



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-21:98

APPLICANTS: M. Auduong on behalf of the owner Empire Communities

SUBJECT PROPERTY: Municipal address **22 Hargrove Way, Stoney Creek**

ZONING BY-LAW: Zoning By-law 3692-92, as Amended 10-327

ZONING: "R4-26" (Single Residential) district

PROPOSAL: To permit the construction of a single detached dwelling on a vacant lot notwithstanding that;

1. The lot line measuring 19.903m being the longer lot line shall be deemed the front lot line and the lot line measuring 16.663m being the shorter lot line shall be deemed the side lot where as the zoning By-law states that in the case of a corner lot, the shorter lot line that abuts the street shall be deemed to be the front lot line and the longer lot line that abuts the street shall be deemed to be the side lot line.

Notes: No elevation plans provided from which to determine compliance. The applicant shall ensure that the maximum permitted 11.0m is not exceeded; otherwise, further variances will be required.

The applicant shall ensure that the side yard abutting the flankage street conforms. The site plan shows a setback of 1.86m to the closest part of the building from the flankage side lot line. The zoning By-law permits bay windows either with or without foundations may project into any required front, rear, or flankage yards a distance of not more than 0.9 metres. However, insufficient details are provided to confirm compliance; as such, further variances may be required.

Eaves or gutters, for other than an accessory building, may project into any required yard a distance of not more than 0.5 metres. Insufficient details were provided from which to determine compliance; as such, further variances may be required.

The parking space size located within a garage shall have a minimum width of 2.75 metres and have a minimum length of 6.0 metres. Insufficient details were provided from which to determine compliance; as such, further variances may be required.

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

DATE: Thursday, April 22nd, 2021
TIME: 2:55 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

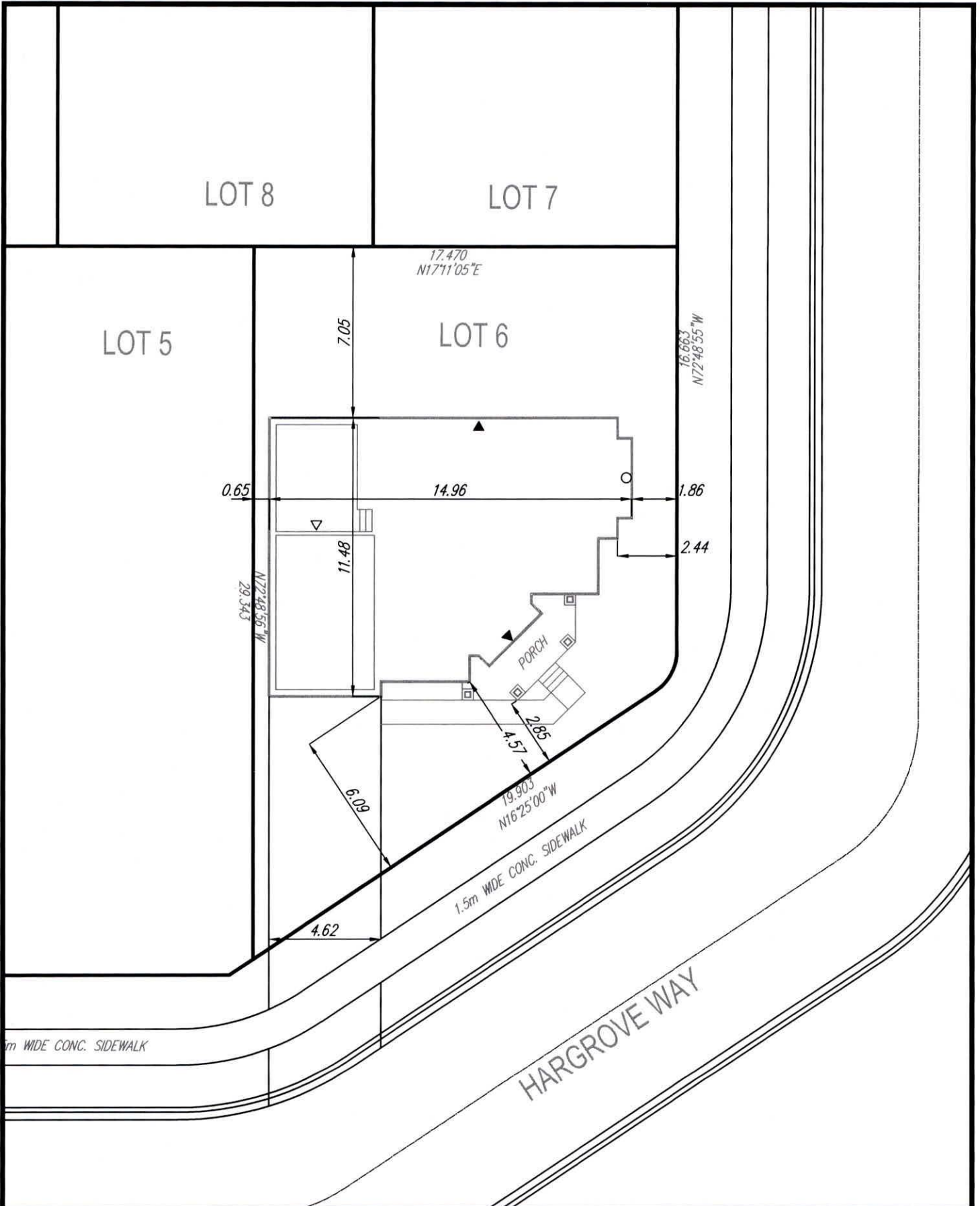
For more information on this matter, including access to drawings illustrating this request:

