



CITY OF HAMILTON

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division**

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 15
COMMITTEE DATE: April 2, 2013	
SUBJECT/REPORT NO: Zoning By-law Amendment for Lands Located at 249, 251, and 255 Parkside Drive and 60 Truedell Circle (Flamborough) (PED13057) (Ward 15)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Kate Mihaljevic (905) 546-2424 Ext. 4424
SIGNATURE:	

RECOMMENDATION

That **Zoning By-law Amendment Application ZAC-12-049, 2278083 Ontario Limited, Owner**, for changes in zoning from the Urban Residential (Single Detached) “R1-6” Zone, Modified, with a Special Exception (Block 1, Schedule “A” of Appendix “B”), and the Urban Residential (Single Detached) “R1-34” Zone, Modified, with a Special Exception (Block 2, Schedule “A” of Appendix “B”), to the Urban Residential (Single Detached) “R1-59” Zone, Modified, with a Special Exception; from the Urban Residential (Single Detached) “R1-6” Zone, Modified, with a Special Exception (Block 3, Schedule “A” of Appendix “B”), to the Urban Residential (Single Detached) “R1-60” Zone, Modified, with a Special Exception; and from the Urban Residential (Single Detached) “R1-34” Zone, Modified, with a Special Exception (Block 4, Schedule “A” of Appendix “B”), to the Urban Residential (Semi-Detached and Link) “R4” Zone, to permit infill residential development consisting of 3 single family dwelling lots, and to consolidate the remaining lands for existing residential uses, on lands known as 249, 251, and 255 Parkside Drive and 60 Truedell Circle, in the former Town of

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Flamborough, as shown on Appendix “A” to Report PED13057, be **Approved** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED13057, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement, and conforms with the Places to Grow Plan; and,
- (c) That the proposal conforms to the Hamilton-Wentworth and the Town of Flamborough Official Plans.

EXECUTIVE SUMMARY

The purpose of this application is to facilitate conditionally approved Severance Applications FL/B-12:60, FL/B-12:61, FL/B-12:62, and FL/B-12:63 for the creation of 3 single detached dwelling lots fronting onto Truedell Circle, and to add the remaining lands to the existing semi-detached dwelling lots fronting onto Parkside Drive. The notice of decisions for the severance applications are found in Appendices “D”, “E”, “F”, and “G”. The owner of the subject lands is the same owner for the adjacent subdivision to the north, known as “Parkside Hills”, and is the developer of the semi-detached dwellings and townhouse dwellings to the west. The effect of this application is to provide zoning to permit the development of 3 single detached dwellings, and provide uniform zoning for the consolidation of the remaining lands for existing residential uses, consistent with the abutting subdivision known as “Parkside Hills”.

Alternatives for Consideration - See Page 11.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: N/A.

Staffing: N/A.

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

HISTORICAL BACKGROUND

Proposal:

The proposal is for a change in zoning to facilitate the development of 3 single detached dwellings. A portion of the subject lands (namely 60 Truedell Circle) is also known as Block 101 of Registered Plan of Subdivision 62M-1125 (see Appendix "C"). In accordance with the Subdivision Agreement, Block 101 is a block for future development. The applicant has assembled sufficient lands with Block 101 to create 3 building lots for single detached dwellings. In order to assemble and create the new lots, the applicant applied for and received a conditional approval from the Committee of Adjustment for Severance Applications FL/B-12:60, FL/B-12:61, FL/B-12:62, and FL/B-12:63 (see Appendices "D", "E", "F", and "G").

The applicant has applied for an amendment to rezone the subject lands to facilitate the severance applications noted above. The changes in zoning are as follows:

- From the Urban Residential (Single Detached) "R1-6" Zone, Modified, with a Special Exception (Block 1, Schedule "A" of Appendix "B"), to the Urban Residential (Single Detached) "R1-59" Zone, Modified, with a Special Exception;
- From the Urban Residential (Single Detached) "R1-34" Zone, Modified, with a Special Exception (Block 2, Schedule "A" of Appendix "B") to the Urban Residential (Single Detached) "R1-59" Zone, Modified, with a Special Exception;
- From the Urban Residential (Single Detached) "R1-6" Zone, Modified, with a Special Exception (Block 3, Schedule "A" of Appendix "B") to the Urban Residential (Single Detached) "R1-60" Zone, Modified, with a Special Exception; and,
- From the Urban Residential (Single Detached) "R1-34" Zone, Modified, with a Special Exception (Block 4, Schedule "A" of Appendix "B") to the Urban Residential (Semi-Detached and Link) "R4" Zone.

These changes in zoning are to accommodate infill residential development consisting of three single family dwelling lots fronting onto Truedell Circle, and to provide uniform zoning for the consolidation of the remaining lands for existing residential uses fronting onto Parkside Drive.

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Chronology:

- June 19, 2012: Severance Applications FL/B-12:60, FL/B-12:61, FL/B-12:62, and FL/B-12:63 submitted.
- July 26, 2012: Severance Applications FL/B-12:60, FL/B-12:61, FL/B-12:62, and FL/B-12:63 Tabled by the Committee of Adjustment.
- October 31, 2012: Submission of Application ZAC-12-049 by Metropolitan Consulting Inc., on behalf of 2278083 Ontario Limited.
- November 29, 2012: Severance Applications FL/B-12:60, FL/B-12:61, FL/B-12:62, and FL/B-12:63 Conditionally Approved by the Committee of Adjustment.
- November 29, 2012: Application ZAC-12-049 deemed complete.
- December 13, 2012: Circulation of Notice of Complete Application and Preliminary Circulation for Application ZAC-12-049 to all residents within 120m of the subject lands.
- March 15, 2013: Circulation of Notice of Public Meeting to all residents within 120m of the subject lands.

Details of Submitted Application:

Location: 249, 251, and 255 Parkside Drive and 60 Truedell Circle, Flamborough (see Appendix "A")

Owner: 2278083 Ontario Limited

Agent: Metropolitan Consulting Inc.

Property Description: Total Lot Frontage: 27.7m (Truedell Circle)

Lot Depth: 65.17m (Irregular)

Total Lot Area: 0.21 hectares

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	Urban Residential (Single Detached) "R1-6" and "R1-34" Zones, Modified.
<u>Surrounding Lands:</u>		
North	Single Detached Dwelling Lots	Urban Residential (Single Detached) "R1-6" Zone, Modified
South	Townhouse Dwellings	Medium Density Residential "R6-15" Zone, Modified
East	Semi-Detached Dwellings and Commercial Plaza	Urban Residential (Semi-Detached and Link) "R4" Zone, Urban Commercial "UC-3" Zone, Modified, and Public Use "P" Zone
West	Single Detached Dwelling Lots and Walkway	Urban Residential (Single Detached) "R1-34" Zone, Modified, and Park Open Space "O2" Zone

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS
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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, Policy 1.1.3.1.

In addition, 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.

