



Hamilton

COMMITTEE OF ADJUSTMENT

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

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: HM/B-21:25

SUBJECT PROPERTY: 129 East 22nd St., Hamilton

You are receiving this notice because you are either:

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

APPLICANT(S): GSP Group c/o N. Frieday on behalf of the owner
Emil Joseph

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land and to retain a parcel of land

Severed lands:

9.46m[±] x 34.03m[±] and an area of 321.75m^{2±}

Retained lands:

9.77m[±] x 34.03m[±] and an area of 335.05m^{2±}

The Committee of Adjustment will hear this application on:

DATE: Thursday, May 6th , 2021

TIME: 2:30 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 20th, 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.

EAST 22ND STREET

CONCRETE SIDEWALK

1.83
N80°59'50"W

Low-Density Residential Uses

32.29

N71°33'30"W

OTHER LANDS OWNED BY APPLICANT
224.34m²

ASPHALT
DRIVEWAY

ASPHALT
DRIVEWAY

LANDS TO BE SEVERED
97.72m² 3

34.04

N71°13'20''W

34.04

N71°13'20"W

21.98

WOOD
DECK
UPPER
TO REMAIN

WOOD
DECK
LOWER
TO REMAIN

**LANDS TO BE
RETAINED**
334.66m²

FRAME
SHED
TO BE
DEMOLISHED

○ #129
Existing 1 1/2
Storey House
to Remain

N71°13'10"W

Low-Density Residential Uses

CONSENT SKETCH LAND SEVERANCE

129 EAST 22ND STREET, HAMILTON

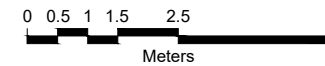


LANDS TO BE SEVERED
AREA: 97.72m²

LANDS TO BE RETAINED
AREA: 334.66m²



9.0M LIMIT FOR LOT WIDTH MEASUREMENT



NOTE: This sketch has been prepared based on a Site Plan prepared by Urbanscape Architects dated February 22, 2021. All measurements in METRIC, unless otherwise noted.

Scale 1:125 | March 17, 2021 | Project No.: 21050 | Drawn By: JML



GSP
group

P:21050-2721536 Ontario Inc-129 East 22nd St., Hamilton\drawings\cs21050b.dwg



SHAPING GREAT COMMUNITIES

April 8, 2021

File No. 21050

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

Dear Ms. Sheffield:

**RE: 129 EAST 22ND STREET
CONSENT AND MINOR VARIANCE APPLICATIONS**

Further to the application submission in March 2021 regarding the noted applications for Consent and Minor Variance, it was advised by Samantha Costa of Committee of Adjustment Staff on March 23, 2021 that the submitted cheque of \$2,878.00 for the Consent fee was shredded and that the fee for the Consent application needed to be revised to NOT include the per unit fee charge.

As such, we have submitted the updated fee for the Consent application via mail dropbox to City Hall and have included the following documentation to assist with Staff's review of our applications:

1. A cheque in the amount of \$3,320.00 representing the City's application fee for Minor Variance;
2. A cheque in the amount of \$2,860.00 representing the City's application fee for Consent;
3. One (1) copy of the Minor Variance application form;
4. One (1) copy of the Consent application form;
5. One (1) copy of the Site Plan and Elevations;
6. One (1) copy of the Consent Sketch; and,
7. One (1) copy of a Planning Justification Report in support of the Consent and Minor Variance applications.

Should you have any questions or require any additional information, please do not hesitate to contact me at 226-243-7433 or via email at jliberatore@gspgroup.ca.

Yours truly

GSP Group Inc.

A handwritten signature in black ink, appearing to read "J. Liberatore".

Joseph M. Liberatore, B.U.R.Pl., Dip. GIS & Pl.
Planner
cc. Client

PLANNING | URBAN DESIGN | LANDSCAPE ARCHITECTURE

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gspgroup.ca

Planning Justification Brief

129 EAST 22ND STREET CITY OF HAMILTON

Applications for Consent & Minor
Variance

April 2021

Prepared for:

2721536 Ontario Inc.
45 Pinewood Drive
Thornhill ON L4J 5N8

Prepared by:

GSP Group Inc.
162 Locke Street South, Suite 200
Hamilton ON L8P 4A9



Table of Contents

1.	INTRODUCTION	1
1.1	Background	1
1.2	Surrounding Area and Context	5
2.	PROPOSED SEVERANCE	6
3.	PROVINCIAL PLANNING POLICIES	8
4.	URBAN HAMILTON OFFICIAL PLAN POLICIES	10
5.	MINOR VARIANCES REQUESTED	15
5.1	Variance 1: Front Yard Setback.....	16
5.2	Variance 2: Internal Side Yard Setback	19
5.3	Variance 3: Lot Width	20
5.4	Variance 4: Reduction in Lot Area	21
6.	SUMMARY AND RECOMMENDATIONS	22

List of Figures

Figure 1:	Site Location	1
Figure 2:	Extract from Property Index Map (Wentworth No. 62)	2
Figure 3:	Survey Plan	3
Figure 4:	Extract from Plan 62R-12015	4
Figure 5:	Site Context Map	5
Figure 6:	Plan showing the Severed and Retained Lot	6
Figure 7:	Severance Sketch.....	7
Figure 8:	Urban Hamilton Official Plan - Urban Structure Schedule E	11
Figure 9:	Urban Hamilton Official Plan - Urban Land Use Designations Schedule E-1	11
Figure 10:	Lotting Pattern Analysis	15
Figure 11:	East 22nd Street - Front Yard Setback Streetscape Analysis.....	19
Appendix A:	Registered Plan 590.....	25
Appendix B:	Registered Plan 746.....	26

1. INTRODUCTION

1.1 Background

2721536 Ontario Inc. owns the property known as 129 East 22nd Street and the vacant lot to the north of 129 East 22nd Street, referred to herein as the “Site/Subject Lands”.

The Site is located on the Hamilton Mountain, within Ward 7, generally south of Concession Street, east of Upper Wentworth Street, north of Fennell Avenue East and west of Upper Sherman Avenue. More specifically, the Site is located south of Crockett Street and north of Queensdale Avenue East, on the east side of East 22nd Street. The location of the Subject Lands is shown in **Figure 1**.

The Owners have applied to sever a portion of the Site to add land to the vacant lot such that it may developed with a single detached dwelling. This severance results in a need to request minor variances for the re-sized lots. Prior to discussing the details of the applications, in our opinion it is important to outline how the two (2) existing lots came to be.



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

Historically, the lots on the east side of East 22nd Street, north of Queensdale Avenue East, were created by two (2) registered plans of subdivision, Registered Plan 590 located south of the Mountain Drain (no longer exists) and Registered Plan 746 located north of the Mountain Drain (see **Figure 2**). Both registered plans predate Zoning By-law No. 6593, passed on July 25, 1950.



