



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: HM/B-20:47

SUBJECT PROPERTY: 20 Ainslie Ave., Hamilton

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
 - Applicant/agent on file, or
 - Person likely to be interested in this application
-

APPLICANT(S): Agent T. Johns Consulting Group c/o D. Morris
Owner 2652385 Ontario Inc. c/o J. Sharma

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land for residential purposes and to retain a parcel of land for the same. The existing residence will be removed to facilitate this application.

To be heard in conjunction with minor variance application HM/A-20:159.

Severed lands:

8.38m[±] x 36.59m[±] and an area of 306.0m^{2±}

Retained lands:

8.38m[±] x 36.59m[±] and an area of 306.0m^{2±}

This application will be heard by the Committee as shown below:

DATE: Thursday, September 17th, 2020

TIME: 1:25 p.m.

PLACE: Via video link or call in (see attached sheet for details)

To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

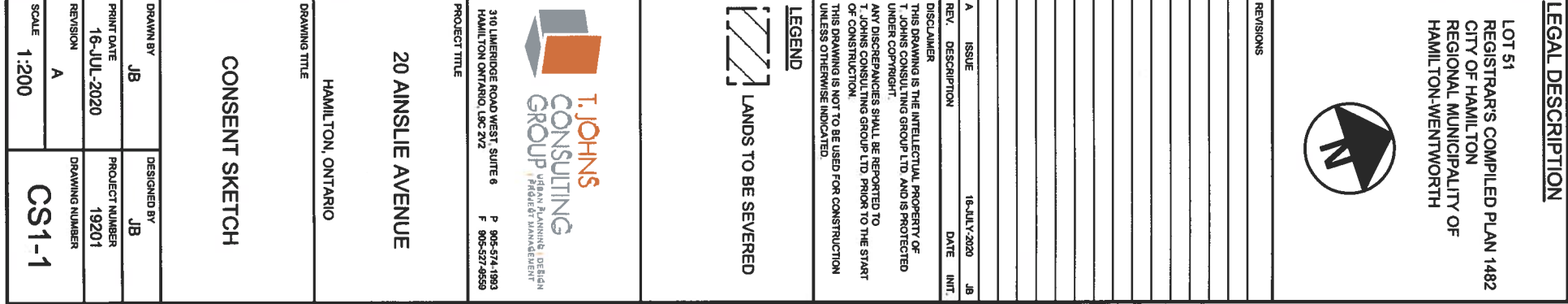
For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 4144
- Email Committee of Adjustment staff at cofa@hamilton.ca

