



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: SC/B-21:11

SUBJECT PROPERTY: 102 Millen Rd., 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): Owners R. Crowe & S. Paletta
Agent GSP Group c/o S. Hastings

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land for residential purposes and to retain a parcel of land for residential purposes. Existing dwelling to be demolished.

Severed lands:
13.1m[±] x 53.3m[±] and an area of 701m²±

Retained lands:
13.1m[±] x 53.3m[±] and an area of 701m²±

The Committee of Adjustment will hear this application on:

DATE: Thursday, March 18th, 2021

TIME: 3:25 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

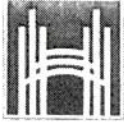
For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: March 2nd, 2021

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.



Hamilton

Committee of Adjustment

City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

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
Registered Owners(s)	Raffaella Crowe Sierra Paletta	
Applicant(s)*		
Agent or Solicitor	GSP Group Inc. (c/o Stuart Hastings)	

* 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	Concession	Former Township Stoney Creek
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 102 Millen Road, Hamilton, ON			Assessment Roll N°. 25 18 003 310 17600

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:

N/A

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

Other: a charge

- addition to a lot
 an easement

- 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:

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

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)
13.1m	53.3m	701.5m ²

Existing Use of Property to be severed:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) _____
- 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: Single-detached dwelling (to be demolished)

Proposed: A new single-detached dwelling on each lot

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)
13.1m (Millen Road)	53.3m	701.5m 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: New single-detached dwellings, one on each lot

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): N/A

Urban Hamilton Official Plan designation (if applicable) "Neighbourhoods" (Schedule E and E-1)
"Low Density Residential 2b" - Western Development Area Secondary Plan

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

See attached Planning Justification Brief

Single Residential (R2) Zone

5.2 What is the existing zoning of the subject land? Stoney Creek Zoning By-law No. 3692

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? N/A

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)
N/A	An agricultural operation, including livestock facility or stockyard	<input type="checkbox"/>	
N/A	A land fill	<input type="checkbox"/>	
N/A	A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
N/A	A provincially significant wetland	<input type="checkbox"/>	

N/A	A provincially significant wetland within 120 metres	<input type="checkbox"/>	
N/A	A flood plain	<input type="checkbox"/>	
	An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	Retail, Restaurant, Office, & Auto Repair (425m north)
N/A	An active railway line	<input type="checkbox"/>	
N/A	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 N/A
- 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?
N/A 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

See attached Planning Justification Brief

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

See attached Planning Justification Brief

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

See attached Planning Justification Brief

- 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

See attached Planning Justification Brief

- 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)

See attached Planning Justification Brief

- 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?

- N/A 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?

- N/A 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.

N/A

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

N/A

- 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.

N/A

8.4 How long has the applicant owned the subject land?

Purchased: Jan. 15, 2021

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.

45 Amberwood Street, Stoney Creek, ON

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.

N/A

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 N/A

Status N/A

N/A 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.

N/A 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
 Rural Settlement Area Severance or Lot Addition

(Complete Section 10.3)

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)

N/A 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: _____

N/A 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)
----------------------------------	---

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: _____

N/A 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 (m ² or ha):
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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 (m ² or ha): (from Section 4.1)
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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 (m ² 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.

Please review Planning Justification Brief. Severance applications have been approved for the adjacent properties to the north, east, and south. In particular, the adjacent properties to the south and east have been divided in half in a nearly identical manner as proposed. Adjacent severance applications include:

North: 106 Millen Road/44 Royce Avenue (SC/B-19:25)

East: 101-103 Margaret Avenue (SC/B-07:21)

South: 98-100 Millen Road (SC/B-13:80) & 96 Millen Road (SC/B-19:29)

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:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) 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;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) 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,
 - i) are located on the subject land and on land that is adjacent to it, and
 - ii) in the applicant's opinion, may affect the application;
- (f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- (g) 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 road or a right of way;
- (h) the location and nature of any easement affecting the subject land.

