



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
Minor Variance

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
-

APPLICATION NO.: SC/A-21:66

APPLICANTS: Agent GSP Group c/o S. Hastings
Owners R. Crowe & S. Palett

SUBJECT PROPERTY: Municipal address **102 Millen Rd., Stoney Creek**

ZONING BY-LAW: Zoning By-law 3692-92, as Amended

ZONING: R2 district (Single Residential)

PROPOSAL: To permit the creation of two lots through Land Severance
Application SC/B-21: 11 notwithstanding that;

1. A minimum lot frontage of 13.1 m shall be provided for an interior lot for the lands to be severed instead of the minimum required lot frontage of 15.0 m for an interior lot; and

2. A minimum lot frontage of 13.1 m shall be provided for an interior lot for the land to be retained instead of the minimum required lot frontage of 15.0 m for an interior lot.4.

Note:

These variances are necessary to facilitate land severance application SC/B-21: 11

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

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.



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).

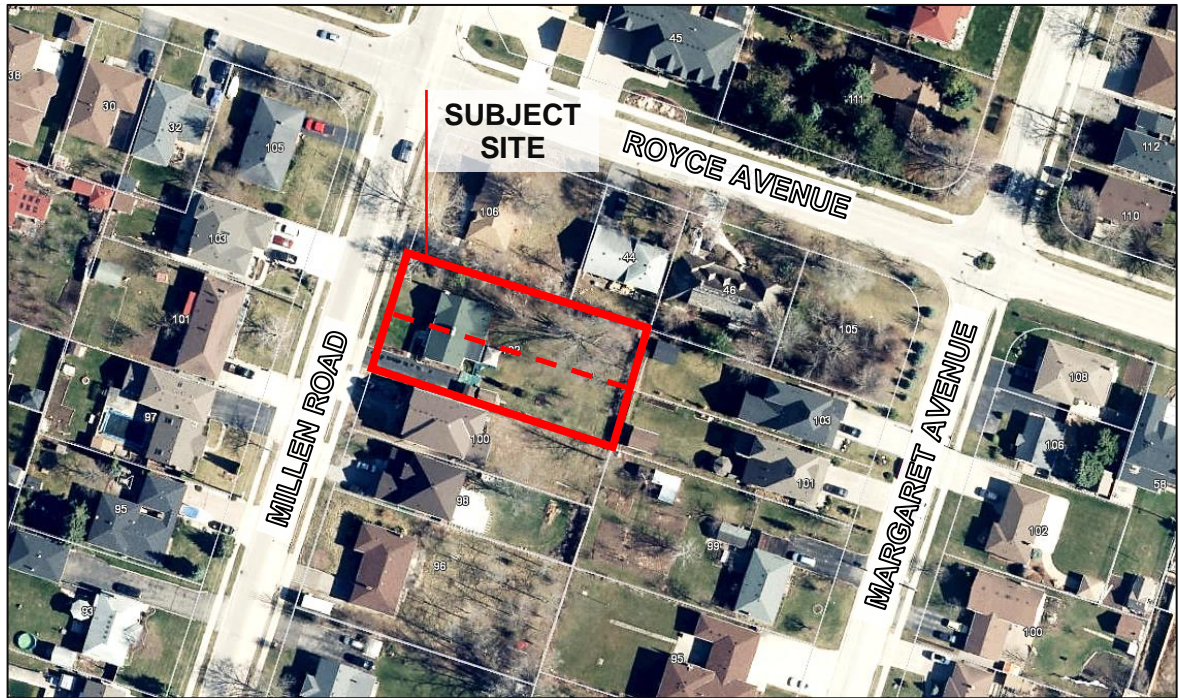


Figure 1: 102 Millen Road, Stoney Creek, Hamilton (“The subject site”).