- 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: April 6th, 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.



Lot 6 - Site Plan
 Victory Phase 5, Hamilton ON

SCALE:
 1:200



DATE:
 Mar 2021

armstrong
 planning | project management

March 9, 2021

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

Re: Empire Communities – Victory Residential Subdivision - Nash Neighbourhood
22 Hargrove Way. Minor Variance Application – Phase 5 – Lot 6, 62M-1244

Mrs. Sheffield,

On behalf of our client Empire Communities, we are pleased to submit for your consideration, an Application for a Minor Variance in order to facilitate developing lot 6 within Phase 1 of the Victory Subdivision.

In support of the Minor Variance application, enclosed are the following items:

- 2 copies of the Signed Application Form and Cost Acknowledgement Agreement;
- Fee of \$3,320;
- 2 copies of the Lot Site Plan, including dimensions, for Lot 6;
- Comments dated February 22, 2021 from the Building Division;

Site History

The Victory Subdivision was approved through a settlement at the Ontario Municipal Board in 2010. Through the settlement, the entire 23-hectare subdivision was draft-approved (see **Figure 1**). To-date, Phases 1, 2 and 3 have been constructed and occupied. House Construction on Phase 5 is ongoing.

The OMB approval zoned the subject lands to facilitate the residential development. The following zones, with exceptions, were approved in the subdivision:

- Multiple Residential "RM2-20(H)"
- Multiple Residential "RM3-38(H)"
- Multiple Residential "RM2-20"
- Single Residential "R4-26"
- Single Residential "R4-27"
- Single Residential "R4-28(H)"
- Multiple Residential "RM2-26"

Phase 5 has been registered in December 2017. This phase designated as "Medium Density Residential 2" and zoned as "R4-26" through By-law 10-327 (Amendment to Zoning By-law No. 3692-92 of the former City of Stoney Creek). (see **Figure 1**)



