



A. J. Clarke and Associates Ltd.
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January 31st, 2020

The City of Hamilton
Committee of Adjustment
Planning and Economic Development Department
71 Main Street West, 5th Floor
Hamilton, Ontario
L8P 4Y5

RECEIVED
JAN 31 2020
CITY OF HAMILTON

Attn: Mr. Scott Baldry - Secretary-Treasurer

**Re: Recirculation of Severance Application HM/B-19:23
684 Beach Boulevard, Hamilton**

Dear Sir,

Further to my recent correspondence with Jamila Sheffield; please accept the attached materials in support of the recirculation of HM/B-19:23. The application has been slightly modified from what was originally submitted. The initial submission consisted of two severance applications, whereby the applicant proposed the creation of a total of 4 lots, with two fronting onto Beach Boulevard and two fronting onto Knapmans Drive. The revised submission now only contemplates one severance application and the creation of two lots along Knapmans Drive, with the retention of the existing lot and dwelling at 684 Beach Boulevard. This will create a total of 3 lots, which are shown as Parts 1, 2 and 3 on the revised Severance Sketch, which is concurrently submitted. In this revised Proposal, Part 2 will be severed, whilst Parts 1 and 3 will be retained. Details of the revised frontage and area for each of the proposed Parts is shown in the below table.

At the initial Committee of Adjustment Hearing, the Committee had some concern with respect to the $\pm 2m$ road widening being requested along Knapmans Drive, which would further reduce the depth of the lots. The Committee was also concerned with the required 9.14 X 9.14m daylight triangle being requested at the intersection of Beach Boulevard and Knapmans Drive. The Applicant's agent has since submitted a Right-of-way Impact Assessment to City Transportation Staff for review. Staff have since confirmed that they will waive the required daylight triangle, and the required widening on Knapman's Drive. The correspondence between Staff and our office confirming same is also submitted.

Part Number	Lot Frontage (metres)	Lot Area (square metres)
Part 1	41.22 (Knapmans Drive)	561.04
Part 2	41.22 (Knapmans Drive)	556.50
Part 3	22.86 (Beach Boulevard)	803.81

The subject lands are an irregular "L" shaped lot with ± 22.86 metres of frontage along Beach Boulevard and 121.90 metres of flankage along Knapmans Drive. The lands are zoned as "C/S-1436" Urban Protected Residential Etc., with Site Specific Exception S-1436 also applicable to the subject lands (as implemented through By-law 99-170). This site specific exception provides regulations with respect to the finished floor elevation of any building, and certain lot standards



and regulations with respect to drainage and water flow.

All three of the resultant lots will be in conformity with the Zoning By-law with respect to the lot frontage and lot area requirements of the “C” Urban Protected Residential Etc, Zone. Although the lotting pattern is unconventional, the proposed lots would occupy the entire block along the south side of Knapmans Drive, south of Beach Boulevard; accordingly, there are no existing lots along this section of Knapmans Drive that establish a consistent lotting fabric. The only structure existing along the southern side of Knapmans Drive is the existing single detached dwelling at 684 Beach Boulevard. Accordingly, the proposed single detached dwellings on Parts 1 and 2 will establish a consistent streetscape character with respect to setbacks that is consistent with the existing dwelling at 684 Beach Boulevard.

The proposed lots are also oversized when analyzed in comparison to the minimum lot area requirements of the “C” District (360 m²). The proposed 13m side yard (westerly) will allow for ample amenity space and the proposed 4m rear yard (southerly) will provide ample building separation to adjacent development, and will not create any privacy/overlook concerns. These proposed yards will be legalized through the approval of a future Minor Variance Application, which will be obtained at the time of Site Plan Approval.

It is also important to note that the subject lands were previously subject to a Severance Application at 684 Beach Boulevard (HM/B-10:151), which proposed the creation of a total of three (3) lots of a similar size. The Severance Sketch for HM/B-10:151 is also concurrently submitted to demonstrate how the previous application and the subject application are almost identical. This application received a supportive Staff Report from City Staff and was subsequently approved by the Committee of Adjustment (Please refer to the concurrently submitted Decision HM/B-10:151, dated December 2nd, 2010). It is our understanding that although the consent received approval, the conditions associated with the approval were never cleared and the consent application therefore lapsed.

