT HAMILTON this 28th day of April, 2011.

D. Smith, Acting Chairman

C. Lewis

D. Serwatak

L. Gaddy

M. Switzer

L. Tew

V. Abraham

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS May 5th, 2011.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (May 5th, 2012) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS May 18th, 2011.

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

NOTE (TO BE INCLUDED IN DECISION IF APPROVED):

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 will be assigned the municipal address of 19½ Cameron Drive, and that the lands to be retained will remain as 19 Cameron Drive.

NOTE:

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

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



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
DECISION OF THE COMMITTEE**

AMENDED

**APPLICATION NO. AN/A-11:61
SUBMISSION NO. A-61/11**

IN THE MATTER OF The Planning Act, R.S.O., 1990, c.P. 13, as amended and of the Zoning By-Law No. 87-57, of the City of Hamilton (formerly Ancaster), Section 10.

AND IN THE MATTER OF the Premises known as Municipal number 19 Cameron Drive, formerly in the Town of Ancaster, now in the City of Hamilton and in an "ER" (**Existing Residential**) district;

AND IN THE MATTER OF AN APPLICATION AS AMENDED by the owners Shawn and Agnieszka Murray, for relief from the provisions of the Zoning By-Law No. 87-57, under Section 45 of The Planning Act, R.S.O. 1990, c. P. 13, so as to permit a lot to be conveyed and a lot to be retained which will each contain a single family dwelling notwithstanding that:

- 1) A minimum lot frontage of 16.0m shall be provided for the land to be conveyed instead of the minimum required 18.0m lot frontage; and,
- 2) A minimum lot frontage of 16.0m shall be provided for the land to be retained instead of the minimum required 18.0m lot frontage.

NOTES:

- i) The variances are necessary to facilitate Consent Application AN/B-11:15.
- ii) The applicant has indicated that the existing single family dwelling is to be demolished.
- iii) The sketch showing the proposed division of the lands is illegible. As such, the request for the minimum lot frontage variances were taken from information provided on the application.

THE DECISION OF THE COMMITTEE IS:

That the variances, as set out in paragraph three above, are **GRANTED** for the following reasons:

- 1. The Committee having regard to the evidence is of the opinion that the relief granted is of a minor nature.
- 2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
- 3. The Committee having regard to the evidence is satisfied that there will be no adverse impact on any of the neighbouring lands.

DATED AT HAMILTON this 28th day of April, 2011.

D. Smith (Chairman)

L. Gaddy

C. Lewis

L. Tew

M. Switzer

D. Serwatak

V. Abraham

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS May 18th, 2011.

NOTE: This decision is not final and binding unless otherwise noted.

CERTIFIED A TRUE COPY
[Signature]
SECRETARY/TREASURER

January 31st, 2013

**CONSOLIDATION REPORT
SEVERANCES**

The attached comments have been reviewed with regard to Committee of Adjustment Severance File AN/B-12:105 (19 Cameron Drive, 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. The reference plan must be submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. That the owner/applicant agree to include the following warning clause in the consent/development agreement and in all purchase and sale and/or lease/rental agreements:

"Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality's and the Ministry of the Environment's noise criteria."

3. That the proponent shall carry out an archaeological assessment of the entire property 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 and the Ministry of Tourism and Culture confirming that all archaeological resource concerns have met licensing and conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Tourism and Culture.

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

4. That the owner/applicant submit a General Vegetation Inventory/Tree Protection Plan to the satisfaction of the Manager of Development Planning Heritage and Design.
5. The owner shall demolish or remove the accessory building located on the lands to be conveyed or 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).