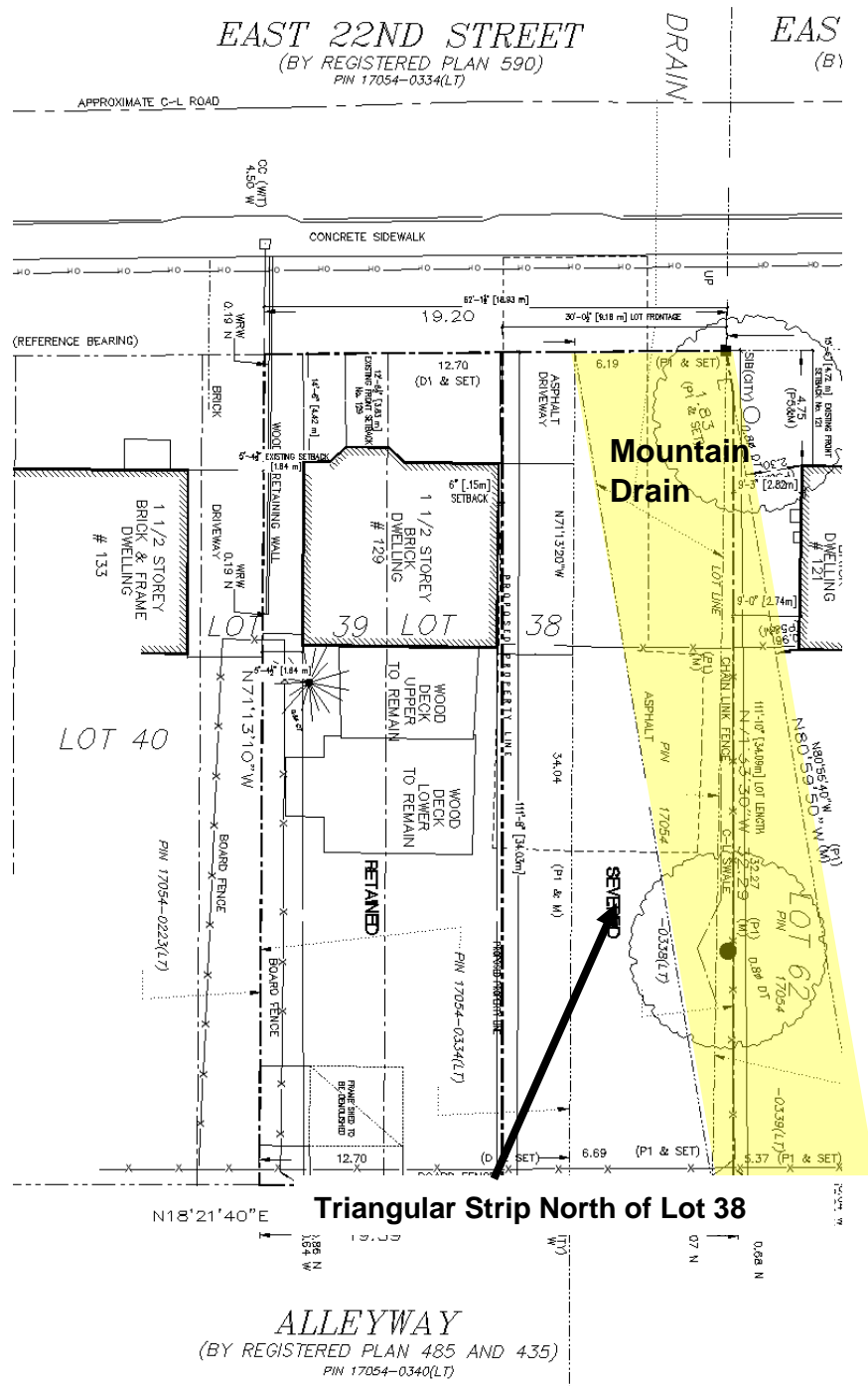
Figure 2: Extract from Property Index Map (Wentworth No. 62)

The lots within Registered Plan 590 originally had lot frontages of 7.62 metres (25 feet) and five (5) lots were registered on the east side of East 22nd Street, south of the Mountain Drain and north of the east-west laneway, shown in Figure 2, being Lots 38 to 42. However, lots and parts of lots were consolidated upon conveyance.

Lot 38 as well as part of Lot 39 became the lot upon which the dwelling known as 129 East 22nd Street was built. With the consolidation, the lot frontage increased from 7.62 metres to 12.7 metres. The area of the lot then became approximately 432.2 square metres.

Directly north of Lot 38 is a parcel of land which is now the consolidation of a piece of land historically referred to as the “Triangular Strip North of Lot 38” and lands abutting it to the north, being a portion of the Mountain Drain (see **Figure 3**).

Figure 3: Survey Plan (Source: Ashenhurst Nouwens & Associates Inc., 2020)



It is our understanding that over time, sections of the Mountain Drain were legally defined and added to abutting lots or in some circumstances became a separate lot. The disposition of the Mountain Drain lands resulted in some minor irregularities in lot widths and lot sizes primarily on either side of the Mountain Drain.

We obtained a copy of a 1991 Reference Plan (Plan 62R-12015) that shows the remnant triangular parcel north of Lot 38. It also shows a portion of the former Mountain Drain between East 22nd Street and the City laneway which runs north south between Crockett Street to the north and Queensdale Avenue to the south, directly to the rear of the Subject Lands. These lands were defined as Part 1 and Part 2 on Plan 62R-12015 (see **Figure 4**).

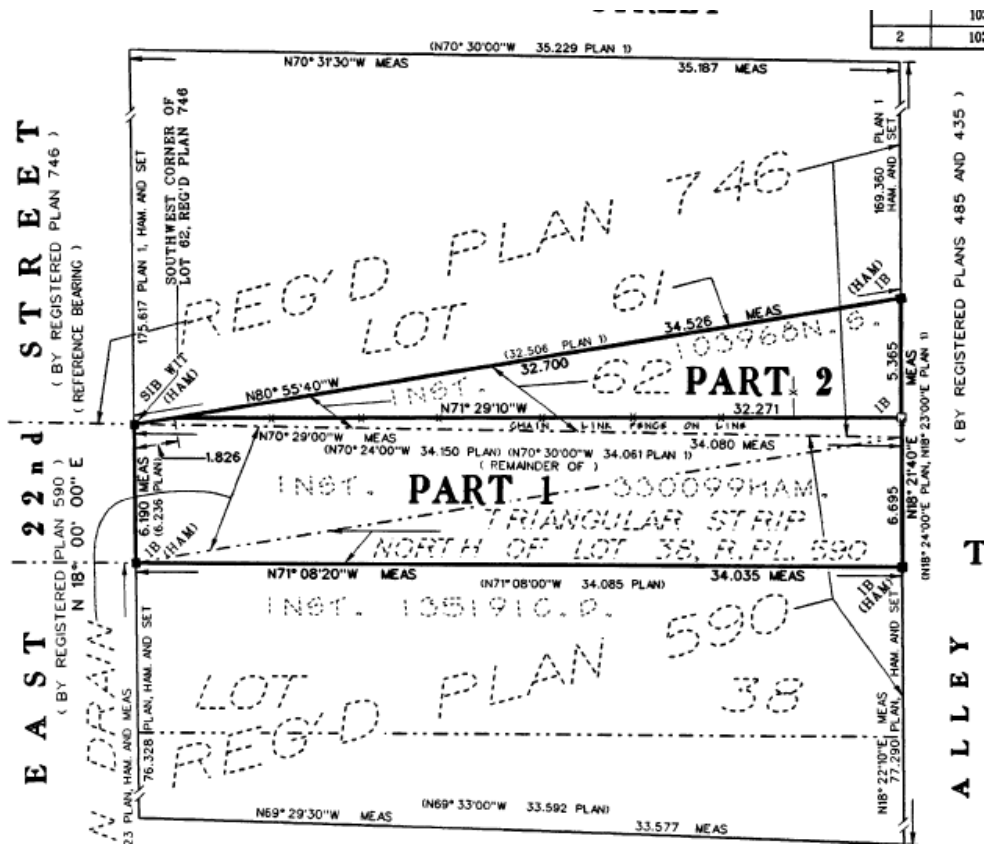


Figure 4: Extract from Plan 62R-12015 (Source: Regional Municipality of Hamilton-Wentworth – Transportation / Environmental Services Group, 1991)

Part 1 was given a separate Property Identification Number (PIN) when the lands were converted to Land Titles in 1995. The lands containing the dwelling (Lot 38 and part of Lot 39, Registered Plan 590) continue to have a separate PIN. On March 20, 2020, the Owners purchased both properties in the same name, but the lands did not merge given that they are part of registered plans of subdivision.

1.2 Surrounding Area and Context

Figure 5 below shows the location of the Subject Lands (outlined in orange) and examples of dwellings in the area.



Figure 5: Site Context Map (Source: Google Earth Imagery, 2020)

1. Dwellings to the north of the Site located at 113, 117 and 121 East 22nd Street.
2. Site.
3. Dwellings to the south of the Site located at 133 and 137 East 22nd Street.
4. Dwellings located at 140 and 144 East 22nd Street on the west side of East 22nd Street.
5. Dwelling at 156 East 22nd Street, opposite the Site.
6. Dwellings at 160 and 162 East 22nd Street.