The subject application proposes the creation of the same number of lots, on the same lands, with similar resulting lot sizes as the approved application (HM/B-10:151).

It is also worth noting that this Application, as initially submitted, was supported by Staff through Staff Report HM/B-19:23.

Policy Consistency and Conformity

Further to question 5.1 of the attached application form, the following is submitted:

“Please provide an explanation of how the application conforms with a City of Hamilton Official Plan”

The proposed development is located within the “Neighbourhoods” designation within the City’s Urban Hamilton Official Plan (UHOP). Section E.3.0 provides policies for lands designated “Neighbourhoods” on Schedule E-1 (Urban Land Use Designations). The designation is broadly supportive of the development of complete communities that are made up of more than just homes, but include a variety of land uses. The proposed development conforms to the applicable policies of the “Neighbourhoods” designation, as it is a permitted use and conforms to the “Neighbourhoods” policies related to function, scale and design.



In addition to the designation specific policies of the UHOP, the proposed severance applications are also evaluated against the lot creation policies of Section 1.14.3; and against the residential intensification policies of Section B.2.4 of the UHOP. Each of these sections is discussed in detail below:

Residential Intensification

The City's residential intensification policies state that 40% of the City's intensification target is to be accommodated within the "Neighbourhoods" designation (Pol. 2.4.1.3 c)). With respect to the evaluation criteria outlined in Policy 2.4.1.4, the proposed development is of compatible built form and character to surrounding single detached development and integrates well with surrounding development in terms of use, scale, form and character. The proposed development represents an innovative and creative design technique to compatibly and appropriately develop what would otherwise be underutilized, serviced lands within the urban boundary. Accordingly, the proposed development generally satisfies the criteria outlined in Policy 2.4.1.4.

Section 2.4.2 of the UHOP deals specifically with residential intensification within the "Neighbourhoods" designation. Policy 2.4.2.2 of the UHOP outlines further evaluation criteria for residential intensification with the "Neighbourhoods" designation. The proposed development is compatible with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic and other nuisance effect. The appropriate technical studies will be provided after conditional approval to satisfy the applicable City departments in this regard, prior to final approval. The proposed single detached dwellings will also similar in terms of height and density to the surrounding neighbourhood. Although the proposed lots are irregular in their layout, the surrounding neighbourhood supports lots of various sizes and orientations with no consistent established lotting pattern. The general size and area of the proposed lots is consistent with surrounding lotting patterns, and will create a consistent street setback along the southern side of Knapmans Drive. Further, the size of the lots and proposed building setbacks provides ample room for private amenity areas. It is noted that the proposed development is within a Cultural Heritage Landscape and future development will need to be designed accordingly to complement existing cultural heritage attributes of the neighbourhood, which can be further explored through the require Site Plan Application process. Accordingly, the proposed development satisfies the criteria outlined in Policy 2.4.2.2. The specific design of the proposed dwellings will be further explored through the Site Plan Application process.

Lot Creation Policies

Policy 1.14.3.1 outlines the evaluation criteria for new lots for residential uses in the "Neighbourhoods" designation. It states that they shall be permitted provided the following conditions are met:

- a) *The lots comply with the policies of this Plan, including secondary plans, where one exists;*

The proposed lots comply with the applicable policies of the Urban Hamilton Official Plan, as indicated above. The subject lands are not within a Secondary Plan area, per Volume 2 of the UHOP.



b) The lots comply with existing Neighbourhood Plans;

The subject lands are designated “1 & 2 Family Residential” within the Hamilton Beach Neighbourhood Plan. The proposed lots will each contain a single family detached dwelling. Accordingly, the proposed lots comply with the existing Neighbourhood Plan.

c) The lots are in conformity with the Zoning By-law or a minor variance is approved;

The proposed lots (Parts 1, 2 & 3) are in conformity with the Zoning By-law with respect to lot area and frontage. A Minor Variance is only required to implement the proposed development envelope. At the Site Plan stage, once the specific relief required is known, a subsequent Minor Variance will be brought forward to this Committee in order to legalize any zoning deficiencies.

d) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;

The general scale and character of the established development pattern varies significantly in the surrounding area. Lot widths vary significantly from ± 9.15 m, to ± 33.5 m. Lot areas also vary significantly from ± 238 m² to ± 2000 m². The lot frontages and areas proposed are in keeping with the general range of nearby development and are compatible. The proposed development will conform to the applicable policies of the Zoning By-law (“C” District) with respect to building height, coverage and massing, and will therefore be consistent with nearby development.