.../2

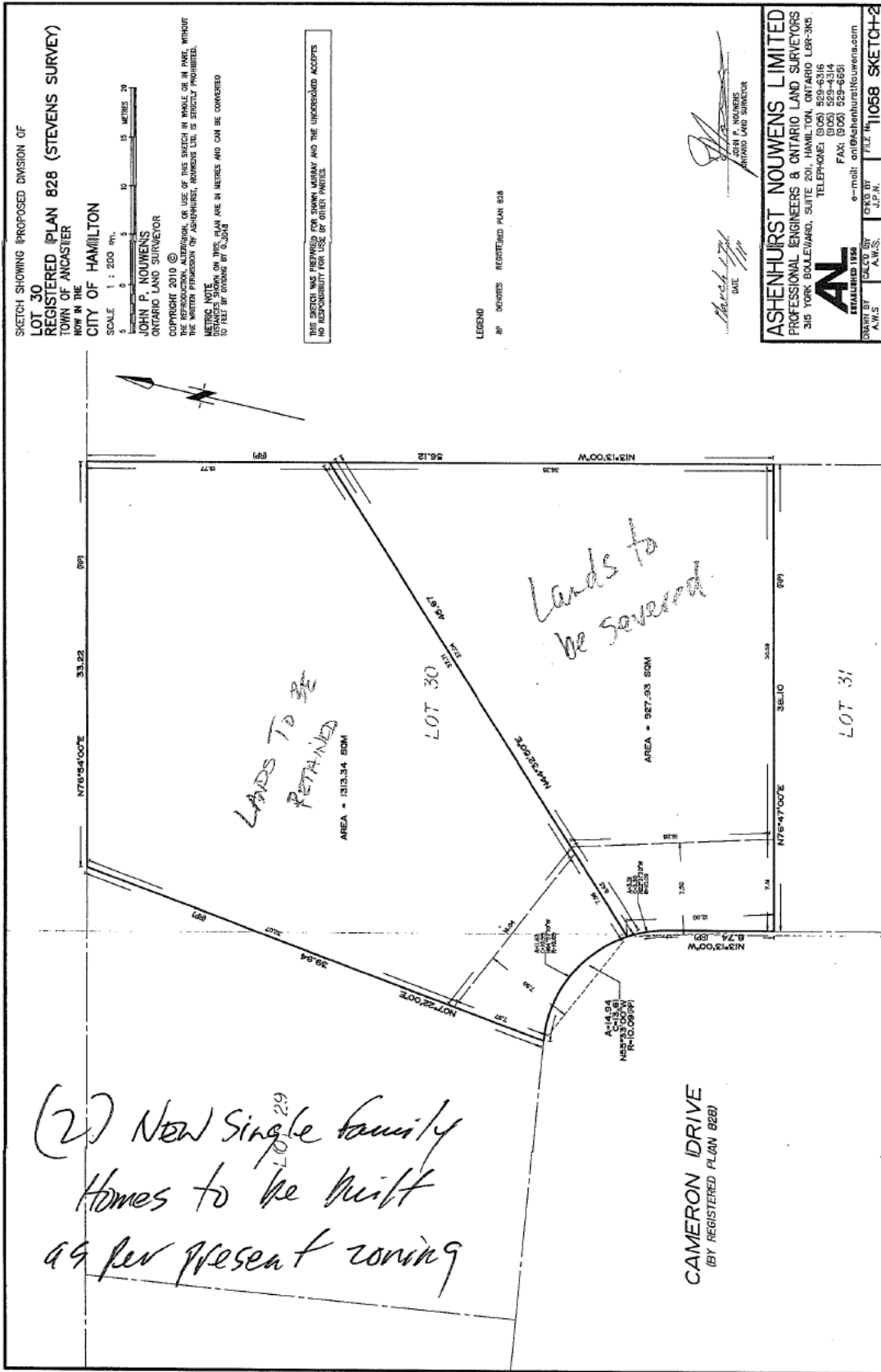
AN/B-12:105

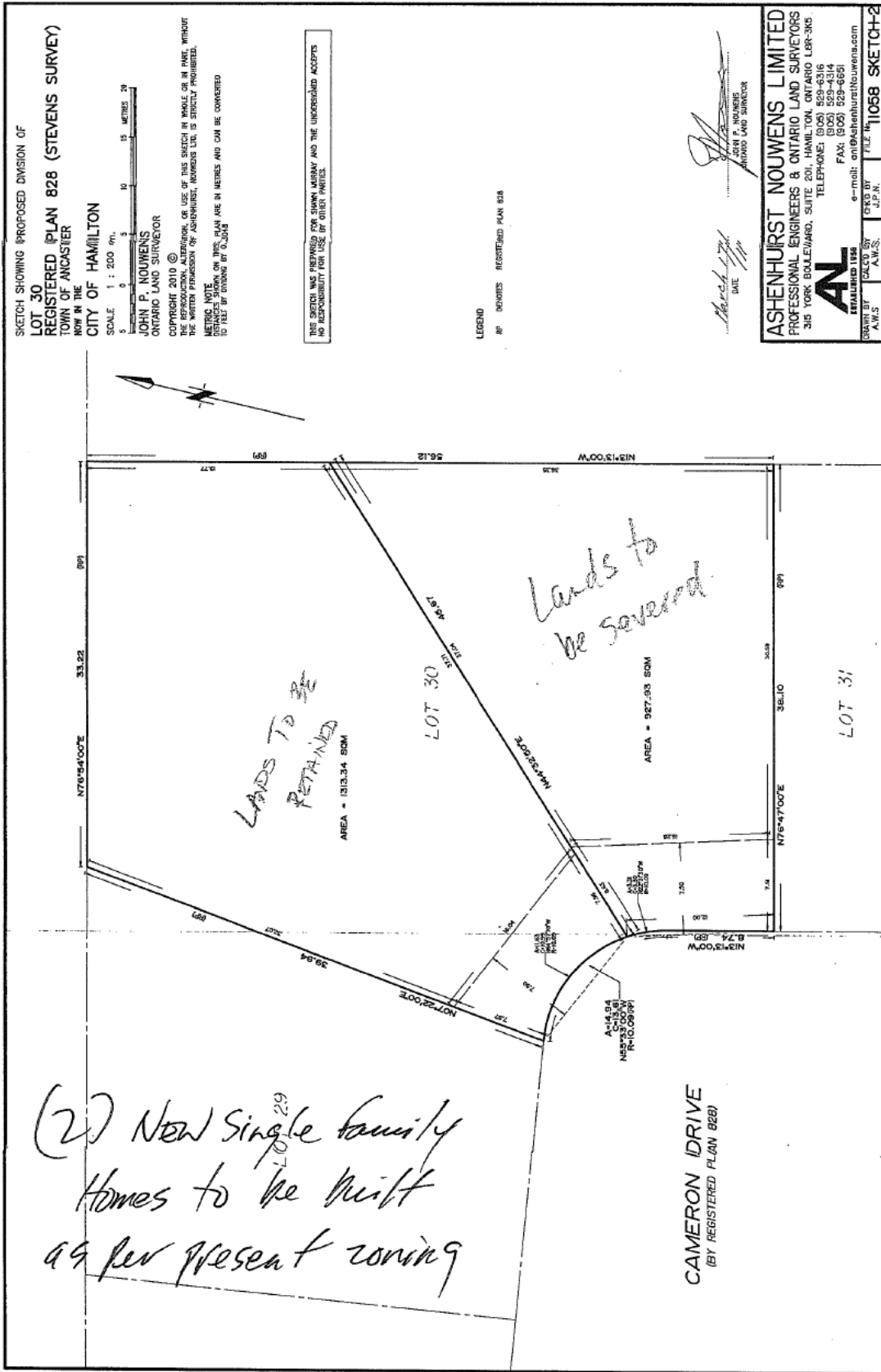
Page 2

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). Subject to a demolition permit issued in the normal manner.
7. 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.
8. That the Owner provides cash payment to the City of Hamilton for the future urbanization cost of Cameron Drive based on the New Road Servicing Rate.
9. That the Owner enters into and the City of Hamilton registers a Consent Agreement to deal with and address issues including, but not limited to: grading and drainage; cash payment requirements for items such as trees, urbanization of the adjacent road, cost recoveries for existing above and/or underground services, inspection of grading and services to be installed; and securities for items such as: estimated cost of services to be installed, lot grading, driveway approaches, new or re-location of sidewalks adjacent to the subject lands and any damages to the existing City infrastructure or public property during construction.
10. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
11. The owner submit to the Committee of Adjustment office an administration fee of \$16.00 payable to the City of Hamilton to cover the costs of setting up a new tax account for the newly created lot.

NOTE (TO BE INCLUDED IN DECISION IF APPROVED):

1. Based on the attached plans, and on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be conveyed will be assigned the municipal address of 19 ½ Cameron Drive due to the lack of available municipal numbers and that the lands to be retained will remain as 19 Cameron Drive.





January 31st, 2013

AN/B-12:105

Shawn & Agnieszka Murray
19 Cameron Drive, Ancaster
[REDACTED]

Appearances were:

Shawn Murray, owner. Interested parties were: Jennifer Murphy, 21 Cameron Dr., Ancaster, ON L9G 2L4; Councillor L. Ferguson, Councillor's Office, 2nd Floor City Hall

Those members present for the hearing of this application were: M. Dudzic (Chairman), V. Abraham, D. Drury, L. Gaddy, D. Smith, I. Dunlop, K. Audziss.

A summary comment from the Planning and Economic Development Division together with comments from other departments and agencies were entered into the record.

