

**Ontario Municipal Board**  
Commission des affaires municipales  
de l'Ontario



14-043-OMB-01

**ISSUE DATE:** September 11, 2015

**CASE NO(S):**

PL140316

**PROCEEDING COMMENCED UNDER** subsection 34(19) of the *Planning Act*,  
R.S.O. 1990, c. P. 13, as amended

Appellant:	Highgate Holdings Inc.
Subject:	By-law No. 14-043
Municipality:	City of Hamilton
OMB Case No.:	PL140316
OMB File No.:	PL140316
OMB Case Name:	Highgate Holdings Inc. v. Hamilton, City

**PROCEEDING COMMENCED UNDER** subsection 41(12) of the *Planning Act*,  
R.S.O. 1990, c. P. 13, as amended

Subject:	Site Plan
Referred by:	Highgate Holdings Inc.
Property Address/Description:	307 and 325 Fiddler's Green Road
Municipality:	City of Hamilton
OMB Case No.:	PL140316
OMB File No.:	PL141081

**Heard:** May 25 to 29, 2015 and July 14 to 16, 2015 in  
Hamilton, Ontario

**APPEARANCES:**

**Parties**

City of Hamilton

Highgate Holdings Inc.

**Counsel**

Dennis Perlin

Herbert Arnold

**DECISION DELIVERED BY C. HEFFERON AND INTERIM ORDER OF THE  
BOARD**

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## **BACKGROUND**

[1] This hearing dealt with the proposed expansion of an existing retirement home in the former town of Ancaster.

[2] There has been a 40-unit retirement home comprising a total floor area of 798 square metres ("sq. m") on lands municipally known as 307 and 325 Fiddlers Green Road (together, "subject lands") since 1989. Some 41 residents currently live in the retirement home.

[3] The Board was informed that the current owner, Highgate Holdings Inc. ("Highgate" or the "Applicant") purchased the subject lands, including the retirement home, in March 2012. Highgate proposes to more than double the size of the existing retirement home to a total floor area of 1,872 sq. m. The expanded retirement home would include a total of 100 units accommodating a maximum of 120 residents.

[4] The total land area of the subject lands is 0.98 hectares ("ha"). The frontage measures 110 metres ("m") and the depth 88.4 m.

[5] Highgate proposes to demolish the existing bungalow on the portion of the subject lands municipally known as 307 Fiddlers Green Road and to re-locate the existing driveway for the retirement home towards the north of the subject lands in order to expand the parking lot to accommodate 55 cars in total. It also proposes to include a new 6.5 m wide landscaped area between the expanded parking lot and the existing single-family home at 299 Fiddlers Green Road, which is immediately north of the subject lands.

[6] Highgate applied on June 29, 2012 to amend the former Town of Ancaster Zoning By-law 87-57 to change the current Existing Residential ("ER") zoning on 307 Fiddlers Green Road to "Community Institutional I-2 with Special Modifications". At the same time, it also applied to amend City of Hamilton

Zoning By-law 05-200 to change the current I-2 zoning on 325 Fiddlers Green Road to the same "Community Institutional I-2 with Special Modifications". The special modifications requested on both 307 and 325 Fiddlers Green Road provide for the proposed total 100 retirement units and maximum 120 residents.

[7] On February 28, 2014, the Council of the City of Hamilton ("Council") adopted site-specific Zoning By-law 14-043 ("By-law"). This By-law only permits a two-storey addition to the existing retirement home. It also specifies that the expanded facility may not have more than 80 residents.

[8] The By-law was appealed by the Applicant.

## **LOCATION**

[9] The subject lands are located on the east side of Fiddlers Green Road about 0.5 kilometres north of the overpass on Highway No. 403 ("Hwy. 403"). Fiddlers Green Road can be accessed from both the southbound and northbound lanes of Hwy. 403 and is one of two main roads leading directly to the centre of the former Town of Ancaster. The other route is via Wilson Street West, a major arterial road with full cloverleaf access from Hwy 403.

[10] Fiddlers Green Road, which is classified as a "minor" arterial road is single lane in each direction for most of its length from the overpass at Highway 403 to where it intersects with Wilson Street West. A 32 m wide right-of-way runs along Fiddlers Green Road from the overpass to where it intersects with Wilson Street West. Schedule C-2 of Urban Hamilton Official Plan ("UHOP") establishes the future right-of-way on Fiddlers Green Road at just over 26 m from Jerseyville Road (on the north) to Wilson Street West and 32 m from Wilson Street West to Garner Road West (on the south).

[11] Immediately south of the subject lands between the subject property and the overpass is an expansive new storey-and-a-half single family home on a

large lot. South of this property are five more single detached homes also on large lots. South of Enmore Avenue, with an address on Hatton Drive, but with visibility from Fiddlers Green Road is a retail strip plaza with a flower shop, video store, variety store and a family restaurant called the "Little Gourmet". The Little Gourmet advertises on its web site that it offers free delivery in the area for its "specially prepared seniors meals".