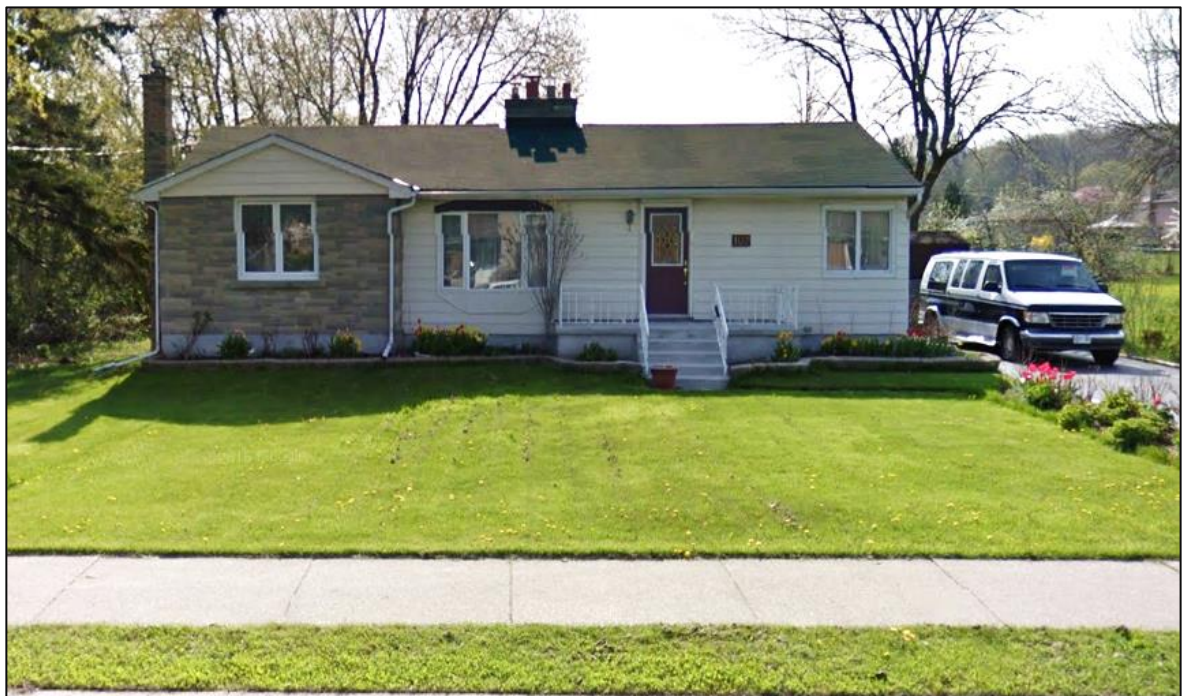


Figure 2: The subject site currently contains a one storey detached dwelling that straddles the proposed property line. It is proposed to be demolished. (Photograph Source: Google Streetview: May 2014).

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



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 A MINOR VARIANCE

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

The Planning Act

Application for Minor Variance or for Permission

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

1, 2	NAME	ADDRESS	
Registered Owners(s)	Raffaella Crowe	[REDACTED]	Phone:
	Sierra Paletta		E-mail:
Applicant(s)*			Phone:
			E-mail:
Agent or Solicitor	GSP Group Inc. (c/o Stuart Hastings)	[REDACTED]	Phone:
			E-mail:

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

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:
Mortgagee: 1884061 Ontario Inc., 64 Aquamarine Drive, Stoney Creek, ON

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

4. Nature and extent of relief applied for:

To permit a minimum Lot Frontage of 13.1m, whereas 15m is required in the Single Residential (R2) Zone within Stoney Creek By-law No. 3692-92

5. Why it is not possible to comply with the provisions of the By-law?

This minor variance is required to facilitate a severance application. The current lot frontage is 26.2m, which once divided in half (13.1m), is insufficient to provide the required minimum Lot Frontage (15m).