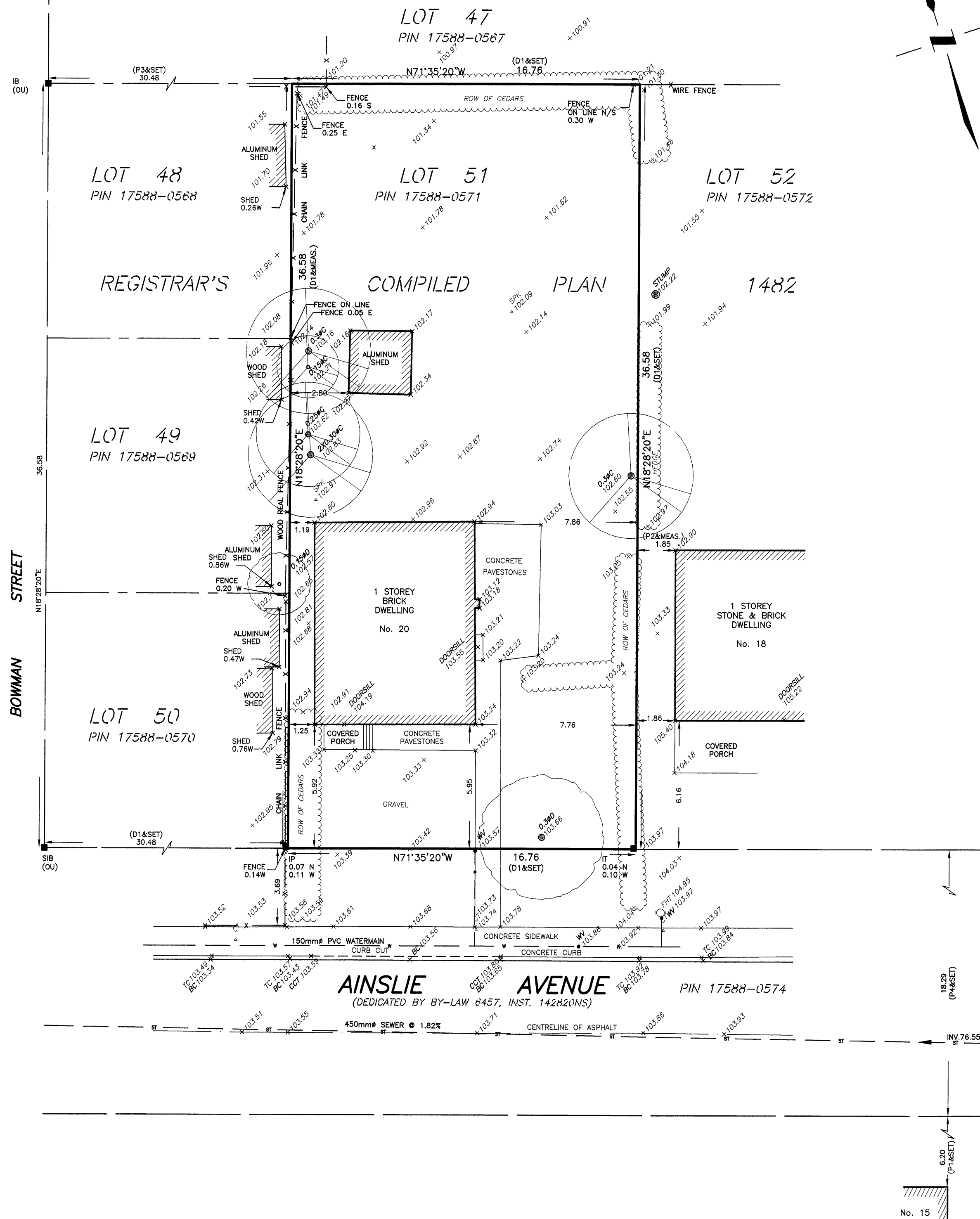
DATED: September 1st, 2020.

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.



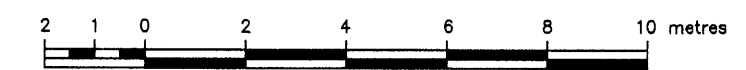
METRIC
DISTANCES SHOWN ON THIS PLAN ARE
IN METRES AND CAN BE CONVERTED
TO FEET BY DIVIDING BY 0.3048



SURVEYOR'S REAL PROPERTY REPORT

PLAN OF SURVEY WITH TOPOGRAPHY OF
LOT 51
REGISTRAR'S COMPILED PLAN 1482
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1 : 150



TARASICK McMILLAN KUBICKI LIMITED
ONTARIO LAND SURVEYORS

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REPORT SUMMARY

PROPERTY DESCRIPTION: 20 AINSIE AVENUE, BEING LOT 51,
REGISTRAR'S COMPILED PLAN 1482, CITY OF HAMILTON,
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH, PIN 17588-0571.

THERE ARE NO EASEMENTS REGISTERED ON TITLE.

COMMENTS: NOTE LOCATION OF FENCES.

ELEVATION NOTE

ELEVATIONS ARE REFERRED TO CANADIAN GEODETIC VERTICAL DATUM-1928
(1978 ADJUSTMENT), AND WERE DERIVED FROM ONTARIO CONTROL MONUMENT
No. 0011965U033, HAVING A PUBLISHED ELEVATION OF 100.149 metres.

BEARING NOTE

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE NORTHERLY
LIMIT OF AINSIE AVENUE AS SHOWN ON PLAN 62R-3975, HAVING A
BEARING OF N71°35'20"W.

