

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



**ISSUE DATE:** December 04, 2015

**CASE NO(S):** PL140601

**PROCEEDING COMMENCED UNDER** subsection 17(45) of the *Planning Act*, R.S.O. 1990, C. P. 13, as amended

Motion Request By: City of Hamilton  
Purpose of Motion: Request for an Order Dismissing the Appeals  
Appellant: 549637 Ontario Ltd.  
Jim and Elsie Chappel  
Grant Cook  
Christina and Filippo Di Saverio  
Marion Fazackerley and Wally Walford  
Sharon Restivo  
Vic and Gisele Rottaris  
Alberto and Nicoletta Volpini  
Correena Walford  
Marion and Clarence Walford-Fazackerley

Subject: Proposed Official Plan Amendment No. 17  
Municipality: City of Hamilton  
OMB Case No.: PL140601  
OMB File No.: PL140601

**PROCEEDING COMMENCED UNDER** subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 549367 Ontario Limited  
Appellant: 783878 Ontario Limited  
Appellant: 820 Barton St. Inc.  
Appellant: Jim & Elsie Chappel; and others  
Subject: Proposed Official Plan Amendment No. 17  
UHOP  
Municipality: City of Hamilton  
OMB Case No.: PL140601  
OMB File No.: PL140601

**Heard:** November 16, 2015 in Dundas, Ontario

**APPEARANCES:**

**Parties**

**Counsel**

City Of Hamilton

M. Kovacevic

Gino and Olindo DalBello

M. Rudolph

**MEMORANDUM OF ORAL DECISION DELIVERED BY M. A. SILLS ON NOVEMBER 16, 2015 AND ORDER OF THE BOARD**

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[1] This was a Settlement hearing with respect to an appeal by Gino and DalBello (“Applicants/Appellants”) of the Urban Hamilton Official Plan Amendment17 (“UHOPA 17”) (also known as the Fruitland-Winona Secondary Plan) as it pertains to their lands municipally known as 860 and 884 Barton Street (“subject lands”). Notably, the above captioned Motion to Dismiss is not proceeding as a result of the settlement.

[2] The proposed settlement results in the establishment of site specific policies in regard to permitted residential type and densities for the subject lands. These policy revisions are established by Site Specific Policy – Area K (Exhibit 1), and as illustrated on Map B.7.4-1 (Exhibit 2).

[3] Land use planning evidence in support of the proposed settlement and policy revisions was provided by City of Hamilton Senior Planner, Alissa Mahood. Ms. Mahood is a Full Member of the Canadian Institute of Planners and the Ontario Professional Planners Institute.

[4] It is Ms. Mahood’s professional opinion that the policy modifications being proposed are appropriate and represent good planning. The form of housing being proposed is appropriate for the subject lands and compatible with adjacent uses and properties. These policy modifications conform to intent of the Official Plan (“OP”) with respect to the provision of a variety of residence types, and achieve related policy

directives of the Growth Plan for the Greater Golden Horseshoe (“GP”) and the Provincial Policy Statement (“PPS”).

[5] Based on the uncontested evidence and expert opinion of Ms. Mahood the Board is satisfied that the policy modifications established by UHOPA 17 are appropriate and consistent with the principles of good land use planning. The policy revisions being proposed implement the intent of the OP with respect to housing form and densities, and are otherwise in conformity with the policy directives of the GP and the PPS.

### **ORDER**

[6] The Board orders that the appeal is allowed in part, and UHOPA 17 to the Official Plan of the City of Hamilton is amended in the manner set out Attachment 1 and as illustrated by Attachment 2, to this order.

*“M. A. Sills”*

M. A. SILLS  
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**

A constituent tribunal of Environment and Land Tribunals Ontario  
Website: [www.elfto.gov.on.ca](http://www.elfto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

**Address: 860 and 884 Barton Street (City of Hamilton)**  
Exhibit No.  
OMB File No. PL140601  
OMB Case No. PL140601  
File No. Fruitland-Winona Secondary Plan  
Date Printed: November 2015

**Site Specific Policy – Area K**



- 7.4.18.11 For the lands located at 860 and 884 Barton Street designated as Low Density Residential 2 and as shown as Site Specific Policy – Area K on Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan, the following policies shall apply:
- a) In addition to Section E.3.4 – Low Density Residential, all forms of townhouses shall be permitted;
  - b) Notwithstanding E.3.4.4 of Volume 1 and Policy 7.4.4.4 (a), the net residential density shall be greater than 20 units per hectare and shall not exceed 50 units per hectare; and,
  - c) Low-rise, ground related residential development that caters to a wide variety of housing types and demographics is encouraged.