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

102 Millen Road, Hamilton, ON

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
Agricultural Vacant
Other _____

8.1 If Industrial or Commercial, specify use N/A

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

8.8 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

8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Owner's Knowledge

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

N/A Is the previous use inventory attached? Yes No

9. 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

R. Crowe Spallitta
Signature Property Owner

Raffaella Crowe & Sierra Paletta
Print Name of Owner

10. Dimensions of lands affected:

Frontage 26.2m along Millen Road
Depth 53.3m
Area 1,403m²
Width of street ±20.0m (Millen Road)

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

Existing: __

Existing 1 storey detached dwelling to be demolished to facilitate severance.

Proposed

Upon approval of the related severance application, detached dwellings are proposed to be constructed on each lot in compliance with the regulations of the Single Residential (R2) Zone

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:

Existing 1 storey detached dwelling to be demolished to facilitate severance.

Proposed:

Upon approval of the related severance application, detached dwellings are proposed to be constructed on each lot in compliance with the regulations of the Single Residential (R2) Zone

13. Date of acquisition of subject lands:
Jan. 15, 2021
14. Date of construction of all buildings and structures on subject lands:
Circa 1952
15. Existing uses of the subject property:
 Residential: one storey detached dwelling.
16. Existing uses of abutting properties:
 Residential detached dwellings abutting on all sides
17. Length of time the existing uses of the subject property have continued:
 As long as known.
18. Municipal services available: (check the appropriate space or spaces)
 Water _____ Connected _____
 Sanitary Sewer _____ Connected _____
 Storm Sewers _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
 "Neighbourhoods" - (Schedule E and E-1)
 "Low Density Residential 2b" - Western Development Area Secondary Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
 Single Residential (R2) Zone
 Stoney Creek Zoning By-law No. 3692
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.
 N/A
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes (Application submitted concurrently) No
23. Additional Information
 N/A
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

PART 25 AFFIDAVIT OR SWORN DECLARATION

This declaration to be sworn by a Commissioner of Oaths.

I, Stuart Hastings (GSP Group Inc.) of the City of Hamilton
in the Province of Ontario solemnly declare that:

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

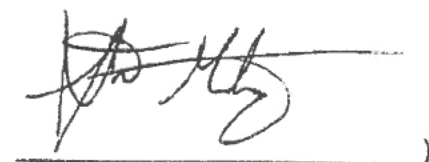
Declared before me at the

at the City of Hamilton)

in the Province)

of Ontario)

this 4th day of February A.D. 2021)



Applicant



A Commissioner, etc. Sarah Frances Knoll, a Commissioner, etc.,
Province of Ontario, for GSP Group Inc.
Expires April 27, 2021.

PART 26 OWNERS AUTHORIZATION

As of the date of this application, I (NAME) Raffaella Crowe & Sierra Paletta am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

Stuart Hastings of GSP Group Inc.

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

DATE February 4, 2021

SIGNED RCrowe

PART 27 CONSENT OF THE OWNER

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

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

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

I, Raffaella Crowe & Sierra Paletta, the Owner, hereby agree and acknowledge
(Print name of Owner)

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

February 4, 2021
Date

RCrowe SPaletta
Signature of Owner

PART 28 PERMISSION TO ENTER

Date: February 4, 2021

Secretary/Treasurer
Committee of Adjustment
City of Hamilton,
City Hall

Dear Secretary/Treasurer;
Re: Application to Committee of Adjustment
Location of Land: 102 Millen Road, Stoney Creek
(Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited purposes of evaluating the merits of this application.

R. Crowe S. Paletta
Signature of Owner or Authorized agent

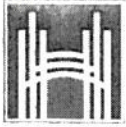
Raffaella Crowe & Sierra Paletta

Please print name

Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee’s policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.

PART 29 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1284.



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

CITY OF HAMILTON
COST ACKNOWLEDGEMENT AGREEMENT

This Agreement made this 4th day of February, 2021.

