

ISSUE DATE:

July 31, 2012



PL120037

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

1340791 Ontario Ltd. has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 87-57 of the City of Hamilton to rezone lands respecting 121 Fiddlers Green Road from ER-538, ER-539, and ER-540 Residential Zones to a Modified Residential Multiple RM5 Zone to permit two identical, three-storey multiplex buildings
OMB File No: PL120037

APPEARANCES:

Parties

1340791 Ontario Ltd.

City of Hamilton

Counsel

John S. Davies

Lia Magi

**MEMORANDUM OF ORAL DECISION DELIVERED BY R. ROSSI ON JULY 16,
2012 AND ORDER OF THE BOARD**

1340791 Ontario Ltd., the Applicant/Appellant (Applicant) has proposed an amendment to the City of Hamilton's zoning by-law to change the zoning of the subject property (known municipally as 121 Fiddlers Green Road) to permit a 2.5-storey, 24-unit stacked townhouse development consisting of two 12-unit buildings, having 15 parking spaces at ground level and 24 parking spaces within an underground parking structure.

The purpose of this pre-hearing conference is to advise the Board that the City and its planning staff are currently considering additional modifications to the proposal from the Applicant and both Parties are working toward a possible resolution of the matter. Representing the Applicant, Mr. Davies explained that this zoning matter will be considered by City Council on September 5, 2012.

The Board added two interested participants to the file: area residents Frank van Hullenaar and Thomas St. Michael. Counsel for the City, Ms. Magi, will assemble a list

of all persons seeking interested participant status and furnish this list to the Board. Status will be granted at the hearing. Ms. Magi also told the Board that the Parties have retained three days in October 2012 for this hearing but she advised the Board that if the matter goes to a full hearing, the Parties will only require two days instead of three days. On consent, the Board releases the third day. Should the full hearing be necessary, it will take place on Monday, October 1 and Tuesday, October 2, 2012, beginning at 10:30 a.m. in the City of Hamilton, McMaster Learning Centre, OMB Hearing Room #6, 50 Main Street East.

No further notice will be given. The Member is not seized.

So orders the Board.

“R. Rossi”

R. ROSSI
MEMBER