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As part of Consent Applications FL/B-12:60-63, staff had noted that the application will result in the creation of 3 new residential lots located approximately 42m from Parkside Drive. As such, staff had required that a noise warning clause, advising potential purchasers that there may be occasional noise impacts due to increasing road traffic, be included within the Consent Agreement for the subject land through Consent Applications FL/B-12:60-63. This requirement was included as conditions of the aforementioned approved consent applications (see Appendices “D”, “E”, “F”, and “G”).

Places to Grow Plan (P2G):

Staff notes that the subject lands are located within the City of Hamilton’s built boundary and are consistent with general intensification policies of P2G. Specifically, staff notes Policy 2.2.3.1, which states that by the year 2015 and for each thereafter, a minimum of 40% of all residential development occurring annually within each upper and single-tier municipality will be within the built-up area.

The proposal confirms with the Places to Grow Plan.

Hamilton-Wentworth Regional Official Plan:

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

Town of Flamborough Official Plan:

The subject lands are designated “Residential” on Schedule A - Waterdown Urban Area Land Use Plan. The objective of the “Residential” designation is to encourage a range of dwelling types which are compatible with existing and proposed development. In accordance with Policy A.2.1, permitted uses include single detached, semi-detached, and low to medium density linked multiple dwellings. Therefore, the proposed semi-detached and townhouse units are permitted within the “Residential” designation.

Additionally, Policy A.2.2 states:

“The physical arrangement of permitted residential development on the basis of density range(s) shall be further detailed in Secondary Plans. Regulations for the permitted residential land uses shall be provided by the Zoning By-law.”

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Only a portion of the subject lands known as Block 101 (60 Truedell Circle) is contained within the Waterdown North Secondary Plan, and is designated “Low Density Residential 1”, which permits single detached dwellings. Policy A.8.4.2.3 states:

“A mix of lot sizes and housing types is required throughout the Low Density 1 designation, such that there is not a large concentration of one type of lot size or housing unit in any one area. There shall be a variety of lot sizes and housing types along any given street.”

Although Block 101 was created as a remnant parcel for future development, the land assembly conditionally approved by Severance Applications FL/B-12:60, FL/B-12:61, FL/B-12:62, and FL/B-12:63, to facilitate the development of 3 single detached dwelling lots, is consistent with the intent of the Waterdown North Secondary Plan.

The remaining portions of the subject lands are not within an approved Secondary Plan, therefore, the application will have regard for Policy A.2.3, which guides residential densities within the “Residential” designation. The proposal conforms to the policies of the Town of Flamborough Official Plan and is in keeping with the Waterdown North Secondary Plan.

New Urban Hamilton Official Plan (Under Appeal):

The New Urban Hamilton Official Plan was adopted by Council on July 9, 2009. The Plan received ministerial approval on March 17, 2011, but has been appealed to the Ontario Municipal Board (OMB) and is, therefore, not yet in force and effect. The subject lands are designated “Neighbourhoods” on Schedule E - Urban Structure and Schedule E-1 Urban Land Use Designations, and a portion of the subject lands (60 Truedell Circle) is designated “Low Density Residential 2” in the Waterdown North Secondary Plan. The following policies apply:

“E.3.1.2 Develop neighbourhoods as part of a complete community, where people can live, work, shop, learn, and play; and,

E.3.2.1 Areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities, as well as supporting uses intended to serve local residents.”

The change in zoning to facilitate the development of 3 single detached dwellings, which is consistent with the development pattern to the west, would conform to the policies of the New Urban Hamilton Official Plan.

RELEVANT CONSULTATION

The following Departments and Agencies had no concerns or objections:

- Traffic Engineering Section, Public Works Department.
- Bell Canada.
- Hydro.
- Canada Post.

PUBLIC CONSULTATION

In accordance with the Public Participation Policy approved by Council, preliminary consultation shall not be required if the application is part of the implementation of a Planning Study or other application, such as a consent application, which has been approved within one year of other public involvement and participation opportunities.

The subject rezoning application is part of the implementation of Consent Applications FL/B-12:60, FL/B-12:61, FL/B-12:62, and FL/B-12:63 (see Appendices “D”, “E”, “F”, and “G”), which were approved by the Committee of Adjustment on November 29, 2012. Therefore, preliminary circulation was not required. However, Notice of Complete Application was mailed out to 109 properties within 120m of the subject lands in accordance with the requirements of the Planning Act. To date, no comments have been received for this application or the Severance applications.

Further, a Public Notice sign was posted on the property on December 24, 2012, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

ANALYSIS / RATIONALE FOR RECOMMENDATION

1. The proposal for a change in zoning to permit 3 single detached dwellings and to consolidate remaining lands for existing residential uses on the subject lands can be supported on the following basis:
 - (i) The proposal is consistent with the Provincial Policy Statement and conforms to the Places to Grow Growth Plan;
 - (ii) The proposal conforms to the Region of Hamilton-Wentworth Official Plan and the Town of Flamborough Official Plan;
 - (iii) The proposal conforms to the New Urban Hamilton Official Plan; and,

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- (iv) The development of the subject lands for residential uses is compatible with the surrounding neighbourhood and represents good planning.
 - (v) The proposal fulfils conditions of approval for Consent Applications FL/B-12:60-63.
2. Heritage staff has reviewed the application and found that the subject lands meet 2 of the 10 criteria used by the City of Hamilton and the Ministry of Tourism and Culture for determining archaeological potential. Heritage staff has identified that an Archaeological Assessment is required. As an Archaeological Assessment has been included as a condition of Severance Applications FL/B-12:60-63, it is not necessary to secure the assessment as part of this application.
3. The proposed changes in zoning are required to facilitate the conditionally approved severance application to establish 3 new single detached dwelling lots. As a result of the land assembly, the subject lands have been broken into 4 separate blocks. While 4 blocks are required to apply the appropriate zoning, only two new zoning categories will be created, as one zone already exists in the Town of Flamborough Zoning By-law. The amendments are as follows:

Urban Residential (Single Detached) “R1-59” Zone (Blocks 1 and 2) (see Schedule “A” of Appendix “B”):

It was intended that the assembly of the subject lands would provide for lots that would conform to the “R1-34” Zone, which can be found in the subdivision to the west (see Appendix “A”), consistent with a portion of the subject lands known as Block 101. However, a change in the proposed development pattern to the east, from single detached dwellings to townhouse dwellings, has prevented the opportunity to assemble additional lands for single detached dwellings to front onto Truedell Circle. Permitting smaller lot frontages assists in providing a transition from the standard single detached dwellings on Truedell Circle to the future townhouse dwellings to the east. A further modification of the “R1” Zone is required to permit a reduced frontage, where the By-law requires a minimum of 10m for single detached dwellings. As the proposed lots are located on a curve, frontage is measured 7.5m back from the front lot line in accordance with Section 3 of the Town of Flamborough Zoning By-law Definition for Lot Frontage. Using the definition of Lot Frontage, the proposed lots are technically providing frontages of 9.13m, 7.88m, and 10.63m for Lots 1-3, respectively (see Appendix “H”). Further, as a result of the curve, the dwellings are set back from the front lot line farther than required by the By-law to accommodate a similar product found north of the subject lands.