BETWEEN:

Raffaella Crowe & Sierra Paletta
Applicant's name(s)

hereinafter referred to as the "Developer"

-and-

City of Hamilton

hereinafter referred to as the "City"

WHEREAS the Developer represents that he/she is the registered owner of the lands described in Schedule "A" attached hereto, and which lands are hereinafter referred to as the "lands";

AND WHEREAS the Developer has filed for an application for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval/minor variance.

AND WHEREAS it is a policy of the City that any City costs associated with an appeal to the Local Planning Appeal Tribunal, by a party other than the Developer, of an approval of a consent, rezoning, official plan amendment, plan of subdivision, and/or minor variance, such as, but not limited to, legal counsel costs, professional consultant costs and City staff costs, shall be paid by the Developer.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of two dollars (\$2.00) now paid by the City to the Developer, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. In this Agreement:

- (a) "application" means the application(s) for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval or minor variance dated _____ with respect to the lands described in Schedule "A" hereto.
- (b) "Expenses" means all expenses incurred by the City if the application is: (a) approved by the City; (b) appealed to the Local Planning Appeal Tribunal by a party other than the developer; and (c) the City appears before the Local Planning Appeal Tribunal or any other tribunal or Court in support of the application, including but not limited to: City staff time, City staff travel expenses and meals, City disbursements, legal counsel fees and disbursements and all consultant fees and disbursements including, without limiting the generality of the foregoing planning, engineering or other professional expenses

2. The City agrees to process the application and, where the application is approved by the City but appealed to the Local Planning Appeal Tribunal by a party other than the Developer, the Developer shall file an initial deposit, in the form of certified cheque or cash with the General Manager, Finance & Corporate Services within fifteen days of the date of the appeal of the application by a third party in the amount of 50% of the estimated expenses associated with the appeal as estimated by the City Solicitor in his sole discretion which shall be credited against the Expenses.

3. It is hereby acknowledged that if the deposit required pursuant to section 2 of this Agreement is not paid by the Developer the City shall have the option, at its sole discretion, of taking no further steps in supporting the Developer's application before the Local Planning Appeal Tribunal.
4. It is hereby acknowledged that all expenses shall be paid for by the Developer. The Developer shall reimburse the City for all expenses the City may be put to in respect of the application upon demand.
5. It is hereby acknowledged and agreed that all expenses shall be payable by the Developer whether or not the Developer is successful before the Local Planning Appeal Tribunal or any other tribunal or Court in obtaining approval for their application.
6. The City shall provide the Developer with copies of all invoices of external legal counsel or consultants included in the expenses claimed by the City.
7. The City shall provide the Developer with an accounting of all staff costs and City disbursements included in the expenses claimed by the City.
8. The City may, at any time, draw upon the funds deposited in accordance with sections 2 and 9 of this Agreement to satisfy expenses incurred pursuant to the appeal of the application.
9. In the event that the amount deposited pursuant to section 2 of this Agreement is reduced to less than 10% of the initial deposit, the City may halt all work in respect of the appeal of the application until the Developer deposits with the City a sum sufficient to increase the deposit to an amount which is equal to 100% of the expenses estimated pursuant to paragraph 2 of this Agreement and still to be incurred by the City.
10. Within 60 days of: (a) a decision being rendering in respect of the appeal or any legal proceedings resulting from the decision, whichever is later; or (b) the termination of all legal proceedings in respect of the application, the City shall prepare and submit a final account to the Developer. If there are any deposit funds remaining with the City they shall be applied against the account. Any amount owing in respect of the final account in excess of deposit funds shall be paid by the Developer within 30 days of the date of the final account. If any deposit funds are remaining after the final account has been paid they shall be returned to the developer within 30 days of the date of the final account.
11. This Agreement shall not be construed as acceptance of the application and nothing herein shall require or be deemed to require the City to approve the application.
12. This Agreement shall not stand in lieu of or prejudice the rights of the City to require such further and other agreements in respect of the application that the City may deem necessary.
13. Every term, covenant, obligation and condition in this Agreement ensures to the benefit of and is binding upon the parties hereto and their respective heirs, executors, administrators, successors, trustees and assigns.
14. When the context so requires or permits, the singular number is to be read as if the plural were expressed, and the masculine gender as if the feminine, as the case may be, were expressed; and,
15. This Agreement and the schedules hereto constitute the entire agreement between the parties in respect of the subject matter contained herein and is not subject to, or in addition to, any other agreements, warranties or understandings, whether written, oral or implied. This Agreement may not be modified or amended except by instrument in writing signed by the Developer and the City, and,
16. The waiver or acquiescence by the City of any default by the Developer under any obligation to comply with this Agreement shall not be deemed to be a waiver of that obligation or any subsequent or other default under this Agreement.
17. The Developer covenants and agrees to be bound by the terms and conditions of this Agreement and not to seek a release from the provisions thereof until such time as the