13 ACKNOWLEDGEMENT CLAUSE

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

February 4, 2021

Date



Signature of Owner Raffaella Crowe & Sierra Paletta



SHAPING GREAT COMMUNITIES

February 12, 2021

File No: 21003

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

Dear Ms. Sheffield:

**Re: 102 Millen Road, Stoney Creek, Hamilton
Consent to Sever and Minor Variance Applications**

On behalf of the landowners, GSP Group is pleased to submit consent to sever and minor variance applications for the property known municipally as 102 Millen Road, in Stoney Creek (the “subject site”).

The purpose of the proposed severance is to create a new residential lot by equally dividing the subject site. A new single-detached dwelling is proposed to be built on both the severed and retained lot.

An existing one-storey single-detached dwelling straddles the proposed property line and will be demolished.

Both the severed and retained lots will have a frontage of 13.1 metres, whereas 15 metres is required per Stoney Creek By-law No. 3692-92.

In order to facilitate the proposed severance, a minor variance for a reduced minimum lot frontage in the Single Residential (R2) Zone is requested. This same variance has been approved for adjacent as well as nearby lots.

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

In support of the consent to sever and minor variance applications, please find enclosed the following:

- Completed application form for a consent to sever application;
- Completed application form for a minor variance application;
- A Planning Justification Brief prepared by GSP Group and dated February 12, 2021; and
- A Severance Sketch prepared by GSP Group.

Hardcopies of all of the above items will be dropped-off at City Hall following this digital submission for your records.

Following this digital submission, the fee for a consent to sever application and minor variance application will be paid via credit card in coordination with Hamilton's Municipal Service Centre.

Should you have any questions or require any additional information, please do not hesitate to contact me at 905-572-7477 ext. 4 or via email at shastings@gspgroup.ca.

Yours truly

GSP Group Inc.



Stuart Hastings, MCIP, RPP
Planner

cc. *Andrew Crowe, Raffaella Crowe, and Sierra Paletta*

PLANNING JUSTIFICATION BRIEF

Minor Variance and Consent Applications

Feb. 12, 2021

102 Millen Road, Hamilton

On behalf of the landowners, GSP Group is pleased to submit this Planning Justification Brief in support of a consent to sever and minor variance application on the property known municipally as 102 Millen Road, (the “subject site”). The purpose of the proposed severance is to create a new residential lot. Both the severed and retained lots will have a frontage of 13.1 metres, whereas 15 metres is required in Stoney Creek By-law No. 3692-92. In order to facilitate the proposed severance, a minor variance is requested to the minimum lot frontage in the Single Residential (R2) Zone. The existing dwelling on the subject site straddles the proposed property line and will be demolished. A single detached dwelling is proposed to be built on both the severed and retained lot. In this way the proposed severance is considered residential intensification. A Severance Sketch is attached to this brief as Appendix A.

1. SUBJECT SITE OVERVIEW & SURROUNDING USES

As shown in Figure 1 on the next page, the subject site is located in Stoney Creek south of Highway No. 8, with a frontage of approximately 26.2 metres along the east side of Millen Road. The subject site is an interior lot with an area of approximately 1,403 square metres (0.14 ha). The depth of the lot is approximately 53.3 metres. The subject site currently contains an existing one storey dwelling which is proposed to be demolished (see Figure 2 on the next page).

The subject site is located in the established Highway Valley neighbourhood, which is characterized by single detached dwellings, with low rise commercial uses located along the south side of Highway No. 8. Single detached dwellings are located on the adjacent lots to the north, east, and south; all of which have been severed. The adjacent lots to the south and east in particular are essentially the same as the proposed severance. Adjacent severances include the following:

- North: 106 Millen Road/44 Royce Avenue (SC/B-19:25);
- East: 101-103 Margaret Avenue (SC/B-07:21);
- South: 98-100 Millen Road (SC/B-13:80); and 96 Millen Road (SC/B-19:29).

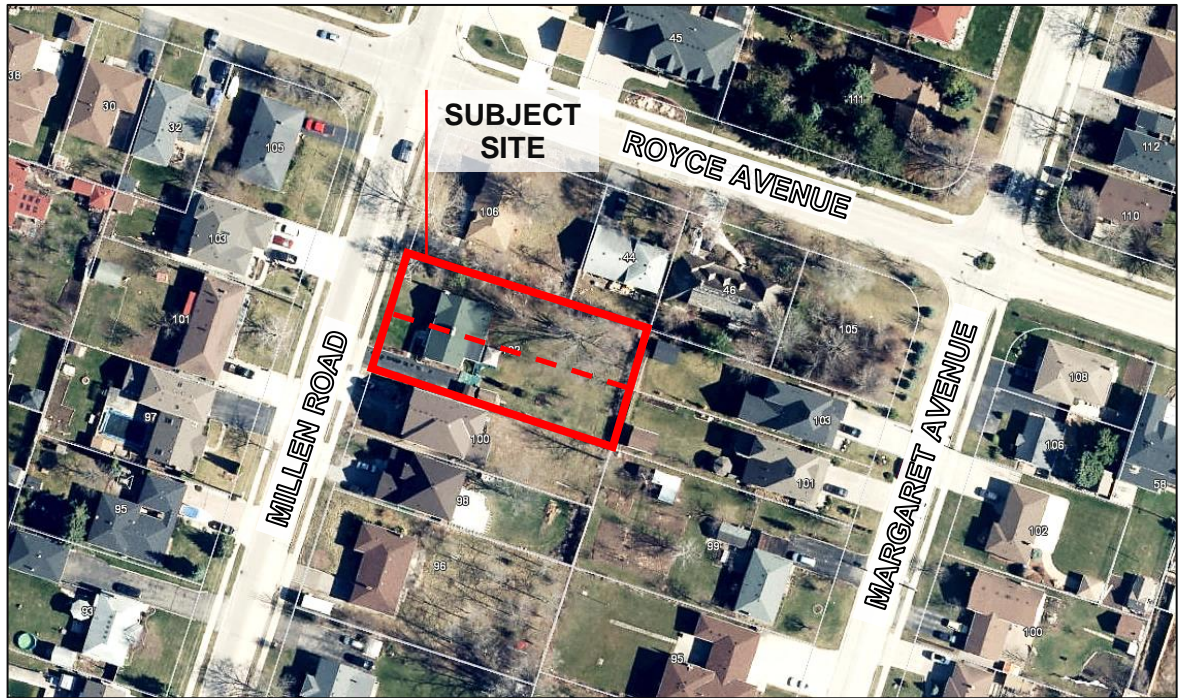


Figure 1: 102 Millen Road, Stoney Creek, Hamilton (“The subject site”).