2. PROPOSED SEVERANCE

The Owners propose to sever a portion of the Lot 38 and add it to the vacant lot to the north. The new enlarged lot is proposed as an infill residential lot for a new 1 ½ storey single detached dwelling, as illustrated in **Figure 6**.

The existing driveway on the north side of the existing dwelling will be added to the lot to the north. The remaining lands will be granted a right-of-way over the existing driveway. This redistribution of land and reconfiguration of the lots permit the use of the existing driveway to access two (2) parking spaces located in the rear yard of the vacant lot and two (2) parking spaces located in the rear yard of the remaining lands. There are benefits to sharing a driveway in that an additional access is not added to East 22nd Street and it can serve as an access to the rear yards, where parking is proposed. An outdoor amenity space with deck is proposed on the newly enlarged lot. The dwelling will remain on the retained lot and the existing shed will be demolished.

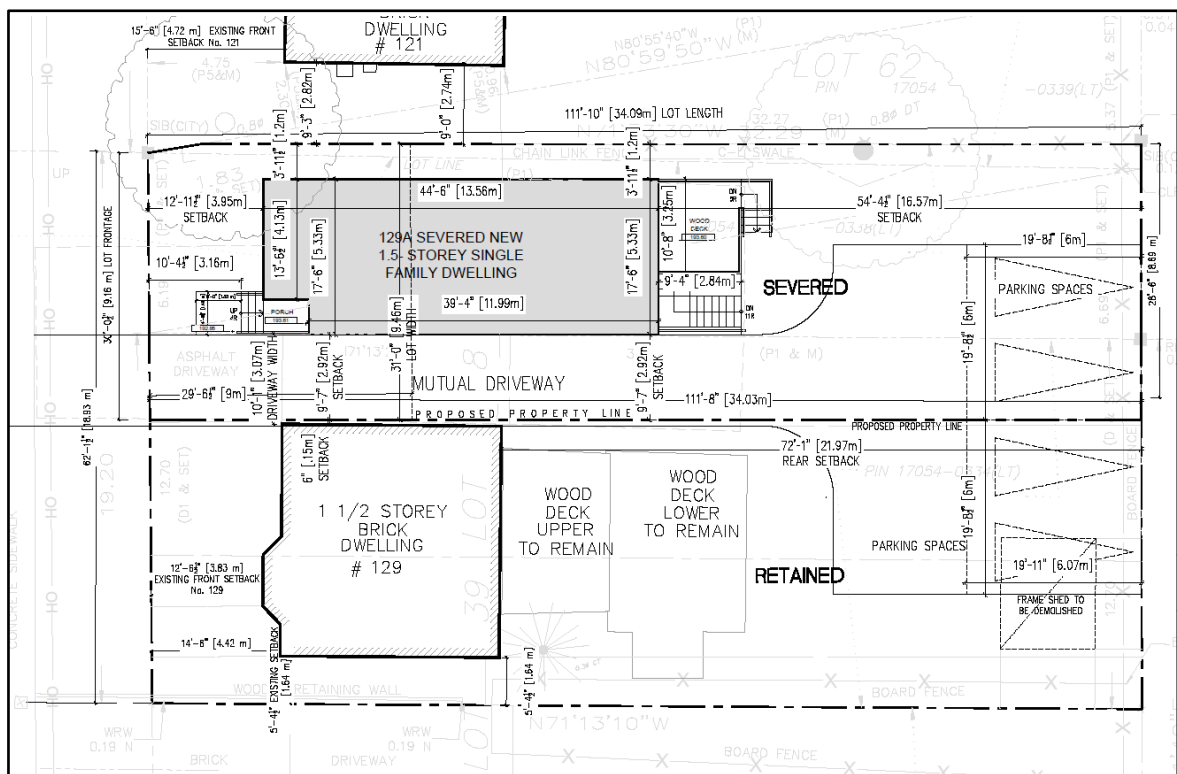


Figure 6: Plan showing the Severed and Retained Lot (Source: Urbanscape Architects, February 22, 2021)

The mutual driveway proposed between the existing converted dwelling and the proposed dwelling on the severed lands is permitted under Zoning By-law 6593. The Zoning By-law defines mutual driveways as, “an ingress or egress that is common to two or more owners of abutting lands as a right of way registered against the title of the lands.” As per Subsection 21 of Section 18A of Zoning By-law 6593,

“All required parking spaces and manoeuvring spaces shall have access by means of one or more access driveways,

- (a) located on the lot; or
- (b) located partly on the lot in the case of a mutual driveway; or
- (c) by means of a right of way.”

This permitted mutual driveway is further regulated in Subsection 24 of Section 18A of Zoning By-law 6593 which prescribes that, “Every parking area for a use where, (a) there are five or less parking spaces shall have not less than one access driveway or one mutual, having a width of at least 2.8 metres.” Accordingly, the proposed mutual driveway and mutual driveway width are permitted and conform to in-effect Zoning By-law 6593.

Figure 7 shows the land to be severed and added to the vacant lot to the north. The resulting lot width increases to 9.46 metres and the lot will have an area of approximately 322 square metres. The lot width of the lands to be retained becomes 9.79 metres and the retained lot will have an area of approximately 334 square metres. The aim is to equalize lot widths and areas to allow for the infill lot.

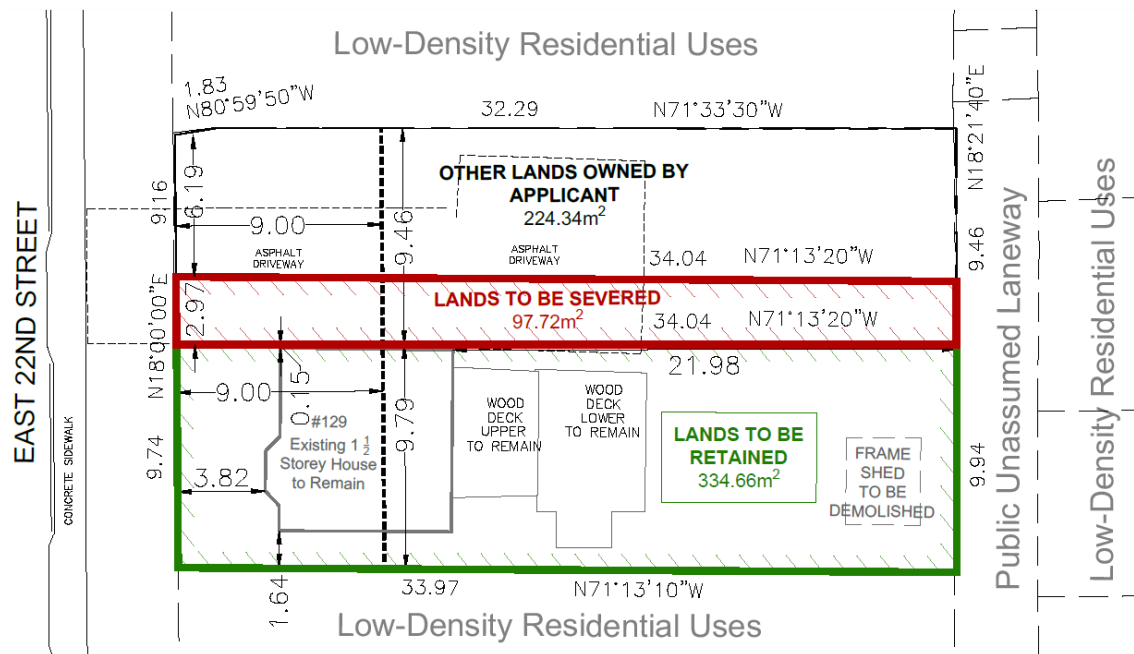


Figure 7: Severance Sketch prepared by GSP Group Inc.

Minor variances for each lot width and lot area are required. Zoning By-law 6593, as discussed in more detail in the Minor Variance section of this report, that each lot have a minimum width of 12.0 metres and a minimum area of 360 square metres, as per the applicable “D” District. A minor variance is also required for a reduced side yard and to recognize the pattern of front yard setbacks.