### **MATTER BEFORE THE BOARD**

[12] Highgate appealed the February 28, 2014 decision of the Council adopting the By-law (Zoning By-law 14-043), which as noted above amends both former Town of Ancaster Zoning By-law 87-57 and City of Hamilton Zoning By-law 05-200.

[13] Highgate's appeal was opposed by the City of Hamilton ("City") and by a number of local residents, some of whom the Board recognized as participants.

### **EXPERT WITNESSES**

[14] A total of seven expert witnesses and one lay witness were called including:

[15] Glen Wellings, a registered professional planner whose witness statement is at Exhibit 10, Tab 1.

[16] Andrew Bousfield, a registered architect whose witness statement is at Exhibit 10, Tab 2.

[17] R. Alan Ramsay, a registered professional planner whose Witness Statement is at Exhibit 15, Tab 6.

[18] Mark Sterling, a registered professional planner and registered architect whose Witness Statement is at Exhibit 15, Tab 5.

[19] Nicki Morris, an activities analyst with special expertise in the operation of assisted living facilities whose Witness Statement is at Exhibit 15, Tab 3.

[20] David Richardson, P.Eng. a parking and transportation consultant whose Witness Statement is at Exhibit 15, Tab 4.

[21] Stephen Hiscox, consultant, CBRE Health Care Group whose Witness Statement is at Exhibit 16, Tab 2.

[22] Christoph Summer, the president of Otel Enterprises Inc. and co-owner of Highgate Holdings Inc and operator of the Highgate retirement home appeared as a lay witness. His Witness Statement is at Exhibit 10, Tab 3.

### **CORE ISSUE**

[23] The core issue in these procedures was not whether an addition to the existing facility should be permitted – both parties agreed it should - but rather the size of that addition and its location on the subject lands.

[24] The questions that were addressed at the hearing included whether the proposed addition should have three storeys or two. Should it be 78 m in length as the Applicant has proposed or 60 m as the City has proposed? Should it be oriented towards the west side of the property that is, towards Fiddlers Green Road, as the Applicant has proposed, or towards either the east or north side of the property, as the City has proposed. The City and the local residents both contended that the mass and height of the new addition as proposed by the Applicant does not fit with the "character" of the street.

[25] The City and local residents also expressed concern that inadequate provision has been made for parking for the two special events held annually at the Highgate retirement home.

### **EVIDENCE AND FINDINGS**

[26] Christoph Summer, the operator of the Highgate retirement home, advised that he had arranged with the nearby Marshall Memorial United Church to provide 24 additional parking spaces for the twice-yearly special events held at the retirement home and produced a letter signed by a church official confirming this. This letter was entered into the evidence as Exhibit 19. Along with the proposed 55 on-site parking spaces, the additional 24 off-site spaces represent a total of 79 spaces available for special events.

[27] In response to the parking solution proposed by Highgate, the City called three expert witnesses. One witness dealt with the proposed unit count, that is, the required number of units to accommodate both the 80 residents allowed in the By-law and the maximum of 120 residents proposed by the Applicant. The second dealt with staffing requirements of a typical 100-unit assisted care facility. The third dealt with the requirements for special events parking.

[28] The first two witnesses called by the City, Stephen Hiscox and Nicki Morris were both of the view that parking for the numbers of staff required in the proposed 100 unit facility would require more spaces than had been budgeted for, particularly during special events. Their conclusions were generally supported by the third witness, David Richardson, a professional engineer with expertise in transportation management and parking.

[29] The Board was not persuaded by the evidence of these three experts, key parts of which were directly contradicted by the evidence of Christoph Summer, the operator of both the Highgate facility as well as an 81-unit retirement home in Georgetown.

[30] The Board did however accept the evidence of Glenn Wellings, who was qualified to provide opinion evidence on land use planning, and finds that the proposed 55 parking spaces, which Mr. Wellings testified is in excess of the by-law requirement, would be adequate for the day-to-day needs of the proposed 100-unit facility and the additional 24 spaces would, along with the 55 spaces on site, adequately provide for special events parking.

[31] Mr. Richardson raised one of the more contentious matters on the parking question. He recommended that Highgate be directed by the Board to enter into a contractual business arrangement with the provider of the off-site spaces and even suggested that it would not be inappropriate for that contract to be registered on (Highgate's) title.

[32] After careful consideration of the evidence and the submissions of both counsel on this matter, the Board finds that it would be unreasonable to expect either the (likely volunteer) governance board of the Marshall Memorial United Church or a local school board, for example, to enter into a contractual business arrangement with a private operator to supply up to 24 parking spaces only twice per year. In the Board's view, the Church is already the Good Samaritan by offering in writing (Exhibit 19) to supply the 24 spaces on occasions of special events at the retirement home. In any event, the Board accepts the submission of Mr. Arnold, counsel for the Applicant, that it would likely prove impossible to persuade either a church board or a local school board or even a local mall operator to enter into a contract to provide parking spaces for the minimum suggested 20 years.