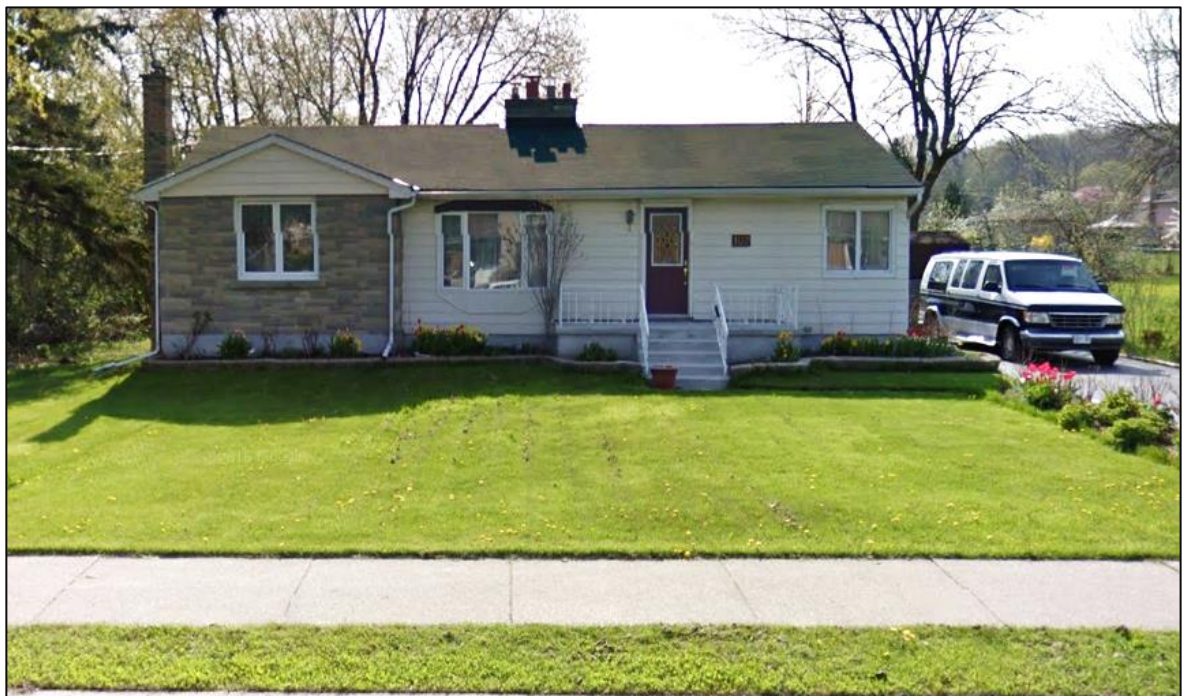


Figure 2: The subject site currently contains a one storey detached dwelling that straddles the proposed property line. It is proposed to be demolished. (Photograph Source: Google Streetview: May 2014).

2. PROPOSED SEVERANCE

The purpose of this application is to permit the conveyance of a parcel of land (see “Lands to be Severed” on the Severance Sketch) for the purpose of constructing a single detached dwelling, and to retain a parcel of land (see “Lands to be Retained” on the Severance Sketch), also for the purpose of constructing a single detached dwelling.

The existing lot is proposed to be divided evenly, resulting in a lot frontage of 13.1 metres and a lot area of 701.5 square metres for both the severed and retained lots. The existing dwelling (see Figure 2) will be demolished as it straddles the proposed property line.

The subject site is located in the Single Residential (R2) Zone within Stoney Creek By-law No. 3692-92. The zoning compliance of the proposed severance is shown in Table 1.

Table 1 Zoning Compliance of Proposed Severance

Single Residential (R2) Zone – Stoney Creek By-law No. 3692-92				
Regulation (Section 6.3)		Proposed Severed Lot	Proposed Retained Lot	Compliance
Permitted Use	Single detached dwelling	Single detached dwelling	Single detached dwelling	✓
Min. Lot Area (Int. Lot)	460m ²	701.5m ²	701.5m ²	✓
Minimum Lot Frontage (Int. Lot)	15m	13.1m	13.1m	X - Minor Variance Requested
Min. Front Yard	6m	6m	6m	✓
Min Side Yard (Garage Side)	1m	1m	1m	✓
Min. Side Yard (Non-Garage Side)	1.25m	1.25m	1.25m	✓
Min. Rear Yard	7.5m	7.5m	7.5m	✓
Max. Building Height	11m	11m	11m	✓
Parking	2	2	2	✓

As shown in Table 1, a minor variance is required to permit a reduced lot frontage of 13.1 metres, whereas a minimum of 15 metres is required. The four tests of minor variance are analyzed in section 5 of this brief.

3. POLICY AND REGULATORY FRAMEWORK

This section provides a review of the relevant policies of the Provincial Policy Statement (PPS), Growth Plan, and the Urban Hamilton Official Plan (UHOP) as they pertain to the requested severance and minor variance.

Provincial Policy Statement, 2020

Policy 1.1.1 of the Provincial Policy Statement (PPS) states that “Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*;
- e) promoting the integration of land use planning, growth management, *transit-supportive* development, *intensification* and *infrastructure* planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;
- g) ensuring that necessary *infrastructure* and *public service facilities* are or will be available to meet current and projected needs;
- h) promoting development and land use patterns that conserve biodiversity; and
- i) preparing for the regional and local impacts of a changing climate.”

The proposed severance is consistent with the above PPS policies because it will result in a more efficient development and land use pattern that will sustain the financial well-being of the Province and the City of Hamilton over the long term (a); and it will promote a cost-effective development pattern that will minimize land consumption and servicing costs (e).

Policy 1.1.3.1 of the PPS states that *settlement areas* (which includes by definition built-up areas) shall be the focus of growth and development. The proposed severance is consistent with this policy as the subject site is located in Hamilton’s Built-up Area as identified on Appendix G—Boundaries Map of the UHOP.

Policy 1.1.3.2 states that within *settlement areas*, land use patterns “shall be based on densities and a mix of uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; [...]

Consistent with the above policies, the proposed severance represents an efficient use of land and resources (a); and will use existing infrastructure and public service facilities (b).

Based on the above analysis, the proposed severance to facilitate residential intensification within Hamilton’s Built-Up Area is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020

Schedule 3 of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) indicates that Hamilton is forecasted to grow to 820,000 people by 2051. As per Policy 2.2.2 a) of the Growth Plan, by the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, a minimum of 50 per cent of all residential development occurring annually within the City of Hamilton will be within the *delineated built-up area*. Section 2.2.1 of the Growth Plan, Managing Growth, provides that the vast majority of growth will be directed to settlement areas that:

- i. have a *delineated built boundary*;
- ii. have existing or planned *municipal water* and *wastewater systems*; and
- iii. can support the achievement of *complete communities*.

In conformity with the above policy, the subject site is located in Hamilton’s delineated built-up area as identified on Appendix G—Boundaries Map of the UHOP (i); it has access to existing municipal water and wastewater services (ii); and it is located in an existing well-established residential neighbourhood that can support the achievement of a complete community (iii).

Furthermore, Policy 2.2.1.2.c.iv of the Growth Plan states that growth within settlement areas will be focused in “areas with existing or planned *public service facilities*”. The local area satisfies this policy as it features numerous public services facilities, such as: Memorial Park located ±340 metres to the east, Dewitt Park located ±525 metres to the west, St. Clare Catholic School located ±670 metres to the northeast, and St. Frances Xavier Catholic Elementary School located ±730m metres to the northwest.

Based on the above analysis, the proposed severance would result in the efficient use of land in an area targeted for growth and is therefore in conformity with the Growth Plan.

Niagara Escarpment Plan (NEP)

The subject site is designated Urban Area in the Niagara Escarpment Plan (NEP). The objective of this designation is:

- 1.7.1 To minimize the impact and prevent further encroachment of urban growth on the *Escarpment environment*.

Policy 1.7.4 states that new lots within designated Urban Areas shall not be created if such lots encroach into Escarpment Natural, Escarpment Protection, Escarpment Rural or Mineral Resource Extraction Areas. The new lot would not encroach into any such areas. Policy 1.7.4 also states that the creation of new lots within the Urban Area designation will not require an amendment to the NEP.

For these reasons, the proposed lot creation is consistent with the NEP.

Other Provincial Plans

The subject site is not located in the Parkway Belt West Plan, nor the Greenbelt Plan; and therefore, not restricted by the policies of these plans.

Urban Hamilton Official Plan (UHOP)

The subject site is identified as Neighbourhoods on Schedule E – Urban Structure; and designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The subject site is designated “Low Density Residential 2b” in the Western Development Area Secondary Plan (Vol. 2, Map B.7.1-1). Single detached dwellings are permitted within these designations (Vol. 1, E.3.4.3 and Vol. 2, B.7.1.1.2(a)).

The “Low Density Residential 2B” designation in particular permits single detached dwellings at a maximum density of 29 units per hectare (Vol. 2, B.7.1.1.2(b)). The proposed severance will result in a density of 14.3 units per hectare (2 units divided by 0.14 ha).