3. PROVINCIAL PLANNING POLICIES

This section provides a review of the relevant policies of the Provincial Policy Statement 2020 (PPS) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020.

Provincial Policy Statement, 2020

The consent application is consistent with Policy 1.1.3.1 of the PPS, which states that settlement areas shall be the focus of growth and development. The Site is in Hamilton’s Built-up Area as identified on *Appendix G—Boundaries Map* of the Urban Hamilton Official Plan (UHOP).

Further, the consent application is consistent with the PPS as it will:

- result in more efficient development and land use patterns (Policy 1.1.1.a);
- promote cost-effective development patterns and minimize land consumption and servicing costs (Policy 1.1.1.e);
- make land available through intensification within a settlement area (Policy 1.1.2);
- efficiently use land and resources within a settlement area (Policy 1.1.3.2.a.1);
- efficiently use the infrastructure and public service facilities in the area (Policy 1.1.3.2.a.2);
- provide an opportunity for intensification where it can be accommodated considering the availability of existing infrastructure and public service facilities (Policy 1.1.3.3);
- facilitate intensification in a compact form while avoiding risks to public health and safety (Policy 1.1.3.4);
- promote the efficient use and optimization of existing municipal water and sanitary services (Policy 1.6.6.1.a.1); and

Based upon a review of the 2020 PPS, the application for consent facilitates the construction of a new single-detached dwelling on an infill basis and is consistent with the PPS.

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

Section 2 of the Growth Plan, Where and How to Grow states: “To support the achievement of complete communities, this Plan establishes minimum intensification and density targets that recognize the diversity of communities across the GGH.” The Growth Plan also states:

Better use of land and *infrastructure* can be made by directing growth to *settlement areas* and prioritizing *intensification*, with a focus on *strategic growth areas*, including *urban growth centres* and *major transit station areas*, as well as *brownfield sites* and *greyfields*. (Words and phrases in italics are defined in the Growth Plan)

Greyfields is defined in the Growth Plan as “Previously development properties that are not contaminated. They are usually, but not exclusively, former commercial properties that may be underutilized, derelict, or vacant.”

The lot adjacent to 129 East 22nd Street is a vacant lot, created through the consolidation of former drainage lands and remnant lands created by a registered plan of subdivision and is underutilized.

The Growth Plan also states: “Compact built form and intensification efforts go together with more effective transit and active transportation networks and are fundamental to where and how we grow.” The Growth Plan supports intensification and optimizing the use of existing urban land. The Growth Plan directs municipalities to develop an intensification strategy that encourages intensification throughout the delineated built-up area.

Section 2.2.1 - Managing Growth of the Growth Plan states that the 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.

The Site is located within Hamilton’s Built-up Area and has access to existing municipal water and wastewater services. Policy 2.2.1.2.c) iv of the Growth Plan states that within settlement areas, growth will be focused in “areas with existing or planned public service facilities”. The area surrounding the Site contains several public service facilities, including parks, schools, and service commercial uses.

In our opinion, the proposed consent application results in an efficient use of land in the built boundary of the City and utilizes an underutilized lot by proposing a shared driveway and parking to the rear of the dwellings, removing vehicles from the streetscape.

4. URBAN HAMILTON OFFICIAL PLAN POLICIES

Volume 1, Section F.1.14.3.1 titled Lot Creation – Urban Area of the Urban Hamilton Official Plan (UHOP) contains six (6) conditions [a) through f)] that must be met for consents. Each condition/policy is stated below followed by a response. The response to Condition a) is lengthy as it addresses the applicable policies related in infill lots and intensification.

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

The Site is identified within the “Neighbourhoods” Urban Structure element, as shown on Schedule E – Urban Structure of the UHOP and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations of UHOP.

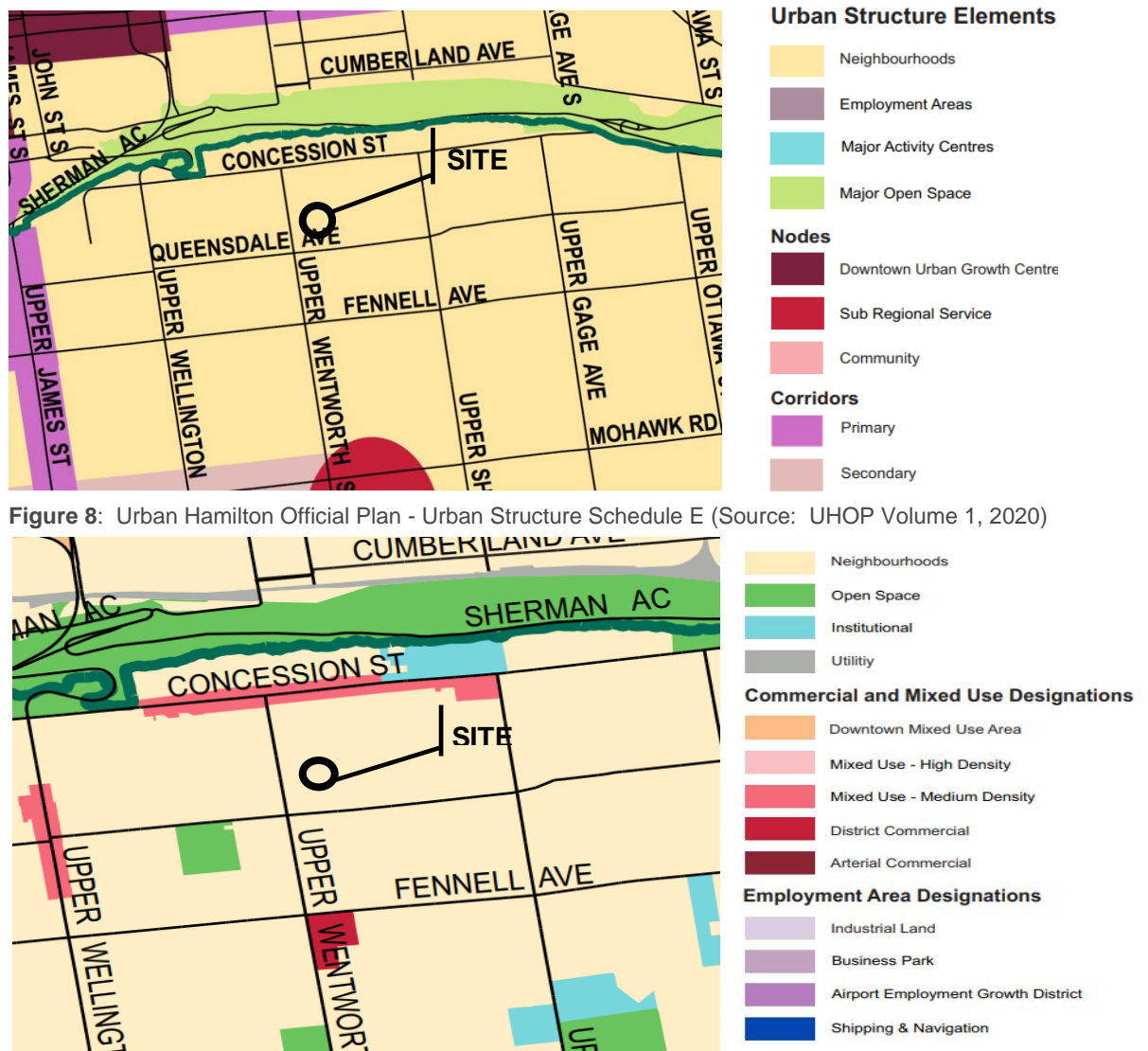


Figure 8: Urban Hamilton Official Plan - Urban Structure Schedule E (Source: UHOP Volume 1, 2020)

Figure 9: Urban Hamilton Official Plan - Urban Land Use Designations Schedule E-1 (Source: UHOP Volume 1, 2020)

The creation of an enlarged lot for construction is infill in an established neighbourhood as well as intensification. In this regard, new lots must comply with the UHOP policies found in Chapter B – Communities, specifically Section B.2.4 – Residential Intensification and Chapter E – Urban Systems and Designations, specifically Section E.3.0 – Neighbourhoods Designation.