[33] The Board therefore accepts the evidence of Mr. Wellings on the matter and finds that the current arrangement with the Marshall Memorial United Church is adequate for additional special events parking.

[34] The Board accepted the un-contradicted evidence of Mr. Wellings and finds that both the existing and the proposed retirement home use conform to the

provisions of the UHOP. Mr. Wellings cited several policies in support of this contention including policies E.2.6.4; E.2.2.3; E.6.2.1; B.3.2.4.3; B.2.4.2.2; B.2.4.1 and B.2.4.1.4 (h). The Board will not quote these because with the exception of the last, their interpretation was not disputed.

[35] Policy B.2.4.1.4 (h) provides that “(residential intensification in the Neighbourhoods designation shall have) the ability to complement the existing functions of the neighbourhood”.

[36] The Board heard un-contradicted evidence that the existing retirement home use is an example of “housing with supports”, a term defined in the UHOP. This use is permitted in areas designated Neighbourhoods in the UHOP (such as the subject stretch of Fiddlers Green Road). The Board was persuaded by the evidence that the Highgate retirement home represents “housing with supports” and is more of a residential-type use than an institutional-type use, such as a long-term care facility.

[37] The Board heard local residents’ apprehension that the proposed addition would not fit in with the existing character of the stretch of Fiddlers Green Road between Calvin Street and Cumming Court. After consideration of their evidence the Board finds that none of what the local residents said they feared was based on fact-based land use planning evidence, but rather on a very loosely defined concept of the existing character of this section of Fiddlers Green Road.

[38] Even the professional planners retained by the City (Messrs. Ramsay and Sterling) stumbled when asked by the Board specifically how the character of this area differs from other residential areas, and seemed to rely on the fact that many of the structures on this stretch of Fiddlers Green Road were rather expansive single-family homes on lots with wide frontages, several of them built in the past 10 years. But the Board noted that many of the other homes on this stretch are very modest older bungalow and storey-and-a-half structures. That this stretch of Fiddlers Green Road is in transition to larger, much grander homes



than have traditionally occupied many of the lots is obvious to even the casual observer. But it was not disputed that this in itself does not preclude the existing uses on the street from continuing unchanged or in the case of the Highgate facility, expanding.

[39] The Board heard un-contradicted evidence that the Highgate retirement home is both a permitted use in and an integral part of the neighbourhood, and has been so for more than two decades. The proposed addition will doubtless affect the appearance of the subject lands as seen from the street, particularly during the winter months when the deciduous trees are not in leaf, but the Board heard no conclusive evidence that this change in appearance will itself offend the existing residential character of the neighbourhood, of which the retirement home is itself an integral part.

[40] The core dispute was over the dimensions of the proposed addition to the existing retirement home, and whether the size of the proposed addition renders it incompatible with the existing residential character of the area.

[41] The Board accepted the evidence of Messrs. Bousfield and Wellings that what ensures that a new structure is compatible with its context is less its dimensions than its degree of sensitivity to its surroundings. Mr. Bousfield testified that he has positioned the proposed new addition on the site in the precise geographic setting that in his professional opinion would be least likely to adversely impact its neighbours to the north and to the east. He said he also designed a mansard-style roof for the third floor because that is the best way to conceal or disguise the presence of an extra storey. He explained that he inserted "articulation" into the front façade so that from the street, the structure would read as a series of townhouses.

[42] Mr. Bousfield advised that for a large part of the year the proposed new addition would be partially concealed from Fiddlers Green Road by the front lot line set back (which is consistent with the setbacks of the homes immediately to

the north and south) as well as by the existing mature vegetation and the planned new vegetation. The Board agrees with Mr. Bousfield on this point.

[43] The proposal requires changing the current ER zoning on the lot municipally known as 307 Fiddlers Green Road to I-2, as well as changing the I-2 zoning on the entire site to "I-2 with Special Modifications" in order to provide for the proposed total of 100 retirement units (with a maximum of 120 residents).

[44] As noted above, the ER zoning on 307 Fiddlers Green Road is subject to the provisions of former Town of Ancaster Zoning By-law 87-57, while the I-2 zoning is a category within the new City of Hamilton Zoning By-law 05-200. Mr. Wellings explained that the Residential zoning standards from the six constituent former municipalities now amalgamated into the new City of Hamilton had not yet as of this writing been incorporated into By-law 05-200. However, the Institutional standards, including the I-2 (Community Institutional) standards have.

[45] He testified that with the exception of the 1987 provision limiting the number of residents on lands zoned I-2 to 50, the proposal meets (and in every case exceeds the minimum standards) provided in the I-2 zone. With respect to the height of the proposed new structure Mr. Wellings contended that at 9.5 m it is well within the maximum 10.5 m permitted in the I-2 zone. (As noted earlier, the existing building is 8.5 m high.)

