



Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment
City Hall
571 Main Street West
Hamilton, Ontario L5P 4Y5

Phone (905) 543-2454 ext.4221
Fax (905) 516-4202

PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.

FOR OFFICE USE ONLY.	
APPLICATION NO. <u>0118-16-266</u>	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the Planning Act, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

- Name of Owner Ms. Susan M. & Mr. Robert M. ... Telephone No. 905-304-0153
FAX NO. _____ E-mail address: msushie2@sympatico.ca
- Address 7 Cedaridge Court, Ancaster, Ontario
Postal Code L9G 4W5
- Name of Agent Watling Planning Consultants Inc. Telephone No. 905-881-1762 ext. 1
FAX NO. _____ E-mail address: glenn@watlingsplanning.ca
- Address 515 Locust Street, Unit B, Burlington, Ontario
Postal Code L7S 1V5

Note: Unless otherwise requested all communications will be sent to the agent, if any.

- Names and addresses of any mortgagees, holders of charges or other encumbrances:

Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:
To permit single-detached dwellings with frontage on a private road established
by plan of condominium whereas the R2 Zone standards of Zoning By-law 3581-86 requires
that single-detached dwellings have frontage on a public road.
7. Why it is not possible to comply with the provisions of the By-law?
See attached cover letter
8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
231 York Rd., Registered Plan No. 196. Pt. Park Blk. 3
9. PREVIOUS USE OF PROPERTY
Residential Industrial Commercial
Agricultural Vacant
Other _____
- 9.1 If Industrial or Commercial, specify use

- 9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
Yes No Unknown
- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?
Yes No Unknown
- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
Yes No Unknown
- 9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
Yes No Unknown
- 9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
Yes No Unknown
- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?
Yes No Unknown
- 9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
Yes No Unknown
- 9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
Yes No Unknown

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
Yes No Unknown

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?
Existing residential use and visual inspection.

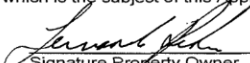
9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

July 19, 2016
Date


Signature Property Owner

Recchia Developments Inc. c/o Fernando Recchia
Print Name of Owner

10. Dimensions of lands affected:
Frontage 57.5 m
Depth 102.4 m
Area 4,112 sq. m
Width of street Approx. 26 metres

11. Particulars of all buildings and structures on or proposed for the subject lands:
(Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)
Existing: 1 single-detached dwelling - 1 storey

Proposed: 6 single-detached dwelling - 2 storeys

12. Location of all buildings and structures on or proposed for the subject lands;
(Specify distance from side, rear and front lot lines)
Existing: Front - 28 m (approx.)
Side - 7 m (approx.)
Rear - 36 m (approx.)

Proposed: See attached sketch

PART 24 AFFIDAVIT OR SWORN DECLARATION

This declaration to be sworn by a Commissioner of Oaths.

I, Glenn Wellings of the Halton Region of Burlington in the Halton City of Burlington

solemnly declare that:

All of the above statements are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the
at the Halton Region of Halton)
in the Halton City)
of Burlington)
this 19 day of July A.D. 20 16)

Monica Lise Visnovsky
A Commissioner, etc.

Glenn Wellings
Applicant

Monica Lise Visnovsky,
a Commissioner, etc., Province of Ontario,
for Wellings Planning Consultants Inc.
Expire May 26, 2019

PART 25 OWNERS AUTHORIZATION

As of the date of this application, I (NAME) Recchia Developments Inc. c/o Fernando Recchia am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

Fernando Recchia of Recchia Developments Inc.

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE July 19, 2016 SIGNED Fernando Recchia

PART 26 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, Recchia Developments Inc. c/o Fernando Recchia, the Owner, hereby agree and acknowledge
(Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

July 19, 2016
Date Fernando Recchia
Signature of Owner

13. Date of acquisition of subject lands:
January 2012
14. Date of construction of all buildings and structures on subject lands:
Approx. 30 years old
15. Existing uses of the subject property: Residential
16. Existing uses of abutting properties: Residential
17. Length of time the existing uses of the subject property have continued:
Unknown
18. Municipal services available: (check the appropriate space or spaces)
Water X Connected X
Sanitary Sewer Connected
Storm Sewers
19. Present Official Plan/Secondary Plan provisions applying to the land:
Urban Hamilton Official Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Dundas By-law 3581-86
21. Has the owner previously applied for relief in respect of the subject property?
Yes No
If the answer is yes, describe briefly.

22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
Yes No
23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.

July 20, 2016

Hand-Delivered

Mr. Scott Baldry
Secretary-Treasurer
Committee of Adjustment
Planning and Economic Development Department
City Hall, 71 Main Street West, 5th Floor
Hamilton, ON
L7P 4Y5

RECEIVED
JUL 20 2016
COM OF ADJUSTMT

Dear Mr. Baldry:

**Re: Minor Variance Application
Recchia Developments Inc.
231 York Road
City of Hamilton (Dundas)
Our File No.: 2015/18**

On behalf of Recchia Developments Inc. ("Recchia"), please find enclosed an application for minor variance for the lands located at 231 York Road in Dundas ("subject lands"). The subject lands are approximately 0.42 hectares (1.03 acres) in size with approximately 57.5 metres (188.5 feet) of frontage on York Road. The subject lands are situated on the north side of York Road east of Watsons Lane and west of Fieldgate Street.

The purpose of the minor variance application is to permit single-detached dwellings with frontage on a private road whereas the implementing Zoning By-law (3581-86) requires that dwellings have frontage on a public road.

Background

The Recchia lands have been the subject of two (2) previous Ontario Municipal Board (OMB) hearings where in both cases the Board refused the redevelopment of the subject lands for townhouses and semi-detached units respectively. City Council in opposing the latter redevelopment proposal for semi-detached units retained the services of an outside Planning Consultant. At the hearing, the City's Planning Consultant put forth an alternative concept for six (6) single-detached units on an internal private roadway.

Recchia formally consulted with City staff on May 16, 2016. At the Formal Consultation Meeting, Recchia presented a concept for six (6) single-detached units much similar to the proposal presented by the City's Planning Consultant at the OMB. With the exception of having frontage on a private vs. a public road, the Recchia concept would meet all other standards of the existing R2 Zone. Given this scenario, it was determined at the Formal Consultation Meeting that a minor variance would be appropriate to address the current Recchia proposal given the compliance to the vast majority of the R2 Zone standards.

Planning Opinion

It is important to note that the minor variance if approved could only be implemented through site plan and plan of condominium applications to establish a private road. These applications have yet to be filed with the City. The variance in itself cannot facilitate the proposed six (6) units however it is helpful in providing direction moving forward. The current R2 Zone at this time would only permit one (1) single-detached dwelling per lot (Section 6.16 of Zoning By-law).

It is my opinion that the variance requested satisfies the four (4) tests as set out in the *Planning Act*. The Neighbourhoods designation in the Urban Hamilton Official Plan provides for a full range of residential uses while the current R2 Zone permits single-detached dwellings on larger lots. As previously mentioned, with the exception of frontage on a private road the Recchia development concept would comply with all other provisions of the R2 Zone. It is my opinion that development on a private road in this case with direct access from York Road has no adverse impact on the immediate neighbourhood and is in keeping with the previous and most recent direction provided by the City at the OMB. It is also my opinion, and that of the City before the OMB, that a private road development is desirable for the appropriate use and development of the subject lands.

In support of the application, please find enclosed the following:

1. One (1) original plus one (1) copy of the completed application form;
2. One (1) cheque payable to the City of Hamilton in the amount of \$1,500.00 for the standard application fee; and,
3. Five (5) copies of the Site Plan concept (11" x 17") and one (1) full-size print of the Site Plan concept (24" x 36").

Please contact me if you have any questions or require additional information. Otherwise, I would request that you schedule this matter for the next available Committee of Adjustment hearing. Thanks you.

Yours truly,
WELLINGS PLANNING CONSULTANTS INC.


Glenn J. Wellings, MCIP, RPP

Copy: Fernando Recchia, Recchia Developments Inc.