Section E.3.2.13 of the UHOP states:

3.2.13 The City supports residential intensification on lands within the Neighbourhoods designation in accordance with Section B.2.4 – Residential Intensification Policies, F.1.14 – Division of Land, and other applicable policies.

Section B.2.4

The preamble within Section B.2.4 states:

Residential intensification is a key component of Hamilton's growth strategy and is essential to meet our growth and employment targets. Intensification ensures land, urban services and the transportation network are used more efficiently and sufficient population is maintained to support existing community facilities. Successfully accommodating more residents within the existing built-up area reduces the need for development of greenfield lands and urban boundary expansions.

General Residential Intensification Policies in Section 2.4.1 state:

2.4.1.1 Residential intensification shall be encouraged throughout the entire built-up area, in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – Implementation.

Section 2.4.1.3 c) states: "40% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure."

The Subject Lands are within the built-up area of the City and 40% of all expected intensification has been allocated to Neighbourhoods.

Section 2.4.2 is titled Residential Intensification in the Neighbourhoods Designation and Section 2.4.2.2 lists the matters to be evaluated when considering an application for residential intensification:

- a) the matters listed in Policy B.2.4.1.4;

- b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhood;
- i) conservation of cultural heritage resources; and,
- j) infrastructure and transportation capacity and impacts.

Generally, the matters listed in Section/Policy B.2.4.1.4 include the statement that intensification must build upon the established patterns and built form while also achieving a range of dwelling types and tenures. The use, scale, form, and character of intensification must be compatible with the area and the City encourages innovative and creative urban design techniques to implement intensification. There must also be sufficient infrastructure and transportation capacity for the intensification, and it must comply with all applicable policies.

The intensification proposed is one (1) small single detached dwelling that reflects the size of the enlarged lot to be created. The vacant lot that exists is undersized but with the addition of the existing abutting driveway, it is feasible to share the driveway and accommodate sufficient rear yard parking within both lots.

Front yard parking is not permitted and not desirable from a streetscape perspective. With the provision of a mutual shared driveway, it allows the use of the vacant land for a dwelling, without a new driveway access onto East 22nd Street and allows for rear yard parking, which is preferred.

The scale of the proposed intensification will not create nuisance effects or compatibility issues pertaining to shadowing, overlook, noise, lighting, or traffic.

The new dwelling will be smaller in width than most of the nearby dwellings. As noted above, the current vacant lot is a consolidation of remnant land from a registered plan and a portion of the Mountain Drain lands, which is no longer required. This consolidation and the proposed severance provide an opportunity for

infill/intensification. The neighbourhood exhibits other examples of dwellings built upon all or part of the former Municipal Drain and its previous existence has contributed to the lot pattern and variety of lot configurations in the area.

In our opinion, the proposed redistribution of land through the severance meets the policies within both Section B.2.4.1.4 and B.2.4.2.2 of the UHOP, thereby satisfying Section F.1.14.3.1 a) of the UHOP. In our opinion, the application for consents meets all the applicable policies in the UHOP.

The remaining lot creation policies in Section F.1.14.3.1 are quoted below in bold and include:

- b) The lots comply with existing Neighbourhood Plans;**
- c) The lots are in conformity with the Zoning By-law or a minor variance is approved;**
- 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;**
- e) The lots are fully serviced by municipal water and wastewater systems; and,**
- f) The lots have frontage on a public road.**

Each policy quoted above is addressed below.

The Subject Lands are not part of a Neighbourhood Plan.

As mentioned above, minor variances are required for the lots, including lot width and lot area, and these variances are discussed in more detail in a latter section of this report.

The lots have frontage on a public road (East 22nd Street) and the enlarged vacant lot can be fully serviced with municipal water and wastewater.

The remaining policy [F.1.14.3.1 d)] requires that the proponent demonstrate that the lots reflect the general development pattern in the area taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy, and overview.

Figure 10 below shows the lot pattern between East 21st and East 23rd Streets. 151 East 21st Street is a narrower lot (frontage of 7.42 metres and an area of 247 square metres) likely a remnant from the Municipal Drain that now contains a dwelling. The Subject Lands are in-line with 151 East 21st Street and represent a similar situation, except that the current proposal does not include a new driveway or front yard parking and the lot area of the lots to be created on the Subject Lands are greater in width and area.

Narrower lots exist along East 23rd Street where, likely, registered lots were not consolidated with parts of other lots to create the larger lots that are evident on East 22nd Street. The laneway patterns are different in the two blocks. The block between East 22nd Street and East 23rd Street exhibits a greater variety of lots sizes compared to the block between East 21st Street and East 22nd Street, where there tends to be more regularity to the lot pattern.

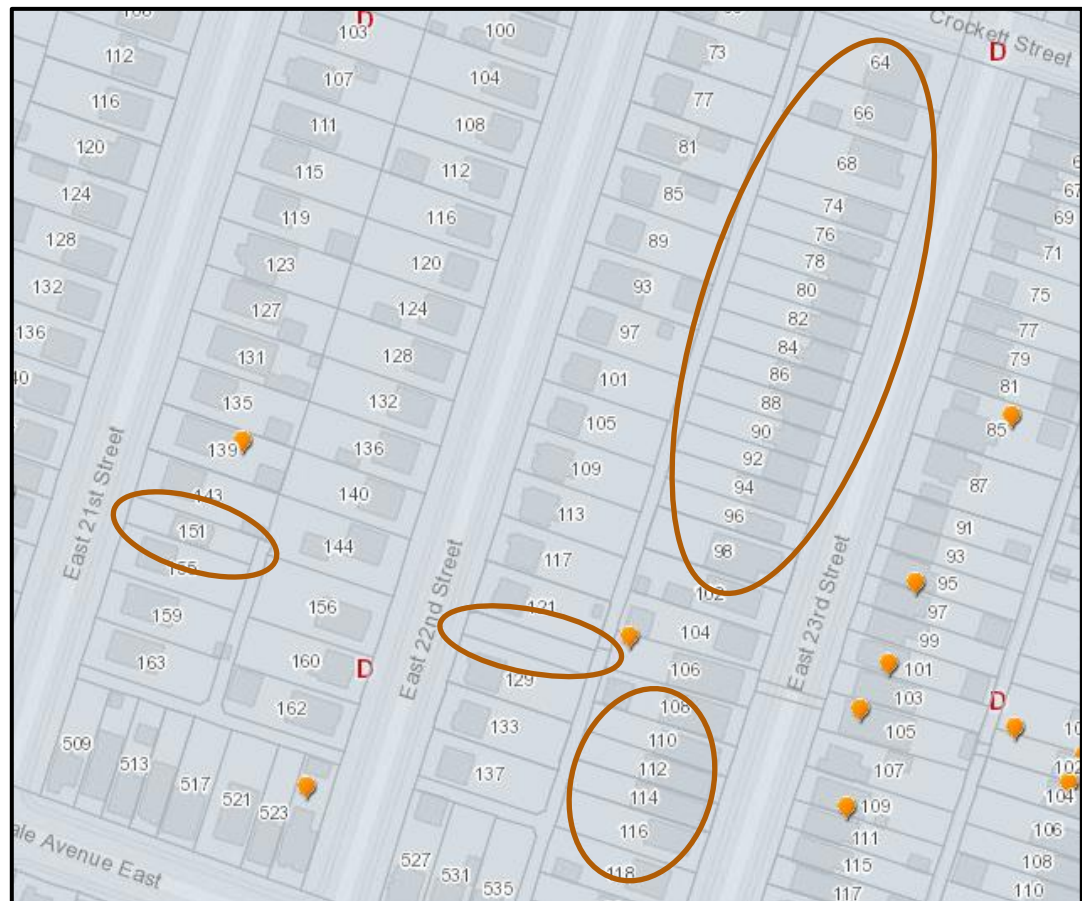


Figure 10: Lot Pattern Analysis (Source: City of Hamilton Interactive Mapping)

Overall, it is our conclusion that the new lots do reflect the general development pattern in the area. The new dwelling will be set back a similar distance from the front lot line as other dwellings along the street, and the building height and lot coverage is similar to the existing dwellings. The proposed dwelling will be narrower in width than most of the dwellings along East 22nd Street but will be greater in length. However, the deck proposed at the rear of the new dwelling is in-line with the decking on the lot to be retained.