[46] A copy of the minimum standards for the I-2 zone was entered into evidence as Exhibit 10, Tab C, Page 24. A copy of the proposed Site Plan (labelled "R5", that is, Revision 5) with the required standards was entered into evidence as Exhibit 18.

[47] The Board received un-contradicted evidence that the existing infrastructure and services easily accommodate the retirement home use and the proposed number of residents. This is also the view of City staff.

[48] After consideration of all the evidence, the Board finds that on balance permitting 100 residential units (with a maximum of 120 residents) as proposed by Highgate, better serves the public interest than the City's proposed maximum of 80 residents as set down in the By-law, and 70 units as proposed by Mr. Hiscox, one of the consultants retained by the City for this hearing. A retirement home was and is the planned function of the subject lands and the proposed final structure exceeds the minimum required standards of the I-2 zone in all respects but one – the maximum number of residents permitted. The Board took note of the fact that this standard of 50 residents on a property zoned 1-2 was established in 1987, which was an era when the high costs of sprawl were not generally recognized. Today few people living or working in or near cities can claim that they do not suffer from the direct effects of sprawl. These direct effects include traffic congestion and air pollution as well as the social costs of unsustainable commute times for many commuters.

[49] The Board finds on the evidence that the difference between the 80 residents allowed by Zoning By-law 14-043 as modified by the Planning Committee and approved by Council and the 100 units (with a maximum of 120 residents) as proposed by Highgate will not offend the character of the area or unduly stress the existing infrastructure and services.

[50] The Board also finds that the proposed location of the new addition (as shown on the Site Plan, marked R5 and entered into the evidence as Exhibit 18) generally represents a reasonable compromise between protecting the privacy of the immediate neighbour to the north and the two or three closest homes on Ravina Crescent and Mapledene Drive from overlook. The City had suggested that a building length of about 60 m would be more appropriate. The Board finds on the preponderance of the evidence that the additional approximately 18 m of building length on the Fiddlers Green Road frontage will not offend the existing residential character of Fiddlers Green Road.

[51] Insofar as the height of the proposed new building is concerned, the Board finds on the evidence that the proposed height of 9.5 m is well within the 10.5 m maximum permitted in By-law 05-200. Although the City-adopted version of the By-law (Zoning By-law 14-043) which was entered into the evidence as Exhibit 13, Tab 25, provides for a maximum height of two-storeys, the Board finds that on balance, a third storey that fits under the maximum height allowed in the By-law will not offend the residential character of the street, especially given the proposed setback from the front and north lot lines as well as the extensive mature vegetation already on site and the new vegetation proposed to be planted thereon.

[52] In summary, the Board was not persuaded by any of the evidence presented that the mass, height or location of the proposed addition to the existing retirement home will detract from or adversely impact the existing residential character of the neighbourhood.

[53] The 2014 Provincial Policy Statement (“PPS”) provides that a “full range of housing” be made available within settlement areas. The proposed retirement home expansion provides housing for a currently underserved segment in the society – the elderly, which is a segment whose numbers are projected to increase significantly in coming years. A related benefit is that the proposed expansion is to be privately funded, which should help relieve the public purse of the additional expense of providing adequate housing for the segment of the elderly population requiring “housing with supports”. As noted above, this term is defined in the UHOP and represents an important component of the City’s overall housing policy.

[54] The Board finds on the evidence that there is no question that at almost one hectare in area, the subject lands are easily able to accommodate an additional 60 to 80 elderly residents, many of whom are likely to be mobility challenged, with no unacceptable adverse impact on the surrounding properties. On the preponderance of the evidence, the Board finds it would constitute an

unfortunate waste of valuable public infrastructure and resources and would offend both Provincial and local land use policy to limit these lands to only the 80 residents provided for in the By-law passed by Council. In short, the Board finds that the 100-unit (maximum 120 residents) proposed by the Applicant represents the better land use planning option for the subject lands.

### **PLANNING ACT SECTION 2.1**

[55] Section 2.1 of the *Planning Act* requires that the Board have regard to the decision of Council and to the materials and evidence Council had before it when it made its decision. The *Planning Act* does not however require the Board to arrive at the same decision.

[56] In its report to Planning Committee dated December 3, 2013 (entered into the evidence as Exhibit 13, Tab 1D), City Staff recommended approval of the Highgate application.

[57] When the draft zoning by-law proposed by the Applicant was modified by the Ward Councillor in consultation with some area residents to reduce the number of residents to 80 (from the proposed maximum of 120) and the height to two storeys (the height of the proposed addition was expressed as 9.5 m in the application) the Applicant was not consulted or informed (according to Mr. Wellings), "until literally five minutes before the Planning Committee voted on the matter". The Applicant alleges that this was arbitrary and unfair. The Board agrees.