LEGEND

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT PLANTED
IB	DENOTES	IRON BAR
SIB	DENOTES	STANDARD IRON BAR
IP	DENOTES	IRON PIPE
IT	DENOTES	IRON TUBE
TC	DENOTES	TOP OF CURB
BC	DENOTES	BOTTOM OF CURB
CCT	DENOTES	CURB CUT
MH	DENOTES	MANHOLE
WV	DENOTES	WATER VALVE
FHT	DENOTES	FIRE HYDRANT TOP
P1	DENOTES	PLAN 62R-3975
P2	DENOTES	MACKAY & MACKAY, O.L.S., AUG. 13, 1952
P3	DENOTES	MACKAY & MACKAY, O.L.S., MAY 18, 1951
P4	DENOTES	A.J. CLARKE AND ASSOCIATES O.L.S., OCT. 8, 1979
D1	DENOTES	INSTRUMENT HL213397
(OU)	DENOTES	ORIGIN UNKNOWN

0.20φ DENOTES DECIDUOUS TREE WITH TRUNK DIAMETER

0.20φ DENOTES CONIFEROUS TREE WITH TRUNK DIAMETER

TREE CANOPIES ARE DRAWN TO SCALE.

PREPARED FOR:

THIS REPORT WAS PREPARED FOR JAYANT SHARMA AND THE UNDERSIGNED
ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

SURVEYOR'S CERTIFICATE

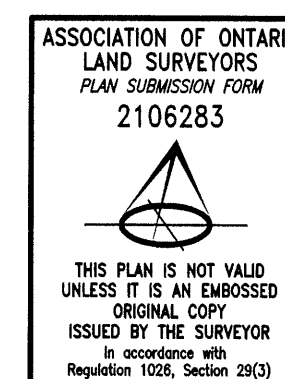
I CERTIFY THAT :

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE
WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE
REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON NOVEMBER 18, 2019.

NOVEMBER 20, 2019

DATE

BORYS KUBICKI
ONTARIO LAND SURVEYOR



TARASICK McMILLAN KUBICKI LIMITED
ONTARIO LAND SURVEYORS

4181 SLADEVIEW CRESCENT, UNIT 42, MISSISSAUGA, ONTARIO L5L 5R2
TEL: (905) 569-8849 FAX: (905) 569-3160
E-MAIL: office@tmksurveyors.com

DRAWN BY: H.P.

FILE No. 8322-SRPR-T



Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment
City Hall
5th floor, 71 Main Street West
Hamilton, Ontario L8P 4Y5

Phone (905) 546-2424, ext. 4221
Fax (905) 546-4202

**APPLICATION FOR CONSENT TO SEVER LAND
UNDER SECTION 53 OF THE PLANNING ACT**

Office Use Only

Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:
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1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS	PHONE/FAX
Registered Owners(s)	2652385 Ontario Inc. c/o Jayant Sharma		
Applicant(s)*	Same as above		
Agent or Solicitor	T. Johns Consulting Group c/o Diana Morris		

* Owner's authorisation required if the applicant is not the owner.

1.3 All correspondence should be sent to ☐ Owner ☒ Applicant ☐ Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality City of Hamilton	Lot 51	Concession	Former Township
Registered Plan N°. Registrar's Compiled Plan 1482	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 20 Ainslie Avenue, Hamilton ON, L8S 2J3			Assessment Roll N°.

2.2 Are there any easements or restrictive covenants affecting the subject land?

☐ Yes ☒ No

If YES, describe the easement or covenant and its effect:

3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

a) Urban Area Transfer (do not complete Section 10):

- ☒ creation of a new lot
☐ addition to a lot
☐ an easement

Other: ☐ a charge
☐ a lease
☐ a correction of title

b) Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):

- ☐ creation of a new lot
☐ creation of a new non-farm parcel
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation)
☐ addition to a lot
- Other: ☐ a charge
☐ a lease
☐ a correction of title
☐ an easement

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

3.3 If a lot addition, identify the lands to which the parcel will be added:
N/A

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed**:

