

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



15-063 – Attachment 1

ISSUE DATE: February 3, 2015

CASE NO(S): PL130912

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

Appellant: DiCenzo Construction Company Limited
Subject: By-law No. 13-183
Municipality: Hamilton
OMB Case No.: PL130912
OMB File No.: PL130912

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

Appellant: DiCenzo Construction Company Limited
Subject: By-law No. 13-184
Municipality: Hamilton
OMB Case No.: PL130912
OMB File No.: PL130913

PROCEEDING COMMENCED UNDER subsection 51(39) of the *Planning Act*,
R.S.O. 1990, c. P. 13, as amended

Appellant: DiCenzo Construction Company Limited
Subject: Proposed Plan of Subdivision
Property Address/ Description: 528 Jones Road
Municipality: Hamilton
Municipal File No.: 25T-201110
OMB Case No.: PL130912
OMB File No.: PL131035

PROCEEDING COMMENCED UNDER subsection 51(39) of the *Planning Act*,
R.S.O. 1990, c. P. 13, as amended

Appellant:	DiCenzo Construction Company Limited
Subject:	Proposed Plan of Condominium
Property Address/	528 Jones Road
Description:	
Municipality:	Hamilton
Municipal File No.:	25CDM-201116
OMB Case No.:	PL130912
OMB File No.:	PL131036

BEFORE:

H. JACKSON)	Monday, the 2 nd
MEMBER)	
)	day of February, 2015

THESE MATTERS having come on for public hearing, and the Board in its Decision issued May 1, 2014 ("Decision") having withheld its Order pending finalization of the parking requirements and the filing of the final planning instruments, and said documents having now been filed with the Board;

THE BOARD ORDERS that the appeal against By-law 13-183 is allowed in part, and By-law 3692-92 is amended as set out in Attachment 1 to this Order;

AND THE BOARD ORDERS that the appeal against By-law 13-184 is dismissed, as noted in the Board's Decision;

AND THE BOARD ORDERS that the appeal of the draft plan of subdivision is allowed in part, as is approved as set out in Attachment 2 to the Decision;

AND THE BOARD ORDERS that the appeal of the draft plan of condominium is allowed in part, and is approved as set out in Attachment 3 to the Decision.

A handwritten signature in black ink, appearing to read "Jenne Hays." The signature is written in a cursive style with a large initial "J" and a distinct "H".

SECRETARY

Attachment 1

CITY OF HAMILTON**BY-LAW NO. ____****To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting the Lands Located at 528 Jones Road**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. Did incorporate, as of January 1st, 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 "City of Stoney Creek" and is the successor of the former Regional Municipality, namely "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-law 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. 3692-92 (Stoney Creek) was enacted on the 8th day of December 1992, which was approved by the Ontario Municipal Board by Order dated the 31st day of May 1994;

AND WHEREAS this By-law will be in conformity with the Official Plan of the City of Hamilton (the Official Plan of the City of Stoney Creek), upon approval of Official Plan Amendment No. ____ proposed by the City of Hamilton but not yet approved in accordance with the provisions of the Planning Act.

AND WHEREAS the Council of the City of Hamilton, in adopting Item of Report ____ of the Planning Committee, at its meeting held on the day of __, 2014, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

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

1. That Map No. 2 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended by changing from the Rural Residential "RR" Zone to the Single Residential "R2-62" Zone, Modified, on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That Sub-section 6.3.7, "Special Exemptions", of Section 6.3 Single Residential "R2" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding Special Exemption "R2-62", as follows:

"R2-62" – 528 Jones Road, Schedule "A", Map No. 2

- (f) Maximum Building Height - 11 metres, except:
- (i) on the lands, the extent and boundaries of which are Block 2 shown on a plan hereto annexed as Schedule "B", 11 metres but only 2 ½ storeys shall be permitted;
 - (ii) on the lands, the extent and boundaries of which are Block 1 shown on a plan hereto annexed as Schedule "B", 9 metres but only 2 storeys shall be permitted.
- (g) Maximum Lot Coverage - 62 percent

In addition to the parking provisions of Section 6.3.4 of the R2 Zone, 7 on-street visitor parking spaces will be provided on the Common Element Condominium Road.

Notwithstanding the provisions of paragraph (b) of Section 4.10.3 "Dimensions of Parking Spaces", on those lands zoned "R2-62" by this By-law, the following shall apply:

Each parallel parking space shall have a minimum width of 2.4m and a minimum length of 6.7m. End spaces which have a clear, unobstructed approach, shall have a minimum length of 5.5m.

3. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "R2" Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.
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.

PASSED and ENACTED this _____ day of _____, 2014.

R. Bratina
Mayor

Rose Caterini
Clerk

Ontario Municipal Board

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For the purpose of this By-law, a Common Element Condominium road shall be deemed to be a street.

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), (f) and (g) of Section 6.3.7 "Zone Regulations", on those lands zoned "R2-62" by this By-law, the following shall apply:

- | | | |
|--------------------------|---|---|
| (a) Minimum Lot Area | - | 380 sq. m. |
| (b) Minimum Lot Frontage | - | 12m |
| (c) Minimum Front Yard | - | Minimum 4.5m to the dwelling and minimum 6.0m to the garage door except where a minimum front lot line is curved the minimum setback will be 3.9m. Where a front yard abuts a common element block the front yard setback to the dwelling will be 2.0m. |
| (d) Minimum Side Yard | - | 1.25m for an interior and flankage yard, except 0.6m where a southerly side yard abuts a common element condominium block that abuts Copes Lane. A 0.6m minimum side yard shall only be permitted on the side yard of the dwelling that does not contain an attached garage. |
| (e) Minimum Rear Yard | - | <p>7.5m, except as provided in Clauses 1, 2, and 3 below:</p> <p>(1) On a lot that abuts Lake Ontario, a minimum 7.5m setback shall be provided and maintained from a Conservation/Hazard Land (P5) Zone that is not a common element condominium block;</p> <p>(2) On a lot that abuts Lake Ontario and also abuts a common element condominium block along a rear lot line, a minimum rear yard of 1.25m. A minimum easterly rear yard setback of 1.25m is also permitted on the lot that abuts immediately to the west of the aforementioned lot and,</p> <p>(3) On a lot that does not abut Lake Ontario, but abuts a common element condominium block along a rear lot line, a minimum rear yard of 4.5m shall be provided and maintained.</p> |