[58] The essential role of the Board is to ensure fairness is accorded to all interested persons and to ensure that the wider public interest is protected. A Board hearing gives the Applicant as well as all other interested parties and persons, an opportunity to have their views considered, which they have been during the subject eight-day hearing

## AUTHORITIES

[59] The parties each submitted cited jurisprudence that in support of their different positions. In the City's case, these cases took the form of Board decisions (along with two decisions of the Divisional Court) on the question of subdividing lands or intensifying their use in primarily large lot single-family areas. The cases dealing with applications on this stretch of Fiddlers Green Road were referenced. All of the decisions spoke to the character of the area as one of single-family homes on large lots and dealt with applications for consent. Interestingly, none of them addressed the presence and role of the existing Highgate retirement home in defining the character of Fiddlers Green Road. And in none of the cases cited were the facts similar to the facts in this case. In any event, all of these cases were carefully considered and where appropriate, the Board took guidance from their insights and findings.

## SECTION 37 BENEFITS

[60] The Board directed counsel for the parties to provide written submissions respecting benefits to the City pursuant to s. 37 of the *Planning Act* as a result of increased height and density beyond what is permitted in the By-law. In his written submission, Mr. Perlin indicated that the City had not to date had the opportunity to use this section of the *Planning Act*. And, because the City is still in the process of developing a policy on its use, s. 37 benefits would not at this time, in his opinion, be "appropriate".

[61] In his written submission, Mr. Arnold submitted that pursuant to Policy F.1.9.1 of UHOP, before s. 37 benefits can be requested for an increase in height and/or density, the Applicant would have had to request amendments to both the UHOP and the zoning by-law. In this instance, he argued that s. 37 benefits would be inappropriate because only an amendment to the By-law was required.

[62] After consideration of the submissions of counsel, the Board will not order an award of s. 37 benefits in this instance.

### **INTERIM ORDER**

[63] The Board orders that the appeal is allowed and modified Zoning By-law 14-043 (entered into evidence as Exhibit 17 as supported by the Site Plan marked R5, entered into evidence as Exhibit 18) amending both the former City of Ancaster Zoning By-law 87-57 and the new City of Hamilton Zoning By-law 05-200, is approved.

[64] If within three months of the issuance of this Order, the Parties have not been able to negotiate and sign an appropriate Site Plan Agreement, the Board will hear the appeal of the Site Plan application.

[65] The Board may also be spoken to.

*"C. Hefferon"*

C. HEFFERON  
MEMBER

If there is an attachment referred to in this document  
please visit [www.elfto.gov.on.ca](http://www.elfto.gov.on.ca) to view the attachment in PDF format.

### **Ontario Municipal Board**

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**CITY OF HAMILTON**

**BY-LAW NO. 14-043**

**To Amend Zoning By-law No. 05-200, as Amended,  
Respecting Lands Located at 307 and 325 Fiddler's Green Road, (Ancaster)**

**WHEREAS** the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap 14;

**AND WHEREAS** the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law 05-200;

**AND WHEREAS** Zoning By-law No. 05-200 was enacted on the 25<sup>th</sup> day of May, 2005;

**AND WHEREAS** the By-law is in conformity with the Urban Hamilton Official Plan approved August 16, 2013 in accordance with the provisions of the Planning Act.

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

1. That Map No. 1334, of Schedule "A" to Zoning By-law No. 05-200, is amended, by:
  - (a) Changing the zoning from the Community Institutional (I2) Zone to the Community Institutional (I2, 457) Zone, Modified applicable to Block "1" boundaries for the lands, the extent and boundaries, of which are shown on Schedule "A"; and,
  - (b) Incorporating the Community Institutional (I2, 457) Zone, applicable to Block 2, boundaries for the lands, the extent and boundaries of which are shown on Schedule "A".
2. That Section 8.2, Community Institutional (I2) Zone, of Zoning By-law No. 05-200 (Hamilton), as amended, is hereby further amended by adding the following Sub-section:



(I2, 457)

Notwithstanding any provisions to the contrary of Section 8.2.1 Permitted Uses, and Section 8.2.3 Regulations of Section 8.2, Community Institutional "I2" Zone, of By-law No. 05-200 (Hamilton), the following use and special provisions shall apply to the lands zoned (I2, 457):

Permitted Use:

A Retirement Home consisting of a maximum of 100 suites and not exceeding 120 residents.

Provisions:

In accordance with Section 8.2.3 and Section 5 of By-law 05-200 with the following special provisions:

Minimum Landscaping Strip:	6.5 m. along northerly lot line with a visual barrier consisting of landscaping materials only such as trees, shrubs and hedges.
Maximum Building Coverage:	28.8%
Minimum Parking	54 spaces
Minimum Northerly Side Yard	23.8 m.
Minimum Southerly Side Yard	7.5 m.
Minimum Front Yard	15 m.
Minimum Rear Yard	12 m.
Minimum Landscaped Area	49.0 %
Maximum Building Height	3 storeys or to a maximum of 9.5 metres

3. That the Existing Residential "ER" Zone, pertaining to Block "2" of the said lands, be removed from Map "1" of Schedule "B" of Zoning By-law No. 87-57.
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.
5. That this By-law No. 14-043 shall come into force and be deemed to have come into force, in accordance with Sub-section 34(21) of the Planning Act, either upon the date of passage of this By-law or as provided by the said Sub-section.