**Address:**  
**860 and 884 Barton Street**  
 (City of Hamilton)

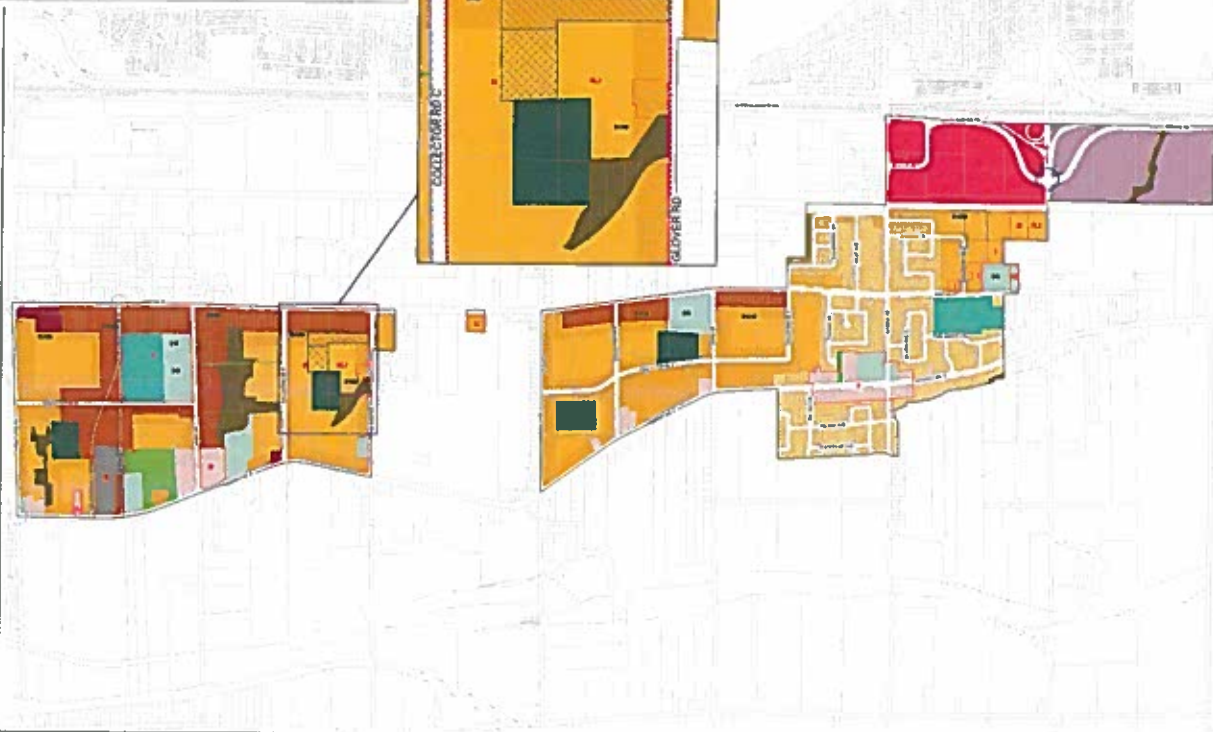
Exhibit No. \_\_\_\_\_  
 OMS File No. PL140801  
 OMS Case No. PL140801  
 File No. Fruitland-Winona Secondary Plan  
 Date Printed: October 2015
























**Appendix K**  
**Amendment No. 17**  
**to the Urban Hamilton Official Plan**

**Changes to be made to Appendix K**

-  Lands to be redesignated from "Low Density Residential 3" to "Medium Density Residential 2"
-  Lands to be identified as Site Specific Area "K"

Date	Revised By	Reference File No
October 21, 2015	AM/NB	OPA-U-17(5)



- Legend**
- Residential Designations**
-  Low Density Residential 1
  -  Low Density Residential 2
  -  Low Density Residential 3
  -  Low Density Residential 4
  -  Medium Density Residential 2
- Commercial and Mixed Use Designations**
-  Local Commercial
  -  District Commercial
  -  Artisan Craftsmen
- Parks and Open Space Designations**
-  Neighborhood Park
  -  Community Park
  -  General Open Space
  -  Natural Open Space
- Other Designations**
-  Employment Area - Quorum Plan
  -  Multifamily
  -  Elementary School
  -  Utility
  -  Storm Water Management
- Other Features**
-  Area of Site Specific Policy
  -  Lands in the Right of Way
  -  Major Gateway
  -  Minor Gateway
  -  Proposed Roads
  -  Secondary Plan Boundary

**Urban Hamilton Official Plan**  
**Fruitland-Winona**  
**Secondary Plan**  
 Land Use Plan  
 Map S.7.4-1



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