



Environment and Land Tribunals Ontario  
**Ontario Municipal Board**  
655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5  
TEL: (416) 212-6349 or Toll Free: 1-866-448-2248  
FAX: (416) 326-5370  
www.elto.gov.on.ca

**APPELLANT FORM (A1)  
PLANNING ACT**

**SUBMIT COMPLETED FORM  
TO MUNICIPALITY/APPROVAL AUTHORITY**

Date Stamp - Appeal Received by Municipality

OFFICE OF THE CITY CLERK

JUN 22 2016

Receipt Number (OMB Office Use Only)

**Part 1: Appeal Type (Please check only one box)**

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	<input type="checkbox"/> Appeal a decision	45(12)
Consent/Severance	<input type="checkbox"/> Appeal a decision	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	53(14)
Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Official Plan or Official Plan Amendment	<input type="checkbox"/> Appeal a decision	17(24) or 17(36)
	<input type="checkbox"/> Failed to make a decision on the plan within 180 days	17(40)
	<input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
	<input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality	
Condominium Plan of Subdivision	<input checked="" type="checkbox"/> Appeal a decision	51(39)
	<input type="checkbox"/> Appeal conditions imposed	51(43) or 51(48)
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	51(34)

**Part 2: Location Information**

271 Beach Boulevard

Address and/or Legal Description of property subject to the appeal:

Municipality/Upper tier: City of Hamilton

**Part 3: Appellant Information**First Name: Bruno Last Name: PetrucciCompany Name or Association Name (Association must be incorporated – include copy of letter of incorporation)  
Coastal Land Developments Inc.

Professional Title (if applicable): \_\_\_\_\_

E-mail Address: B.Petrucci@bramptonbrick.com  
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: \_\_\_\_\_ Alternate Telephone #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Mailing Address: 136 Snively Street Richmond Hill  
Street Address Apt/Suite/Unit# City/Town  
Ontario L4E 3E8  
Province Country (if not Canada) Postal CodeSignature of Appellant: \_\_\_\_\_ Date: June 8, 2016  
(Signature not required if the appeal is submitted by a law office.)

**Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.**

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

**Part 4: Representative Information (if applicable)****I hereby authorize the named company and/or individual(s) to represent me:**First Name: William Last Name: OughtredCompany Name: W.E. Oughtred and Associates Inc.

Professional Title: \_\_\_\_\_

E-mail Address: williamoughtred@on.aibn.com  
By providing an e-mail address you agree to receive communications from the OMB by e-mail.Daytime Telephone #: 905-822-5644 Alternate Telephone #: \_\_\_\_\_Fax #: 905-829-0853Mailing Address: Suite 28, 2140 Winston Park Drive, Oakville  
Street Address Apt/Suite/Unit# City/Town  
Ontario L6H 5V5  
Province Country (if not Canada) Postal CodeSignature of Appellant: \_\_\_\_\_ Date: June 8, 2016

**Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.**

☐ I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

### Part 5: Language and Accessibility

Please choose preferred language: ☒ English ☐ French

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible.

### Part 6: Appeal Specific Information

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

(Please print)

25 CDM - 201510 Draft Plan of Condominium (Common Element) Application.

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). \*\*If more space is required, please continue in Part 9 or attach a separate page.

(Please print)

See attached

**THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPEALS OF ZONING BY-LAW AMENDMENTS UNDER SECTION 34(11) OF THE *PLANNING ACT*.**

a) **DATE APPLICATION SUBMITTED TO MUNICIPALITY:** \_\_\_\_\_

(If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.)

b) Provide a brief explanatory note regarding the proposal, which includes the existing zoning category, desired zoning category, the purpose of the desired zoning by-law change, and a description of the lands under appeal:

\*\*If more space is required, please continue in Part 9 or attach a separate page.

### Part 7: Related Matters (if known)

Are there other appeals not yet filed with the Municipality?

YES



NO



Are there other planning matters related to this appeal?

YES



NO



(For example: A consent application connected to a variance application)

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

(Please print)

Application for Zoning By-law Amendment ZAC 15-036

## Part 8: Scheduling Information

How many days do you estimate are needed for hearing this appeal? ☐ half day ☐ 1 day ☒ 2 days ☐ 3 days  
☐ 4 days ☐ 1 week ☐ More than 1 week – please specify number of days: \_\_\_\_\_

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?