The proposed severance is considered residential intensification, and accordingly, must be evaluated based on the policies of Vol. 1, Sections B.2.4.1.4 and B.2.4.2.2.

c) the development’s contribution to maintaining and achieving a range of dwelling types and tenures;

By facilitating the development of two single detached dwellings, one on each lot, the proposed severance will contribute to a modest expansion in the range of available dwellings in the neighbourhood.

d) the compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;

The proposed severance will allow the severed lot and retained lot to be redeveloped for single detached dwellings. A residential use in the scale and form of a single detached dwellings is consistent with the surrounding area and takes into consideration the use, scale, form and character of the existing neighbourhood.

e) the development’s contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;

The subject site is identified as part of the Neighbourhoods element of Hamilton’s urban structure (Vol. 2, E.2.6). The following policies outline the Neighbourhoods function with respect to the proposed severance:

E.2.6.2 The Neighbourhoods shall primarily consist of residential uses [...]

E.2.6.4 The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, [...]

As both the severed lot and retained lot are proposed for residential uses in the form of single detached dwellings, the proposed severance is consistent with the Neighbourhoods element of the City’s planned urban structure.

f) infrastructure and transportation capacity; and,

The net addition of one dwelling would not be expected to have a major impact on existing infrastructure and transportation capacity. Development Engineering will have an opportunity to review the subject applications with respect to infrastructure and transportation capacity.

g) the ability of the development to comply with all applicable policies.

The proposed lots are currently not in conformity with the minimum lot frontage regulation of the Zoning By-law; however, a minor variance application has been concurrently submitted to permit a reduced lot frontage of 13.1 metres, whereas 15 metres is required. If the minor variance is approved, the development will be able to comply with all applicable policies.

Residential Intensification in the Neighbourhoods Designation

The following evaluation criteria applies to residential intensification in the Neighbourhoods designation. Policy B.2.4.2.2 provides a number of matters to be evaluated, each of which is provided below followed by policy response:

a) the matters listed in Policy B.2.4.1.4;

Responses to Policy B.2.4.1.4 are provided on pages 7 to 9 of this brief.

b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;

The proposed severance will facilitate a net increase of one dwelling. With this in mind and considering that single detached dwellings are the least intensive form of residential intensification, and that the maximum height is regulated by the Zoning By-law, the proposed single detached dwellings would not be expected to produce significant shadowing, overlook, noise, lighting, or traffic nuisance effects.

c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;

The height, massing, and scale of the proposed single detached dwellings is regulated by the Single Residential (R2) Zone within Stoney Creek By-law No. 3692-92. The zoning compliance of the proposed severance is provided in Table 1 and the resulting building envelope is shown on the Severance Sketch. Based on the as-of-right zoning, the proposed single detached dwellings will be in a harmonious relationship with the height, massing, and scale of nearby single detached dwellings.

d) the consideration of transitions in height and density to adjacent residential buildings;

All adjacent residential buildings are single detached dwellings. The proposed dwellings on both the retained lot and severed lot are proposed to be developed in conformity with the setbacks and maximum height (11 metres) prescribed by the Single Residential (R2) Zone within Stoney Creek By-law No. 3692-92. The building envelope prescribed by the Single Residential (R2) Zone is shown on the Severance Sketch.

e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;

The relationship of the proposed lots to the existing lot pattern is shown visually in Figure 3. The proposed severance will result in two evenly sized rectangular lots that are sized and shaped to be similar to other nearby lots. In particular, the proposed lots are essentially the same dimensions as the adjacent lots to the east and south, both of which have been severed in the same manner. All considered, the configuration of the proposed lots is harmonious with the established lot pattern within the neighbourhood.

f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;

Amenity space will be provided in the form of a front yard and rear yard, dimensions of which are regulated by the Single Residential (R2) Zone. This zone requires a minimum front yard of 6 metres and a minimum rear yard of 7.5 metres. This provision of amenity space is consistent with other single detached dwellings along Millen Road.

g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;

The proposed lots are large enough to support single detached dwellings on both the retained and severed lots and will be developed in compliance with the setbacks provided by the Single Residential (R2) Zone. The resulting building envelope is shown on the Severance Sketch.

h) the ability to complement the existing functions of the neighbourhood;

The existing neighbourhood functions primarily as a residential area in keeping with the planned function of the Neighbourhoods designation, as outlined below:

E.2.6.2 The Neighbourhoods shall primarily consist of residential uses [...]