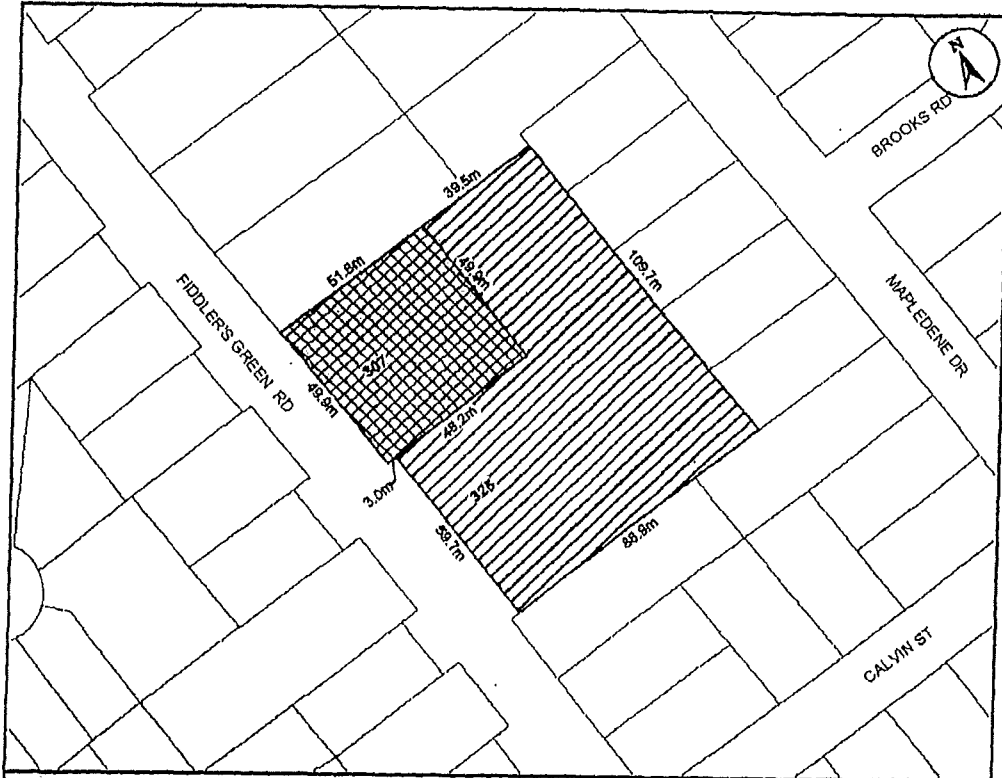
**PASSED and ENACTED** this [REDACTED] day of [REDACTED], 2014.

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R. Bratina  
Mayor

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Rose Caterini  
Clerk



This is Schedule "A" to By-law No. 14-  
 Passed the ..... day of ..... 2014

-----  
 Mayor  
 -----  
 Clerk


**Schedule "A"**


Map Forming Part of  
 By-law No. 14-\_\_\_\_\_

to Amend By-law No. 05-200  
 Map 1334

**Subject Property**

307 & 325 Fiddler's Green Road, Ancaster

 Block 1: Change in zoning from Community Institutional "I2" Zone to the Community Institutional (I2, 457) Zone, Modified