Based on the foregoing, the proposed lot creation meets policies a) through f) of Section F.1.14.3.1 of the UHOP (urban lot creation policies).

5. MINOR VARIANCES REQUESTED

The Site is currently zoned “D” (Urban Protected Residential – One and Two Family Dwellings) District in Hamilton Zoning By-law 6593, where single detached dwellings are permitted. With the lot boundary adjustment, variances are required to the “D” District regulations. The table below summarizes the required variances:

“D” District Regulations					
Section	Regulation	Required	Vacant Lot, as revised	Built Lot, as revised	Conforms ✓/✗
10 (2)	Maximum Height	3 storeys 14m	1.5 storeys ±8.02m	1.5 storeys ±7.1m	✓
10 (3) (i)	Minimum Front Yard Setback	6m	3.95m	3.82m	✗
10 (3) (ii)	Minimum Side Yard Setback (buildings smaller than 2½ storeys)	1.2m	South: 2.92m North: 1.20m	South: 1.64m North: 0.15m	✓ ✗
10 (3) (iii)	Minimum Rear Yard Setback	7.5m	16.57m	21.98m	✓
10 (4) (i)	Minimum Lot Width (measured 9m back from front lot line)	12.0m	9.46m	9.79m	✗
10 (4) (ii)	Minimum Lot Area	360.0m ²	322.06 m ²	334.66m ²	✗
*Those highlighted in yellow require a variance.					

Section 45(1) of the *Planning Act* states that a 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” and provided the following four tests are met:

1. Do the Minor Variances maintain the general intent and purpose of the Official Plan;
2. Do the Minor Variances maintain the general intent and purpose of the Zoning By-law;
3. Are the Minor Variances desirable and appropriate for the lands; and
4. Are the requested variances minor in nature.

The analysis that follows demonstrates how the requested variances satisfy the four tests.

5.1 Variance 1: Front Yard Setback

Maintains the General Intent and Purpose of the UHOP

Generally, most of the dwellings constructed in the subject area do not have a front yard setback of 6.0 metres as required. Most of the dwellings have a front yard setback of between 3.0 and 4.0 metres. The front yard variance for the built lot will recognize the existing front yard setback of 3.8 metres and a front yard setback of 3.8 metres is required for the enlarged vacant lot. Maintaining a consistent front yard setback provides for a more uniform streetscape. Maintaining the existing front yard on the vacant lot also facilitates the design of an appropriately sized new dwelling and enables parking spaces in the rear yard, similar to that proposed for the built lot.

We reviewed the front yard setbacks for approximately 34 lots between Queensdale Avenue East and Crockett Street along both sides of East 22nd Street (see **Figure 11**). The analysis shows that only one (1) lot meets the 6.0 metre required front yard setback. Approximately 29% of the lots have a front yard setback equal to or less than the requested 3.8 metres. The average front yard setback is approximately 4.27metres.

To achieve the proposed infill/intensification, an additional asphalt driveway will not be required given the proposed right-of-way over the existing driveway for the existing dwelling. The existing driveway will serve as a shared access to and from the separate parking spaces provided in the rear yard of each lot. This removes the potential for front yard parking (which is not permitted yet has been added to many existing lots in the area) and vehicles are removed from this portion of the streetscape. This configuration also allows for the implementation of rear yard parking, originally envisioned through the provision of laneways. The laneway to the rear of the Site is owned by the City but not assumed by the City.

The UHOP generally states that new lots must reflect the general scale and character of the established development pattern measured by parameters such as lot frontages and areas,

building height, coverage, mass, and setbacks. The proposed varied front yard setback maintains the general intent and purpose of the UHOP and is keeping with the existing front yard setbacks in the area.

Maintains the General Intent and Purpose of Zoning By-law No. 6593

The purpose of a front yard setback is to provide sufficient distance from the street to allow for driveways, walkways, porches, and landscaping. The existing dwellings along East 22nd Street and not setback the required 6.0 metres. The 3.8 metre front yard setback for both lots provides sufficient area for front yard amenities and is in keeping with the established pattern.

Therefore, the general intent and purpose of the Zoning By-law will continue to be maintained with the requested reduction in the minimum front yard setback.

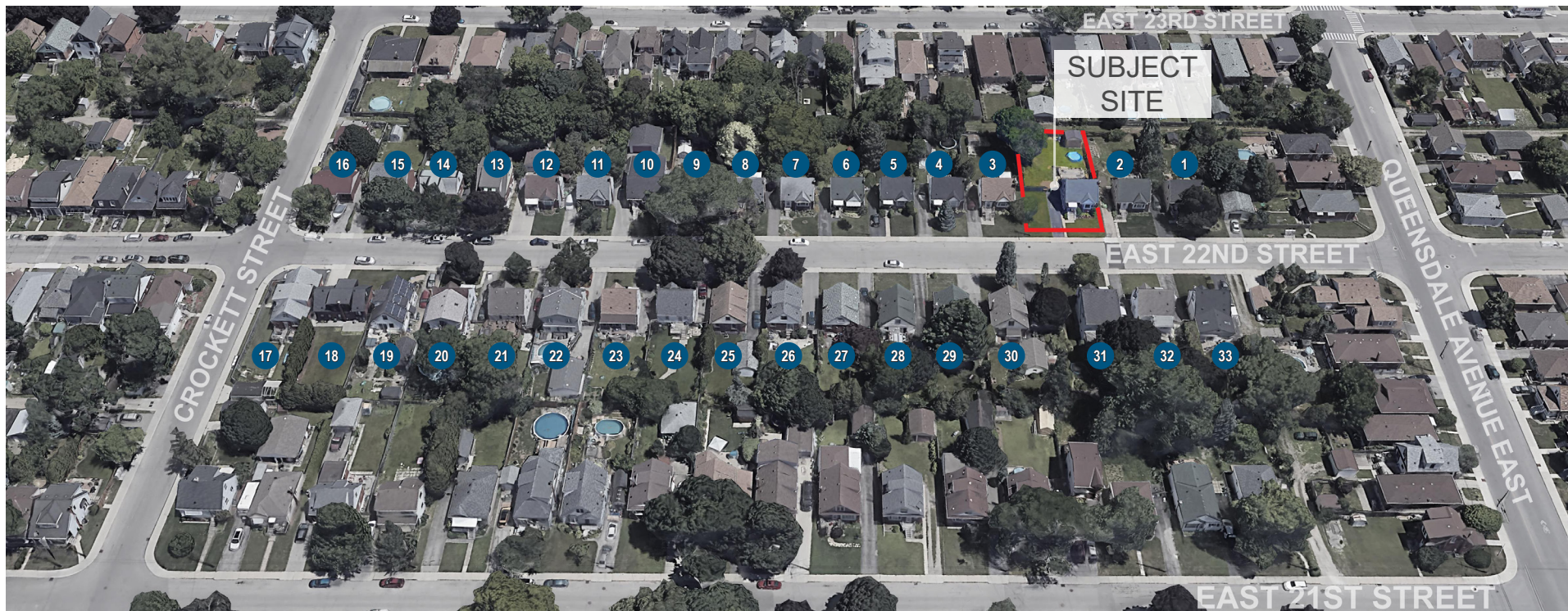
Desirable and Appropriate for the Lands

The variance to allow for reduced front yards continues the prevalent pattern along the street. If a 6.0 metre front yard is provided for the enlarged vacant lot, the new dwelling would be setback further on the lot than the dwellings to the north and south. The increased front yard may impact the ability to provide sufficient area for rear yard amenity space and parking. Therefore, the variance is both desirable and appropriate for this minor infill situation.