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As the proposed modification will only be to allow reduced frontages, all other provisions of the “R1-34” Zone will apply in order to be consistent with the other single detached dwellings to the west, on Truedell Circle. These consistencies will include lot area, setbacks, front yard landscaping, height, and encroachments. Therefore, the reduced frontages can be supported, as the dwellings will be consistent with the existing dwellings on Truedell Circle and will provide a transition from the standard single detached dwelling and the future townhouses.

Urban Residential (Single Detached) “R1-60” Zone (Block 3) (see Schedule “A” of Appendix “B”):

To facilitate the land assembly to create the proposed 3 lots, lands from 255 Parkside Drive were conveyed to 60 Truedell Circle (Block 101) in accordance with Severance Application FL/B-12:60 (see Appendix “D”- Page 3). As a result of this conveyance, the lands at 255 Parkside Drive are now deficient in lot area in accordance with the “R1-6” Zone. Therefore, the “R1-60” Zone will be applied to Block 3 to permit the reduced lot area.

The “R1-6” Zone requires a minimum lot area of 1,390.0 sq. m., whereas the proposed lot area is 1,180.0 sq. m. This reduction is considered to be minor and does not significantly alter the intent of the “R1-6” Zone. Therefore, the reduced lot area can be supported and all other provisions of the “R1-6” Zone will continue to apply.

Urban Residential (Semi-Detached) “R4” Zone (Block 4) (see Schedule “A” of Appendix “B”):

To facilitate the land assembly to create the proposed 3 lots, lands from 60 Truedell Circle was conveyed to 249 and 251 Parkside Drive in accordance with Severance Applications FL/B-12:62 (see Appendix “F”) and FL/B-12:63 (see Appendix “G”). Although the “R1-34” Zone permits semi-detached dwellings, it is appropriate to provide a uniform zoning on 249 and 251 Parkside Drive. Therefore, the change in zoning can be supported.

As the proposed Zoning By-law Amendment is to facilitate conditionally approved severance applications and provide uniform zoning for the consolidation of the remaining lands for existing residential uses, the above-noted modifications can be supported.

ALTERNATIVES FOR CONSIDERATION

If the application is denied, then the applicants Severance Applications FL/B-12:60, FL/B-12:61, FL/B-12:62, and FL/B-12:63 will lapse, and the subject lands could be used in accordance with the zoning they are presently prescribed.

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

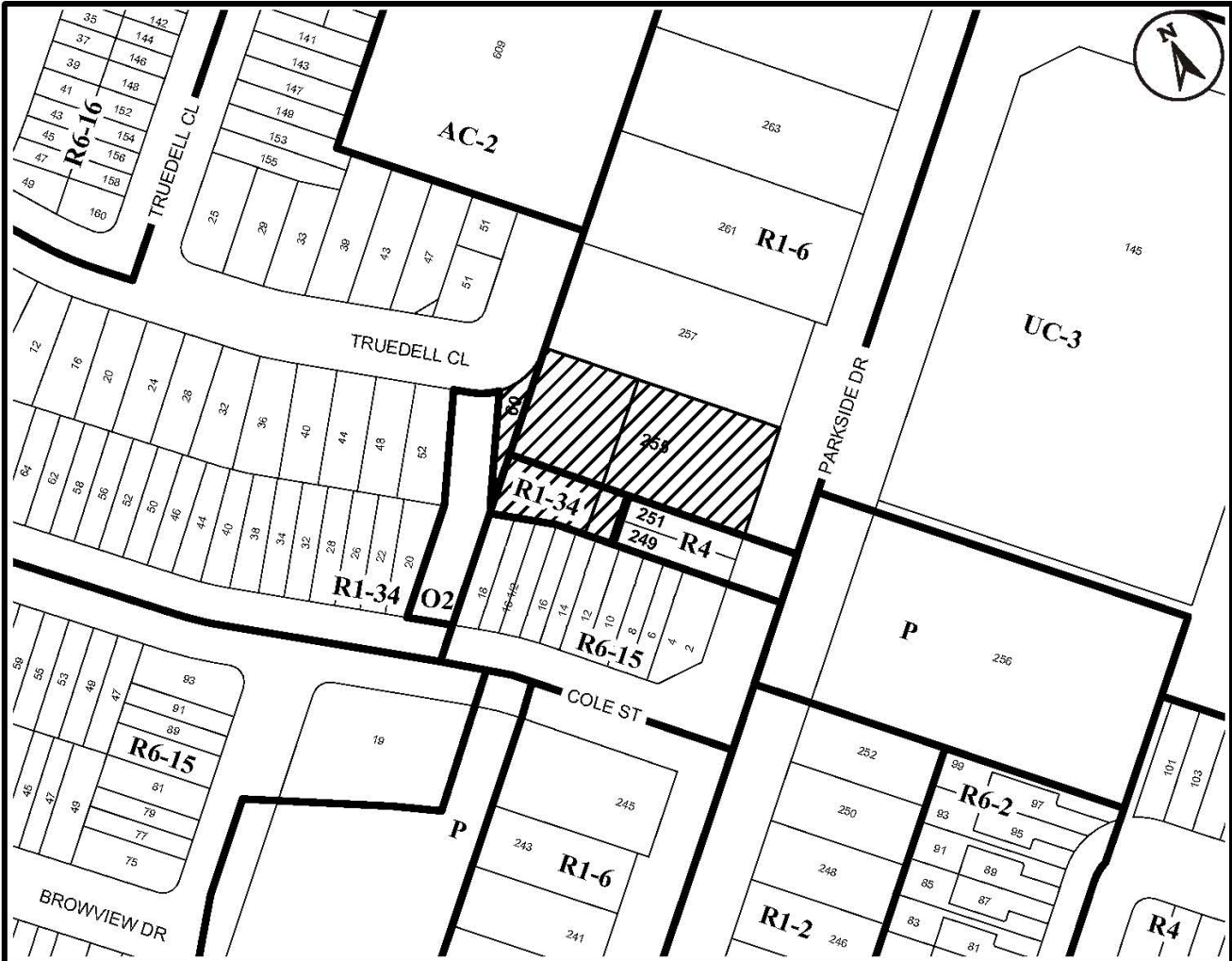
1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

APPENDICES / SCHEDULES

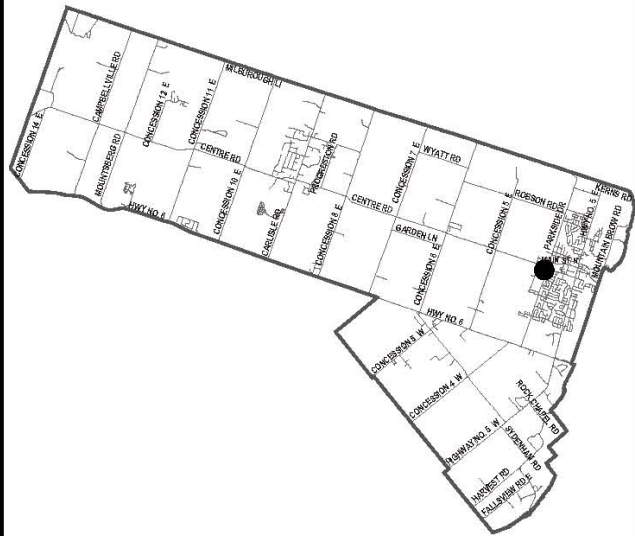
- Appendix “A”: Location Map
- Appendix “B”: Draft Zoning By-law
- Appendix “C”: Plan of Subdivision 62M-1125
- Appendix “D”: Severance Application FL/B-12:60
- Appendix “E”: Severance Application FL/B-12:61
- Appendix “F”: Severance Application FL/B-12:62
- Appendix “G”: Severance Application FL/B-12:63
- Appendix “H”: Concept Plan

:KM

Attachs. (8)



● Site of the Application



Ward 15 Key Map

N.T.S.



Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-12-049

Date:
December 3, 2012

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
KMI/KA

Subject Property



249, 251, 255 Parkside Dr & 60 Truedell Cl

Authority: Item [REDACTED]
Planning Committee
Report: 13-[REDACTED] (PED13057)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

To Amend Zoning By-law No. 90-145-Z Respecting Lands Located at 249, 251 and 255 Parkside Drive and 60 Truedell Circle, in the former Town of Flamborough, now in the City of Hamilton

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

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

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

AND WHEREAS Zoning By-law No. 90-145-Z (Flamborough) was enacted on the 5th day of November 1990, and approved by the Ontario Municipal Board on the 21st day of December, 1992;

AND WHEREAS the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 13-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2013, recommended that Zoning By-law No. 90-145-Z, be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Flamborough) in accordance with the provisions of the Planning Act.

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

1. That Schedule "A-6" of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended;
 - (a) by changing from the Urban Residential (Single Detached) "R1-6" Zone, Modified, to the Urban Residential (Single Detached) "R1-59" Zone, Modified, the lands comprised of **Block "1"**;
 - (b) by changing from the Urban Residential (Single Detached) "R1-34" Zone, to the Urban Residential (Single Detached) "R1-59" Zone, Modified, the lands comprised of **Block "2"**;
 - (c) by changing from the Urban Residential (Single Detached) "R1-6" Zone, Modified, to the Urban Residential (Single Detached) "R1-60" Zone, Modified, the lands comprised of **Block "3"**; and,
 - (d) by changing from the Urban Residential (Single Detached) "R1-34" Zone, Modified, to the Urban Residential (Semi-Detached and Link) "R4" Zone, the lands comprised of **Block "4"**;

the extent and boundaries of which are more particularly shown on Schedule "A" annexed hereto and forming part of this By-law.

2. That Section 6 - Urban Residential (Single Detached) "R1" Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding the following Sub-sections:

6.3 EXCEPTION NUMBERS

6.3.59 "R1-59"

Permitted Uses:

- (a) Sub-section 6.3.34 shall apply.

Zone Provisions:

- (a) Lot Frontage (minimum)
 - (i) Single Detached Dwelling 7.8 m.
- (b) All other zone provisions of Sub-section 6.3.34 shall apply.

General Provisions:

Other than contained herein, the provisions of Section 5 shall apply.

6.3.60 "R1-60"

Permitted Uses:

(a) Sub-section 6.3.6 shall apply.

Zone Provisions:

(a) Lot Area (minimum) 1,180.0 sq. m.

(b) All other zone provisions of Sub-section 6.3.6 shall apply.

General Provisions:

Other than contained herein, the provisions of Section 5 shall apply.

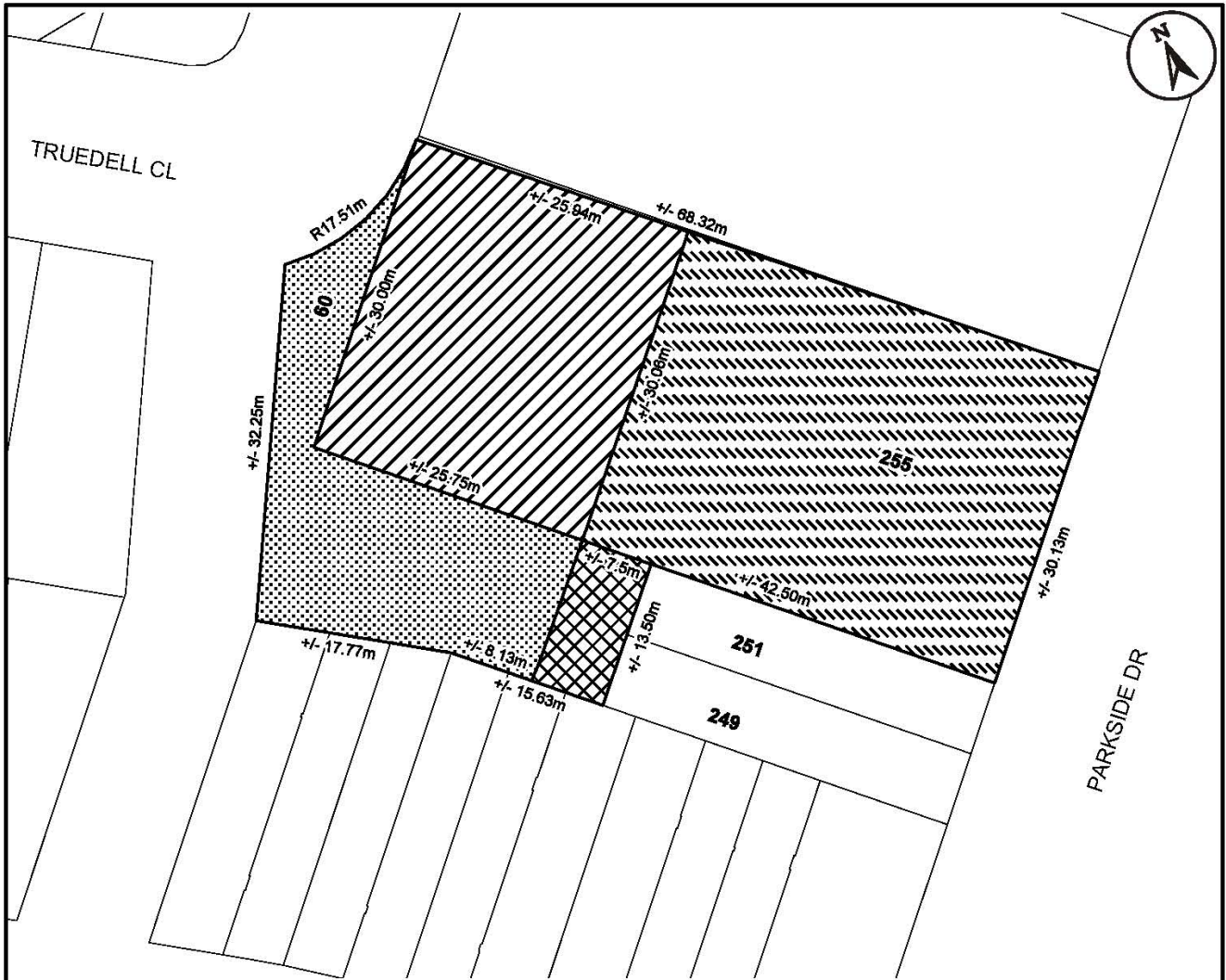
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this [] day of [], 2013.