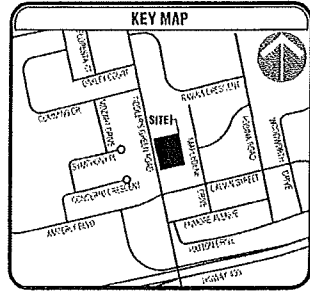
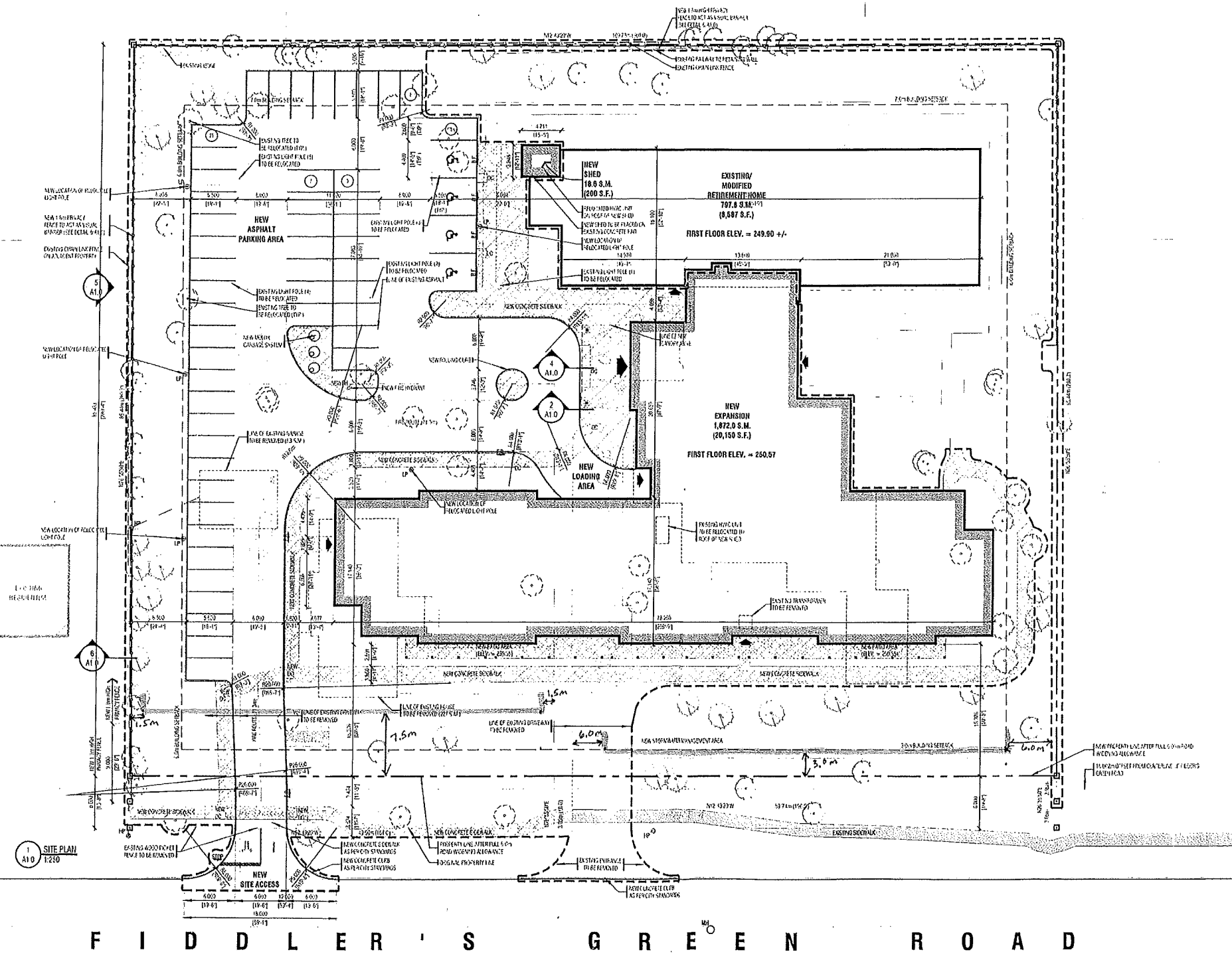
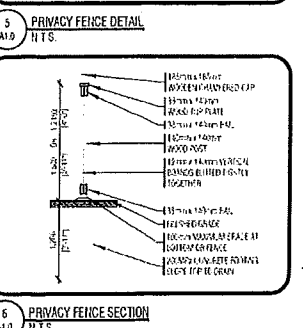
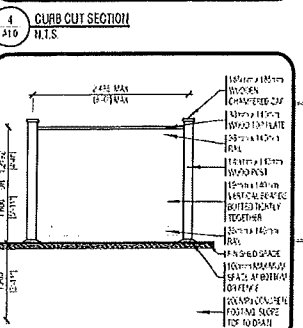
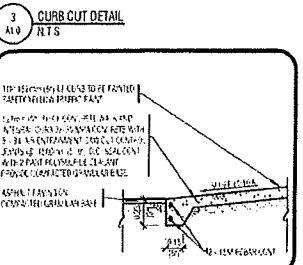
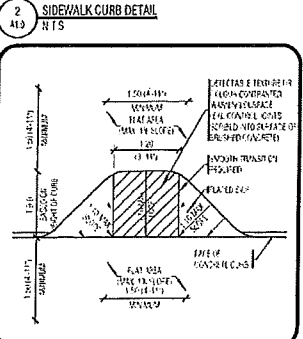
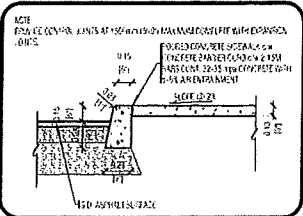
 Block 2: Lands to be zoned Community Institutional (I2, 457) Zone, Modified

Scale: N.T.S.	File Name/Number: ZAC-12-021	
Date: February 2014	Planner/Technician: KM / DB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