Developer's obligations hereunder have been assumed by its successor, assignee or transferee by way of written agreement in the form set out in Schedule "B" to this Agreement.

IN WITNESS WHEREOF the parties hereto have set their corporate seals under the hands of their duly authorized officers.

DATED at City of Hamilton this 4th day of February, 2021.

WITNESS

R. Crowe & S. Paletta
Per: Raffaella Crowe & Sierra Paletta
I have authority to bind the corporation.

WITNESS

Per:
I have authority to bind the corporation

DATED at Hamilton, Ontario this ____ day of _____, 20____.

City of Hamilton

Per: _____
Mayor

Per: _____
Clerk

Schedule "A"
Description of Lands

SCHEDULE "B"
FORM OF ASSUMPTION AGREEMENT

THIS AGREEMENT dated the _____ day of _____ 20 ____.

BETWEEN

Raffaella Crowe & Sierra Paletta
(hereinafter called the "Owner")

OF THE FIRST PART

-and-

(hereinafter called the "Assignee")

-and-

OF THE SECOND PART

CITY OF HAMILTON
(hereinafter called the "Municipality")

OF THE THIRD PART

WHEREAS the owner and the Municipality entered into and executed a Cost Acknowledgement Agreement dated _____.

AND WHEREAS Assignee has indicated that it will assume all of the Owner's duties, liabilities and responsibilities as set out in the Cost Acknowledgement Agreement.

AND WHEREAS Council for the Municipality has consented to releasing the Owner from its duties, liabilities and responsibilities under said Cost Acknowledgement Agreement subject to the Assignee accepting and assuming the Owner's duties, liabilities and responsibilities and subject to the Assignee the Owner and the Municipality entering into and executing an Assumption Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the mutual covenants hereinafter expressed and other good and valuable consideration, the parties hereto agree as follows.

1. The Assignee covenants and agrees to accept, assume and to carry out the Owner's duties, liabilities and responsibilities under the Cost Acknowledgement Agreement and in all respects to be bound under said Cost Acknowledgement Agreement as if the Assignee had been the original party to the agreement in place of the Owner.
2. The Municipality hereby releases the Owner from all claims and demands of any nature whatsoever against the Owner in respect of the Cost Acknowledgement Agreement. The Municipality hereby accepts the Assignee as a party to the Cost Acknowledge Agreement in substitution of the Owner, and agrees with the Assignee that the Assignee will be bound by all the terms and conditions of the Cost Acknowledgement Agreement as if the Assignee had been the original executing party in place of the Owner.
3. All of the terms, covenants, provisos and stipulations in the said Cost Acknowledgement Agreement are hereby confirmed in full force save and except for such modifications as are necessary to make said clauses applicable to the Assignee.

IN WITNESS WHEREOF the Parties have hereunto affixed their corporate seals duly attested to by their proper signing officers in that behalf.

SIGNED, SEALED AND DELIVERED

R. Crowe S. Paletta c/s
Owner: Raffaella Crowe & Sierra Paletta
Title:
I have authority to bind the corporation

_____ c/s
Assignee:
Title:
I have authority to bind the corporation

CITY OF HAMILTON

Mayor

Clerk