Frontage (m)	Depth (m)	Area (m ² or ha)
8.38m	36.59m	306.0m ²

Existing Use of Property to be severed:

- ☒ Residential
☐ Agriculture (includes a farm dwelling)
☒ Other (specify) Concrete pave stones
- ☐ Industrial
☐ Agricultural-Related
- ☐ Commercial
☐ Vacant

Proposed Use of Property to be severed:

- ☒ Residential
☐ Agriculture (includes a farm dwelling)
☐ Other (specify)
- ☐ Industrial
☐ Agricultural-Related
- ☐ Commercial
☐ Vacant

Building(s) or Structure(s):

Existing: Vacant

Proposed: Single Detached Dwelling

Type of access: (check appropriate box)

- ☐ provincial highway
☐ municipal road, seasonally maintained
☒ municipal road, maintained all year
- ☐ right of way
☐ other public road

Type of water supply proposed: (check appropriate box)

- ☒ publicly owned and operated piped water system
☐ privately owned and operated individual well
- ☐ lake or other water body
☐ other means (specify)

Type of sewage disposal proposed: (check appropriate box)

- ☒ publicly owned and operated sanitary sewage system
☐ privately owned and operated individual septic system
☐ other means (specify)

4.2 Description of land intended to be **Retained**:

Frontage (m)	Depth (m)	Area (m ² or ha)
8.38m	36.59m	306.0m ²

Existing Use of Property to be retained:

- ☒ Residential
☐ Agriculture (includes a farm dwelling)
☐ Other (specify)
- ☐ Industrial
☐ Agricultural-Related
- ☐ Commercial
☐ Vacant

Proposed Use of Property to be retained:

- ☒ Residential ☐ Industrial ☐ Commercial
☐ Agriculture (includes a farm dwelling) ☐ Agricultural-Related ☐ Vacant
☐ Other (specify) _____

Building(s) or Structure(s):

Existing: Single detached dwelling to be demolished

Proposed: Single detached dwelling to be constructed

Type of access: (check appropriate box)

- ☐ provincial highway ☐ right of way
☒ municipal road, seasonally maintained ☐ other public road
☐ municipal road, maintained all year

Type of water supply proposed: (check appropriate box)

- ☒ publicly owned and operated piped water system ☐ lake or other water body
☐ privately owned and operated individual well ☐ other means (specify) _____

Type of sewage disposal proposed: (check appropriate box)

- ☒ publicly owned and operated sanitary sewage system
☐ privately owned and operated individual septic system
☐ other means (specify) _____

4.3 Other Services: (check if the service is available)

- ☒ electricity ☒ telephone ☒ school bussing ☒ garbage collection

5 CURRENT LAND USE

5.1 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): _____

Urban Hamilton Official Plan designation (if applicable) UHOP: Neighbourhoods
Ainslie Wood Westdale Secondary Plan:
Low Density Residential 2

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

See Appendix A: Planning Rationale

5.2 What is the existing zoning of the subject land? Urban Protected Residential, Etc. "C/S-1335,
C/S-1335a, C/S-720, C/S-1788" District, Modified)
If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? _____

5.3 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard	<input type="checkbox"/>	

A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 PREVIOUS USE OF PROPERTY

- ☒ Residential
 ☐ Industrial
 ☐ Commercial
☐ Agriculture
 ☐ Vacant
 ☐ Other (specify)

- 6.1 If Industrial or Commercial, specify use _____
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
☐ Yes ☒ No ☐ Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?
☐ Yes ☒ No ☐ Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
☐ Yes ☒ No ☐ Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
☐ Yes ☒ No ☐ Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
☐ Yes ☒ No ☐ Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
☐ Yes ☒ No ☐ Unknown
- 6.8 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
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
☐ Yes ☐ No ☒ Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
☐ Yes ☒ No ☐ Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?
Owner's knowledge
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, 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

7 PROVINCIAL POLICY

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)
- ☒ Yes
 ☐ No
Represents good land use planning, providing an appropriate residential use that does not over intensify the subject lands.