With respect to setbacks, privacy and overview, the proposed development on Parts 1 and 2 will request reductions in the required front and rear yard setbacks through a future Minor Variance to be submitted at the Site Plan stage. The setbacks provided however, will provide appropriate separation between the proposed dwellings on Parts 1 & 2 and the rear amenity areas of the single detached dwellings fronting onto Wickman Avenue. This will mitigate any possible overlook or privacy impacts imposed on the rear yard amenity areas of the dwellings to the south. There is also ample amenity area in the westerly side yards to satisfy the demand of the proposed dwellings. The proposed front yard setback will establish a similar relationship to Knapmans Drive as the existing dwelling at 684 Beach Boulevard, and as the existing development along the north side of Knapman’s Drive, which primarily consists of smaller dwellings located close to the street. There is no other existing development along the south side of Knapmans Drive that establishes an appropriate relationship with the street. Accordingly, the lots reflect the general character of established development in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview. It is also noted that the proposed development is within a Cultural Heritage Landscape and the future dwellings will need to be designed accordingly, as determined at the Site Plan stage.

e) The lots are fully serviced by municipal water and wastewater systems; and,

According to the City of Hamilton’s online mapping system, municipal sanitary and water services are available along Knapmans Drive, and municipal storm sewers run along Beach Boulevard. The feasibility of servicing these lots with existing services will be confirmed through the detailed engineering design required at the Site Plan stage.



f) *The lots have frontage on a public road*

All of the proposed lots have frontage on either Beach Boulevard or Knapmans Drive.

Provincial Policy

Further to questions 7.1 a), b) & c) of the attached application form, the following is submitted:

“Is this application consistent with the Policy Statements issued under subsection “2” of the Planning Act?”

The proposed development has sufficient regard for the matter of provincial interest outlined in subsection 2 of the *Planning Act*.

“Is this application consistent with the Provincial Policy Statement (PPS)?”

This property is appropriate for development as it is within a settlement area as defined in the PPS, and settlement areas shall be the focus of growth. The subject lands are also within the built-up area and the proposed consent application will facilitate compatible residential intensification through infill development on full municipal water and wastewater services, and with frontage on a municipal road. Furthermore, the application is consistent with the PPS with respect to Section 3.1 - Natural Hazards; which directs development outside of the hazardous lands adjacent to the shorelines of the Great Lakes. As such, this application is consistent with the PPS.

“Does this application conform to the Growth Plan for the Greater Golden Horseshoe?”

The Growth Plan stresses the importance of optimizing the existing supply of land already within the built-up area for urban development (intensification) within the Greater Golden Horseshoe to avoid over-designating new land for future urban development. The proposal is consistent with the Growth Plan as it will encourage residential intensification through infill development and will optimize the use of existing infrastructure to support growth in a compact, compatible and efficient form. The proposed consent application is considered “gentle” intensification as it provides additional, compatible dwelling units within the urban boundary, while mitigating any potential adverse impacts on the surrounding neighbourhood. Both the severed and retained lands also have frontage onto a municipal public right-of-way. As such, the proposed development conforms to the P2G.

As required for the above-noted application, please find attached the following:

1. A recirculation fee in the amount of \$195.00.
2. Two (2) copies of an amended Page 2 and 3 of the Consent Application Form.
3. One (1) full size copy of the revised Severance Sketch to scale.
4. Two (2) copies of the revised Severance Sketch ch, reduced to 11x17.
5. One (1) copy of the Notice of Decision, Severance Sketch and Staff Report for previous Severance Application HM/B-10:151.
6. One (1) Copy of Staff Report HM/B-19:23.
7. One (1) Copy of correspondence from Transportation Planning re: the waiving of the



widening requirements along Knapman's Drive and the daylight triangle.

I trust this is satisfactory for your purposes and thank you for your co-operation in this matter. Should you have any questions or require additional information, please do not hesitate to contact our office.

Yours very truly,

Spencer Skidmore RPP, MCIP
Planner
A. J. Clarke and Associates Ltd.

Encl.

Copy: Mr. Kyle Camarro