One

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.):

Land Use Planner

Do you believe this matter would benefit from mediation?

YES



NO



(Mediation is generally scheduled only when all parties agree to participate)

Do you believe this matter would benefit from a prehearing conference?

YES



NO



(Prehearing conferences are generally not scheduled for variances or consents)

If yes, why? \_\_\_\_\_

## Part 9: Other Applicable Information \*\*Attach a separate page if more space is required.

The appellant has retained Christopher J. Tzekas of Weir Foulds, LLP as its solicitor in this matter. Contact information as follows:

Weir Foulds Toronto Office

4100 - 66 Wellington Street West

P.O. Box 35, TD Bank Tower

Toronto, Ontario M5K 1B7 Tel: 416-365-1110

Weir Foulds Oakville Office

1525 Cornwall Road, Suite 10

Oakville, Ontario L6J 0B2 Tel: 905-829-8600

## Part 10: Required Fee

Total Fee Submitted: \$ 125.<sup>00</sup>

Payment Method:



Certified cheque



Bank Draft  
Money Order



Solicitor's general or trust account cheque

- The payment must be in Canadian funds, payable to the Minister of Finance.
- Do not send cash.
- PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORDER TO THE FRONT OF THIS FORM.

## 2. Outline Nature and Reasons for Appeal:

The property owner, Coastal Land Developments Inc., submitted an application for Zoning By-law Amendment on June 22, 2015 concurrently with an application for Draft Plan of Condominium (Common Element). The initial development proposal included removal of the existing dwelling and existing accessory structures from the property and construction of eight semi-detached dwellings (four pairs of semis) on a common element roadway. The applications were deemed to be complete on July 17, 2015. After the Public Notice sign was installed on July 21, several members of the community contacted City Planning Staff and the Ward Councillor to express their concern about the proposed density and the removal of the existing dwelling on the property.

In August and September of 2015, the developer met with City staff and the Ward Councillor. As a result of those discussions, the applicant revised the proposal to reduce the number of new units to four semi-detached dwellings (two pairs of semis) and agreed to retain and relocate the existing dwelling on the lot even though the existing dwelling did not meet the criteria for designation under Part IV of the Ontario Heritage Act. Over the ensuing months, the developer continued to work closely with City staff to refine the proposal to meet requirements for storm water management, tree protection and replacement, landscaping and urban design. The Information Report prepared by the Planning Division for the Planning Committee was highly favourable of the proposed development and recommended approval of the applications. City of Hamilton Planning staff were of the opinion that the applications were consistent with the Provincial Policy Statement (2014), the Growth Plan for the Greater Golden Horseshoe (2006), the Urban Hamilton Official Plan and the Hamilton Beach Neighbourhood Plan.

At the Statutory Public Meeting on May 31, the Planning Committee made a recommendation to Council to refuse the applications for Zoning By-law Amendment and Draft Plan of Condominium (Common Element) on the basis that the proposed development is not compatible with the character of the neighbourhood and the proposed variances are not consistent with the Neighbourhood Plan. On June 5<sup>th</sup>, Hamilton City Council voted to refuse the applications.

Coastal Land Developments Inc. is appealing Council's decision on the grounds that the development proposal is consistent with the Hamilton Beach Neighbourhood Plan policies. Specifically, Section 1.2.1 sets out policies for lots designated Single and Double Residential. Bullet point 3 of Section 1.2.1 permits smaller lot infill close to the Beach Centre, a mixed-use area located on both sides of Beach Boulevard from Arden Avenue to Kirk Road. The subject lands are designated Single and Double Residential and are located in Beach Centre. Further, bullet point 5 of Section 1.2.1 states that the shape and configuration of new lots as well as their size and building setbacks, may be adjusted to reflect the density and configuration of existing development in the immediate vicinity. The neighbourhood surrounding the subject lands is highly eclectic with a variety of lot frontages, areas and setbacks as well as considerable diversity in dwelling size, design and materials. Therefore, the appellant maintains that the proposed lots will be consistent with existing lot sizes and configurations in the immediate vicinity and the proposed development will be compatible with the character of the neighbourhood.