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

☒ Yes ☐ No (Provide explanation)

This application is consistent with the Provincial Policy Statement, in that growth is directed to Settlement Areas adjacent to existing development

c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?

☒ Yes ☐ No (Provide explanation)

This application is consistent with the Growth Plan, in that the site is located in Built-Up area which is already serviced and contributes to achieving growth targets.

d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)

☐ Yes ☒ No

e) Are the subject lands subject to the Niagara Escarpment Plan?

☐ Yes ☒ No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?

☐ Yes ☐ No

(Provide Explanation)

f) Are the subject lands subject to the Parkway Belt West Plan?

☐ Yes ☒ No

If yes, is the proposal in conformity with the Parkway Belt West Plan?

☐ Yes ☐ No (Provide Explanation)

g) Are the subject lands subject to the Greenbelt Plan?

☐ Yes ☒ No

If yes, does this application conform with the Greenbelt Plan?

☐ Yes ☐ No (Provide Explanation)

8 HISTORY OF THE SUBJECT LAND

8.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?

☐ Yes ☐ No ☒ Unknown

If YES, and known, indicate the appropriate application file number and the decision made on the application.

8.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

8.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land? ☐ Yes ☒ No

If YES, and if known, provide for each parcel severed, the date of transfer, the name of the transferee and the land use.

8.4 How long has the applicant owned the subject land?

The subject property was purchased August 9, 2019

8.5 Does the applicant own any other land in the City? ☒ Yes ☐ No

If YES, describe the lands in "11 - Other Information" or attach a separate page.

9 OTHER APPLICATIONS

9.1 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval? ☐ Yes ☒ No ☐ Unknown

If YES, and if known, specify file number and status of the application.

9.2 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?

☐ Yes ☒ No ☐ Unknown

If YES, and if known, specify file number and status of the application(s).

File number _____ Status _____

10 RURAL APPLICATIONS

10.1 Rural Hamilton Official Plan Designation(s)

☐ Agricultural ☐ Rural ☐ Specialty Crop
☐ Mineral Aggregate Resource Extraction ☐ Open Space ☐ Utilities
☐ Rural Settlement Area (specify) _____

Settlement Area

Designation

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm operation.

10.2 Type of Application (select type and complete appropriate sections)

☐ Agricultural Severance or Lot Addition
☐ Agricultural Related Severance or Lot Addition
☐ Rural Resource-based Commercial Severance or Lot Addition
☐ Rural Institutional Severance or Lot Addition

(Complete Section 10.3)

☐ Rural Settlement Area Severance or Lot Addition

☐ Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)

☐ Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

10.3 Description of Lands

a) Lands to be Severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from in Section 4.1)
----------------------------------	--

Existing Land Use: _____ Proposed Land Use: _____

b) Lands to be Retained:

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

(Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of consolidated farm (excluding lands intended to be severed for the surplus dwelling):

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use: _____ Proposed Land Use: _____

d) Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: _____

e) Surplus farm dwelling date of construction:

☐ Prior to December 16, 2004 ☐ After December 16, 2004

f) Condition of surplus farm dwelling:

☐ Habitable ☐ Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

(Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

Frontage (m):	Area (m2 or ha):
---------------	------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of surplus dwelling lands intended to be severed:

Frontage (m): (from Section 4.1)	Area (m2 or ha): (from Section 4.1)
----------------------------------	-------------------------------------

Front yard set back: _____

d) Surplus farm dwelling date of construction:

☐ Prior to December 16, 2004 ☐ After December 16, 2004

e) Condition of surplus farm dwelling:

☐ Habitable ☐ Non-Habitable

f) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m2 or ha): (from Section 4.2)
----------------------------------	-------------------------------------

Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

The registered owner also owns 266 Broadway Avenue, Hamilton.

12 SKETCH (Use the attached Sketch Sheet as a guide)

12.1 The application shall be accompanied by a sketch showing the following in metric units:

- the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- the approximate location of all natural and artificial features (for example, buildings, barns, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
 - are located on the subject land and on land that is adjacent to it, and
 - in the applicant's opinion, may affect the application;
- the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private

August 11, 2020

Jamila Sheffield, Secretary Treasurer
Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield:

**RE: Minor Variance and Consent Applications
20 Ainslie Avenue, Hamilton**

T. Johns Consulting Group (T. Johns) has been retained by the landowner of the above-referenced lands to submit the minor variance and consent applications on their behalf to construct 2 new single-detached dwellings.