R. Bratina
Mayor

Rose Caterini
Clerk

ZAC-12-049



This is Schedule "A" to By-Law No. 13-
 Passed the day of, 2013

 Mayor





 Clerk

Schedule "A"

Map Forming Part of
 By-Law No. 13-_____

to Amend By-law No. 90-145-Z

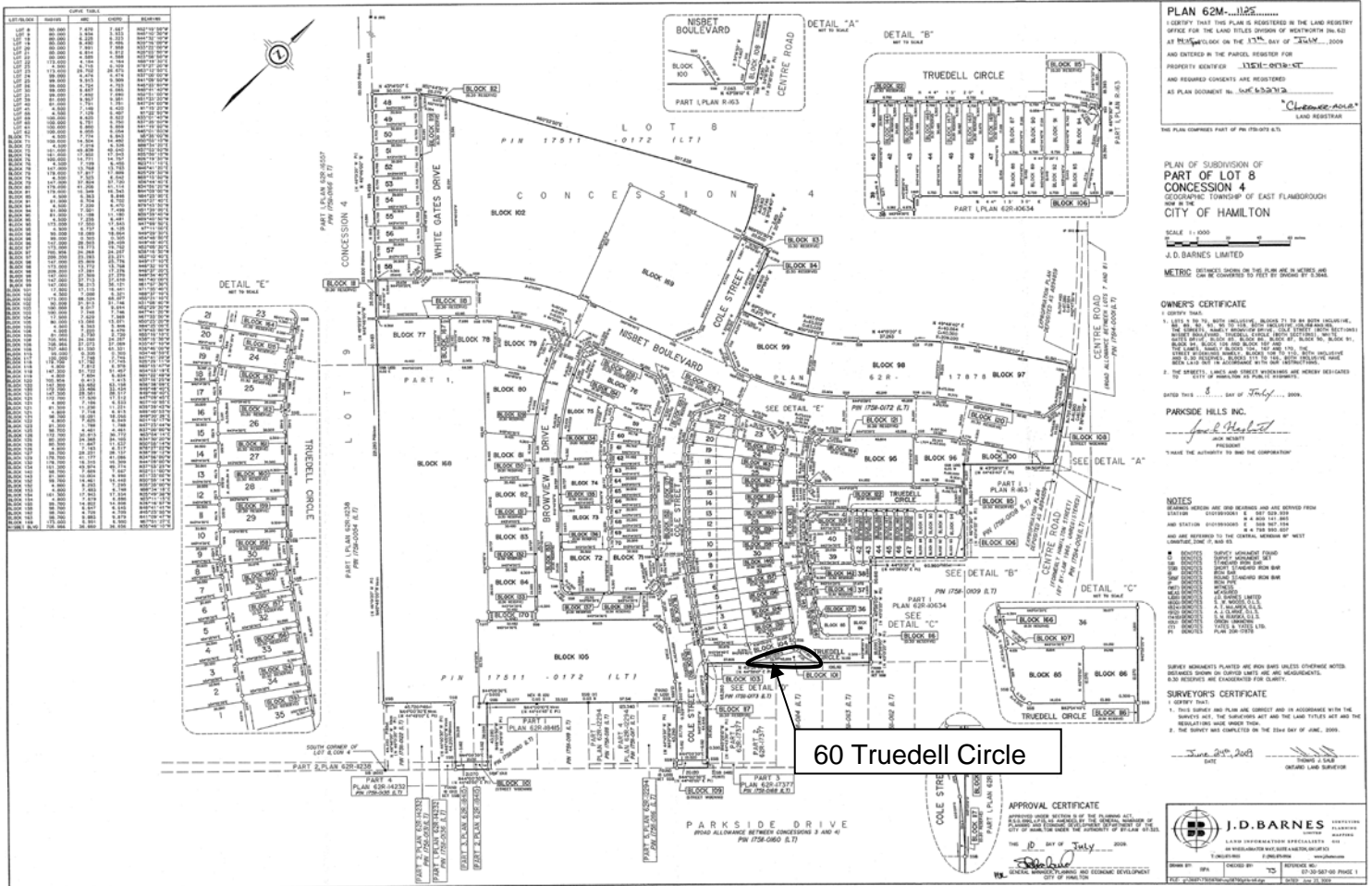
Subject Property
 249, 251, 255 Parkside Dr & 60 Truedell Cl

-  **Block 1:** Change in Zoning from the Urban Residential (Single Detached) "R1-6" Zone, modified with a special exception to the Urban Residential (Single Detached) "R1-59" Zone, modified with a special exception.
-  **Block 2:** Change in Zoning from the Urban Residential (Single Detached) "R1-34" Zone, modified with a special exception to the Urban Residential (Single Detached) "R1-59" Zone, modified with a special exception.
-  **Block 3:** Change in Zoning from the Urban Residential (Single Detached) "R1-6" Zone, modified with a special exception to the Urban Residential (Single Detached) "R1-60" Zone, modified with a special exception.
-  **Block 4:** Change in Zoning from the Urban Residential (Single Detached) "R1-34" Zone, modified to the Urban Residential (Semi-Detached and Link) "R4" Zone.

Scale: N.T.S.	File Name/Number: ZAC-12-049
Date: February 7, 2013	Planner/Technician: KM/AL
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	



Appendix "C" to Report PED13057 (Page 1 of 1)





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. FL/B-12:60
SUBMISSION NO. B-60/12

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 255 Parkside Drive, formerly in the Town of Flamborough, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent Metropolitan Consulting Inc. on behalf of the owner Catharina Marchese, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a rear parcel of land measuring 30m in width and 25m in depth with an area of 800m², to be merged in title with the lands to the north, being Block 101 according to registered plan 62M-1125 for residential purposes and to retain a parcel of land measuring 30m in width, 42m in depth with an area of 1300m² containing the existing dwelling and accessory building, for residential purposes.

This application is being heard in conjunction with consent applications FL/B-12:61, FL/B-12:62 and FL/B-12:63.

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 Flamborough Official Plans.
2. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
3. The Committee considers the proposal to be in keeping with development in the area.

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar.
2. The lands to be conveyed shall be registered in the same name and title as the lands to which they are to be added.
3. 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 Environment's noise criteria."

4. That the proponent shall carry out an archaeological assessment of the portion of the property to be conveyed and merged in title for application FL/B-12:60, and the entire properties for applications for FL/B-12:61, FL/B-12:62 and FL/B-12:63, and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Tourism, Culture and Sport.