## Form 2

### **NOTICE OF THE CITY OF HAMILTON'S REFUSAL OF APPLICATION TO AMEND ZONING BY-LAW NUMBER 6593 and BY-LAW NO. 05-200 AND DRAFT PLAN OF CONDOMINIUM (COMMON ELEMENT)**

**TAKE NOTICE** that the City of Hamilton Council has refused an application to amend Zoning By-law No. 6593 and Zoning By-law No. 05-200 ; and, for a Draft Plan of Condominium (Common Element) on the **8th day of June, 2016**, under Section 34 of the Planning Act, R.S.O. 1990, c. P.13. The municipal address of the subject property is 271 Beach Boulevard, Hamilton.

**AND TAKE NOTICE** that any person or agency who objects to the refusal of the application for the zoning by-law amendment may appeal the decision of Council on the proposed amendment to the Ontario Municipal Board, by filing with the Clerk of the City of Hamilton, not later than the **11<sup>th</sup> day of July, 2016** a **certified cheque** or money order in the amount of \$125.00, for each appeal, payable to the Minister of Finance, Province of Ontario. A completed Notice of Appeal form, setting out the reasons for the appeal of the refusal to approve the Official Plan Amendment is required to be accompanied with the Ontario Municipal Board fee. Appeal forms are available in the City Clerk's Office and on the OMB website [www.omb.gov.on.ca](http://www.omb.gov.on.ca)

**PLEASE NOTE: IF YOU HAVE NO OBJECTION TO THE BY-LAW, YOU DO NOT NEED TO TAKE ANY ACTION, AND YOU DO NOT NEED TO SEND ANY CHEQUE.**

**AND TAKE NOTICE** that the decision of the Council for the City of Hamilton is final if a notice of appeal is not received before or on the last day for filing a notice of appeal.

An explanation of the purpose and effect of the proposed zoning by-law amendment, describing the lands to which the zoning by-law amendment is proposed to apply, a key map showing the location of the affected lands, and the reasons for the Council refusal of the applications, are attached. The complete documents, including a copy of the relevant staff report and Minutes of the Public Meeting are available for inspection in my office during regular office hours. If you have any questions, please call Ida Bedioui at 905 546 2424 extension 4605.

**DATED** at the City of Hamilton  
this 21<sup>st</sup> day of June, 2016

Rose Caterini, City Clerk  
City Hall, Hamilton, Ontario

**EXPLANATION OF THE REFUSAL TO AMEND  
ZONING BY-LAW NO. 6593 AND ZONING BY-LAW NO. 05-200 AND REFUSAL TO  
AMEND DRAFT PLAN OF CONDOMINIUM (COMMON ELEMENT) FOR  
LANDS LOCATED AT 271 BEACH BOULEVARD, HAMILTON**