Description of Subject Lands

20 Ainslie Avenue is located north-west of Hwy 403 and east of Bowman Street. The subject lands have an approximate area of 0.06ha (613.1sqm) with 16.76m of frontage on Ainslie Avenue and a depth of 36.58m. The lands are currently occupied by a one (1) storey single detached dwelling, which will be demolished to construct two (2) new single-detached dwellings.

Planning Status

The subject land is designated “*Neighbourhoods*” on Schedule E-1 of the *Urban Hamilton Official Plan (“UHOP”)*. The Neighbourhoods designation permits low density residential infill redevelopment for gentle intensification within the interior of stable neighbourhoods, subject to reflecting the character of the neighbourhood.

The subject lands are also designated “*Low Density Residential 2*” of Volume 2- *Ainslie Woods Secondary Plan*. This designation permits single-detached dwellings, which are the primary form of housing located within the interior of a neighbourhood.

The former City of Hamilton By-law No. 6593 zones the lands ‘C’ which permits single-detached dwellings. However, both the retained and severed lots require relief from the regulations to permit reduced lot width, lot area and increase the gross floor area.

Proposed Development

The applicant is proposing to demolish the existing single-detached dwelling and build 2 new dwellings. This requires a consent application to create 1 new lot and minor variance application to provide relief from the existing zoning regulations.

Request for Formal Consultation

T. Johns respectfully requests that this letter and enclosed documents be circulated to all relevant Departments at the City of Hamilton and outside agencies for commenting. We look forward to discussing the proposal with you:

Please find the enclosed:

- Two (2) copies of the Minor Variance Application;
- Two (2) copies of the Consent Application;
- Five (5) copies of the Survey Plan;
- Five (5) copies of the Planning Rationale;
- Two (2) copies of floor plans/elevations for each proposed dwelling/lot;
- Three (3) copies of the Consent Sketch;
- One (1) cheque in the amount of \$2,845.00 made payable to the City of Hamilton to satisfy the Consent application fee, and;
- One (1) cheque in the amount of \$3,302.00 made payable to the City of Hamilton to satisfy the Minor Variance application fee.

Should you have any questions or require additional information, please do not hesitate to contact Diana Morris at (905) 574-1993 ext. 202.

Respectfully Submitted,
T. JOHNS CONSULTING GROUP LTD.



Diana Morris, BA, MCIP, RPP
Senior Planner

T. Johns Consulting Group has prepared this Planning Rationale Report in support of the Consent to Sever and Minor Variance applications for 20 Ainslie Avenue, Hamilton (“subject lands”).

Proposed Development

The proposed development is for two (2) single detached dwellings that are proposed to be 2-storeys in height. Each dwelling is proposed to provide a minimum of two (2) parking spaces; one (1) in the garage and one (1) in the driveway. Each lot will meet the required zoning setbacks required for a single detached dwelling. The proposed dwellings are to be freehold tenure.

To facilitate the proposed development, a Consent to Sever application is required to retain “Part 1” of Ainslie Street and sever “Part 2” to establish a new lot. Both the retained and sever lot require relief from Zoning By-law No. 6593, “C” District regulations to permit a reduced lot width, lot area and increased gross floor area.

Nature and extent of relief applied for:

Three (3) Minor Variances are being sought from the former City of Hamilton Zoning By-law No. 6593, as amended, Subsection 9.4 and Amending By-law No. 95-02 Section 1.b to facilitate a Consent to Sever to establish a new single detached lot.

PLANNING RATIONALE TO SUPPORT THE VARIANCES:

Overall Conformity to the Urban Hamilton Official Plan, Volume 1

The Urban Hamilton Official Plan Volume 1 Schedule E-1 designates the subject lands “*Neighbourhoods*”. The Neighbourhoods designation permits low density residential infill redevelopment for gentle intensification within the interior of stable neighbourhoods, subject to reflecting the character of the neighbourhood (E.3.2.3, E.3.2.4).