Appendix "D" to Report PED13057 (Page 2 of 3)

FL/B-12:60
Decision
Page 2

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

5. That the owner/applicant receive Rezoning Approval to the satisfaction of the Manager of Development Planning.
6. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Services Division).
7. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Services Division).
8. The owner shall demolish or remove the existing shed located on the lands to be conveyed, to the satisfaction of the Planning and Economic Development Department (Building Services Division). May be subject to a demolition permit issued in the normal manner. If the building is not removed or demolished, a minor variance shall be required to permit the accessory structure to remain on the conveyed lands when no main use/building has been established.
9. The owner shall submit survey evidence that the existing structures located on the lands to be retained conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Services Division).
10. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

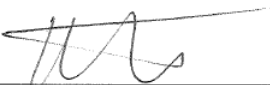
DATED AT HAMILTON this 29th day of November, 2012.



I. Dunlop (Acting Chairman)



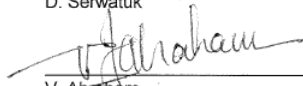
L. Gaddy



D. Serwatuk



W. Pearce



V. Abraham

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS December 6th, 2012.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (December 6th, 2013) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS December 26th, 2012.

THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

NOTE:

1. Based on the attached plans and on the applications being approved and all conditions being met, the owner/applicant should be made aware that the following addresses have been assigned: Part 1 – 64 Truedell Circle, Part 2 – 60 Truedell Circle, and Part 3 – 68 Truedell Circle.



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. FL/B-12:61
SUBMISSION NO. B-61/12

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 249 Parkside Drive, formerly in the Town of Flamborough, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent Metropolitan Consulting Inc. on behalf of the owner 2278083 Ontario Ltd., for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a vacant rear parcel of land (Part 2 on Sketch 1) measuring 6.7m in width, 7.5m in depth with an area of 50m², to be merged in title with the semi-detached dwelling known municipally as 249 Parkside Drive and to retain a parcel of land (Part 1 on Sketch 1 and Part 2 on Sketch 2) with an area of 450m², to be merged in title with the lands to the North being Block 101 according to registered plan 62M-1125, for residential purposes.

This application will be heard in conjunction with consent applications FL/B-12:60, FL/B-12:62 and FL/B-12:63.

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 Flamborough Official Plans.
2. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
3. The Committee considers the proposal to be in keeping with development in the area.

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar.
2. The lands to be conveyed shall be registered in the same name and title as the lands to which they are to be added.
3. The lands to be retained shall be registered in the same name and title as the lands to which they are to be added.
4. 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 Environment's noise criteria."

5. That the proponent shall carry out an archaeological assessment of the portion of the property to be conveyed and merged in title for application FL/B-12:60, and the entire properties for applications for FL/B-12:61, FL/B-12:62 and FL/B-12:63, and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Tourism, Culture and Sport.

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Appendix "E" to Report PED13057 (Page 2 of 3)

FL/B-12:61
Decision
Page 2

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

6. That the owner/applicant receive Rezoning Approval to the satisfaction of the Manager of Development Planning.
7. The owner shall submit survey evidence that the lot to which the conveyed lands (Part 2 on Sketch 1) are to be added/merged conforms to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Services Division).
8. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

DATED AT HAMILTON this 29th day of November, 2012.



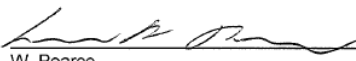
I. Dunlop (Acting Chairman)



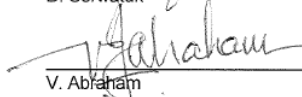
L. Gaddy



D. Serwatuk



W. Pearce



V. Abraham

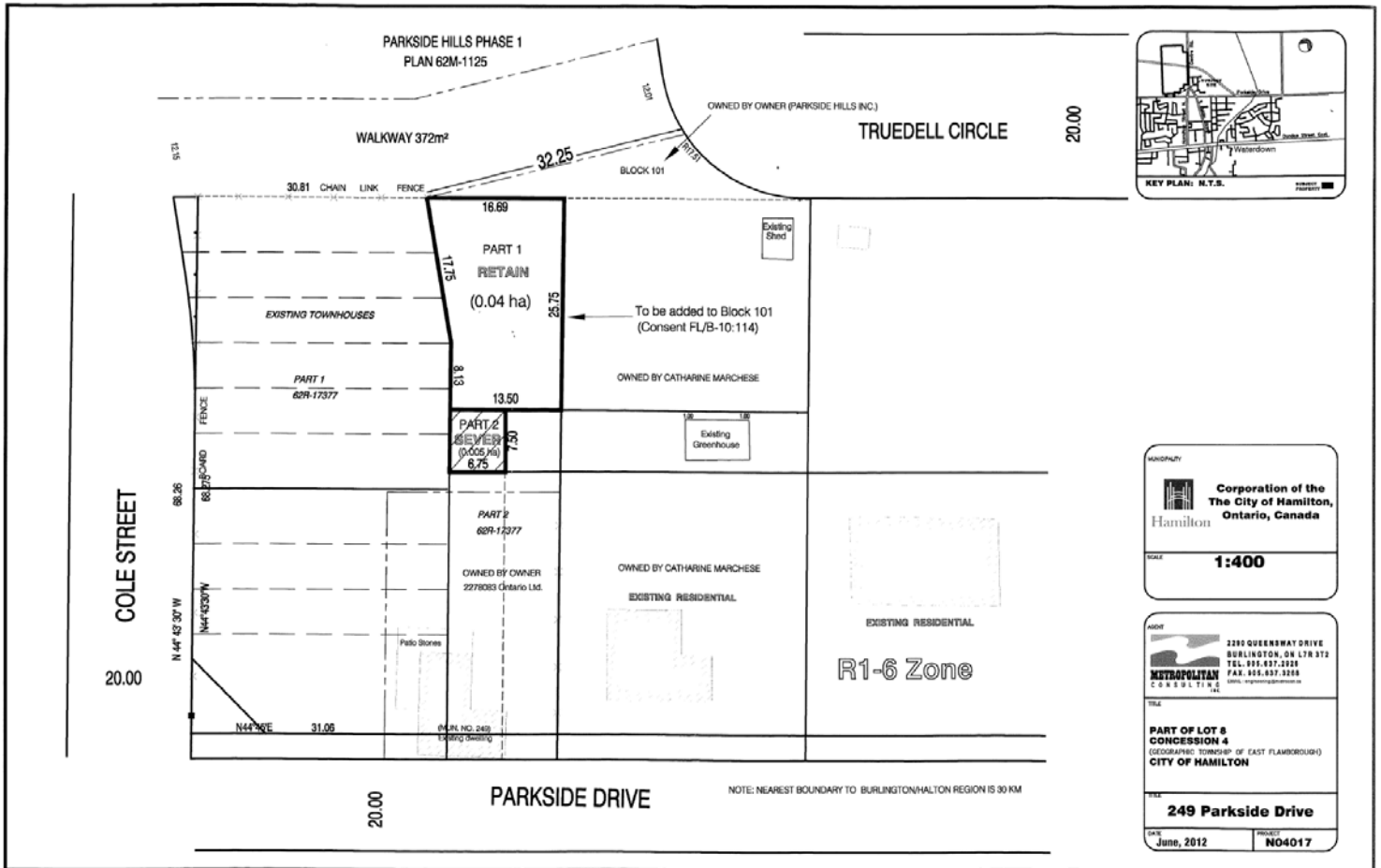
THE DATE OF GIVING OF THIS NOTICE OF DECISION IS December 6th, 2012.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (December 6th, 2013) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS December 26th, 2012.

THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

NOTE:

1. Based on the attached plans and on the applications being approved and all conditions being met, the owner/applicant should be made aware that the following addresses have been assigned: Part 1 – 64 Truedell Circle, Part 2 - 60 Truedell Circle, and Part 3 – 68 Truedell Circle.





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. FL/B-12:62
SUBMISSION NO. B-62/12

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 251 Parkside Drive, formerly in the Town of Flamborough, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent Metropolitan Consulting Inc. on behalf of the owner 2278083 Ontario Ltd., for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a vacant rear parcel of land (Part 2 on attached Sketch) measuring 6.7m in width, 7.5m in depth with an area of 50m², to be merged in title with the semi-detached dwelling known municipally as 251 Parkside Drive and to retain a parcel of land (Part 1 on attached Sketch) with an area of 400m², to be merged in title with the lands to the North being Block 101 according to registered plan 62M-1125, for residential purposes.

This application will be heard in conjunction with consent applications FL/B-12:60, FL/B-12:61 and FL/B-12:63.

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 Flamborough Official Plans.
2. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
3. The Committee considers the proposal to be in keeping with development in the area.

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar.
2. The lands to be conveyed shall be registered in the same name and title as the lands to which they are to be added.
3. The lands to be retained shall be registered in the same name and title as the lands to which they are to be added.
4. 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 Environment's noise criteria."

5. That the proponent shall carry out an archaeological assessment of the portion of the property to be conveyed and merged in title for application FL/B-12:60, and the entire properties for applications for FL/B-12:61, FL/B-12:62 and FL/B-12:63, and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Tourism, Culture and Sport.

Appendix "F" to Report PED13057 (Page 2 of 3)

FL/B-12:62
Decision
Page 2

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

6. That the owner/applicant receive Rezoning Approval to the satisfaction of the Manager of Development Planning.
7. The owner shall submit survey evidence that the lot to which the conveyed lands (Part 2) are to be added/merged conforms to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Services Division).
8. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.


DATED AT HAMILTON this 29th day of November, 2012.




I. Dunlop (Acting Chairman)



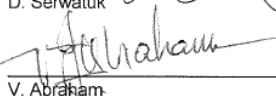
L. Gaddy



W. Pearce



D. Serwatak



V. Abraham

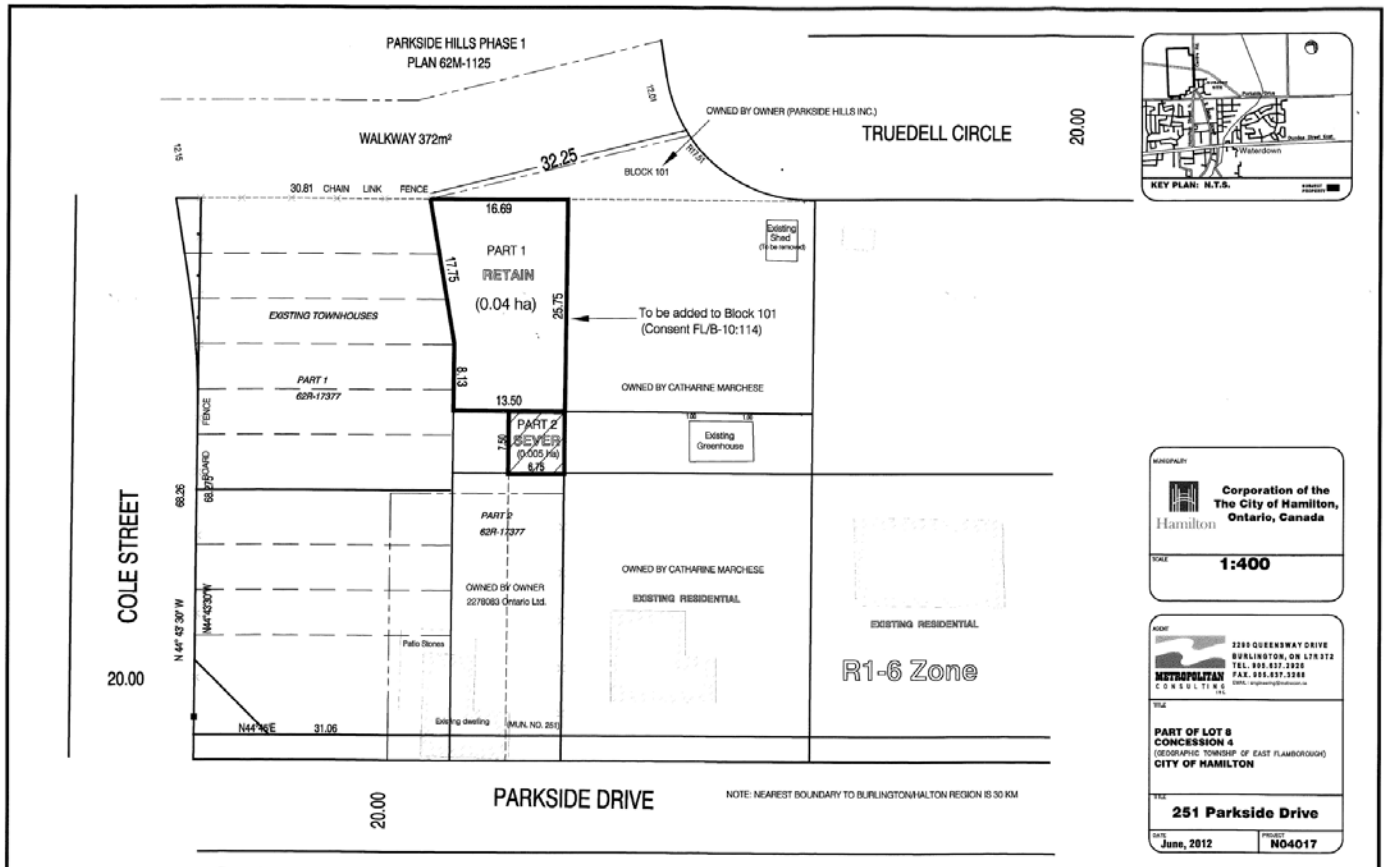
THE DATE OF GIVING OF THIS NOTICE OF DECISION IS December 6th, 2012.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (December 6th, 2013) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS December 26th, 2012.

THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

NOTE:

1. Based on the attached plans and on the applications being approved and all conditions being met, the owner/applicant should be made aware that the following addresses have been assigned: Part 1 – 64 Truedell Circle, Part 2 – 60 Truedell Circle, and Part 3 – 68 Truedell Circle.





Committee of Adjustment
Hamilton City Hall
71 Main Street West, 5th floor
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Telephone (905) 546-2424, ext. 4221
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COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. FL/B-12:63
SUBMISSION NO. B-63/12

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 249-255 Parkside Drive, formerly in the Town of Flamborough, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent Metropolitan Consulting Inc. on behalf of the owners Catharina Marchese & 2278083 Ontario Ltd., for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a vacant parcel of land being Part 1 on the attached sketch, measuring 7.8m in width, 30.5m in depth with an area of 400m², for residential purposes and to retain two parcels of land; being Part 2 on the attached sketch measuring 9.1m in width, 32m in depth with an area of 500m², and Part 3 measuring 10.6m in width, 26.0m in depth with an area of 400m², both retained parcels are intended for residential purposes. This application will also create three 0.6m wide maintenance easements as identified on sketch 2, in favor of the lands being created to facilitate the development of properties.

This application will be heard in conjunction with consent applications FL/B-12:60, FL/B-12:61 and FL/B-12:62.

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 Flamborough Official Plans.
2. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
3. The Committee considers the proposal to be in keeping with development in the area.

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

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

"Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality's and the Ministry of Environment's noise criteria."
3. That the proponent shall carry out an archaeological assessment of the portion of the property to be conveyed and merged in title for application FL/B-12:60, and the entire properties for applications for FL/B-12:61, FL/B-12:62 and FL/B-12:63, and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Tourism, Culture and Sport.

Appendix "G" to Report PED13057 (Page 2 of 3)

FL/B-12:63
Decision
Page 2

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

4. That the owner/applicant receive Rezoning Approval to the satisfaction of the Manager of Development Planning.
5. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Services Division).
6. The applicant must enter into with and the City of Hamilton register on title, an appropriate development agreement to address issues including but not limited to the installation of sidewalks, grading/drainage, erosion/sediment-control measures; cash payment requirements for items such as trees (3 trees @ \$450.00 + HST), grading inspection, extension of the watermain, relocation of municipal or utility infrastructure and any damages to the existing infrastructure or public property that may occur during construction.
7. The owner shall submit to the Committee of Adjustment Office an administration fee of \$30.60 (\$15.30 per newly created lot), payable to the City of Hamilton, to cover the cost of setting up new tax accounts for the newly created lots.
8. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.


DATED AT HAMILTON this 29th day of November, 2012.



I. Dunlop (Acting Chairman)



L. Gaddy



D. Serwatak



W. Pearce



V. Abraham

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS December 6th, 2012.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (December 6th, 2013) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

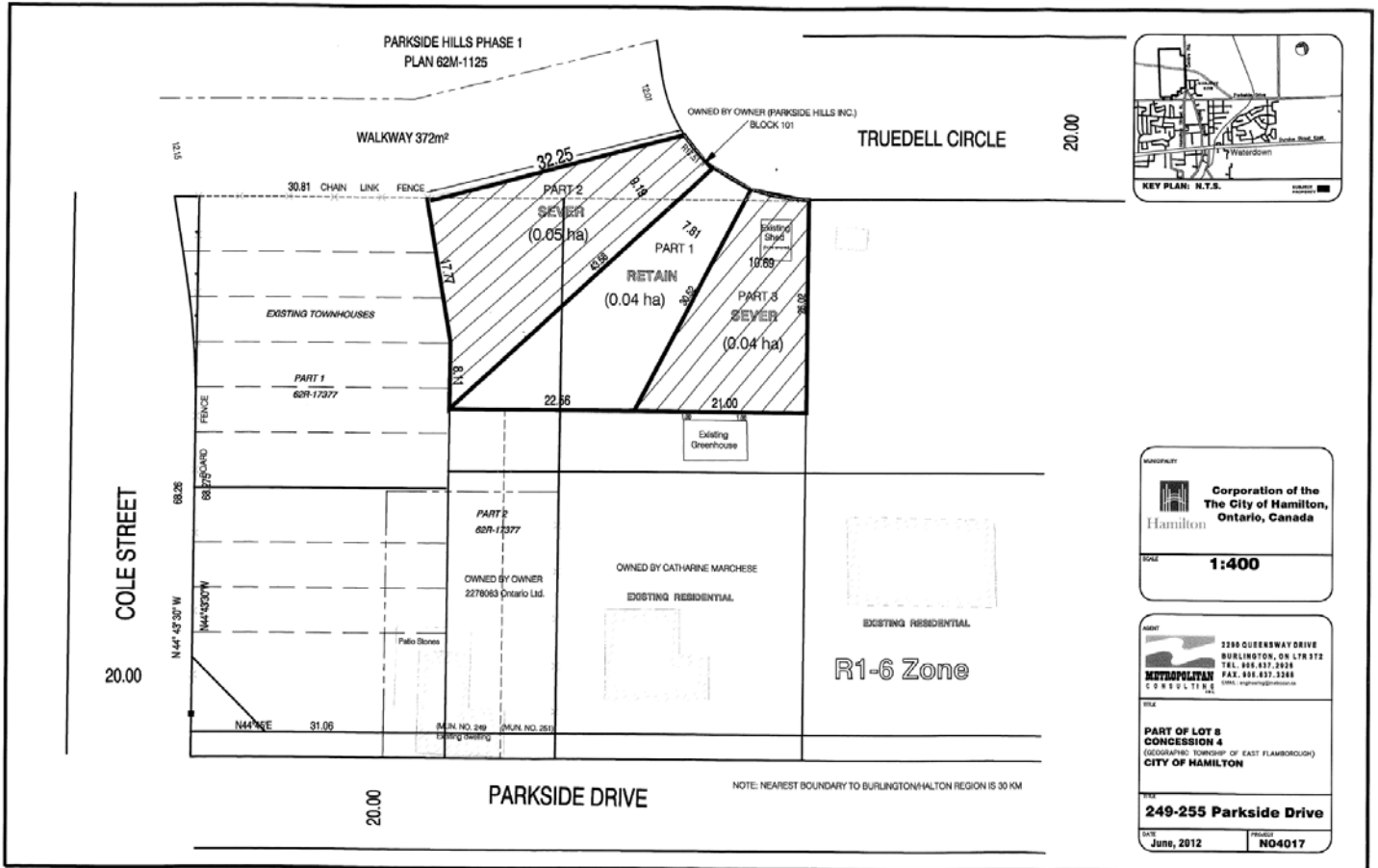
NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS December 26th, 2012.

THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

NOTE:

1. Based on the attached plans and on the applications being approved and all conditions being met, the owner/applicant should be made aware that the following addresses have been assigned: Part 1 – 64 Truedell Circle, Part 2 – 60 Truedell Circle, and Part 3 – 68 Truedell Circle.

Appendix "G" to Report PED13057 (Page 3 of 3)



M-1125
Y 372m²