Minor in Nature

In the determination of whether a variance is minor, consideration of more than solely the numerical difference between the requested standard and the zoning by-law requirement is necessary.

The minor nature of a variance generally reflects the fact that it does not create a negative impact upon the abutting land uses. The requested front yard setback places the new dwelling in-line with the dwelling to the south and north. The requested front yard variance is minor in nature.



Analysis Summary:

1. Smallest Front Yard Setback:
0.71m

2. Largest Front Yard Setback:
6.11m

3. Number of Lots that meet the 6.0m Zoning By-law Setback Requirement:
1 Lot (of 34 Total along East 22nd Street / 2.94%)

4. Number of Lots that have an equal to or less than a 3.82m Front Yard Setback:
10 Lots (of 34 Total along East 22nd Street / 29.4%)

5. Average Front Yard Setback:
4.27m

<div></div>	3.82m	129 East 22nd Street	<div>13</div>	5.13m	81 East 22nd Street	<div>26</div>	4.3m	128 East 22nd Street
<div>1</div>	3.9m	137 East 22nd Street	<div>14</div>	4.61m	77 East 22nd Street	<div>27</div>	5.11m	132 East 22nd Street
<div>2</div>	3.65m	133 East 22nd Street	<div>15</div>	5.74m	73 East 22nd Street	<div>28</div>	5.33m	136 East 22nd Street
<div>3</div>	4.12m	121 East 22nd Street	<div>16</div>	5.59m	69 East 22nd Street	<div>29</div>	5.18m	140 East 22nd Street
<div>4</div>	3.55m	117 East 22nd Street	<div>17</div>	0.71m	92 East 22nd Street	<div>30</div>	6.11m	144 East 22nd Street
<div>5</div>	3.58m	113 East 22nd Street	<div>18</div>	4.54m	96 East 22nd Street	<div>31</div>	4.07m	156 East 22nd Street
<div>6</div>	3.41m	109 East 22nd Street	<div>19</div>	4.25m	100 East 22nd Street	<div>32</div>	3.82m	160 East 22nd Street
<div>7</div>	3.96m	105 East 22nd Street	<div>20</div>	3.09m	104 East 22nd Street	<div>33</div>	3.88m	162 East 22nd Street
<div>8</div>	4.06m	101 East 22nd Street	<div>21</div>	4.5m	108 East 22nd Street			
<div>9</div>	4.41m	97 East 22nd Street	<div>22</div>	4.83m	112 East 22nd Street			
<div>10</div>	4.18m	93 East 22nd Street	<div>23</div>	3.64m	116 East 22nd Street			
<div>11</div>	4.31m	89 East 22nd Street	<div>24</div>	4.9m	120 East 22nd Street			
<div>12</div>	3.66m	85 East 22nd Street	<div>25</div>	5.13m	124 East 22nd Street			



5.2 Variance 2: Internal Side Yard Setback

Maintains the General Intent and Purpose of the UHOP

The minimum north side yard setback of 0.15 of a metre for the built lot is created by adding the existing driveway to the vacant lot to the north. The driveway will then become a mutual driveway for both the lots through the concurrent approval of a right-of-way.

The separation distance between the existing dwelling and the new dwelling, at approximately 3.0 metres, is consistent with the existing separation distances between dwellings on East 22nd Street. The distance between the proposed lot line and the north elevation of the existing dwelling is 0.15 of a metre. However, given the right-of-way over the driveway, access to the north side of the dwelling can be obtained for maintenance purposes.

Internal to the Subject Lands, the reduced north side yard will not impact the abutting properties at either 121 or 133 East 22nd Street. The south side yard of 129 East 22nd Street will remain as existing (1.64 metres) which conforms to the Zoning By-law requirement of 1.2 metres. The proposed north side yard of the vacant lot is 1.2 metres which meets the Zoning By-law regulation.

The requested reduction in the minimum north side yard for the remaining lands, maintains the general intent and purpose of the UHOP and will not be perceived from the public realm.

Maintains the General Intent and Purpose of Zoning By-law No. 6593

The purpose of a minimum side yard setback is to ensure there is adequate separation between buildings and lot lines to access the dwelling and rear yard amenity areas. With the right-of-way over the driveway and the existing side yard to the south, access to the existing dwelling and rear yard amenity area is maintained. For this reason and the reasons noted above, the reduced side yard maintains the general intent and purpose of the Zoning By-law.

Desirable and Appropriate for the Lands

To provide for a suitably sized infill lot, it is necessary to add the existing driveway to the vacant lot and request a right-of-way for the remaining lands. A larger side yard is not necessary and the reduced north side yard for the built lot enables the sharing of the existing driveway and more importantly, access to the rear yards where parking spaces are provided for both lots, without creating an additional driveway access onto East 22nd Street.

Minor in Nature

The reduced north side yard for 129 East 22nd Street does not impact any adjacent lots. Access to the rear yard remains available and there is no perceivable difference as the existing driveway will remain in place. The reduced north side yard for the remaining lands is minor in nature.

5.3 Variance 3: Lot Width

Maintains the General Intent and Purpose of the UHOP

The lot width of the vacant lot to the north of 129 East 22nd Street will increase from 6.19 metres to 9.46 metres. The lot width of 129 East 22nd Street will decrease from 12.7 metres to 9.79 metres. This equalization of the lot frontages allows the infill to occur.

With the redistribution to the lot widths the driveway shifts from one lot to the other, and this in turn facilitates the construction of a new dwelling on the vacant lot. There is not a policy in the UHOP which prevents the use of a mutual driveway. The reduction in lot widths, from the required 12.0 metres to 9.46 and 9.79 metres maintains the general intent and purpose of the UHOP to encourage intensification and infill in the built-up area of all areas of the City, while ensuring compatibility.

Maintains the General Intent and Purpose of Zoning By-law No. 6593

The purpose of a minimum lot width is to ensure that there is sufficient space to accommodate a dwelling, driveway, and a sufficient distance between dwellings. While the lot width of 129 East 22nd Street will be reduced it will not be perceived from the public realm. The general intent and purpose of the Zoning By-law will continue to be maintained.

Desirable and Appropriate for the Lands

Taken together, the vacant lot and 129 East 22nd Street have a width of 19.25 metres. This is greater than the required lot width of 12.0 metres and considerably greater than most lots in the immediate area. There is therefore an opportunity to plan a small-scale infill development to permit one additional dwelling. The equalization of the lot widths is considered desirable and appropriate for the Subject Lands.

Minor in Nature

The result of all the minor variances is to permit a new dwelling on the vacant lot north of 129 East 22nd Street. The result is a new dwelling directly to the south of 121 East 22nd Street, yet the required north side yard for the currently vacant lot will be 1.2 metres in

accordance with the Zoning By-law. Efforts will be made to retain the existing tree on the vacant lot that provides a tree canopy for both 121 East 22nd Street and the vacant lot. The modifications to the lot widths are minor in nature.

5.4 Variance 4: Reduction in Lot Area

Maintains the General Intent and Purpose of the UHOP

The minimum required lot area in the “D” District is 360 square metres. The area of the vacant lot will become 322.06 square metres and the area of the retained lot will become 334.66 square metres, which equates to a reduction of approximately 38 square metres and 25 square metres, respectively.

As discussed above, the revised lot widths are considered appropriate and the distance between 129 East 22nd Street and the new dwelling will be in keeping with the pattern in the neighbourhood. The revised area of the 129 East 22nd Street lot is sufficient to maintain the dwelling, the rear yard decks and to add parking spaces in the rear yard. The area of the vacant lot will increase to a sufficient size to accommodate a new dwelling and to provide for parking in the rear yard.

There are lots in the immediate neighbourhood that are less than 322 square metres and they are well integrated within the fabric of the streets. A full analysis of the lot sizes is included above in the detailed discussion on the UHOP policies related to the creation of lots in the urban area and intensification.

Maintains the General Intent and Purpose of Zoning By-law No. 6593

The purpose of a minimum lot area is to ensure that there is sufficient space to accommodate a dwelling, driveway, and amenity space. Each lot is of a sufficient size to accommodate a dwelling, amenity space and parking. The shared feature between the two (2) lots is the driveway. The small reduction in lot area maintains the general intent and purpose of the Zoning By-law.