The Urban Hamilton Official Plan Volume 2, Ainslie Woods Secondary Plan, further designates the subject lands “*Low Density Residential 2*”. The objectives of the Secondary Plan are to provide diversity of suitable housing choice for families, students, seniors and others while maintaining existing low density, single detached areas. The Low Density Residential 2 (“LDR2”) area permits single detached dwellings, which are also the primary form of housing located within the interior of the neighbourhood (B.6.2.5.4.i). New infill housing is to be compatible with existing development. Changes to the existing housing stock shall be comparable to existing housing styles on the same block and street. New construction shall be encouraged to reflect similar housing styles, massing, height, setbacks and other elements of style as the adjacent homes (B.6.2.5.3.c). Where there is a less consistent style of homes on a street or block, compatible

styles reflecting one style or a suitable combination should be planned rather than being of a height or style not found in the area (B.6.2.5.3.d).

The proposed Consent to Sever and Minor Variances will facilitate one (1) new residential lot, in addition to the retained lot, in which each can accommodate the construction of two (2) new single detached dwellings. The subject lands are located northwest of the Bowman Street and Ainslie Avenue intersection. Ainslie Avenue is a dead-end street. There are two (2) existing single detached dwellings to the east of the subject lands, which are one to two-storeys in height with a mix of materials including red brick, stone and vinyl siding. The roof pitches also vary, with both gable and hip roofs with dormers.

There is not a consistent housing style within the existing neighbourhood. However, the proposed dwelling design, although 2-storeys, is reflective of the mix in housing typologies in the area, which in part, establishes the desirable and eclectic character of the neighbourhood. Further, the proposed infill redevelopment includes the construction of two (2) new dwellings of similar scale and massing. As such, the pair of dwellings will be cohesive and each will have exterior materials reflective of materials found throughout the neighbourhood, including the immediate block. Please see floor plans and elevations submitted with this planning rationale/applications.

As the subject lands are located at the end of a local street, the subject lands are not located on a well-travelled route and therefore, the proposed dwellings will not have as much exposure to the general public realm.

VARIANCE 1. To allow a lot width of 8.3 metres and an area of 300 square metres, whereas a lot width of 12 metres and an area of 360 square metres is required.

Why is it not possible to comply with the provision of the by-law?

The proposed lot width and area is required to permit the Consent to Sever to create a new lot to facilitate the construction of a single detached dwelling. The overall lot width is 16.76 metres and the overall lot area is approximately 613.1 square metres. As such, to establish two (2) separate lots, a variance to reduce the lot width to 8.3 metres and a lot area of 300 square metres is required.

PLANNING RATIONALE TO SUPPORT THE VARIANCE:

1. Conformity to the Intent of the Zoning By-law

The residential use of a single-family dwelling is permitted within the “C” (Urban Protected Residential, Etc.) District. The proposed lot width can accommodate 1.2 metre side yards and a feasible dwelling width. The proposed lot area can accommodate a minimum 6.0 metre front yard with a minimum of 50% landscaping and a 7.5 metre rear yard with a feasible dwelling length. The

proposed lot width and area facilitate a single-family dwelling that can comply to applicable setback requirements and therefore, meeting the intent of the zoning by-law.

2. Is the Variance Minor?

The requested variance to reduce lot width and area is minor as the proposed single detached lots can accommodate a single-detached dwelling that will contribute to the diverse character of the neighbourhood that respects the existing lot fabric.

3. Is the Variance Desirable for the development of the property?

The request is desirable as it facilitates two (2) single-detached dwellings that are suitable for families. The proposed residential infill development is a form of gentle residential intensification within a stable neighbourhood with a form and typology that is compatible with the existing low density residential areas. The subject lands are unique as the existing lot of record is over 16 metres in width and near the end of a dead-end street, integrated within the neighbourhood.