**PLAN OF SURVEY**  
**PART OF LOT 43**  
**CONCESSION 3**  
**GEOGRAPHIC TOWNSHIP OF ANCASTER**  
**CITY OF HAMILTON**

**Exhibit 18**  
**"FOR REFERENCE**  
**PURPOSES ONLY"**

Ex. 18  
 PL 140316



**LEGEND**

(Symbol)	PROJECT LINE
(Symbol)	UTILITY MARK
(Symbol)	SETBACK
(Symbol)	CENTRE LINE OF ROAD
(Symbol)	BOUNDARY
(Symbol)	EXISTING CONCRETE
(Symbol)	NEW CONCRETE
(Symbol)	NEW ASPHALT
(Symbol)	NEW GRASS AREA
(Symbol)	NEW CONCRETE AREA
(Symbol)	NEW ASPHALT AREA
(Symbol)	PROPOSED EXISTING
(Symbol)	PROPOSED NEW

**SITE DATA**

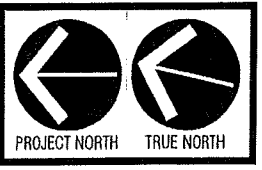
TOTAL LOT AREA	12,345.67	12,345.67	12,345.67
NEW SHED AREA	18.6	18.6	18.6
NEW EXPANSION AREA	1,872.0	1,872.0	1,872.0
EXISTING HOME AREA	797.8	797.8	797.8
TOTAL BUILDING AREA	2,688.4	2,688.4	2,688.4

**ZONING BY-LAW**

REQUIREMENTS	PROPOSED	PERMITTED
PERMITTED USES	RETIREMENT HOME	RETIREMENT HOME
MINIMUM SETBACK	6.0 M	5.25 M
MINIMUM SIDE SETBACK	6.0 M	24.0 M
MINIMUM FRONT SETBACK	6.0 M	6.0 M
MINIMUM REAR SETBACK	6.0 M	6.0 M
MINIMUM SIDE SETBACK	6.0 M	6.0 M
MINIMUM FRONT SETBACK	6.0 M	6.0 M
MINIMUM REAR SETBACK	6.0 M	6.0 M
MINIMUM SIDE SETBACK	6.0 M	6.0 M
MINIMUM FRONT SETBACK	6.0 M	6.0 M
MINIMUM REAR SETBACK	6.0 M	6.0 M

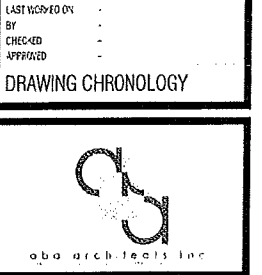
- GENERAL NOTES**
1. THE PLAN IS BASED ON THE SURVEY AND GRADING PLAN BY THE CONSULTANT AND ASSOCIATES LIMITED.
  2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
  3. THE CITY OF HAMILTON, HAMILTON POLICE SERVICE AND HAMILTON FIRE DEPARTMENT HAVE REVIEWED THIS PLAN AND APPROVED IT FOR SUBMITTAL TO THE CITY OF HAMILTON.
  4. THE CITY OF HAMILTON, HAMILTON POLICE SERVICE AND HAMILTON FIRE DEPARTMENT HAVE REVIEWED THIS PLAN AND APPROVED IT FOR SUBMITTAL TO THE CITY OF HAMILTON.
  5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
  6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
  7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
  8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
  9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
  10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
  11. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

THE GENERAL CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY DISCREPANCIES TO THE CONSULTANT PRIOR TO PROCEEDING WITH THE WORK.  
 THIS DRAWING SHALL NOT BE SCALE.  
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**REVISIONS**

REV.	DESCRIPTION	DATE
1	ISSUED FOR SITE PLAN APPROVAL	06/24/14
2	UPDATE PROPERTY LINES FOR ROAD	04/03/14
3	UPDATE AS PER CITY COMMENTS	07/23/13
4	ISSUED FOR REVIEW	02/07/13
5	ISSUED TO CLIENT	01/11/13
6	ADD SIDEWALK AT FRONT, AND LOCATION OF GENERATOR, BALANCE ENTRANCE CANOPY	01/11/13
7	ISSUED TO CLIENT	01/10/13
8	UPDATE AS PER LATEST FLOOR PLAN	01/10/13
9	REVISE LOCATION OF NEW SHED	05/30/12



PROJECT FOR:  
**HIGHGATE HOLDINGS INC.**

PROJECT:  
**RENOVATION**

**ANCASTER RETIREMENT HOME**  
 325 FIDDLER'S GREEN ROAD  
 ANCASTER ONTARIO

STORE NUMBER:  
 PROJECT NUMBER:

DRAWING:  
**SITE PLAN**

DRAWN: \_\_\_\_\_ CHECKED: \_\_\_\_\_ APPROVED: \_\_\_\_\_

DATE (MM.DD.YY): \_\_\_\_\_ SCALE (OR AS NOTED): 1:250

DRAWING NUMBER: SPA.01 R5 REVISION NUMBER: