

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-20:62

SUBJECT PROPERTY: 123 Stanley 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): GSP Group Inc. (Ashley Paton) on behalf of the owner The Trustees of Blessings Christian Church

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land containing an existing dwelling (to remain) and to retain a parcel of land containing a church (to remain)

Severed lands:

8.14m[±] x 37.8m[±] and an area of 305m^{2±}

Retained lands:

26.8m[±] x 62.3m[±] and an area of 2,036m^{2±}

**This application will be heard in conjunction with
Minor Variance Application HM/A-20:200**

The Committee of Adjustment will hear this application on:

DATE: Thursday, November 5th , 2020

TIME: 1:15 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.

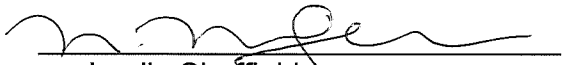
Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

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 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: October 20th, 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.

PLAN FOR SEVERANCE
 PART 1, PLAN OF PART OF
LOTS 251 & 254, BLOCK "B"
 AND ALL OF
LOTS 250, 252 & 253, BLOCK "B"
REGISTERED PLAN 253
 IN THE
CITY OF HAMILTON

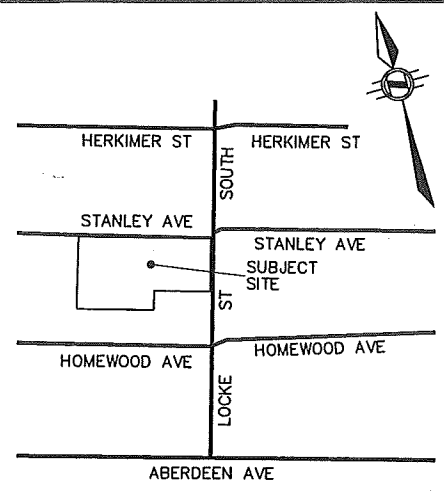
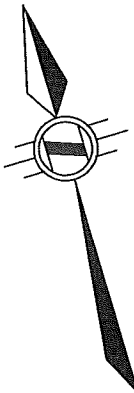
SCALE 1:200 METRIC



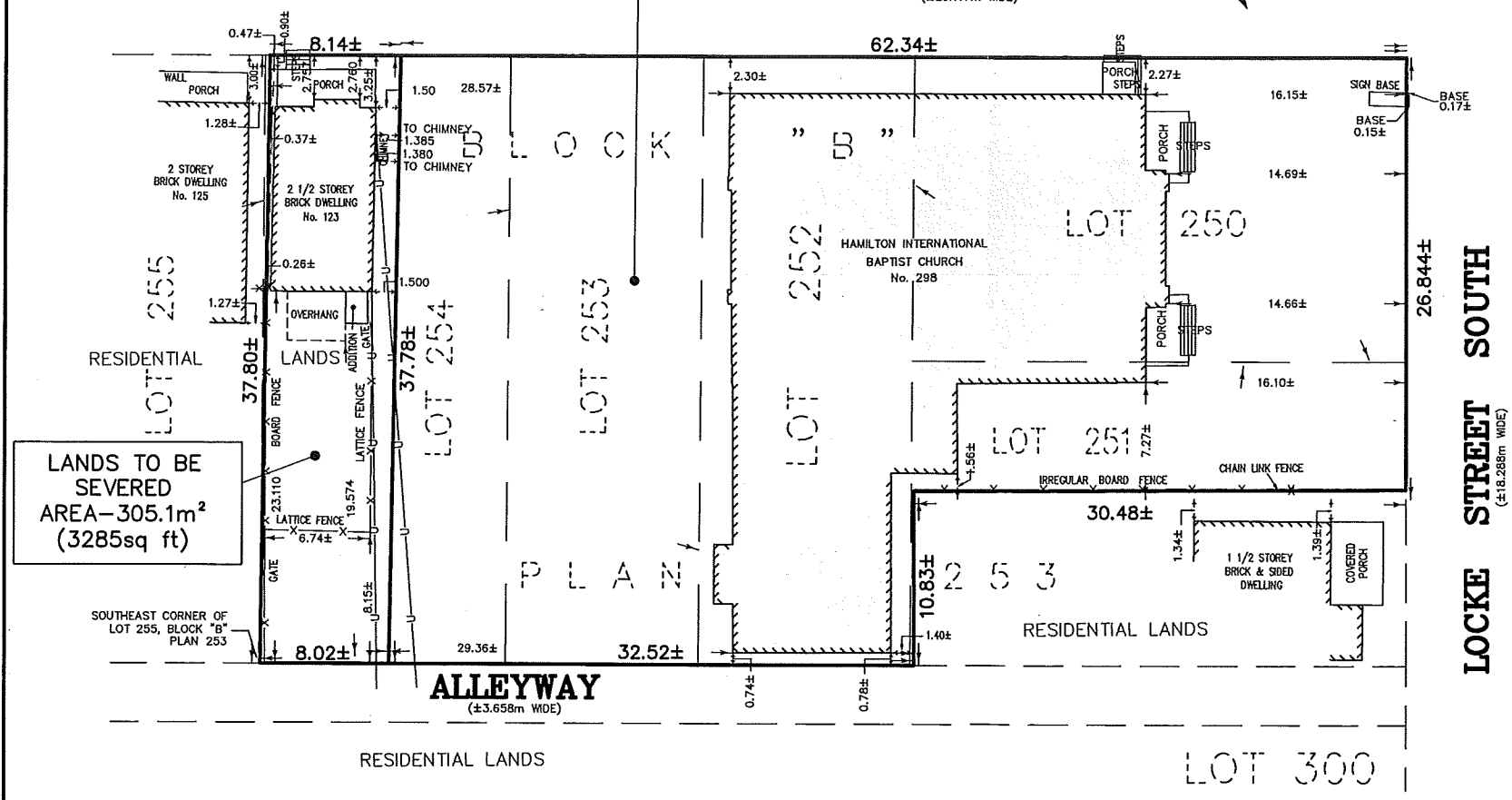
S.D. McLAREN, O.L.S. - 2020

LANDS TO BE
 RETAINED
 AREA-2036.1 m²
 (21916 sq ft)

STANLEY AVENUE
 (±20.117m WIDE)



KEY PLAN Not To Scale



LANDS TO BE
 SEVERED
 AREA-305.1m²
 (3285sq ft)

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

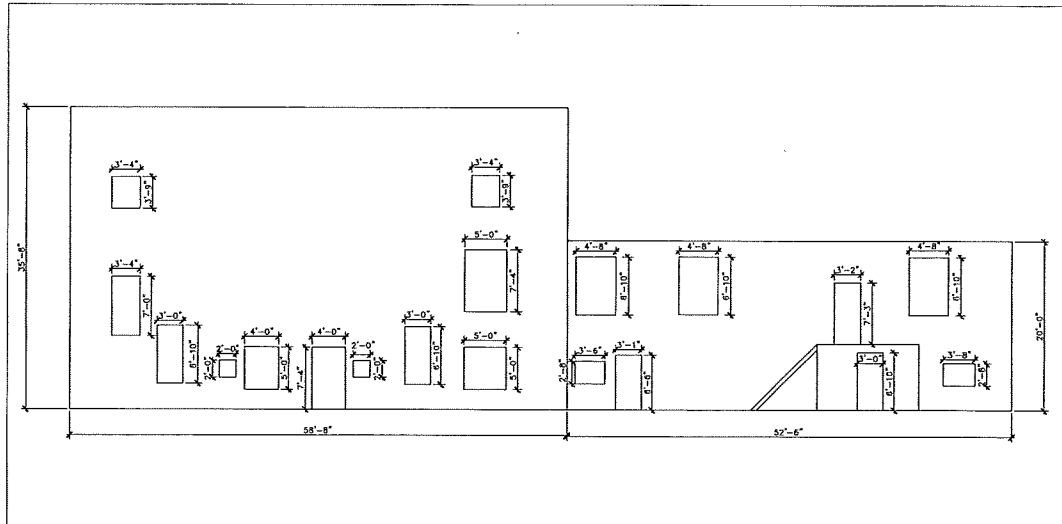
Aug 7, 2020
 DATE

S. Dan McLaren
 S. DAN McLAREN, O.L.S.

© S.D. McLAREN, O.L.S. - 2020. NO PERSON MAY COPY REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF S.D. McLAREN, O.L.S.

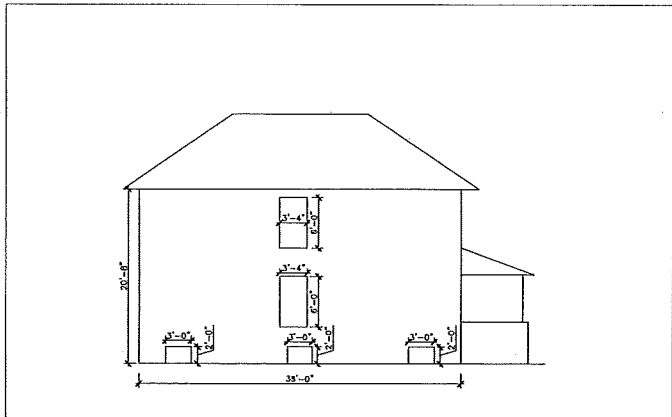
A.T. McLaren Limited
 LEGAL AND ENGINEERING SURVEYS
 69 JOHN STREET SOUTH, SUITE 230
 HAMILTON, ONTARIO, L8N 2B9
 PHONE (905) 527-8559 FAX (905) 527-0032

Drawn JB	Checked DG	Crew Chief DW	Scale 1:200	Dwg.No. 36394-LDC
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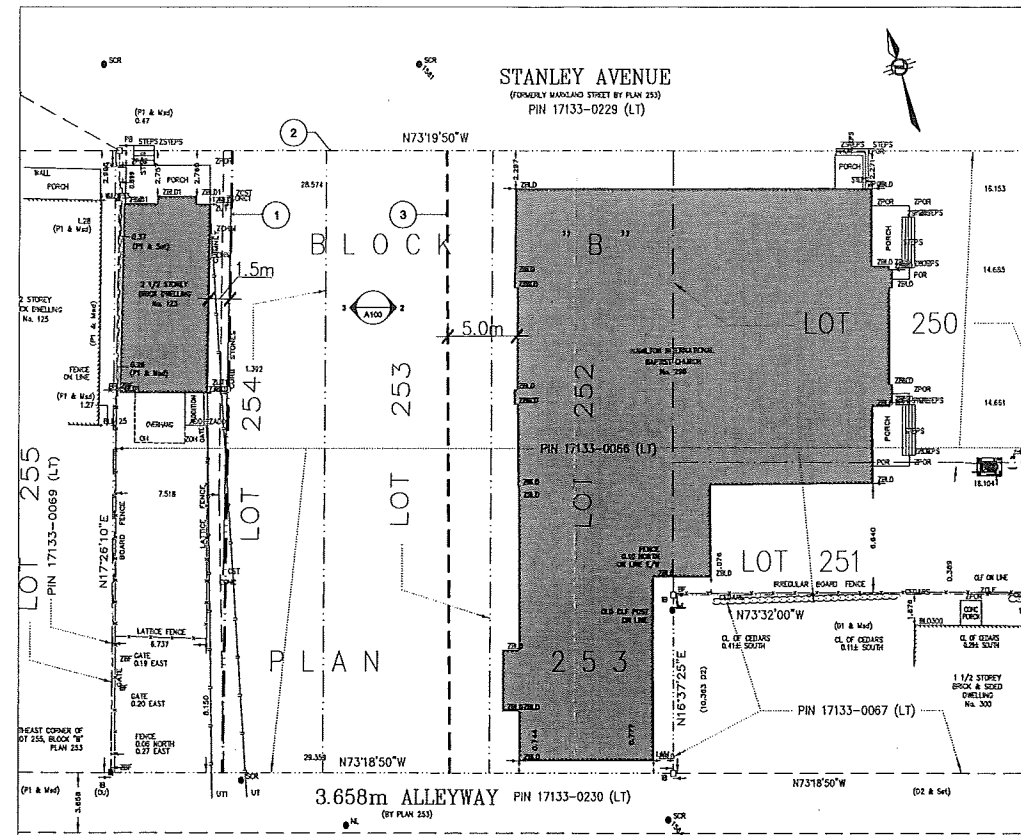
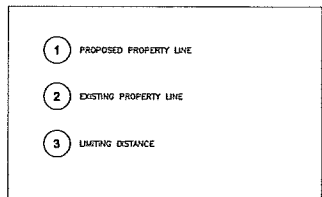
EXISTING UNPROTECTED OPENINGS
HAMILTON INTERNATIONAL BAPTISM
298 STANLEY AVE.

WEST ELEVATION
CHURCH
SCALE: 1/8" = 1'-0" A-100



EXISTING UNPROTECTED OPENINGS
2 1/2 STOREY BRICK DWELLING
123 STANLEY AVE.

EAST ELEVATION
HOUSE
SCALE: 1/8" = 1'-0" A-100



THIS SITE PLAN TAKEN FROM SURVEY COMPLETED BY A.T.MCLAREN LIMITED

LIMITING DISTANCE CALCULATION:

WEST ELEVATION CHURCH:
UNPROTECTED OPENING: 12.3%
MAX TOTAL AREA OF EXPOSING BUILDING FACE:
291.9 Sqm
RATIO(L/H):
LENGTH: 33.88m AVERAGE HEIGHT: 8.48m
PER OBC TABLE 3.2.3.1.B
LIMITING DISTANCE 5m

EAST ELEVATION HOUSE:
UNPROTECTED OPENING: 7.4%
MAX TOTAL AREA OF EXPOSING BUILDING FACE:
72.9 Sqm
PER OBC TABLE 9.10.14.4
LIMITING DISTANCE 1.5m

SITE
SCALE 1/16" = 1'-0" A-100

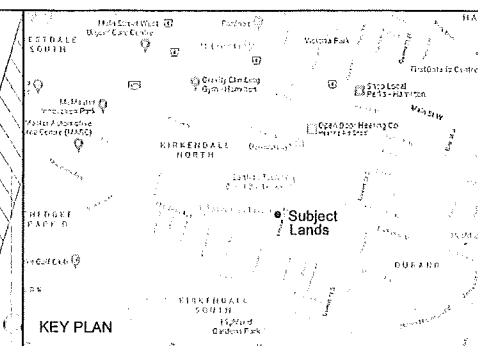
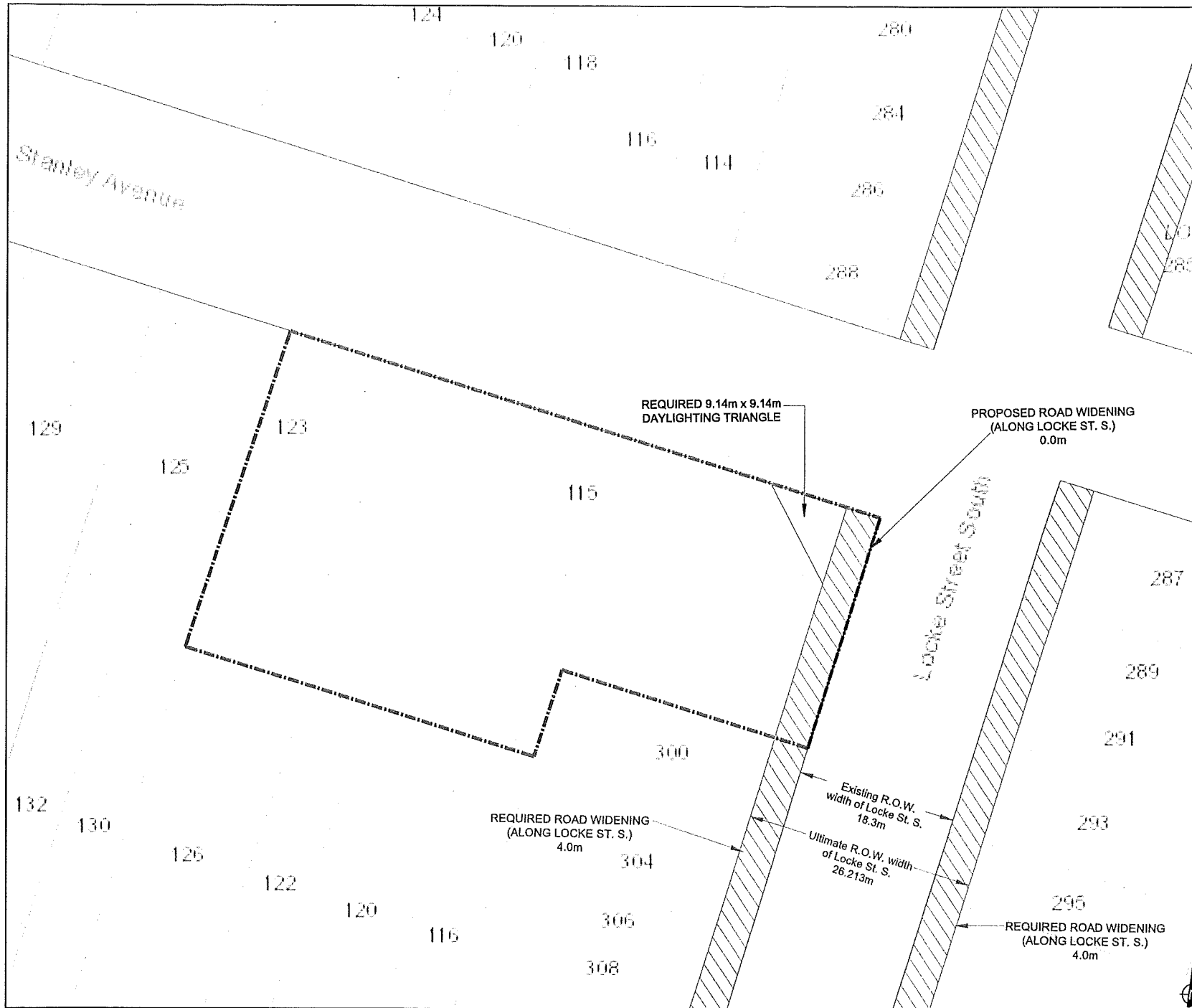


NO.	SEVERANCE APPLICATION	20/08/11
REVISION		

DRAWING TITLE	ELEVATION & SITE PLAN
PROJECT NAME	123 STANLEY AVE & 298 LOCKE SOUTH



DRAWN	SF	CHECKED
SCALE	1/8" = 1'-0"	DATE 20/07/29
PROJECT NO.		REF
DRAWING NO.	A100	



APPENDIX A RIGHT-OF-WAY ASSESSMENT

298 LOCKE ST. SOUTH & 123 STANLEY AVENUE
 CITY OF HAMILTON

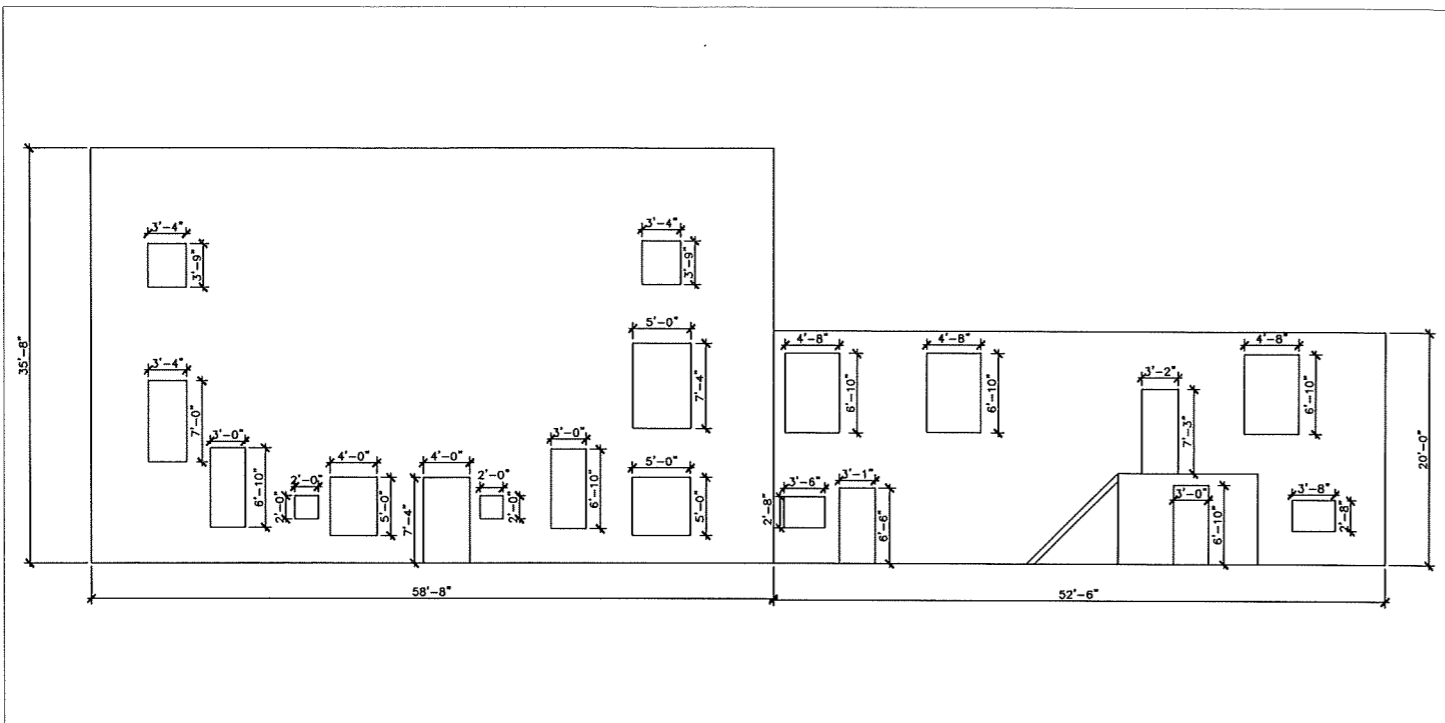
- SUBJECT LANDS
- R.O.W. EDGE
- PROPOSED RIGHT-OF-WAY DEDICATION
- REQUIRED RIGHT-OF-WAY DEDICATION
- EXISTING BUILDINGS

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 PLANNING | URBAN DESIGN | LANDSCAPE ARCHITECTURE
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REVISIONS

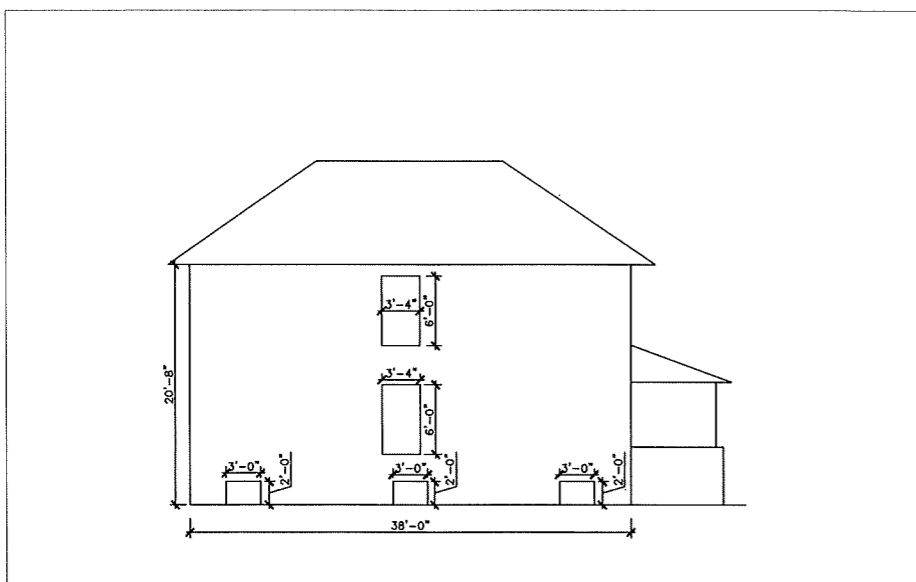
Date: August 16, 2020
 Scale: 1:200
 Drawn By: S.L.
 Project No.: 20112

Dwg. File Name: row20112a.dwg



EXISTING UNPROTECTED OPENINGS
HAMILTON INTERNATIONAL BAPTISM
298 STANLEY AVE.

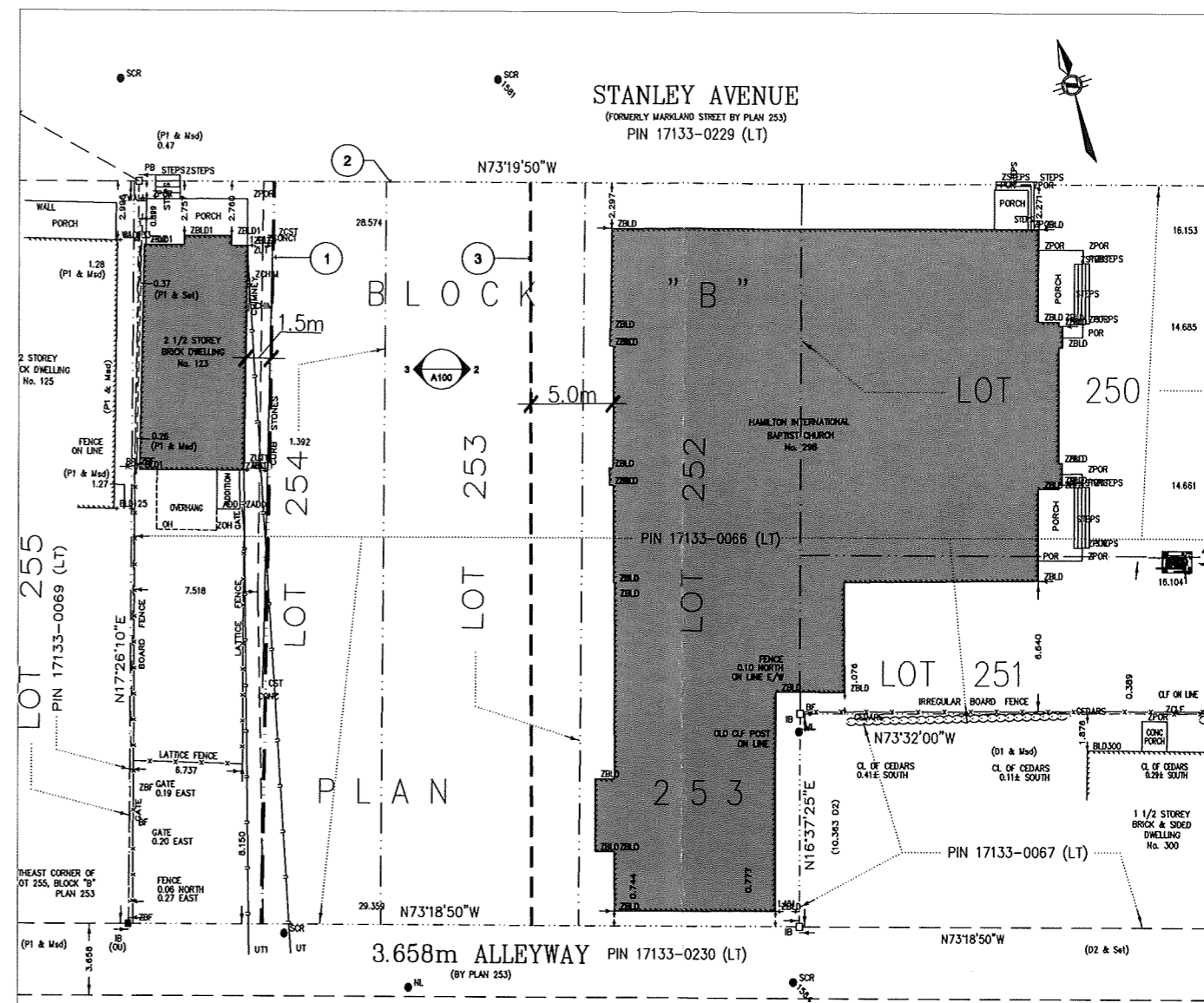
WEST ELEVATION
CHURCH SCALE: 1/8" = 1'-0" A-100



EXISTING UNPROTECTED OPENINGS
2 1/2 STOREY BRICK DWELLING
123 STANLEY AVE.

EAST ELEVATION
HOUSE SCALE: 1/8" = 1'-0" A-100

- 1 PROPOSED PROPERTY LINE
- 2 EXISTING PROPERTY LINE
- 3 LIMITING DISTANCE



THIS SITE PLAN TAKEN FROM SURVEY COMPLETED BY A.T.MCLAREN LIMITED

LIMITING DISTANCE CALCULATION:

SITE SCALE 1/16" = 1'-0" A-100

WEST ELEVATION CHURCH:
UNPROTECTED OPENING: 12.3%
MAX TOTAL AREA OF EXPOSING BUILDING FACE:
291.9 Sqm
RATIO(L/H):
LENGTH: 33.88m AVERAGE HEIGHT: 8.48m
PER OBC TABLE 3.2.3.1.B
LIMITING DISTANCE 5m

EAST ELEVATION HOUSE:
UNPROTECTED OPENING: 7.4%
MAX TOTAL AREA OF EXPOSING BUILDING FACE:
72.9 Sqm
PER OBC TABLE 9.10.14.4
LIMITING DISTANCE 1.5m

mcCallumSather

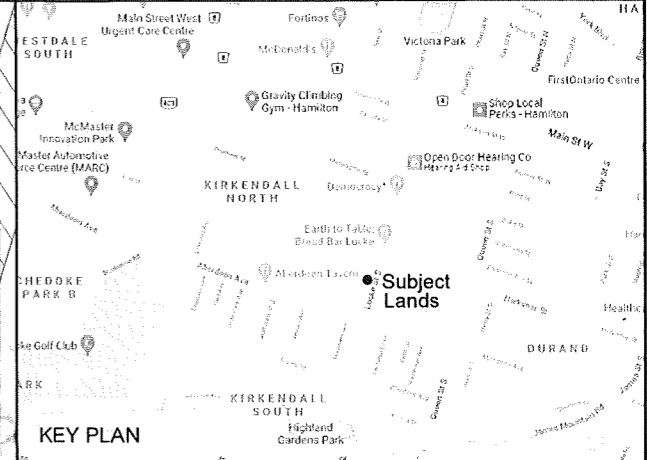
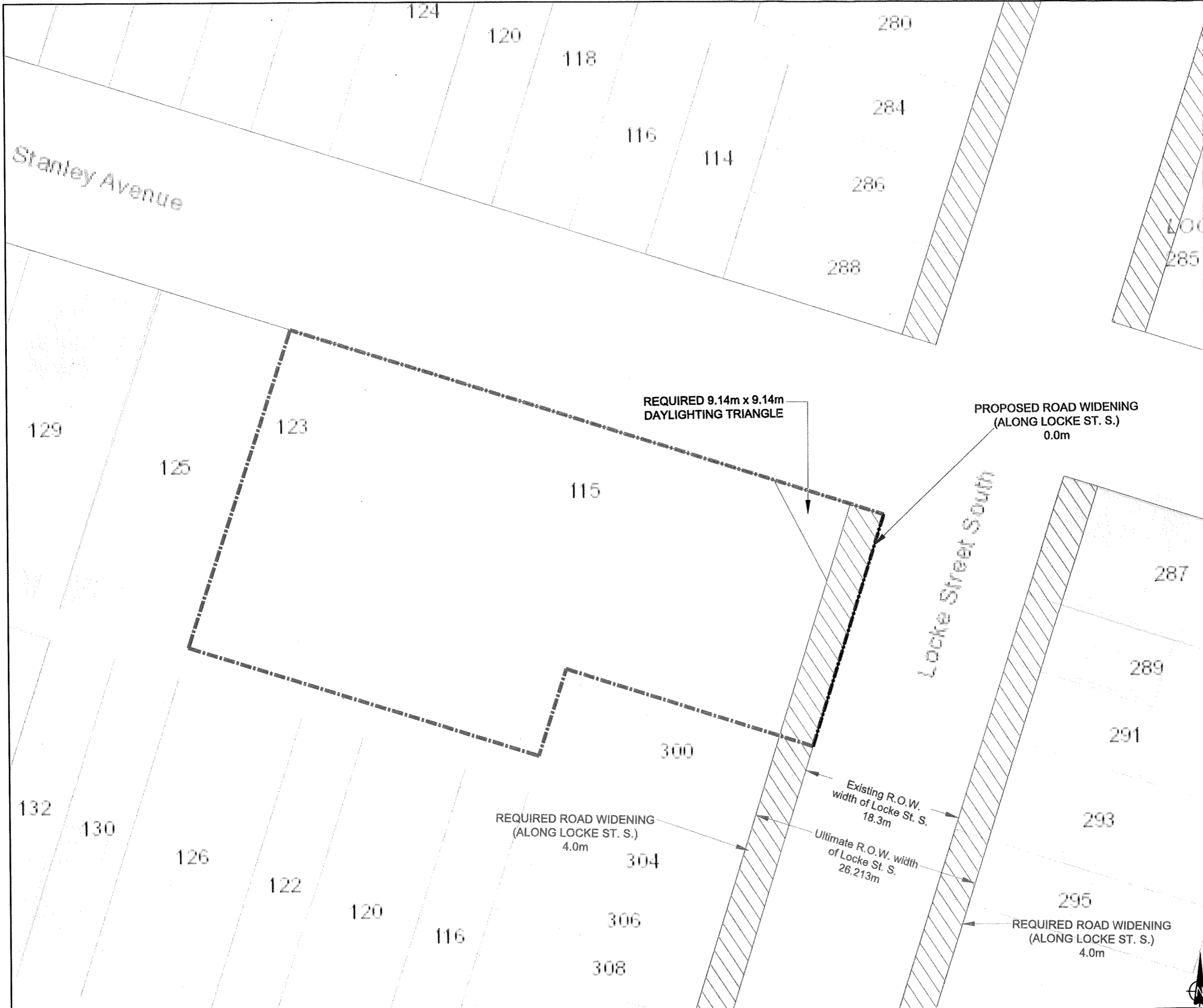
NO.	SEVERANCE APPLICATION	20/08/11
REVISION		

DRAWING TITLE
ELEVATION & SITE PLAN

PROJECT NAME
123 STANLEY AVE & 298 LOCKE SOUTH



DRAWN	SF	CHECKED
SCALE	1/8" = 1'-0"	DATE 20/07/29
PROJECT NO.		REF
DRAWING NO.		A100



APPENDIX A RIGHT-OF-WAY ASSESSMENT

298 LOCKE ST. SOUTH & 123 STANLEY AVENUE
CITY OF HAMILTON

- SUBJECT LANDS
- R.O.W. EDGE
- PROPOSED RIGHT-OF-WAY DEDICATION
- REQUIRED RIGHT-OF-WAY DEDICATION
- EXISTING BUILDINGS

GSP group
PLANNING | URBAN DESIGN | LANDSCAPE ARCHITECTURE
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REVISIONS



SHAPING GREAT COMMUNITIES

September 15, 2020

File No: 20112

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

Dear Ms. Sheffield:

**Re: 298 Locke Street South and 123 Stanley Avenue
Blessings Christian Church
Consent and Minor Variance Applications**

GSP Group is the planning representative of The Trustees of Blessings Christian Church the owner of the property municipally addressed as 298 Locke Street South and 123 Stanley Avenue (the "Site"). The Site is located at the south west corner of Locke Street South and Stanley Avenue. There is an existing 3-storey brick church building at 298 Locke Street South with a paved parking area at the rear, accessible via a driveway access on Stanley Avenue. There is a 2.5 storey duplex residential dwelling at 123 Stanley Avenue contains 2 separate units. The property currently has an approximate area of 2,341 sq m with frontages of 26.844 m on Locke Street South and 70.48 m on Stanley Avenue.

The purpose of the requested severance is to create separate ownership and use of the church and the residential dwelling. The inclusion of the residential dwelling on the church property is a historical anomaly and not aligned with the church's charitable purposes, which is the reason why the church is looking to create a separate lot.

The Site is located within the "Neighbourhood Institutional" District (I1) under Zoning By-law 05-200. The existing zoning permits a place of worship and a duplex

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72 Victoria Street South, Suite 201, Kitchener, ON N2G 4Y9 519 569 8883
162 Locke Street South, Suite 200, Hamilton, ON L8P 4A9 905 572 7477
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dwelling (containing 2 dwelling units). The following variances are requested for the severed lot:

1. A minimum lot area of 305 sq m is permitted for the severed lot whereas 330 sq m is required.
2. A minimum lot width of 8.1 m is permitted for the severed lot whereas 12 m is required.

In support of the Minor Variance and Consent applications, please find enclosed the following:

- Two (2) copies of the completed application forms for the Consent Application;
- Two (2) copies of the completed application forms for the Minor Variance Application;
- One (1) cheque in the amount of \$2,845.00 made payable to the City of Hamilton for the 2020 Standard Application Fee for the Consent Application;
- One (1) cheque in the amount of \$3,302.00 made payable to the City of Hamilton for the 2020 Standard Application Fee for the Minor Variance Application;
- One (1) copy of the Planning Justification Brief prepared by GSP Group (dated August 26, 2020);
- One (1) copy of the Right-of-Way Impact Assessment prepared by GSP Group (dated August 20, 2020)
- One (1) 11" x 17" copy of the Draft Reference Plan prepared by A.T. McLaren Limited (dated August 7, 2020); and
- One (1) 11" x 17" copy of the Limiting Distance Calculation and Drawing prepared by McCallum Sather (dated August 11, 2020).

Should you have any questions or require any additional information, please do not hesitate to contact me at 905-572-7477 ext. 2 or via email at apaton@gspgroup.ca.

Yours truly

GSP Group Inc.



Ashley Paton, B.U.R.P.I, MCIP, RPP
Planner / Urban Designer

cc. *The Trustees of Blessings Christian Church*



SHAPING GREAT COMMUNITIES

August 20, 2020

File No: 20112

City of Hamilton
Planning and Economic Development Department; Planning Division
71 Main Street West, 5th Floor
Hamilton ON, L8P 4Y5

Attention: Anita Fabac, Manager of Development Planning, Heritage, and Design
& Shannon McKie, Senior Project Manager - Urban

Re: **Right-of-Way Impact Assessment – Waiver Request for Consent
298 Locke Street South and 123 Stanley Avenue, Hamilton
Request for Formal Consultation**

Blessings Church is the owner of the property municipally addressed as 298 Locke Street South and 123 Stanley Avenue in the City of Hamilton (hereinafter referred to as the “Site”). GSP Group Inc. has been retained to provide professional planning services on the owner’s behalf.

The Site is located at the south west corner of Locke Street South and Stanley Avenue. There is an existing 3-storey brick church building at 298 Locke Street South with a parking area at the rear, accessible via a driveway access on Stanley Avenue. There is a 2.5 storey duplex residential dwelling at 123 Stanley Avenue containing 2 separate units. The property has an approximate area of 2,366 sq m with frontages of 27.5 m on Locke Street South and 70 m on Stanley Avenue

The purpose of this submission is to request consideration that the required road widening and daylighting triangles be reduced. This request has been evaluated against the criteria contained in the City of Hamilton’s Right-of-Way (“ROW”) Impact Assessment Guidelines (hereinafter referred to as the “Guidelines”). The guidelines indicate that the requested road widening may not be appropriate if it can be demonstrated that it would result in significant adverse impacts on one or more of the following criteria:

1. Existing building form;
2. Existing streetscape;
3. Natural heritage system; or
4. Cultural heritage resources

PLANNING | URBAN DESIGN | LANDSCAPE ARCHITECTURE

72 Victoria Street South, Suite 201, Kitchener, ON N2G 4Y9 519 569 8883
162 Locke Street South, Suite 200, Hamilton, ON L8P 4A9 905 572 7477
gspgroup.ca

Current Road Dedication and Daylighting Requirements

As outlined on “Schedule C: Functional Road Classification” of the Urban Hamilton Official Plan (“UHOP”), Locke Street South is a “Collector road” and Stanley Avenue is a local road. Adjacent to the Site, Locke Street South is currently ± 18.3 m and Stanley Avenue is ± 20.1 m in width. The UHOP identifies Collector roads as having a maximum right-of-way (“ROW”) width of 26.213 m (Policy C.4.5.2.e.ii) and local roads as having a maximum ROW width of 20.117 m (Policy C.4.5.2.f.ii). This equates to a potential road widening dedication to the City of Hamilton of 4.0 m along each side of Locke Street. No further road widening along Stanley Street is required. **Appendix A** illustrates the extent of the required widening pursuant to these current policies.

In addition, UHOP Policy C.4.5.7 requires the conveyance of property for appropriate daylighting triangle and corner rounding on existing roads as a condition of consent. A 9.14 m x 9.14 m daylighting triangle is required on a corner lot where a collector and local road intersect. Based on this, a 9.14 m x 9.14 m daylighting triangle in the north east corner of the Site is required to be conveyed to the City of Hamilton.

The Guidelines

The Guidelines are supported by the Urban Hamilton Official Plan (“UHOP”) policy C.4.5.6.5, which states:

C.4.5.6.5 “Notwithstanding Policies C.4.5.6, C.4.5.6.1, C.4.5.6.3, and C.4.5.7, and in addition to Policy C.4.5.3, the City may waive or accept less lands to be dedicated than the maximum road widening and/or daylighting triangle requirements where, in the opinion of the City:

- a) It is determined through a development planning approval process that due to significant adverse impacts on:
 - i) existing built form;*
 - ii) natural heritage features;*
 - iii) an existing streetscape; or,*
 - iv) a known cultural heritage resource;**

it is not feasible or desirable to widen an existing road allowance to the maximum road widening or provide the full daylight triangle as set in Section C.4.5.2, Schedule C-2 – Future Road Widening, or Section C.4.5.7, and that the City’s objectives for sustainable infrastructure, complete streets and mobility can be achieved; or,

- b) An alternative road width or daylighting triangle size has been deemed appropriate through a City initiated environmental*

assessment, streetscape master plan, area master plan, secondary planning study, or other transportation or planning study approved by Council, and provided it does not affect the safe and planned operation of the roadway. (OPA 49)”

The following analysis has been prepared to describe and evaluate the requested road widenings against these considerations. Based on the following analysis, the dedication is requested to be modified as follows:

ROW Affected	Widening/Dedication		Change
	Required	Proposed	
Locke Street	4.0 m	0.0 m	- 4.0m
Corner of Locke and Stanley	9.14 m x 9.14 m	0.0 m x 0.0 m	-9.14 m x 9.14 m

Impacts on Existing Built Form

Providing the full required widening along Locke Street South would not have adverse impacts on the existing built form on the Site but would set a detrimental precedent for other properties on the block and adjacent blocks.

The table below indicates the existing front yard setbacks for buildings on the east and west sides of Locke Street South between Stanley Avenue to the north and Homewood Avenue to the south. Those highlighted in yellow indicate that, if a precedent it set on the Site and the full required road widening and daylighting triangle would be required, there would be significant adverse impacts to the existing built form.

Address	Existing Front Yard Setback
300 Locke Street S	<u>+1.1 m</u>
304 Locke Street S	<u>+2.0 m</u>
306 Locke Street S	<u>+2.3 m</u>
308 Locke Street S	<u>+2.3 m</u>
310 Locke Street S	<u>+2.4 m</u>
312 Locke Street S	<u>+2.6 m</u>
314 Locke Street S	<u>+2.6 m</u>

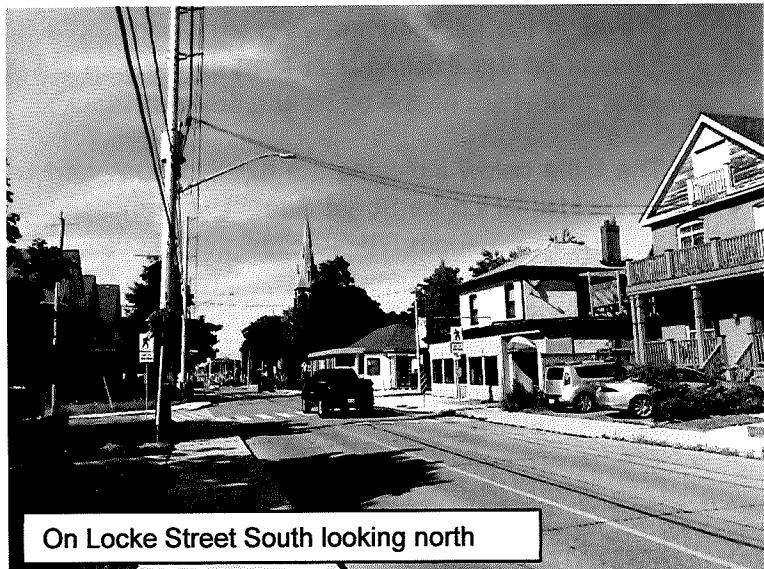


Address	Existing Front Yard Setback
287 Locke Street S	±0 m
289 Locke Street S	±4.3 m
291 Locke Street S	±1.4 m
293 Locke Street S	±1.4 m
295 Locke Street S	±4.1 m
96 Homewood Avenue (Melrose United Church)	±3.5 m

Based on the above analysis, the full requested road widening of 4.0 m would affect all of the existing buildings along Locke Street South. If taken from the Site, a precedent would be set and a future road widening would conflict with all of the existing buildings along Locke Street South.

Impacts on Existing Streetscape

The existing streetscape along Locke Street South (see image below) is comprised of mainly low-rise residential dwellings (2-2.5 storey) with a couple of converted dwellings used as commercial units. As shown in the tables above, almost all of the buildings within the same block as the Site as well as the block on the east side of Locke Street are pulled close to the street with setbacks between 0 m and 3.0. Locke Street South’s existing ROW width, low-rise residential character, and the presence of nearby schools and places of worship contribute to lower vehicle speeds and a pedestrian-orientated and scaled streetscape.



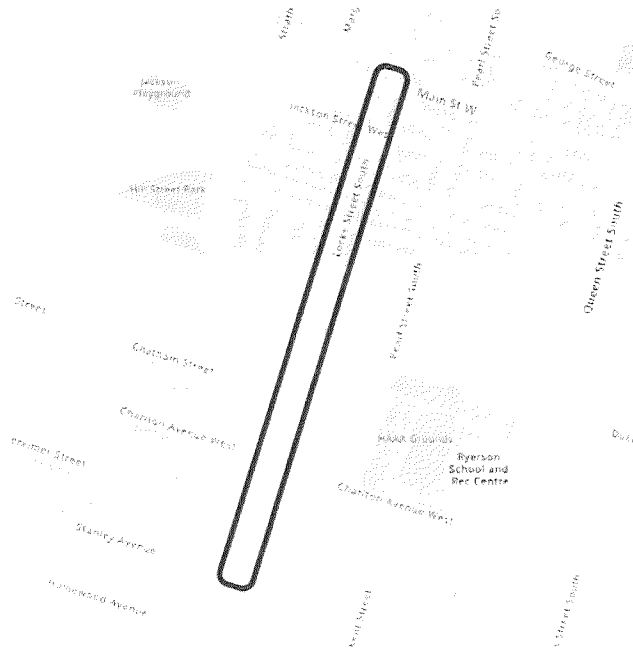
On Locke Street South looking north

If taken on both the east and west sides of Locke Street South, a road widening of 8.0 m represents a 43% increase in the ROW width. This width is unreasonable given the urban condition and policies in the Urban Hamilton Official Plan about fostering a sense of place and encouraging active transportation and given the low-rise, pedestrian scale of the streetscape.

I recognize that part of the City’s reasoning in requesting road widening dedications is to provide for additional public amenity space, wider sidewalks, and a more pedestrian- and cyclist-friendly streetscape. Locke Street South, between Main Street West and Stanley Avenue just underwent extensive road reconstruction, utility upgrades (sewage and water), and streetscape improvements (i.e. street furniture, urban trees, curb/sidewalk upgrades). During this project (construction was from March 2019 to November 2019), no road widenings were required to complete the work along the entire length of the work area (Main Street West to Stanley Avenue). In terms of amenity area and sidewalks, the Site

already provides a well-maintained grassed area with mature trees and a 2.1 m-wide sidewalk.

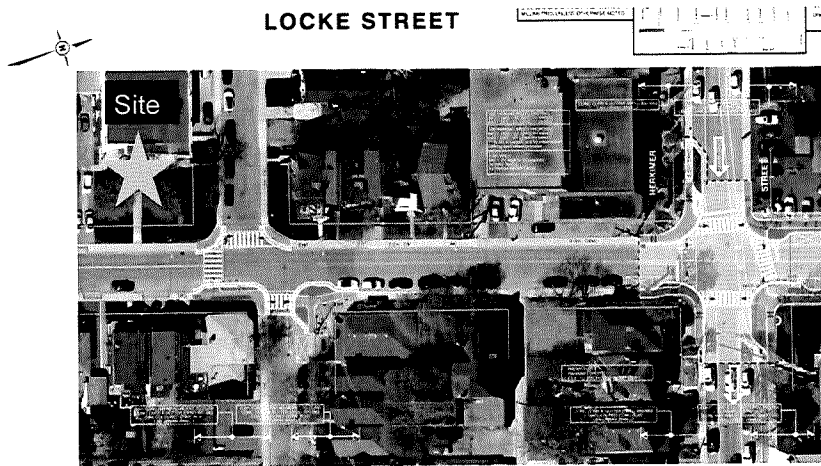
LOCKE STREET IMPROVEMENTS - Project Limits Map



Project Scope

- **Road Reconstruction**
 - Curb/Sidewalk/Road/Bump Outs
- **Improved Pedestrian Safety**
 - Urban Braille/AODA Treatment
 - Increased Sidewalk Width
- **Underground Improvements**
 - 500mm & 200mm Watermain
 - Sewer Lining
- **Streetscaping**
 - Street Furniture
 - Urban Trees
 - Laybys - Increased Parking
 - Entrance Features
 - Coloured Concrete Blvd

The improvements, shown below, included a new sidewalk bump-out on the east side of Locke Street, creating a shorter distance for pedestrians to cross Locke Street as well as new crosswalk paintings, depressed concrete curbs with rumble strips for people who are visually impaired.



LEGEND (Proposed Works)

PROPOSED TREE	TRASH RECEPTACLE (TO BE INSTALLED BY OTHERS)	PROPOSED CATCH BASIN
EXISTING TREE TO REMAIN	BICYCLE LANE	REMOVE AND REPLACE SIDEWALK BEYOND
PROPOSED HIVING STONE/CURB TREES	PROPOSED PARKING BAY STATION	TREE REMOVAL
PROPOSED COLOURED CONCRETE	ENTRANCE FEATURE PAVING	FURNITURE CHANGING MARKER
PROPOSED ROAD WORK	EXISTING TEMPORARY SUB LOCATION (TO BE RELOCATED BY OTHERS)	STREET ART PLAQUE
PROPOSED CURB SIGNAL/ROADLIGHT	PROPOSED SIGN LOCATION (TO BE INSTALLED BY OTHERS)	
PROPOSED BENCH	WARNING BAND	
EXISTING BENCH TO REMAIN	STREET NAME TABLET	
	CONCRETE WALK WITH SHORE LANES	

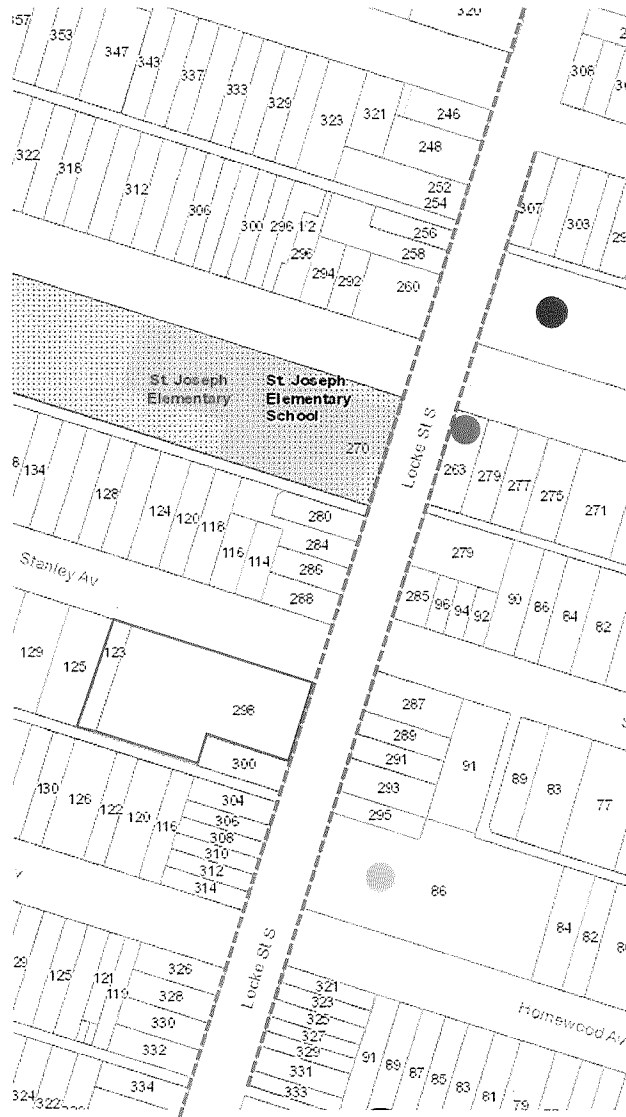
For the above reasons, existing and future infrastructure can be accommodated through the existing right-of-way.

Based on the above analysis, the existing streetscape along Locke Street South is considered appropriate for the scale and location of the proposed development and a dedication of 5.9 m on Locke Street and a 9.14 m x 9.14 m daylighting triangle would create an anomaly and result in adverse impacts on the surrounding streetscapes.

Impacts on Cultural Heritage Resources

The existing place of worship on the Site is currently an Inventoried Properties and Inventoried Places of Worship on the City’s Built Heritage Inventory. There are three (3) other buildings along Locke Street South that are also on the City’s Built Heritage Inventory. These properties, shown in the image above, include:

- 1. Melrose United Church - 86 Homewood Avenue (Constructed 1928)
- 2. St. Joseph’s Roman Catholic Church - 258 Herkimer Street (Constructed 1894)
- 3. Former Hamilton CIBC Bank - 263 Locke Street South (Constructed 1919)
 - Designated under Part IV of the Ontario Heritage Act



Although located across the street, taking the full required road widening of 5.9 m would set a precedent along Locke Street and would directly impact these existing cultural heritage resources and inventoried Places of Worship.

Conclusion

For the above reasons, it is my opinion that the road dedication and daylighting requirements along Locke Street South are not appropriate they will individually and collectively have significant adverse impact on the existing built form, streetscape, and existing cultural heritage resources by setting a precedent and creating an anomaly along Locke Street South which currently has a consistent ROW width of between 18-19 m between Hunter Street and Aberdeen Avenue. Taking a road widening of any amount would be the first road dedication taken along this 1 km corridor and as such I respectfully request that the right-of-way and daylighting triangle requirements be waived for the Site.

We trust that the justification provided pursuant to the Right-of-Way Impact Assessment Guidelines and in conformity with the UHOP, is sufficient to support the requested waiver; however, we would be pleased to meet with you should you have any questions or require further justification.

Yours truly,
GSP Group Inc.

Ashley Paton
 Ashley Paton, B.U.R.PI, MCIP, RPP
 Planner

Encl. Appendix A: Right-of-Way Impact Assessment

Planning Justification Brief - Minor Variance and Consent Applications

298 Locke Street South and 123 Stanley Avenue, Hamilton

August 26, 2020

This Planning Information Brief has been prepared in support of applications for minor variance and consent related to the property municipally addressed as 298 Locke Street South and 123 Stanley Avenue (the "Site") illustrated below in Figure 1.

1.0 Site Overview

The Site is located at the south west corner of Locke Street South and Stanley Avenue. There is an existing 3-storey brick church building at 298 Locke Street South (Figure 2) with a paved parking area at the rear, accessible via a driveway access on Stanley Avenue. There is a 2.5 storey duplex residential dwelling at 123 Stanley Avenue containing 2 separate units (Figure 3). The property has an approximate area of 2,341 sq m with frontages of 26.844 m on Locke Street South and 70.48 m on Stanley Avenue.

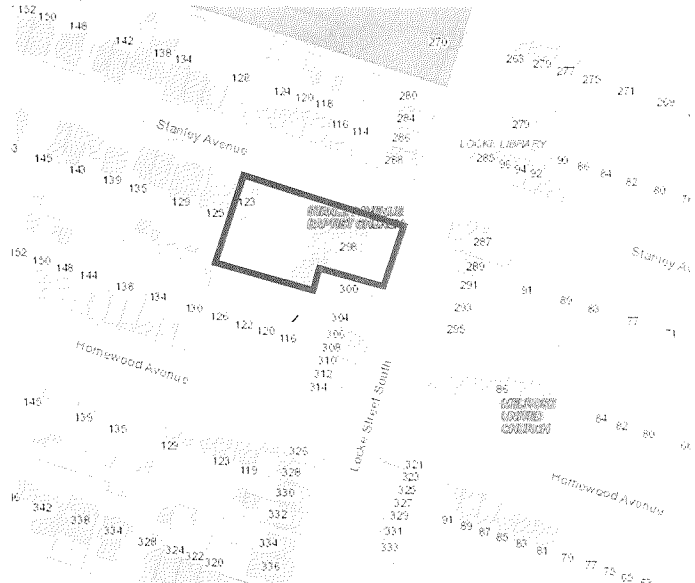


Figure 1: Site Location (Source: City of Hamilton Base Mapping)



Figure 2: Existing church building at 298 Locke Street South.



Figure 3: Existing Duplex Dwelling at 123 Stanley Avenue. Source: GSP Group Inc, 2020

The Site is located in the Kirkendall North neighbourhood. The adjacent properties to the north, west, and south of the Site are all residential dwellings

Blessings Christian Church recently purchased the Stanley Avenue Baptist Church which included the residential dwelling at the rear of the property.



Figure 4: Paved parking area at rear of church with access off Stanley Avenue. Source: GSP Group Inc. 2020

2.0 Requested Severance

The purpose of the requested severance is to create separate ownership and use of the church and the residential dwelling (Figure 5). The inclusion of the residential dwelling on the church property is a historical anomaly and not aligned with the church's charitable purposes, which is the reason why the church is looking to create a separate lot.

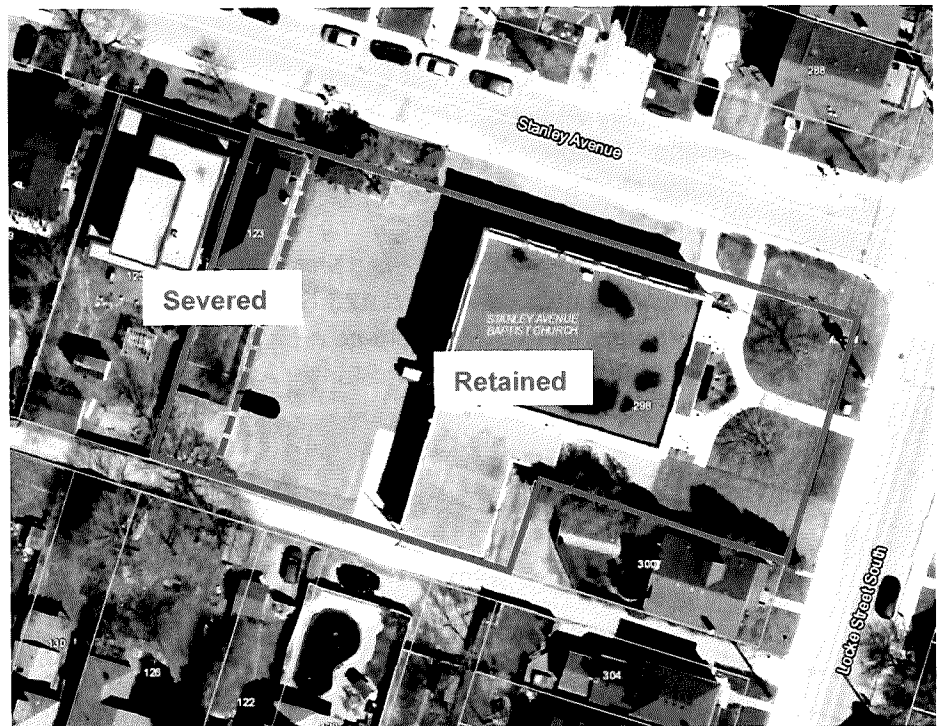


Figure 5: Proposed severance line.

No changes are proposed to either building but the owner is requesting that the property be severed to create two (2) separate lots: one for the church building and parking area and one for the residential dwelling. See Figure 5 below for the proposed severance line. The parking area at the rear of the church building is maintained with asphalt.

The rear of the proposed severed lot can accommodate two (2) parking spaces. **Figure 6** depicts the area, constructed with asphalt. The laneway that these parking spaces are accessible by is a public laneway, assumed by the City.

Urban Hamilton Official Plan Consent Policies

Volume 1, Policy F.1.14.3.1 contains a number of conditions that must be met for consents:

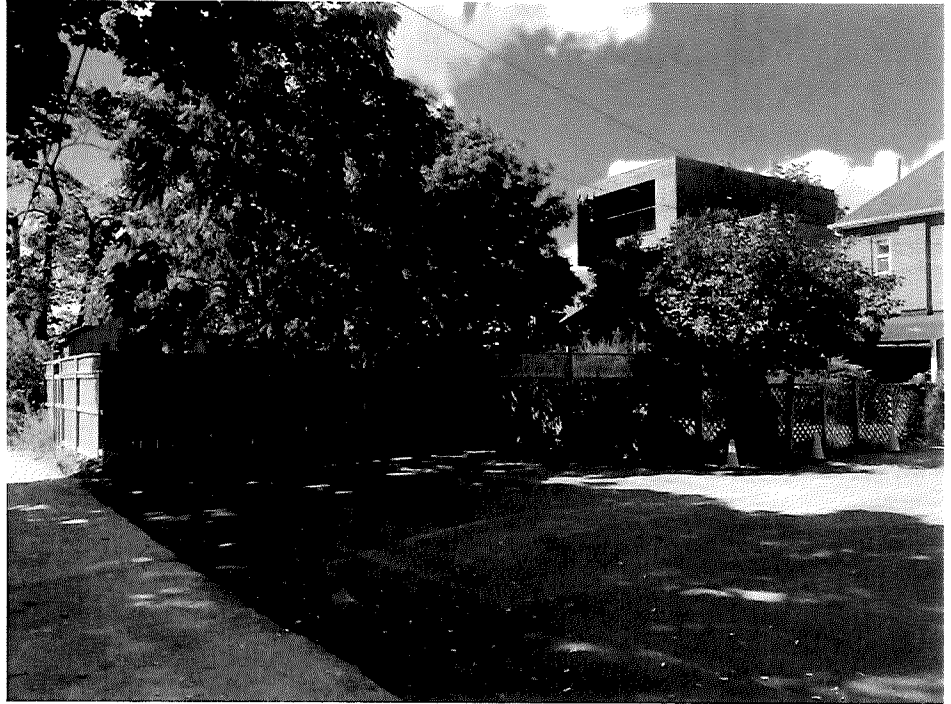



Figure 6: The rear of the proposed severed lot showing the two (2) parking spaces accessible via the public and assumed laneway.

<p>a) The lots comply with the policies of this Plan, including secondary plans, where one exists;</p>	<p>The severed lot will remain as a duplex residential dwelling and the place of worship will continue as-is. Both of these uses are permitted within the neighbourhoods designation and are compatible with the character and scale of the existing area.</p>
<p>b) The lots comply with existing Neighbourhood Plans;</p>	<p>The Kirkendall North neighbourhood Plan (Map 6803) already differentiates between the residential dwelling (identified as “Singles and Doubles”) and the church which is identified as “Civic and Institutional”. The neighbourhood plan does not include a list of permitted uses or heights, but based on the plan, the existing uses comply with these designations.</p>

	
<p>c) The lots are in conformity with the Zoning By-law or a minor variance is approved;</p>	<p>As described below, variances are required to permit the requested lot area and lot width.</p>
<p>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;</p>	<p>A detailed analysis of the proposed lot width and lot area is provided below in Section 4.1 of this letter which details that the proposed lot configuration reflects the general scale and character of the established development. No changes are proposed to either of the buildings which have existed on the property for 70+ years.</p>
<p>e) The lots are fully serviced by municipal water and wastewater systems; and</p>	<p>The lots are both fully serviced by municipal water and waste water systems.</p>

f) The lots have frontage on a public road.	Both lots have frontage of a public road.
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Based on the above, the requested severance conforms to the policies of the UHOP and is appropriate.

3.0 Requested Minor Variances

The Site is located within the “Neighbourhood Institutional“ District (I1) under Zoning By-law 05-200. The existing zoning permits a place of worship and a duplex dwelling (containing 2 dwelling units). The following variances are requested for the severed lot:

- 1. A minimum lot area of 305 sq m is permitted for the severed lot whereas 330 sq m is required.
- 2. A minimum lot width of 8.1 m is permitted for the severed lot whereas 12 m is required.

Section 5.6.d) of By-law 05-200 applies, which states:

for a Hospital or Place of Worship use within any Zone located in all or part of a building existing on the effective date of this By-law, no parking spaces are required, provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained except a Place of Worship shall not be required to provide additional parking beyond that required by Section 5 of this By-law.

No additions, alterations, or expansions are proposed for the place of worship, and all existing parking will continue to exist on the Place of Worship lands. Section 5.2.e) i) a) of By-law 05-200 states: *“Parking spaces, driveways, and widening(s) in All Zones shall be provided and maintained with stable surfaces such as asphalt, concrete or other hard-surfaced material, crushed stone or gravel, and shall be maintained in a dust-free condition.* The existing parking area was recently paved with asphalt.

4.0 Four Tests of Minor Variance

Section 45(1) of the *Planning Act* states that the Committee of Adjustment *“may authorize such minor variances from the provisions of the by-law, in respect of the land, building or structure or the use thereof”* provided the following four tests are met:

- 1. Does the minor variance maintain the general intent and purpose of the Official Plan?
- 2. Does the minor variance maintain the general intent and purpose of the Zoning By-law?
- 3. Is the minor variance desirable for the appropriate development or use of the land, building, or structure?

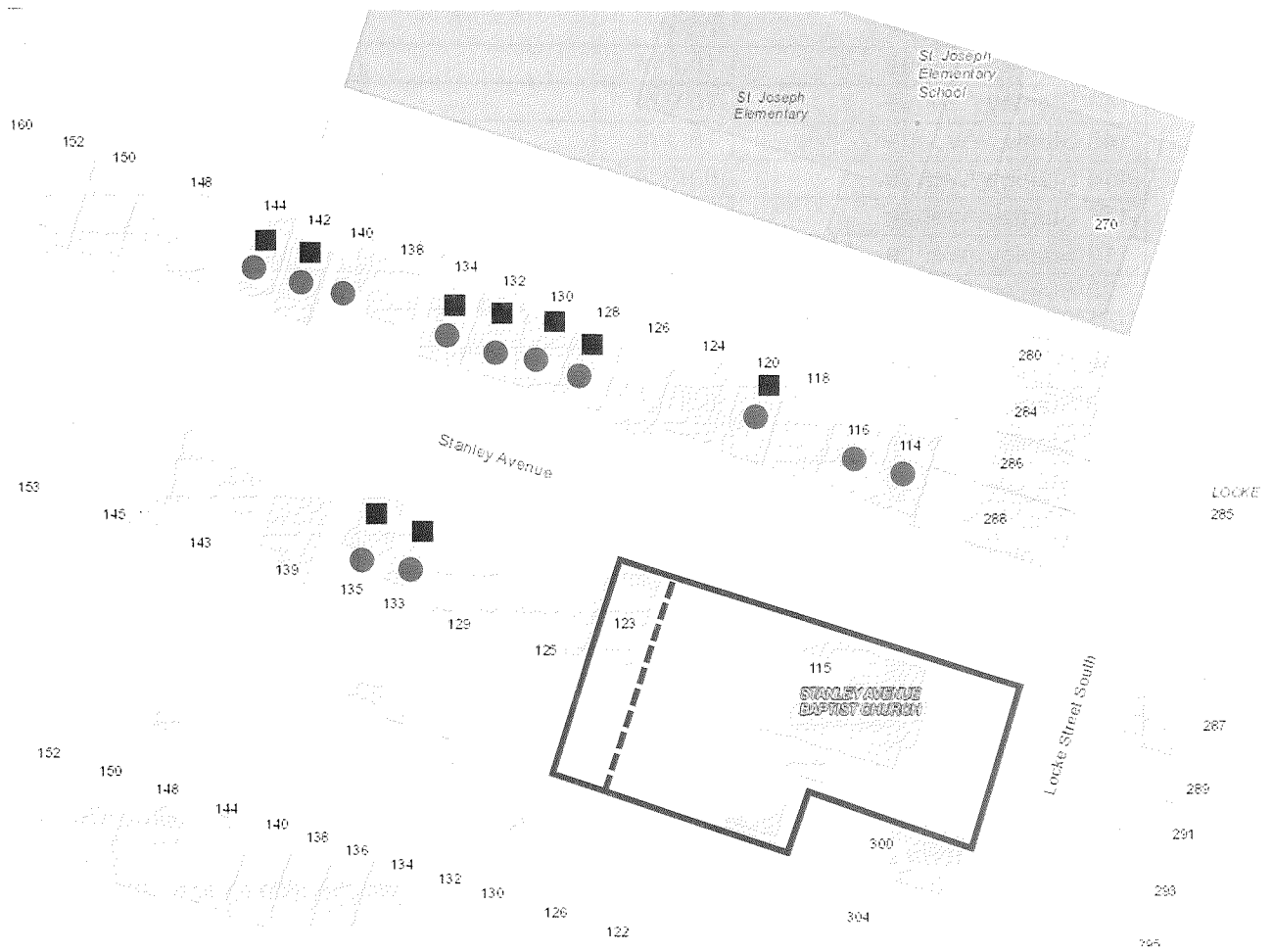
4. Is the requested variance minor in nature?

The analysis that follows demonstrates how the requested variance satisfies the four tests of a minor variance.

1. Does the requested variance maintain the general intent and purpose of the Official Plan?

The subject lands are identified within the “Neighborhoods” urban structure elements on “Schedule E – Urban Structure” and designated “Neighbourhoods” on “Schedule E-1 – Urban Land Use Designations” of the Urban Hamilton Official Plan (“UHOP”). The intent of the Neighbourhoods urban structure and land use designation policies in the UHOP is to provide a mix of residential uses as well as parks, open spaces, commercial areas and institutional uses. As described in Policy E.2.6.7, the areas within the Neighbourhoods urban structure are generally regarded as physically stable areas and changes are permitted so long as they are compatible with the existing character and function of the neighbourhood, in accordance with Section B.2.4. Section E.3.0 describes in further detail that the intent of the Neighbourhoods land use designation is to allow for the continued evolution of these areas.

The requested variances are required to facilitate the severance to create separate lots for the residential dwelling and place of worship. The variances are technical in nature as they will create separate parcels while maintaining the existing structures and uses as-is. No changes are proposed to the structures themselves which have existed for 70+ years and the proposed lot configuration for the residential dwelling (variances to the lot width and area) are compatible with the surrounding lot fabric which consists of older single-detached dwellings with narrow side yards. The requested variances will not result in any changes to the streetscape or character of the area and will only result in a technical change in parcel fabric and ownership. The residential dwelling and place of worship have functioned as separate land uses and are not physically or visually connected to one another in anyway as the residential dwelling faces Stanley Avenue and fits into the residential fabric and streetscape. See below a quantitative analysis of the lot areas and lot widths that exist in the area immediately surrounding the Site (includes properties within 100 m on the north and south sides of Stanley Avenue to the west of the Site).



■ Lots with a Lot Width within a 0.5 m range of the requested 8.1 m (7.6 m to 8.6 m)

● Lots with a Lot Area within a 25 sq m range of the requested 305 sq m (280 sq m - 330 sq m)

Above what is requested (305 sq m lot area and 8.1 m lot width)

Below what is requested

Address	Approximate Lot Width*	Approximate Lot Area
SUBJECT SITE: PROPOSED 123 Stanley Avenue	8.1m	305 sq.m.
125 Stanley Avenue	15.8 m	592 sq m
129 Stanley Avenue	15.7 m	598 sq m
133 Stanley Avenue	7.5 m	300 sq m

Address	Approximate Lot Width*	Approximate Lot Area
135 Stanley Avenue	7.9 m	289 sq m
139 Stanley Avenue	15.4 m	572 sq m
143 Stanley Avenue	15.0 m	587 sq m
145 Stanley Avenue	15.3 m	580 sq m
114 Stanley Avenue	8.95 m	238 sq m
116 Stanley Avenue	9.3 m	235 sq m
118 Stanley Avenue	9.5 m	342 sq m
120 Stanley Avenue	8.6 m	330 sq m
124 Stanley Avenue	10.7 m	398 sq m
126 Stanley Avenue	9.3 m	350 sq m
128 Stanley Avenue	8.3 m	320 sq m
130 Stanley Avenue	8.4 m	320 sq m
132 Stanley Avenue	8.5 m	305 sq m
134 Stanley Avenue	8.4 m	316 sq m
138 Stanley Avenue	10.4 m	403 sq m
140 Stanley Avenue	7.4 m	284 sq m
142 Stanley Avenue	7.75 m	280 sq m
144 Stanley Avenue	8.4 m	301 sq m
148 Stanley Avenue	18.9 m	700 sq m
150 Stanley Avenue	9 m	340 sq m
152 Stanley Avenue	9 m	360 sq m

All measurements taken are approximate and taken from the City of Hamilton Online Mapping platform showing lot fabric.

** lot width, as defined in By-law 05-200, is measured between the side lot lines measured at the 6.0 m front yard distance*

***front yard setback measured to building face, not front porch/deck (if present)*

Based on the above, the requested lot width and lot area are within the existing range of lot areas and lot widths in the area and therefore the requested variances will be compatible with the existing character and function of the area.

The requested variances will facilitate the proposed lot severance and will not result in any physical change to either structure. The proposed lot dimensions (width and area) are compatible with the existing character and function of the neighbourhood and therefore the requested variances meet the general intent and purpose of the Official Plan.

2. Do the requested variances maintain the general intent and purpose of the Zoning By-law?

Lot Area

The general intent and purpose of a minimum lot area is to ensure the lot is of an adequate size to accommodate: a residential dwelling with a functional amount of interior livable space; adequate landscaping and amenity space; and adequate setbacks. The proposed lot area and configuration encompasses:

- the existing dwelling which has existed for 70+ years;
- the rear parking area that can accommodate two (2 parking spaces);
- an outdoor space between the rear of the building and the parking area which provides outdoor amenity space;
- setbacks to ensure access from the front yard to the rear yard is maintained; and
- an eastern setback of 1.5 m which ensures compliance with the Ontario Building Code (“OBC”) (a compliance review has been submitted under separate cover with the subject applications).

In addition, based on the review above, the proposed lot area is within the range of lot areas that exist in the immediate area and will be compatible with the surrounding lot fabric.

Lot Width

The general intent and purpose of a minimum lot width zoning provision is to ensure consistency of lot and dwelling size in the neighbourhood and to also ensure the lot is wide enough to accommodate a functional dwelling size plus appropriate setbacks.

The proposed lot width, as discussed above, is compatible with existing lot fabric and the requested lot width of 8.1 m is within the range of existing lot widths in the immediate area. The proposed lot width is able to accommodate a side yard of 1.5 m which will allow access from the front yard to the rear yard while ensuring the proposed severance line and setbacks meet the OBC.

Based on the above, the requested variances maintain the general intent and purpose of the Zoning By-law.

3. Are the minor variances desirable for the appropriate development or use of the land, building, or structure?

The requested variances will facilitate the requested severance will only result in technical change to the property fabric and will not result in any material changes to existing residential dwelling or the place of worship and associated parking area. These variances are desirable for appropriate use of the land as they will allow each building to continue as-is but with separate ownership. **The variances are therefore desirable for the appropriate development of the land.**

4. Is the requested variance minor in nature?

As mentioned above, the requested variances are technical in nature and will not result in any changes to the residential dwelling or place of worship and associated parking area. The requested variances are required to facilitate the severance and, as described in the sections above, are compatible with the existing buildings along Stanley Avenue. The requested variances are both numerically and substantively minor in nature. **Because of this the requested variances both collectively and individually are minor in nature.**

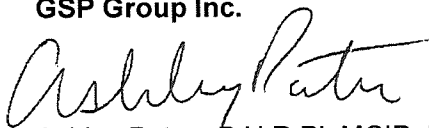
5.0 Summary and Recommendations

The requested variances represent good land use planning as it satisfies the four tests of Section 45(1) of the *Planning Act*. The severance application satisfies the City's conditions contained within the Urban Hamilton Official Plan for severances. Approval of the requested variances will continue to maintain the general intent and purpose of the Official Plan and Zoning By-law, is desirable for the appropriate use of the land, and is considered minor in nature. Because of this, my recommendation is that the variances and severance be approved.

Should you have any questions or require any additional information, please do not hesitate to contact me at 905-572-7477 ext. 2 or via email at apaton@gspgroup.ca

Yours truly,

GSP Group Inc.



Ashley Paton, B.U.R.PI, MCIP, RPP
Planner



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**

20-183994

Office Use Only

Date Application Received: Sept. 17/20	Date Application Deemed Complete:	Submission No.: Hm/B.20:62	File No.:
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1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS	PHONE/FAX
Registered Owners(s)	The Trustees of Blessings Christian Church	[REDACTED]	[REDACTED]
Applicant(s)*			Business () Fax: () E-mail:
Agent or Solicitor	GSP Group Inc. C/O Ashley Paton	[REDACTED]	[REDACTED]

* 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 Hamilton	Lot Part of Lots 251 and 254, Block "B" and all of Lots 250, 252, and 253, Block "R"	Concession	Former Township
Registered Plan N°. Registered Plan 253		Reference Plan N°.	Part(s) 1
Municipal Address 123 Stanley Avenue and 298 Locke Street South			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

Consent will allow for continuation of existing residential dwelling and place of worship.

- b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)

Consent will allow for continuation of existing residential dwelling and place of worship.

- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

Consent will allow for continuation of existing residential dwelling and place of worship.

- 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)

- 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)
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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)
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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):
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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):
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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)
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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)
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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)