Letters were entered into the record from: petition; Jennifer Pate-Murphy & Brendan Murphy, 21 Cameron Dr., Ancaster, ON L9G 2L4; Haylie Karik & Peter Sommer, 17 Cameron Dr., Ancaster, ON L9G 2L4;

J. Pate [REDACTED]

- she is representing all the neighbours who are opposed to the severance
- there are 2 issues here
- does not feel that this application is in character with the rest of the neighbourhood
- the homes in this neighbourhood consist of large frontages, large lots and there are many mature trees that would be affected
- approval of this severance will change the character of the neighbourhood
- the property is pie shaped and is located at the corner of the street; further this property contains the most number of trees
- the severance will create small frontages and create run off issues
- the demolition of these 2 homes will impact the character of the neighbourhood
- can accept change and is needed in neighbourhoods, but have to choose wisely on what these changes should consist of
- issues that they are already experiencing with drainage will only get worse

AN/B-12:105
Page 2

- Councillor L. Ferguson
- the neighbourhood is sending a clear message
 - has been trying to get a clear message to staff to stop supporting these types of severances in Old Ancaster due drainage issues and bad flooding
 - would like to see the Committee decline the application and stay consistent with their decisions
- S. Murray
- this application was approved by this Committee 18 months ago and because he failed to meet all the conditions within the one year time frame he had to re- apply
 - cannot understand that if there were drainage issues back then why did the neighbourhood not object at that time
 - the Councillor is here in objection today, but was not objecting to the application 18 months ago
 - there was an old home with 3 trees at 21 Cameron Dr. where now 2 trees were removed and a 3700 sq.ft. house was erected that Ms. Pate purchased
 - there have been 12 new homes built on Cameron Dr. and St. Margaret's Road with small frontages because of pie shaped lots
 - the square footage of the smallest lot he is proposing is larger than some of the square footage of other lots in the neighbourhood and the largest lot he is proposing is twice the size of other lots in the area
 - has already received variance approval for the smaller frontage therefore, property conforms from a zoning stand point
 - understands the flooding issue but this already exists he is not creating it
 - with two homes being built there will be less paved
 - the grading plan has already been completed and approved by the City as this was a condition of approval on the original application
- V. Abraham
(Committee member)
- remembers the application and recalls supporting it the first time and is inclined to support it again
 - the minimum lot frontage requirement is 18m there is only a shortfall of 2m which the applicant received approval for
 - there is a condition regarding tree protection that has to be fulfilled and there is a consent agreement condition which deals with grading and drainage

.../3

AN/B-12:105
Page 3

D. Barnett
(Staff)

- the applicant already has minor variance approval
- this is a pie shaped lot
- there is a Vegetation Inventory/Tree Protection Plan that has to be fulfilled
- there is a consent agreement that the owner must enter into with the City with respect to grading and drainage
- staff are in support of the application

I. Dunlop
(Committee member)

- would like to request that the application be **TABLED** to allow the Committee Members to conduct a site inspection

D. Smith
(Committee member)

- regardless of what decision was made 18 months ago application has to be looked at as a new application before them today; seconded the motion for a site inspection

L. Gaddy
(Committee member)

- did conduct a site inspection and feels that severing the property would change the character of this neighbourhood, but is also concerned with the flooding issues
- he was surprised to see favourable comments from staff

Following discussion it was moved by I. Dunlop and seconded by D. Smith that the application be **TABLED** to the February 14th hearing. This will allow the Committee members to conduct a site inspection. The application is **TABLED** to February 14th at 2:15 p.m.

CARRIED.

February 14th, 2013

AN/B-12:105 Shawn & Agnieszka Murray
19 Cameron Drive, Ancaster

Appearances were: Shawn Murray, Applicant. Interested parties were: Neighbourhood delegation of approximately 17 residents.

Those members present for the hearing of this application were: M. Dudzic (Chairman), V. Abraham, D. Drury, D. Smith, I. Dunlop, K. Audziss.

The Secretary-Treasurer stated that the application was tabled at the meeting of January 31st, 2013 for site inspection.

Letters were entered into the record from: Shawn and Agnieszka Murray, Applicants; Bob de Groot and Frances Eller, 14 Cameron Drive, Ancaster, ON L9G 2L3; Clint and Jennifer Davis, 87 St. Margarets Road, Ancaster, ON L9G 2L1; Peter and Haylie Sommer, 17 Cameron Drive, Ancaster, ON L9G 2L4; Jennifer and Brendan Murphy, 21 Cameron Drive, Ancaster, ON L9G 2L4; Allyson Short, 30 Cameron Drive, Ancaster, ON L9G 2L3; 115 name petition in objection.

V. Abraham
(Committee Member)

- he visited the site and doesn't see any problem with the application
- he agrees with staffs recommendations

D. Smith
(Committee Member)

- there have been a lot of comments with regard to the drainage
- he wants to make sure that is addressed

I. Dunlop
(Committee Member)

- when he visited the area he was surprised at how small the lots are
- these will be similar
- he has some reservations with approving this
- he does not support the application because the lots are too small in the area and are already out of character

D. Drury
(Committee Member)

- nothing has changed since the last time
- the decision was not appealed
- he sees no reason to turn it down this time

Moved by Mr. Drury and seconded by Mr. Abraham that the consent requested be approved.

AN/B-12:105
Page 2

Mr. Smith, Mr. Dunlop, Mr. Audziss and Mr. Dudzic voted in opposition to the motion to approve the application.

Motion defeated.

Moved by Mr. Dunlop and seconded by Mr. Audziss that the consent requested be **DENIED** for the following reasons:

1. The Committee, having performed a site inspection of the subject property and surrounding area, is of the opinion that the proposal is not in the interest of proper planning and development and is not in keeping with the existing character of this neighbourhood.
2. The Committee is of the opinion that the applicant has not adequately addressed their concerns regarding the potential drainage problems this may create and is therefore not willing to support an application that could have a negative impact on neighbouring properties.

Mr. Smith and Mr. Dudzic voted in support of the motion to deny the application.

Mr. Abraham and Mr. Drury voted in opposition to the motion to deny the application.

MOTION CARRIED.

12 February 2013

Dear Committee of Adjustments

RE: Committee of Adjustment Application AN/B-12:105

Thank you all for your consideration and attention to our concerns voiced re the application for severance of the lot at 19 Cameron Drive, Ancaster.

We have given much thought to this issue especially since the hearing Thurs 31 Jan 2013. As Cameron Drive residents who were living here at the time of the previous application that was approved but has now expired, we feel it is important to address an issue raised by the property owner, Mr Murray. He expressed surprise and disappointment at the hearing that residents who used to be his neighbours when he lived on the street were only now voicing opposition to the lot severance but not previously.

Firstly, we feel Mr Murray seemed to trying to make this personal. We assure you this is not personal. It is just that it is *our* neighbourhood and it is our right to speak up on this.

As for the fact that no one opposed this application for severance previously, to be honest the whole thing seemed to come and go without any of us having time to explore issues and options. So when the notice came around this time there was a strong feeling in the neighbourhood that we cannot miss this second chance to state our position.

We all have had more time to contemplate the idea of that property being severed. There is a stronger feeling of the need to exercise our right as citizens and more courage to face the system. The previous application approval had an expiry date for a reason: circumstances change. For instance, we have new residents on the street, new housing and increased storm water runoff concerns.

We are not opposed to new development per se and are very willing to acknowledge that Mr Murray has done some good for the area. In fact, Mr Murray's attention to #19 when he bought the property seemed to kick-start redevelopment in the neighbourhood. His house development at #35 Cameron Drive is very attractive and such a single family dwelling at #19 would be welcomed.

We are opposed to the lot at #19 being severed because we are concerned about the consequences. In particular, we worry that two structures on the lot would adversely affect the character of the neighbourhood and increase problems with storm water runoff.