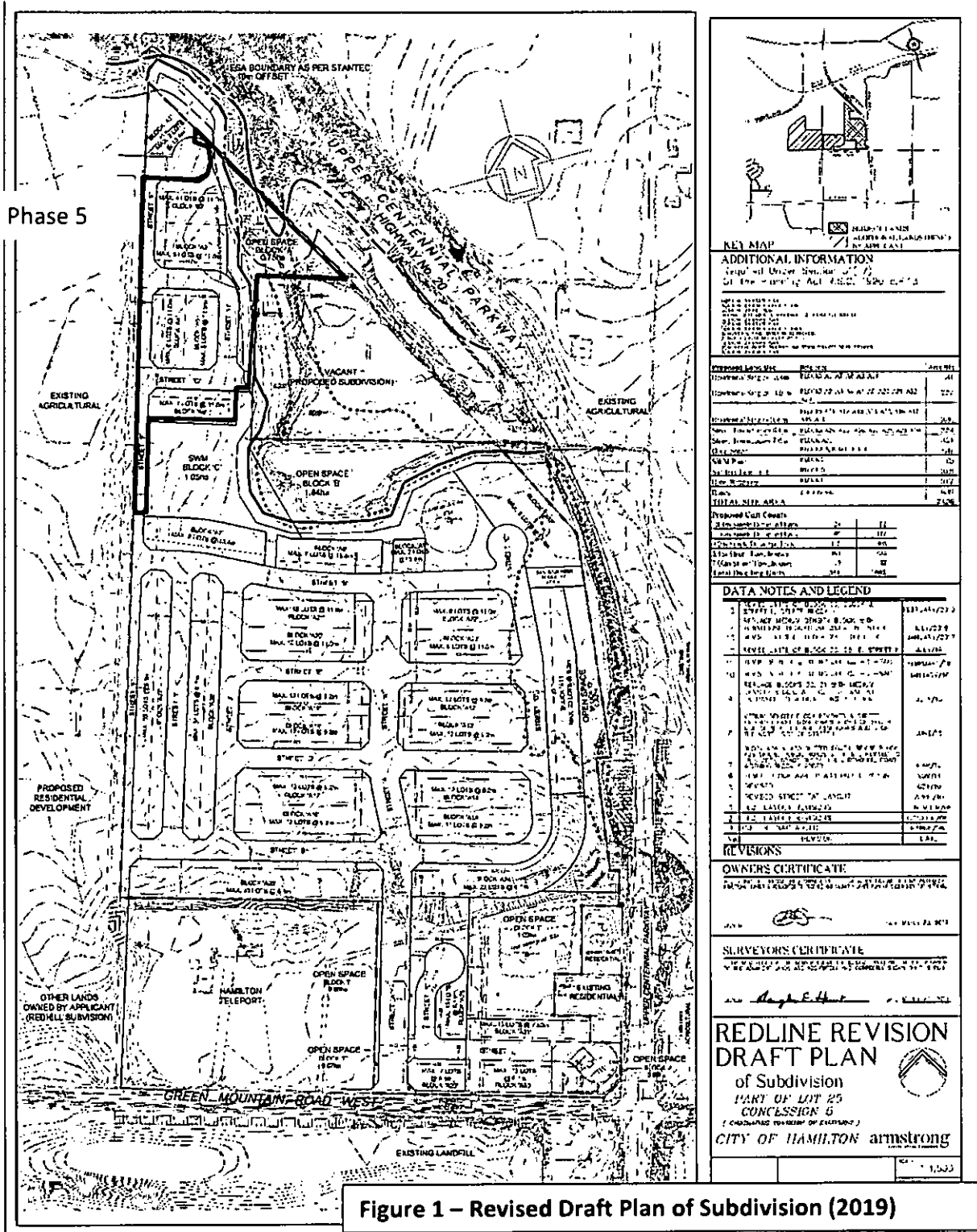


Figure 1 – Revised Draft Plan of Subdivision (2019)



Request for Minor Variance

During the review of the proposed building for lot 6 (Permit Application Number 21-105522-00 R9), the Building Division provided some preliminary comments dated February 22, 2021. The comments identified certain provision with regard to lot frontage for which a minor variance would be required to seek relief from the “R4-26” Zone. This application is being made pursuant to this comment.

Lot 6 on plan number 62M-1244 is a corner lot and located on Hargrove Way. This lot, has 2 lot lines fronting Hargrove Way per below:

- North lot line with length of 16.63 m
- East lot line with length of 19.90 m

Per the City of Stoney Creek Zoning By-Law No. 3692-92 (consolidated October 2020), In the case of a corner lot, the shorter lot line that abuts the street shall be deemed to be the front lot line and the longer lot line that abuts the street shall be deemed to be the side lot line.

Variance #1 – For Lot 6, to permit the longer lot line with a length of 19.90 m as the Front Lot Line; whereas the shorter lot line with a length of 16.63 is defined as the Front Lot Line under the zoning By-law.

By defining the eastern (longer) lot line as Front Lot Line, the proposed building orientation at Lot 6 will be same as other lots in the block, and also will support the consistency of block’s streetscape.

Should the application be approved, all setbacks requirements will be met.

Rationale

We believe the requested variances meet the four tests under the Planning Act:

1. **The application meets the intent and purpose of the Official Plan;**
 - The proposed development represents a low-density form of housing, as envisioned in City policies to provide opportunities for a full range and mix of low, medium and high-density housing are provided within the Neighbourhood. The proposed use is permitted under the Official Plan policies.

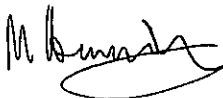
2. **The application meets the intent and purpose of the Zoning By-law;**
 - This variance asks for identifying the longer lot line as front lot line in this corner lot case. All zoning provisions/requirements such as minimum required setbacks at front, rear and side yards will be met should the application be approved.

3. **The application is considered to be desirable for the appropriate development of the property;**
 - The proposed building foot print represent an efficient use of land. The massing and orientation of building, provide sufficient/efficient GFA and functional space as front and rear yard area.
 - In addition, proposed orientation of the building will be consistent with block streetscape.

4. **The application is considered to be minor in nature.**
 - The variance is required as a result of the Zoning By-law definition of a "Front Lot Line". However, with the approval of the Minor Variance, the orientation of the dwelling will be consistent with the streetscape and adjacent dwellings.

Thank you for your consideration. Should you have any questions or comments, please feel free to contact me at 416-444-3300 ext. 3002 or michael@armstrongplan.ca.

Yours Truly,



Michael Auduong, RPP
Senior Planner

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

Phone: (905) 546-2424 ext. 4221
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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)	EMPIRE COMMUNITIES (STONE CREEK) LTD.		Phone: _____
			E-mail: _____
Applicant(s)*	ARMSTRONG PLANNING AND PROJECT MANAGEMENT C/O MICHAEL AUDUONG		Phone: _____
			E-mail: _____
Agent or Solicitor			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:
 N/A

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:
IDENTIFYING LONGER LOT LINE AS A FRONT LOT LINE ON A CORNER LOT, AS IT RELATES TO LOT 6 ON PLAN 62M-1244.
5. Why it is not possible to comply with the provisions of the By-law?
PLEASE SEE APPLICATION LETTER
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**):
SUBJECT SITE LOCATED ON PLAN NUMBER 62M-1244, LOT 6
MUNICIPAL ADDRESS: 22 HARGROVE WAY, HAMILTON
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?

PREVIOUS ENVIRONMENTAL STUDIES

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.

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.

March 9, 2021
Date


Signature Property Owner

EMPIRE COMMUNITIES
(STONE CREEK) LTD.

Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>16.663 m</u>
Depth	<u>29.343 m</u>
Area	<u>400 m²</u>
Width of street	<u>18.0 m</u>

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: _

N/A

Proposed

GROUND FLOOR AREA: 143.169 m²
NUMBER OF STORY: 2
WIDTH: PLEASE SEE ATTACHED SITE PLAN
LENGTH: PLEASE SEE ATTACHED SITE PLAN

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

Existing:

N/A

Proposed:

FRONT - TO BUILDING: 4.57 M - TO GARAGE 6.09 M
REAR: 7.05 M
INTERIOR SIDE: 0.65
EXTERIOR SIDE: 1.86

13. Date of acquisition of subject lands:
2005
-
14. Date of construction of all buildings and structures on subject lands:
N/A
-
15. Existing uses of the subject property:
VACANT
16. Existing uses of abutting properties:
VACANT/RESIDENTIAL
17. Length of time the existing uses of the subject property have continued:
3 YEARS
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:
DESIGNATED Medium Density Residential 2 - (STONE CREEK SECONDARY PLANS (Nash Neighbourhood))
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
ZONED: R4-26 - (By-law 10-327 (Amendment to Zoning By-law No. 3692-92 of the former City of Stoney Creek))
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
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.

LOT SITE PLAN ATTACHED