VARIANCE 2. To allow a maximum gross floor area ratio of 0.65 whereas a maximum gross floor area ratio of 0.45 square metres is permitted.

Why is it not possible to comply with the provision of the by-law?

The proposed infill redevelopment requires a 300 square metre lot area, instead of the required 360 square metres. As a result of the request for a reduction in lot area, the permitted floor area ratio (FAR) is reduced. The intent of the proposed lot creation and variances is to facilitate family-sized detached dwellings. Further, the site-specific regulation requires that the cellar is included in the GFA calculation, which typically is excluded. The increase in GFA accounts for the cellar area, which will not have an impact on the above-grade scale and massing of the proposed dwellings. The proposed GFA, excluding the cellar is 142.81 sq.m. which equates to a FAR of 0.47. However, for the purposes of including the cellar, the required variance is proposed to increase the permitted FAR to 0.65 from 0.45.

PLANNING RATIONALE TO SUPPORT THE VARIANCE:

4. Conformity to the Intent of the Zoning By-law

The intent of the FAR is to ensure lots are not overbuilt and as discussed in OMB Case No. PL130972, was implemented to prevent “Monster Homes” at the size of 3,500 square feet. The proposed increase in FAR is calculated based on a dwelling design that is 2-storeys with a “cellar”, as defined, which includes 4 bedrooms, 2 bathrooms and living and kitchen areas. The proposed dwelling complies to and exceeds the required setbacks. As such, the proposed lot area is

sufficient to provide required setbacks, amenity area, on-site parking and a 2-storey dwelling. The proposed increase in FAR will not facilitate an overbuilt lot.

5. Is the Variance Minor?

The requested variance to increase the proposed GFA based on a 0.65 FAR from 0.45 FAR is minor as the increase in floor area does not require relief of zoning setbacks or parking. The proposed lot coverage is approximately 27%, which is aligned with the existing lot coverage in the surrounding area which ranges between 13% to 40%.

6. Is the Variance Desirable for the development of the property?

The request is desirable as it facilitates two (2) single-detached dwellings that are suitable for families. The proposed residential infill development is a form of gentle residential intensification within a stable neighbourhood. The subject lands are unique as the existing lot of record is over 16 metres in width and is located at a dead-end street, interior to the existing neighbourhood. The character of the existing neighbourhood consists of the integration of one and two-storey dwellings. The proposed two-storey dwellings will be integrated within the surrounding character of the existing neighbourhood with the use of similar materials and setbacks.

OMB Case No. PL130972 regarding lands at 38 Holmes Avenue heard a Case subject to a Minor Variance to increase the FAR to permit a 2-storey detached dwelling 1,512 square feet above grade. Through the Decision Delivered by M.C. Denhez and Order of the Board, the variance was granted for similar reasons and rationale outlined above. Rationale included that a $\pm 1,500$ square foot home above grade does not constitute “*the kind of dwelling that the By-law intended to control, particularly when the City had specified that its apprehensions pertained to 3,500 square foot houses.*”

Further, the nature of the neighbourhood is eclectic and the fact that two dwellings of similar scale, massing and style will be neighbouring each other, a similar scale and massing will be established. There are existing dwellings on Ainslie Avenue that range from 890 square feet to 1,700 square feet above grade. The Ainslie Woods neighbourhood is eclectic in nature and the proposed 1,537 square foot home above grade will contribute and enhance the streetscape.

Conclusion

In conclusion, the request variances to permit a reduced lot width and lot area as well as increase the Floor Area Ratio to permit the creation of a new lot and the construction of two (2) single-detached dwellings; one (1) on each of the retained and severed lots, are minor and desirable for the reasons that it will facilitate gentle intensification of family-sized dwellings. The proposed consent and variances will allow for compact urban development with a scale and massing that

will not conflict with the existing character of the neighbourhood. The proposed development represents good planning and is recommended for approval.

Respectfully Submitted,
T. Johns Consulting Group Ltd.

A handwritten signature in dark ink, appearing to read "D Morris".

Diana Morris, BA, MCIP, RPP
Senior Planner