We moved from Toronto to Ancaster drawn in by the charm, the trees and lot sizes. All our visitors are captivated by the character and beauty of Ancaster. However, we find ourselves telling them now that we are nervous about the future of Ancaster and disturbed by the constant threat to its best features – features that have defined it for years and made it one of Ontario's gems.

We care about our neighbourhood; we care about Ancaster and want this to remain a desirable place to live.

Thank you for your time reading and considering this as you moves towards a decision 14 Feb 2013.

Bob de Groot and Frances Eller
14 Cameron Drive, Ancaster

Baldry, Scott

From: 1
Sent: Wednesday, February 06, 2013 7:59 PM
To: Baldry, Scott
Cc: Brad Davis
Subject: 19 Cameron Drive Ancaster Land Severance
Scott
Committee of Adjustment

This Letter is in response to the Land Severance of 19 Cameron Drive, Ancaster, Ontario
We strongly oppose this land severance for many reasons.

1. The Applicant's proposed plan would significantly change the existing character of the neighbourhood and the character is deserving of protection. The Applicant's proposal of two lots with 37 feet and 40 feet violates the survey's Official Plan to have lots in this older neighbourhood of a minimum of 75 feet. There are no homes anywhere in this neighbourhood with so little road frontage as this is up to half the width of lots in this neighbourhood.
2. There would be high risk of flooding and water damage to surrounding homes as the increase in density of houses would change the grading levels and would require suitable drainage outlets to prevent basement and yard drainage and flooding problems.
3. There are no storm sewers, catchment basins on Cameron Drive, only ditches of various depths that already cause flooding on the road. Management of Development Engineering for the City can only guarantee existing home owners current levels of run-off drainage. Increased housing density would put all homes at risk for water damage and flooding.

We request the Committee of Adjustment respect the current property by-laws of our neighbourhood and allow it to remain as it is and therefore deny the land severance request at 19 Cameron Drive, Ancaster. We further request that the City of Hamilton staff clearly and comprehensively document the specific reasons for the denial of the application to ensure the current zoning policies and by-laws are maintained. The home owners of Cameron Drive, St Margaret's Road, Douglas Road, Rosemary Lane and area have the right to enjoy the qualities of this neighbourhood and are entitled to the protection afforded by the current zoning standard. It would be a breach of trust should these zoning policies and by-laws be diminished. We look forward to receiving the Committee's report denying the Applicant's proposal.

Thank You for your attention to this matter.

Clint and Jennifer Davis
87 St Margarets Road
Ancaster, Ontario
L9G 2L1

Sent from my iPad

2/7/2013

February 6, 2013

Dear Committee of Adjustments

RE: Committee of Adjustment Application AN/B-12:105

Speaking on behalf of our community we would like to extend our sincerest thank you for both your time and consideration regarding the severance of the lot at 19 Cameron Drive. As was clearly demonstrated in the prior meeting, both in verbal and written form is that as a neighborhood and community we are united in our opposition to the severance of the property at 19 Cameron Drive. Our community wishes to maintain and preserve the qualities that make our neighborhood so picturesque and unique – mature trees, large lots and quiet solitude. In addition, we want to ensure that current storm runoff issues and traffic are not increased due to additional housing. Please feel free to visit the property at 19 Cameron Drive and see how such small frontages from two houses would not flow, nor be in keeping with the overall charm of the community. Please feel free to discuss any questions or concerns you have with us at your own convenience.

Sincerely,

Peter B. Sommer RN BScN, & Haylie Sommer RN BScN, MSN (c)

February 4th, 2013

Dear Committee of Adjustments

RE: Committee of Adjustment Application AN/B-12:105

We would like to thank you for your time and your consideration on the severance of lot 19 Cameron Drive. As has been voiced through our attendance at your meeting last week, and through the letters and signatures delivered to you, we as a community are asking for your support and consideration in declining the severance at 19 Cameron Drive. As a community we truly value our neighbourhood and the character that is associated with it. We want to ensure that current storm runoff issues are not increased, and that we can continue to keep the character that makes our neighbourhood a desirable place to live and raise families. As you visit the property over the coming days and weeks, we invite you to stop in and visit us, or anyone in our neighbourhood to discuss both our community, and the issue at hand.

Take care,

Jennifer and Brendan Murphy

Glazebrook, Christina

From: Baldry, Scott
Sent: Wednesday, February 06, 2013 9:19 AM
To: Glazebrook, Christina
Subject: FW: 19 Cameron Drive

Another one

Scott Baldry,
Secretary-Treasurer,
Committee of Adjustment,
Planning & Economic Development Department
71 Main Street West, 5th Floor
Hamilton, Ontario
L8P 4Y5
Phone: 905-546-2424 extension 4144
Fax: 905-546-4202

-----Original Message-----

From: allyson short [mailto:]
Sent: Tuesday, February 05, 2013 8:51 PM
To: Baldry, Scott
Subject: 19 Cameron Drive

Hello Scott

I am writing to you in regards to the application for the severance of 19 Cameron Drive. I am a neighbour to this property and I am NOT IN FAVOR of any decision to sever this property.

I am concerned for the removal of the large number of trees and the creation of small lots with minimal frontage, all of which are not in line with the character of our neighborhood. I am also concerned with the current issue with storm runoff under the properties exiting configuration.

Thank you for reading my concerns and if you have any questions I can be contacted at 905-304-3072

Allyson Short
30 Cameron Drive

last few days to provide you with letters and documentation that clearly outlines that we as a community **are not in favor** of any decision to sever this property.

Attached you will find a letter from our neighbourhood in opposition of the severance of 19 Cameron Drive, that has been signed by the majority of the residents on our street. There are also letters from each of the residents who's properties sit next to 19 Cameron Drive along with photographs of the property in question. In the photographs the committee will be able to note the large number of tree on this property, the current frontage, and they will clearly see that there is currently an issue with storm runoff under the properties exiting configuration.

Myself and several people from our neighbourhood will be in attendance at the meeting tomorrow, and will be asking for the support of the committee to decline this application for severance.

Should you have any questions, please do not hesitate to contact me directly,

Jennifer Pate- Murphy

Jennifer Pate | Account Development Manager | LifeScan Canada
210-4312 Still Creek Drive, Burnaby, British Columbia V8C 6C6 | P

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SO SIMPLE. SO SMART.

Baldry, Scott

From: Pate, Jennifer [LFSCA]
Sent: Tuesday, January 29, 2013 11:45 AM
To: Baldry, Scott
Cc: Ferguson, Lloyd; Bishop, Kathy
Subject: The Severance of 19 Cameron Drive
Importance: High

Hello Scott,

I am reaching out to you in regards to the application for the severance of 19 Cameron Drive. I am a direct neighbour to this property and I am in opposition to this application. I have been working with members of my community over the last few days to provide you with letters and documentation that clearly outlines that we as a community **are not in favor** of any decision to sever this property.

Attached you will find a letter from our neighbourhood in opposition of the severance of 19 Cameron Drive, that has been signed by the majority of the residents on our street. There are also letters from each of the residents who's properties sit next to 19 Cameron Drive along with photographs of the property in question. In the photographs the committee will be able to note the large number of trees on this property, the current frontage, and they will clearly see that there is currently an issue with storm runoff under the properties existing configuration.

