

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario

16-075
Attachment 1



ISSUE DATE: February 26, 2016

CASE NO(S): PL150178

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Peter & Dareen Bardoel
Subject:	Application to amend Zoning By-law No. 464 - Refusal of Application by the City of Hamilton
Existing Zoning:	Existing Residential "ER" Zone
Proposed Zoning:	Existing Residential – Holding – "H-ER-282 " Zone, Modified
Purpose:	To permit a temporary second dwelling unit within the existing detached structure
Property Address/Description:	228 Seneca Avenue
Municipality:	City of Hamilton
Municipality File No.:	ZAR-13-015
OMB Case No.:	PL150178
OMB File No.:	PL150178
OMB Case Name:	Bardoel v. Hamilton (City)

BEFORE:

K.J. HUSSEY)	Thursday, the 25th
VICE-CHAIR)	
)	day of February, 2016

THIS MATTER having come on for public hearing, and the Board in its Decision issued January 5, 2016 having withheld its Order pending receipt of the City Staff reviewed proposed Zoning By-law Amendment, and said revised document having now been filed on consent of all parties to the Board;

THE BOARD ORDERS that the appeal is allowed, and By-law 464 (Glanbrook) is hereby amended in the manner set in Attachment "1" to this Order. The Board authorizes the municipal clerk to assign a number to this by-law for record keeping purposes.

A handwritten signature in black ink, appearing to read "Jeanne Hefner." with a period at the end. The signature is written in a cursive, flowing style.

SECRETARY

Attachment "1"

Authority: Ontario Municipal
Board Order issued January 5,
2016 (PL150178)

CITY OF HAMILTON

BY-LAW NO. _____

To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands Located at 228 Seneca Avenue

WHEREAS Zoning By-law No. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993;

AND WHEREAS the Urban Hamilton Official Plan was declared in force and effect on August 16, 2013, and is the Official Plan in effect for the lands within the Urban Area of the City of Hamilton;

AND WHEREAS the By-law is in conformity with the Urban Hamilton Official Plan;

NOW THEREFORE the Ontario Municipal Board, pursuant to its Order dated January 5, 2016, in relation to Board File No. PL150178, determined to amend Zoning By-law No. 464 (Glanbrook) with respect to the lands municipally known as 228 Seneca Avenue:

1. That Schedule "E", appended to and forming part of By-law No. 464 (Glanbrook) is amended by changing from the Existing Residential "ER" Zone to the Existing Residential "ER-286" Zone, the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That Section 44, "Exceptions to the Provisions of the By-law", of Zoning By-law No. 464, be amended by adding a new special provision, "ER-286", as follows:

"ER-286" 228 Seneca Avenue

Notwithstanding the regulations of **SECTION 7: GENERAL PROVISIONS FOR ALL ZONES**, Subsection 7.13 - **ACCESSORY BUILDINGS**, for the purpose of this By-law, the detached garage with basement, either occupied as a second dwelling unit or not, is deemed to comply to Subsection 7.13.

Notwithstanding **SECTION 11: GENERAL PROVISIONS FOR ALL RESIDENTIAL ZONES**, Subsection 11.2(a) - **PERMITTED USES** and **SECTION 12: EXISTING RESIDENTIAL "ER" ZONE**, Subsection 12.1 -

PERMITTED USES, for the purpose of this By-law, a *second dwelling unit*, shall also be permitted on these lands.

For the purposes of this By-law, a *second dwelling unit* shall be defined as "the existing one-unit detached structure with basement located in the exterior side yard, containing bedroom, bathroom and kitchen facilities, which is ancillary to an existing residential dwelling."

Notwithstanding **SECTION 12: EXISTING RESIDENTIAL "ER" ZONE**, Subsection 12.1(b) – **PERMITTED USES**, for the purpose of this By-law, no accessory buildings or structures associated with the second dwelling unit shall be permitted on the lands zoned "ER-286".

Notwithstanding the regulations of **SECTION 12: EXISTING RESIDENTIAL "ER" ZONE**, Subsection 12.2 – **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 12.1 (SINGLE DETACHED DWELLING)**, for the purpose of this By-law, the second dwelling unit is deemed to comply to Subsection 12.2.




In addition to the regulations of **SECTION 7: GENERAL PROVISIONS OR ALL ZONES**, Subsection 7.35(a) (vii) – **MINIMUM PARKING REQUIREMENTS – GENERAL PROVISIONS**, for the purpose of this By-law, the following regulations shall apply to a second dwelling unit:

(a) Minimum Parking Space Size.....2.6 metres x 5.5 metres

Notwithstanding **SECTION 11: GENERAL PROVISIONS FOR ALL RESIDENTIAL ZONES**, Subsection 11.6(b) – **PARKING SPACES IN RESIDENTIAL ZONES**, for the purpose of this By-law, the parking or storage of motor vehicles associated with the second dwelling unit may be provided within the exterior side yard.

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 Residential "ER" Zone provisions, subject to the special requirements referred to in Section 2.
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.

PURSUANT TO DECISION/ORDER OF THE ONTARIO MUNICIPAL BOARD
ISSUED JANUARY 5, 2016 IN BOARD CASE NO. PL150178.

					
<p>This is Schedule "A" to By-law No. 16-</p>	<p>Pursuant to Decision/Order of the Ontario Municipal Board issued January 5, 2016 in Board Case No. PL150178</p>				
<p>Schedule "A"</p> <p>Map Forming Part of By-law No. 16-_____</p> <p>to Amend By-law No. 464</p>	<p>Subject Property 228 Seneca Avenue</p> <p> Change in Zoning from the Existing Residential "ER" Zone to the Existing Residential "ER-286" Zone.</p>				
<table border="1"> <tr> <td>Scale: N.T.S.</td> <td>File Name/Number: ZAR-13-015</td> </tr> <tr> <td>Date: Jan. 15, 2016</td> <td>Planner/Technician: DM/NB</td> </tr> </table>	Scale: N.T.S.	File Name/Number: ZAR-13-015	Date: Jan. 15, 2016	Planner/Technician: DM/NB	 Hamilton
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<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>					

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario

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