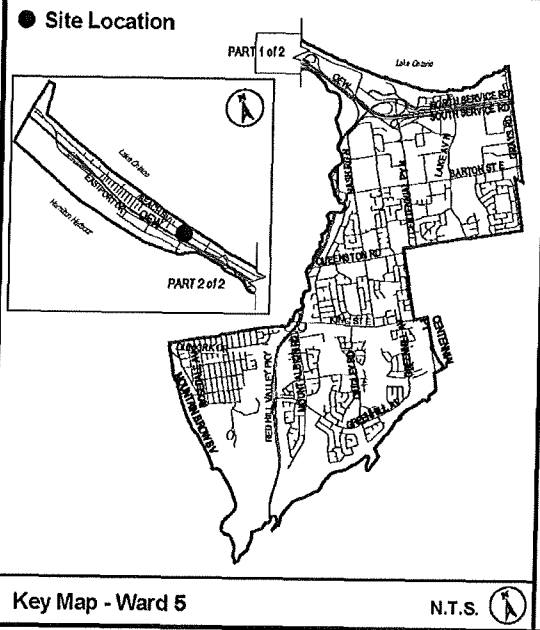
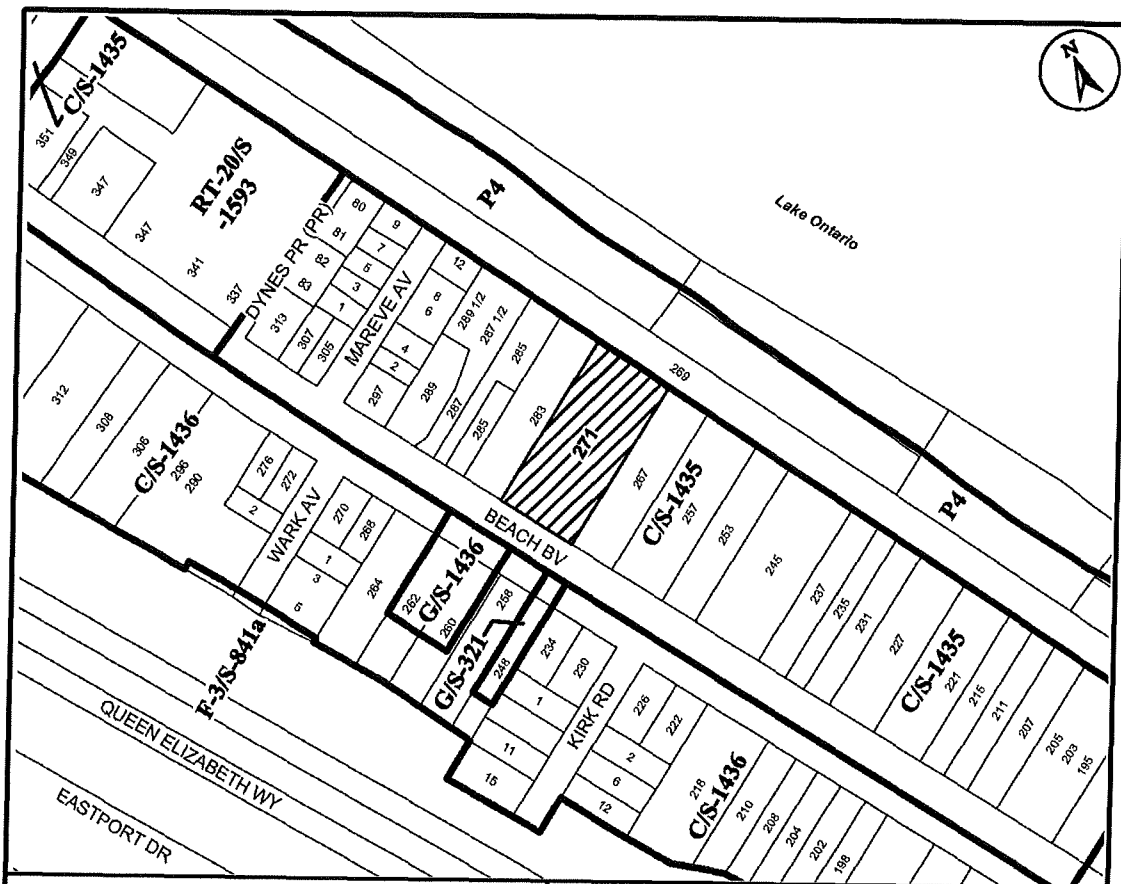
1. The purpose of the proposed rezoning application is to amend the property from the "C/S-1435" (Urban Protected Residential, etc.) District, Modified to the R-4 District, Modified in order to permit a single detached dwelling and two semi-detached dwellings (4 units) along a common element condominium road and a change in zoning from the "C/S-1435" (Urban Protected Residential, etc.) District, Modified to the Conservation / Hazard Land (P5) Zone, Modified to identify the Erosion Hazard Limit to prohibit development within the rear yard of the semi-detached dwellings.

The purpose of the proposed Draft Plan of Condominium (Common Element), is to allow for a 6 metre wide common element road with two lay-by visitor parking spaces for the two semi-detached dwellings (4 dwelling units) (4 units) and the existing dwelling on condominium lots which would be created by severances. The Draft Plan of Condominium (Common Element) would also include facilities for managing storm water and privacy fencing that would be managed by a Condominium Corporation as Common Elements.

2. The explanation for the refusal is, as follows:
  - (i) The proposed development is not compatible with the character of the existing neighbourhood; and,
  - (ii) The numerous proposed variances are not consistent with the established Beach Neighbourhood Plan.
3. Only the property referred to above and shown on the attached map is affected by the refusal to pass the By-law. However, all owners of property are within 120 metres (400 feet) of the property affected by the refusal to pass the By-law are required to be notified.

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Clerk  
City Hall, Hamilton, Ontario



## Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

<b>File Name/Number:</b> ZAC-15-036/25CDM-201510	<b>Date:</b> July 9, 2015
<b>Appendix "A"</b>	<b>Scale:</b> N.T.S.
<b>Planner/Technician:</b> CT/VS	

**Subject Property**

271 Beach Boulevard