Myself and several people from our neighbourhood will be in attendance at the meeting tomorrow, and will be asking for the support of the committee to decline this application for severance.

Should you have any questions, please do not hesitate to contact me directly,

Jennifer Pate- Murphy

Jennifer Pate | Account Development Manager | LifeScan Canada
210-4312 Still Creek Drive, Burnaby, British Columbia V5C 6C6

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SO SIMPLE. SO SMART.

Mignano, Martha

From: Baldry, Scott
Sent: Wednesday, January 30, 2013 9:46 AM
To: Mignano, Martha
Subject: FW: The Severance of 19 Cameron Drive

Another one

Scott Baldry,
Secretary-Treasurer,
Committee of Adjustment,
Planning & Economic Development Department
71 Main Street West, 5th Floor
Hamilton, Ontario
L8P 4Y5
Phone: 905-546-2424 extension 4144
Fax: 905-546-4202

-----Original Message-----

From: Murphy, Brendan [<mailto:>]
Sent: Wednesday, January 30, 2013 9:43 AM
To: Pate, Jennifer [LFSCA]; Baldry, Scott
Cc: Ferguson, Lloyd; Bishop, Kathy
Subject: RE: The Severance of 19 Cameron Drive

Hi Scott

I would also like to echo the sentiments of Jen on this matter. Our neighbourhood is extremely important to us and we would like to uphold the character of it.

Please take our thoughts into consideration on this matter

Brendan Murphy M.Sc.
Amgen Canada Inc.
Marketing Manager:
Oncology Patient Access Programs

Cell:
e-mail:

From: Pate, Jennifer [LFSCA] [<mailto:>]
Sent: January-29-13 11:45 AM
To: scott.baldry@hamilton.ca
Cc: lloyd.ferguson@hamilton.ca; kathy.bishop@hamilton.ca
Subject: The Severance of 19 Cameron Drive
Importance: High

Hello Scott,

I am reaching out to you in regards to the application for the severance of 19 Cameron Drive. I am a direct neighbour to this property and I am in opposition to this application. I have been working with members of my community over the

Ofield, Barbara

From: Pate, Jennifer [LFSCA com]
Sent: Tuesday, February 12, 2013 11:56 AM
To: Baldry, Scott
Cc: Ofield, Barbara
Subject: Letter and Signatures Against 19 Cameron Drive Severance (Part 1)
Importance: High

Hi Scott,

Attached you will find an updated letter and over 100 signatures from residents on Cameron Drive and our surrounding neighbourhoods who oppose the severance of 19 Cameron Drive. As we have spoken to many people who live in our community, it is very clear that there is consensus that the severance of 19 Cameron Drive is not in line with the character of our community. Additionally, there is a lot of concern about our current storm runoff issues and the potential for increased issues with this, or any additional severances in our neighbourhood.

We ask that you take these signatures and the support against the severance at 19 Cameron Drive that they represent, into consideration as you and the committee make your decision on Thursday.

We look forward to see you later this week,

Jennifer Pate-Murphy

****PLEASE NOTE: Due to the size of the signature file and limitations on City of Hamilton email capacity, the signature list will be sent over 2 emails*******

Jennifer Pate | Account Development Manager | LifeScan Canada
210-4312 Still Creek Drive, Burnaby, British Columbia V5C 6C6 | 1

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SO SIMPLE. SO SMART.

January 25, 2013

Dear Committee of Adjustments

Re: Committee of Adjustment Application AN/B-12:105

We the residents of Cameron Drive and the surrounding community are not in support of a land severance at 19 Cameron Drive. As a community we feel that such an action will compromise the integrity of our neighborhood. Any action to sever the lot will result in the removal of trees, and the creation of small lots with minimal frontage, all of which are not in line with the character of our neighborhood.

The proposed severance is also not in line with the 18 meters required by the zoning by law, and appears to not comply with Sections B2.4.1.4(a) and F 1.14.3.1(d) of the City's New Urban Official Plan, which states:

B2.4.1.4-Residential Intensification shall be evaluated based on the following criteria:

- a) The relationship of the proposal to existing neighborhood character so that it maintains, and where possible enhances and builds upon desirable established patterns and built form.
- c) The compatible integration of the development with the surrounding area in terms of use, scale, form and character

F 1.14.3.1(d)- Lots shall 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;

As residents of Old Ancaster, we also have serious concerns of what the impact of the decision to sever this lot will have on storm runoff. Many residents currently experience flooding on their properties during periods of heavy rain and when snow is melting, due to the lack of storm sewers. The severing of 19 Cameron Drive will likely only lead to increased issues as a result of the removal of so many trees, and soil erosion due to the re-grading of the property to support two houses.

We the residents of Cameron Drive and our local community are asking you, the Committee of Adjustment, to support our neighborhood and our community by declining the request to sever the lot at 19 Cameron Drive, in Ancaster Ontario.

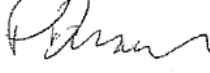
Respectfully,


The Residents of Cameron Drive and Surrounding Community

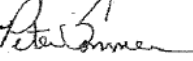
(See attached for signatures)

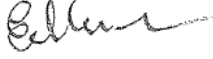
Name	Address	Phone Number	Signature
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BRENDAN MURPHY 21 CAMERON DR 

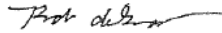
PAUL DRIVER 25 CAMERON DR 


HAYLIE KARIK 17 CAMERON DR. 

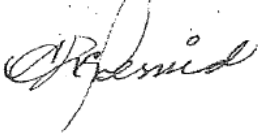
PETER B. SOMMER 17 CAMERON DR. 

EO WEBER 15 CAMERON DR 

FRANCES ELLER 14 CAMERON DRIVE 

ROBERT DE GROOT 14 CAMERON DR. 

DAVID SHORT 30 CAMERON DR. 

DAVID McGRINID 34 CAMERON 

Name	Address	Phone Number	Signature
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Mary DeWolfe 36 Cameron Dr.

M. DeWolfe

Margaret Scime 38 Cameron

M. Scime

F. G. Wate Satyre 42 Cameron

F. G. Wate Satyre

Mary Hutchnings 31 Cameron

M Hutchnings

Diane Wingfield 29 Cameron

D. Wingfield

Jesse Dixon 25 Cameron

Jesse Dixon

Elaine Smith 35 Cameron

E. Smith

411
Sechhead 33 Cameron Dr.

Sechhead

~~BEN JACOB . 11 CAMERON~~

B. Jacob

Name	Address	Phone Number	Signature
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Jen Pak 21 Cameron Dr



GREG DUERN 13 CAMERON



Keith Dennis 12 Cameron Dr



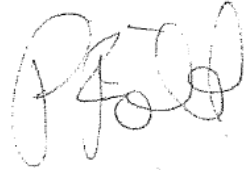
Jillian McJannet 12 Cameron Dr



Allyson Short 30 Cameron Dr.



PATRICE FIELD 40 CHURCH



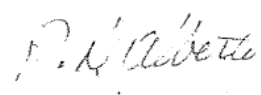
Pat Pellegriani 42 1/2 Cameron



Julie Pellegriani 42 1/2 Cameron




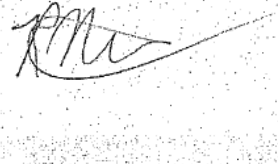
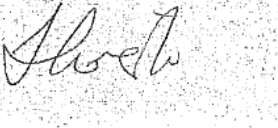
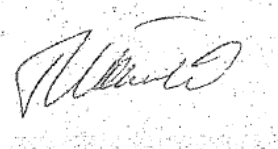
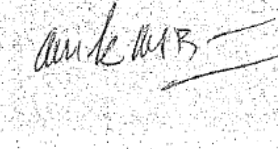
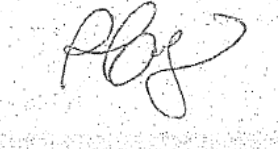
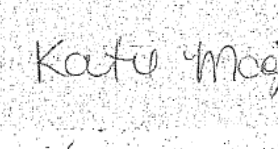

Rae D'Albarto 44 Cameron

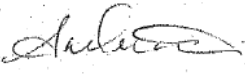

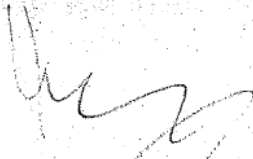
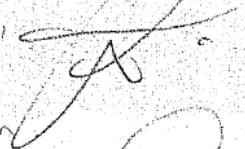
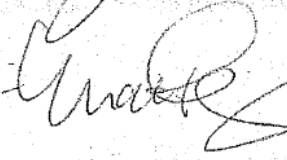
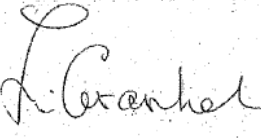


Name	Address	Phone Number	Signature
Cameron Calkin	27 Cameron Drive		Cameron Calkin
Kenneth TIPPER	27 Cameron Drive		Kenneth Tipper
PAT RADIGAN	236 ROSEMARY LANE		Pat Radigan
Clint Davis	87 St. Margarets Rd Ancaster, Ontario		Clint Davis
Jennifer Davis	87 Margarets Rd		Jennifer Davis
JACQUELINE WILLIAMS	47 St. MARGARETS RD		Jacqueline Williams
Mary Vasilak	45 St. Margarets Rd		McVasilak
DAN SMILLIE	41 St. MARGARETS RD		Dan Smillie

Name	Address	Phone Number	Signature
SUSAN GABITOUS	46 ST MARGARETS RD ANCASTER		<i>Susan Gabitous</i>
LES GABITOUS	46 ST. MARGARETS RD		<i>Les Gabitous</i>
ED BRYSA	44 ST MARGARETS RD		<i>Ed Brysa</i>
CLARE BRYSA	" "	"	<i>Clare Brysa</i>
ERIC NOZARD	56 ST. Margaret Rd.		<i>Eric Nozard</i>
Ira Spencer	67 ST Margaret Rd.		<i>Ira Spencer</i>
Carol Spencer	67 ST Margaret Rd.		<i>Carol Spencer</i>
Mary Barrette	72 Margaret Rd.		<i>Mary Barrette</i>

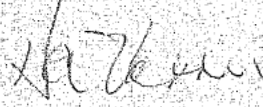
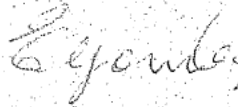
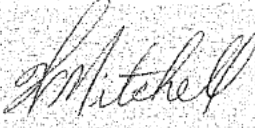


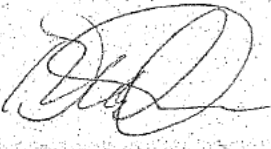
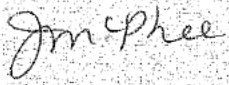
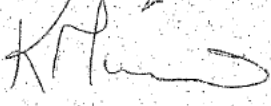
Name	Address	Phone Number	Signature
D. McCall D. McCall	65 Douglas Rd 65 Douglas Rd		D. McCall D. McCall
C. Miller	45 Douglas Rd.		C. Miller
Kristi Ahokas	40 Douglas Rd.		Kristi Ahokas
Andrzej Kowalski	22 Douglas Rd		Andrzej Kowalski
Robert Ewins	34 Douglas Rd		Robert Ewins
BRIAN Jones	59 Douglas Rd		B. Jones
VALERIE JONES	59 Douglas Rd.		V. Jones
Fad. Ch	23 Douglas		F. Ch

Name	Address	Phone Number	Signature
Melissa Matta	36 Jerseyville Kd E		
Richard Matta	36 Jerseyville Rd E		
Shresh	25 Douglas		
TOM ST MICHAEL	25 Douglas Rd		
MARK BANYARD	19 DOUGLAS RD		
Pat Banyard	19 Douglas Rd.		
Katie McGill	4 Douglas Rd		
MARK MARINI	10 DOUGLAS RD		

Name	Address	Phone Number	Signature
BOB NEWITT	16 DOUGLAS ROAD	5	Bob N
Sharon Morin	58 DOUGLAS ROAD		
Leslie BRIMFORTH	58 DOUGLAS ROAD		
WILL	10 ROSEMARY LANE		
DAN COLE	114 ROSEMARY		
MATT LESTER	108 ROSEMARY		
NICHOLAS & CAROL Leyland	98 Rosemary Lane		Carolad
Linda & Pils Wankel	86 Rosemary Lane		

114

Name	Address	Phone Number	Signature
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HELEN VAN NER	80 ROSEMARY		
LIZ GORMLEY	62 ROSEMARY		
Wendy Mitchell	50 Rosemary		
STEVE ZIVNIC	79 ROSEMARY LN.		
FLAV MAZZETTI	85 ROSEMARY LN		
DENNIS McPhee	162 ROSEMARY LANE		
Joanne mcphee	162 Rosemary Lane		
Kathy Hain	187 ROSEMARY		

Name	Address	Phone Number	Signature
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Shila Darling	174 Rosemary Lane Ancaster L9G 2K7		Shila Darling
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Wendy June	186 Rosemary Ancaster Ont L9G 2K7		Wendy June
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Rebecca	186 Rosemary Lane Ancaster Ont L9G 2K7		Rebecca
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J. Morris	191 Rosemary Lane Ancaster L9G 2K6		J. Morris
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B. McMahon	232 Rosemary Ln. Ancaster ON L9G 2K6		B. McMahon
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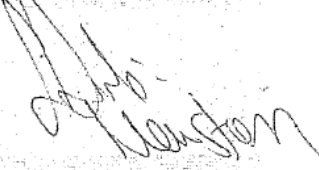
Kerry Redigan	236 Rosemary Lane Ancaster, ont L9G 2K7		Kerry Redigan
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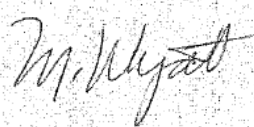
Joan Hayes	240 Rosemary Lane Ancaster Ont		Joan Hayes
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JOAN HAYES	240 ROSEMARY LANE ANCASTER		Joan Hayes
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Name	Address	Phone Number	Signature
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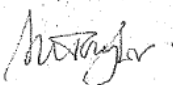
Murray Potter	195 Rosemary Lane		
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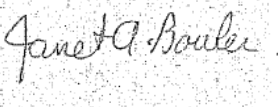
Louise Dube-Newton	199 Rosemary Lane		
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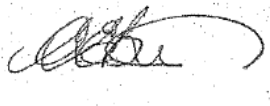
Morgan Wyatt	155 Calvin St.		
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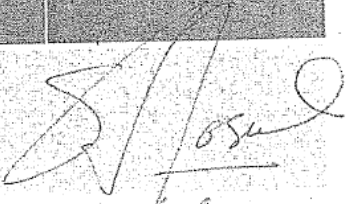

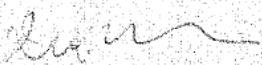



Malcolm Stoffman	155 Calvin St.		
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Mike Hewston	199 Rosemary		
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MARGARET TAYLOR	203 ROSEMARY LANE AUGASTER		
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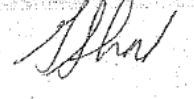
Janet Bowler	215 Rosemary Lane Ancaster		
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Alan Bowler	215 Rosemary Lane		
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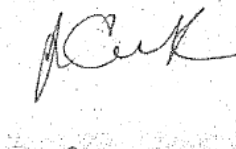
Name	Address	Phone Number	Signature
Sandy Nose	233 Roswa Rd		
Kathy Martin	227 Robert Ave		
Diana Tomlinson	43 Ewing Ct		
Robert Busch	27 Aurora Ct		
Elaine Reid	28 Rosina Ct		Elaine Reid
DAVID BARBER	26 RAHWAY CR		
Caitlin Muller	432 Melrose Cr		Caitlin Muller
Judy Andrus	77 Mansfield Dr.		


Name	Address	Phone Number	Signature
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Stephanie Gratton	79 St. Margarets Rd.		
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Jwen Short	18 Elmhill Blvd		
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Brian SHORT	18 Elmhill Blvd		
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Jennifer Conuk	155 Rosemary Lane		
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Jeffrey Conuk	155 Rosemary Ln		
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96

Name	Address	Phone Number	Signature
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PHIL BARRETTE	72 St. Margarets B.		
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Name	Address	Phone Number	Signature	
MARIE & HERBERT DENNEY	49 St. Margaret's Rd		<i>Marie Denney</i>	1
	ANCASTER, ON. L9G 2K8		<i>Herbert Denney</i>	2
LYNNE LAMIE	108 St.		<i>L. Lamie</i>	3
M. Gately	L9G 2K9 1114 St. Margarets		<i>M. Gately</i>	4
Beverley Farley	30 St Margarets		<i>Beverley Farley</i>	5
Armit	121 St. Margaret's Rd.		<i>E. Armit</i> <i>M. J. Armit</i>	6 7
Carmel Munton	120 St. Margarets		<i>Carmel Munton</i>	8

January 28th, 2013

Dear Committee of Adjustments

RE: Committee of Adjustment Application AN/B-12:105

We are writing you with our concern over the severance of the Lot at 19 Cameron Drive. We are a direct neighbour to this property and we, like many of those in our community, do not support any decision to sever this lot. Like many who have chosen to live in the mature part of Ancaster, we do so for the large properties and frontages, the mature trees, and the character that these attributes bring to a neighbourhood. The decision to split the lot at 19 Cameron drive is clearly not in line with the character of our neighbourhood, and such a decision also appears to not be in compliance with several sections of the City's New Urban Official Plan.

We want to be clear that we are not opposed to change in our neighbourhood. Change is an important part of what allows a community to grow. We just need to be very selective in what change should look like. What we do not want to do, is lose what defines the older part of Ancaster, what makes it unique and often a desirable place to live and raise families. The severance of 19 Cameron Drive will result in the removal of many trees, and the creation of small lots with minimal frontage. None of the attributes resulting from a decision to sever this lot will enhance our neighbourhood, and they do not appear to be in line with what defines our location in Ancaster.

We also have serious concerns of what the impact of the decision to sever this lot will have on storm runoff. We currently experience flooding at the front of our lot during periods of heavy rain and when snow is melting. The severing of the lot next door will likely only lead to increased issues as a result of the removal of so many trees, soil erosion due to the re-grading of the property to support two houses, and the placement of two driveways that will provide an avenue for runoff that will directly impact our property.

As a member of this community and the neighbourhood that is Cameron Drive, I am asking for your support in not allowing the severance of 19 Cameron Drive.

Regards,

Jennifer and Brendan Murphy

17 Cameron Drive,

Ancaster, Ont.,

L9G2L4

January 29, 2013

To Whom It May Concern

Re: Committee of Applications AN/B – 12:105

We are the owners immediately adjacent to 19 Cameron Drive, and we would like to object to the severance and minor variance application to create two lots with lot frontages of 12.0 metres and 11.6 metres respectively, rather than the 18 metres as required by zoning bylaw. We feel this severance would not compliment the quiet and solitude that are so unique to this area. We chose to live in old Ancaster, specifically Cameron Drive, because of the mature trees, large lots, and charm of the street. Unfortunately we are seeing an increased attempt to redevelop this picturesque neighborhood into a "modern meadowlands-like" subdivision. This area is rich in history, originally built on the old fairgrounds; the road itself was once the horse racing track where so many children and people came to enjoy themselves. Jim Green, himself a local historian once told me how as a child he used to attend the bandstand concerts where Sammy Jo's now stands. Please do not allow this neighborhood, one so quiet, charming and mature in beauty and history to be redeveloped into a modern subdivision, as it is a unique and historical area, and adds to the overall charm of the new city of Hamilton.

Yours Sincerely,

Haylie Karik & Peter Sommer

Baldry, Scott

From: Pate, Jennifer [LFSCA]
Sent: Wednesday, January 30, 2013 9:20 PM
To: Baldry, Scott
Cc: Ferguson, Lloyd; Bishop, Kathy
Subject: Update: Severance 19 Cameron Drive
Importance: High

Hello Scott,

I wanted to provide you with an updated list of signature from residence of Cameron Drive who are in opposition to the severance of 19 Cameron Drive.

Please see the attached updated list. We have now secured signatures from 27 residents which represent 95% of the homes on our street. We had two residents who could not sign due to a conflict of interest as they do business with the owner of the property, and we have two homes on the street that are currently rental properties.

Please feel free to reach out should you have any questions,

Jennifer Pate

Jennifer Pate | Account Development Manager | LifeScan Canada
210-4312 Still Creek Drive, Burnaby, British Columbia V5C 6C6 | }

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SO SIMPLE. SO SMART.

January 25, 2013

Dear Committee of Adjustments

Re: Committee of Adjustment Application AN/B-12:105

We the residents of Cameron Drive are not in support of a land severance at 19 Cameron Drive. As a community we feel that such an action will compromise the integrity of our neighborhood. Any action to sever the lot will result in the removal of trees, and the creation of small lots with minimal frontage, all of which are not in line with the character of our neighborhood.