E.2.6.4 The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, [...]

In conformity with these UHOP policies, the proposed severance will facilitate single detached dwellings that will compliment the existing residential function of the surrounding neighbourhood.

i) the conservation of cultural heritage resources; and,

There are no cultural heritage resources identified on the subject site nor on adjacent properties according to Hamilton's online Cultural Heritage Resources.

j) infrastructure and transportation capacity and impacts.

The net addition of one single detached dwelling would not be expected to have a major impact on existing infrastructure and transportation capacity. Development Engineering and Transportation Planning will have an opportunity to review the subject applications with respect to infrastructure and transportation capacity.

Lot Creation Criteria

New lots for residential uses in the Neighbourhoods designation are permitted when they meet the conditions set out in Vol.1. F.1.14.3.1, each of which is provided below followed by a policy response:

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

As demonstrated in this brief, the proposed severance is in conformity with the UHOP Neighbourhoods designation, the Neighbourhoods urban structure element, and the residential intensification policies of Vol. 1, Sections B.2.4.1.4 and B.2.4.2.2.

The subject site is located in the Western Development Area Secondary Plan and designated "Low Density Residential 2b" on Land Use Plan Map B.7.1-1. The applicable policies for this designation are contained in Vol. 2, B.7.1.1.2:

- a) the permitted uses shall be single, semi detached and duplex dwellings;
- b) the density shall range from 1 to 29 units per net residential hectare; [...]

In conformity with the above policies, the proposed use of the subject site is for single detached dwellings at a density of 14.3 units per hectare (2 dwellings divided by 0.14 hectares), which is approximately half the permitted maximum density.

Based on the above, the proposed severance conforms to the applicable land use policies of the UHOP and Western Development Area Secondary Plan.

b) The lots comply with existing Neighbourhood Plans;

The subject site is located in the Highway Valley neighbourhood, which does not have an existing Neighbourhood Plan.

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

The proposed lots are currently not in conformity with the minimum lot frontage regulation of Stoney Creek By-law No. 3692-92; however, a minor variance application has been concurrently submitted to permit a reduced lot frontage of 13.1 metres, whereas 15 metres is required. Section 5 provides an evaluation of the requested minor variance against the four tests.

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 existing lotting pattern is shown in Figure 3. Note that the proposed lots are essentially the same as the adjacent lots to the east and south, both of which have been severed. In addition, the proposed single detached dwellings maintain the existing neighbourhood character as the surrounding built form consists entirely of single detached dwellings. In this way the proposed severance has regard for the established development pattern in the neighbourhood.

Furthermore, the height, massing, and scale of the proposed single detached dwellings is regulated by the Single Residential (R2) Zone within Stoney Creek By-law No. 3692-92. The zoning compliance of the proposed severance is provided in Table 1 and the resulting building envelope is shown on the Severance Sketch. Based on the as-of-right zoning, the proposed single detached dwellings will be in a harmonious relationship with the height, massing, and scale of the established development pattern in the surrounding area. Significant privacy and overlook concerns would not be expected considering that the maximum permitted height is 11.0 metres and that a large front yard and rear yard can be provided on both the retained lot and severed lot.

All considered, the proposed lots reflect the general scale and character of the established development pattern in the surrounding area.

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

Both the severed lot and retained lot will have access to municipal water and wastewater systems.

f) The lots have frontage on a public road.

Both the severed lot and the retained lot will have a frontage of 13.1 metres along Millen Road.

Based on the forgoing analysis, the propose consent satisfies the lot creation policies for residential uses in the Neighbourhoods designation.

4. REQUESTED MINOR VARIANCE

The subject site is located in the Single Residential (R2) Zone within Stoney Creek By-law No. 3692-92. The zoning compliance of the proposed severance is shown in Table 1. In order to facilitate the proposed severance, a minor variance is requested for:

1. A reduced minimum lot frontage of 13.1 metres, whereas 15 metres is required.

See the attached Severance Sketch for the proposed lotting pattern that will be facilitated by the requested minor variance. The four tests of minor variance are analyzed in section 5 of this brief.

5. 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 and appropriate for the lands?
4. Is the requested variance minor in nature?

The analysis that follows demonstrates how the requested variance satisfy the four tests of a minor variance:

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

The requested minor variance will facilitate the division of the subject site and the development of a single detached dwelling on both the severed lot and retained lot. As demonstrated in this brief, the proposed severance is in conformity with the UHOP Neighbourhoods designation, Neighbourhoods urban structure element, and the residential intensification policies of Vol. 1, Sections B.2.4.1.4 and B.2.4.2.2.

In addition, the subject site is located in the Western Development Area Secondary Plan and designated “Low Density Residential 2b” on Land Use Plan Map B.7.1-1. The applicable policies for this designation are contained in Vol. 2, B.7.1.1.2 as follows:

- a) the permitted uses shall be single, semi detached and duplex dwellings;
- b) the density shall range from 1 to 29 units per net residential hectare; [...]

In conformity with the above policies, the proposed use of the subject site is for single detached dwellings at a density of 14.3 units per hectare (2 dwellings divided by 0.14 hectares), which is approximately half the permitted maximum density.

Based on the foregoing analysis, the requested minor variance maintains the general intent and purpose of the UHOP.

2. Does the requested variance maintain the general intent and purpose of the Zoning By-law?

The subject site is located in the Single Residential (R2) Zone within Stoney Creek By-law No. 3692-92. The zoning compliance of the proposed severance is shown in Table 1. With the exception of the minimum lot frontage requirement, the proposed severance meets all other requirements of the Zoning By-law. The general intent and purpose of the Single Residential (R2) Zone is to permit single detached dwellings in a suburban setting. The requested minor variance maintains this intent and purpose through facilitating a consent and subsequent development of single detached dwellings on the proposed lots.

3. Is the requested variance desirable and appropriate for the lands?

The requested variance is desirable and appropriate for the lands because they would facilitate land division in a manner compatible with the existing lotting pattern and enable residential intensification in a form and density that is harmonious with the established built form of the surrounding neighbourhood. From an urban design perspective, the streetscape of Millen Road would be enhanced through the development of new modern single

detached dwellings. The net addition of one dwelling would provide more “eyes on the street”, which is generally acknowledged to enhance neighbourhood safety. Overall, the suburban residential character of the neighbourhood would be conserved and enhanced. For these reasons, the requested variance is considered desirable and appropriate for the lands.

4. Is the requested variance minor in nature?

A reduced lot frontage of 13.1 metres represents 87 percent of the 15.0 metre requirement, which is considered a minor reduction. In addition, reduced lot widths of 13.1 metres have been approved for a number of lots adjacent to and in the immediate area of the subject site, including the following:

- 101-103 Margaret Avenue;
- 98-100 Millen Road; and
- 94-96 Millen Road (SC/A-17:416).

In consideration of the foregoing, the requested minor variance is considered minor in nature.

6. RECOMMENDATION

The requested variance represents 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 lot creation criteria for severances contained within the UHOP. Approval of the requested variance will continue to maintain the general intent and purpose of the UHOP and Zoning By-law, is desirable for the appropriate use of the land, and is considered minor in nature. Based on the forgoing analysis, my recommendation is that the variance 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. 4 or via email at shastings@gspgroup.ca

Respectfully submitted,

GSP Group Inc.



Stuart Hastings, MCIP, RPP
Planner