The proposed severance is also not in line with the 18 meters required by the zoning by law, and appears to not comply with Sections B2.4.1.4(a) and F 1.14.3.1(d) of the City's New Urban Official Plan, which states:

B2.4.1.4-Residential Intensification shall be evaluated based on the following criteria:

- a) The relationship of the proposal to existing neighborhood character so that it maintains, and where possible enhances and builds upon desirable established patterns and built form.
- c) The compatible integration of the development with the surrounding area in terms of use, scale, form and character

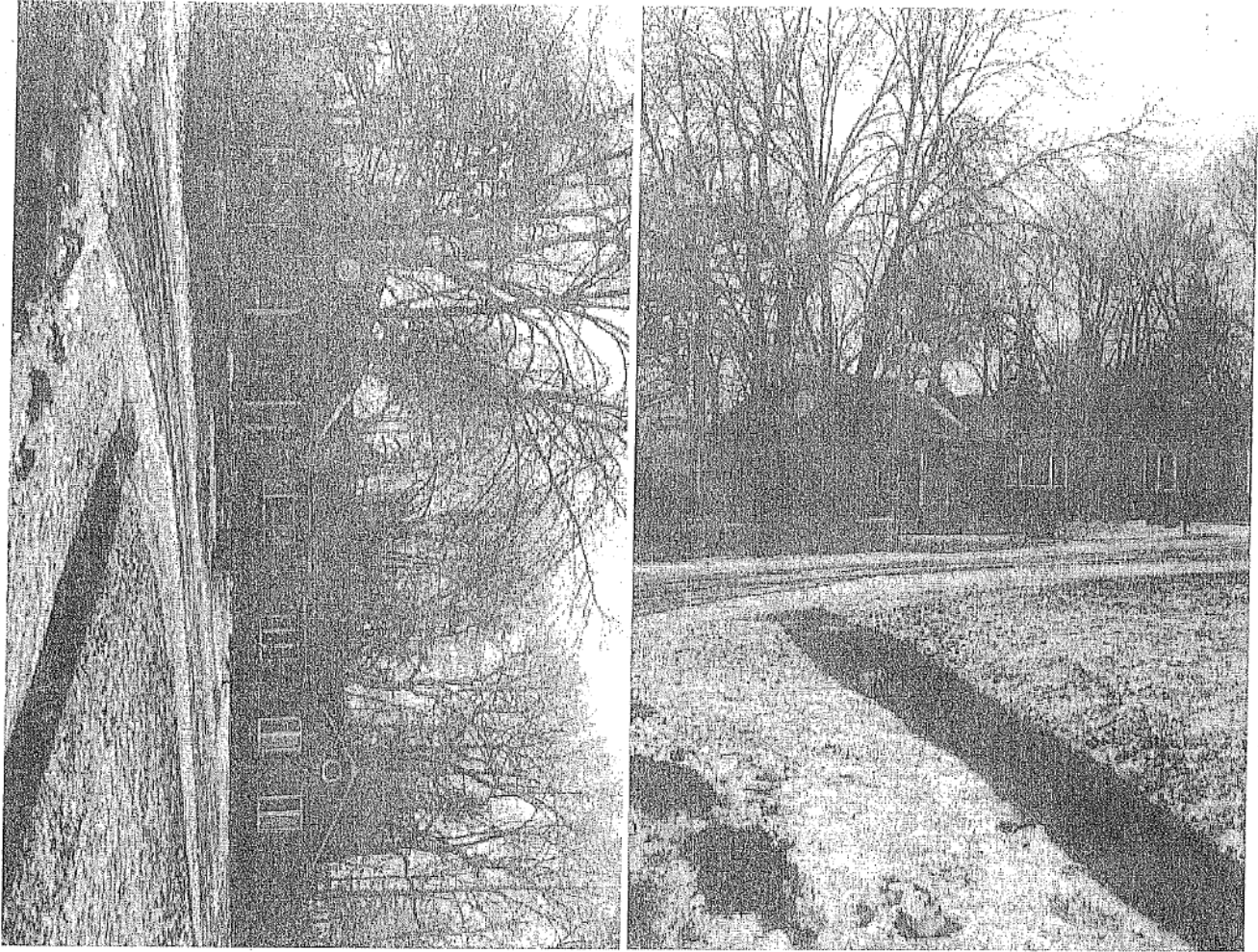
F 1.14.3.1(d)- Lots shall reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;

We the residents of Cameron Drive are asking you, the Committee of Adjustment, to support our neighborhood and community by declining the request brought forward by Shawn and Agnieszka Murray to sever the lot at 19 Cameron Drive, Ancaster Ontario.

Respectfully,

The Residents of Cameron Drive

(see attached for signatures)



Application AN/B-12:105
19 Cameron Drive, Ancaster

Dear Committee of Adjustments,

I would like to take this opportunity to thank the committee for their time and also take a moment to respond to some of the concerns of residents neighbouring our property.

Firstly, my wife and I are also interested in maintaining the integrity of the neighbourhood. As such, when we purchased the property in 2006 we proceeded to spend over \$200,000 rebuilding (in part) and adding on to the existing home and using exterior materials to compliment the surround homes.

Sadly, when we decided to move and try to sell our home in 2010/2011 we were not able to procure an offer from anyone other than a local builder. The builder was planning to create (2) lots and build new homes, as many had already been constructed.

This would include the construction of the 3700 square foot two storey home right next to us at 21 Cameron Drive, who presented to you at the meeting and has written a letter to you objecting to this application.

Albeit the concerns of the neighbours should be heard in these matters; all the facts should also be presented.

Written concerns:

- I. Character of streetscape
 - It should be noted that since 2007 the following properties on Cameron Drive have had new homes built on them; #21, #30, #36, #38, #42 ½, #44, #35, and #41. Two other properties at #23 and #37 are preparing for new construction this year.
- II. Removal of trees
 - We have in excess of (85) trees on our property presently and only (2) of them could possibly end up in the allowable building envelope of both lots.
- III. Lot size and frontage

The frontage admittedly is smaller than the rectangular lots in the area because our property is on a curve, but a minor variance for this was previously applied for and approved by this committee. Also, the average lot size in this

area is between 9,000 square feet and 10,000 square feet. As you can see from the plan we submitted, if approved, our (2) lots would be 9,988 square feet and 14,133 square feet respectfully.

IV. Building height, coverage, drainage, setbacks, etc.

- All of these above items are covered under the present zoning by-laws and would be covered by the Consent Agreement and the Building Services Division.

Please understand that it is not our desire to change the landscape of this street; that has already taken place by others. We are simply trying to ascertain full value for our property in this marketplace.

We would respectfully ask the committee to approve this application based on the fact that it meets all zoning requirements and is fully supported by staff. We would also ask that the committee remove the requirement for an Archeological Study with the provision that one would be done should any archaeological materials be found during demolition, grading, or construction.

Regards,

Shawn and Agnieszka Murray