Desirable and Appropriate for the Lands

Infill and intensification in the built-up area is considered desirable and appropriate provided several policies are met regarding compatibility with adjacent uses and the provision of adequate area on the lots for amenities associated with low-rise dwellings. The proposed severance, which equalizes the lot areas is considered desirable and appropriate to achieve the proposed infill.

Minor in Nature

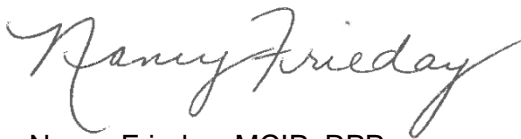
The shifting of a property boundary to permit an equalization of lot width and lot area does not have an impact on the surrounding area. The consequence of the shift is that a mutual driveway must be created to serve the lots. The equalization of the lot areas is considered minor in nature.

6. RECOMMENDATIONS

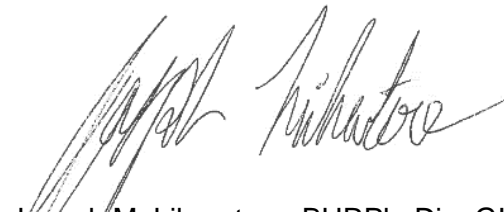
The requested variances represent good land use planning and satisfy the four tests within Section 45(1) of the *Planning Act*. The severance application satisfies the City's conditions/policies in the UHOP regarding the creation of new lots in the urban area. Approval of the proposed consent to sever and merge lands and the requested variances will facilitate infill/intensification and maintain the general intent and purpose of the UHOP and Zoning By-law 6593. The applications are desirable for the appropriate use of the vacant lot and the impact on the surrounding area will be minimal and considered minor in nature.

Based on the review and analysis of various land use planning policies, in our opinion, the severance application and minor variance application should be approved.

Respectfully submitted,
GSP Group Inc.



Nancy Frieday, MCIP, RPP
Senior Planner



Joseph M. Liberatore, BURPI., Dip. GIS & Pl.
Planner

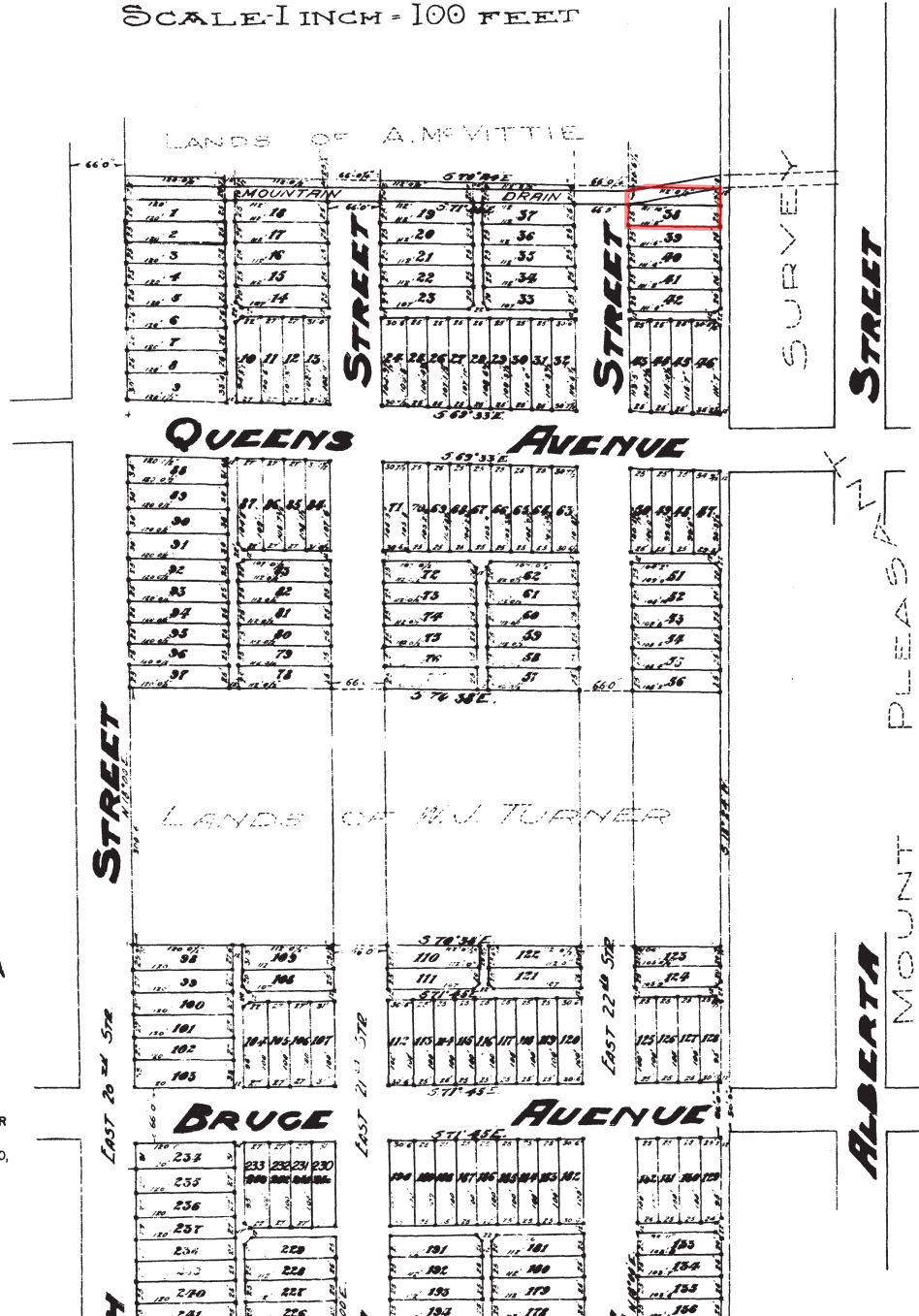
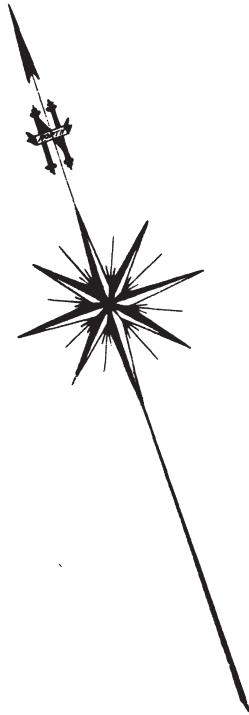
P:\21050-2721536 Ontario Inc-129 East 22nd St, Hamilton\reports\PJR Apr 2021.docx

PLAN OF MOUNTVILLE ADDITION

BEING A SUBDIVISION OF
Part of Lot Number 10 ^{IN THE} Fourth Concession

TOWNSHIP OF BARTON

SCALE 1 INCH = 100 FEET



NOTE:
THIS PHOTOGRAPHIC COPY OF A COPY OF THE
PLAN IN THE OFFICE OF THE ORIGINAL SURVEYOR
HAS BEEN CORRECTED TO REFLECT REGISTRY
OFFICE RECORDS BY CHANGING LOT NUMBERS 250,
251, 252 AND 253 SOUTH OF BRUCE AVENUE TO
READ 230, 231, 232 AND 233 RESPECTIVELY.

MARCH 18, 1983 *J.C. Roper*
ASSISTANT EXAMINER OF SURVEYS



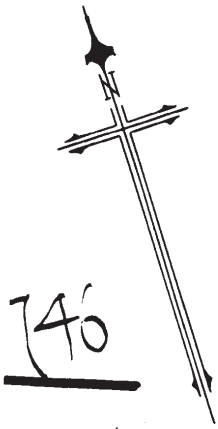
Planning Justification Report | 129 East 22nd Street, Hamilton
GSP Group | April 2021

Registered Plan 590

Source: J.W. Tyrell & Co., Pre-1940;
and Land Registry Office of Ontario

Appendix

A

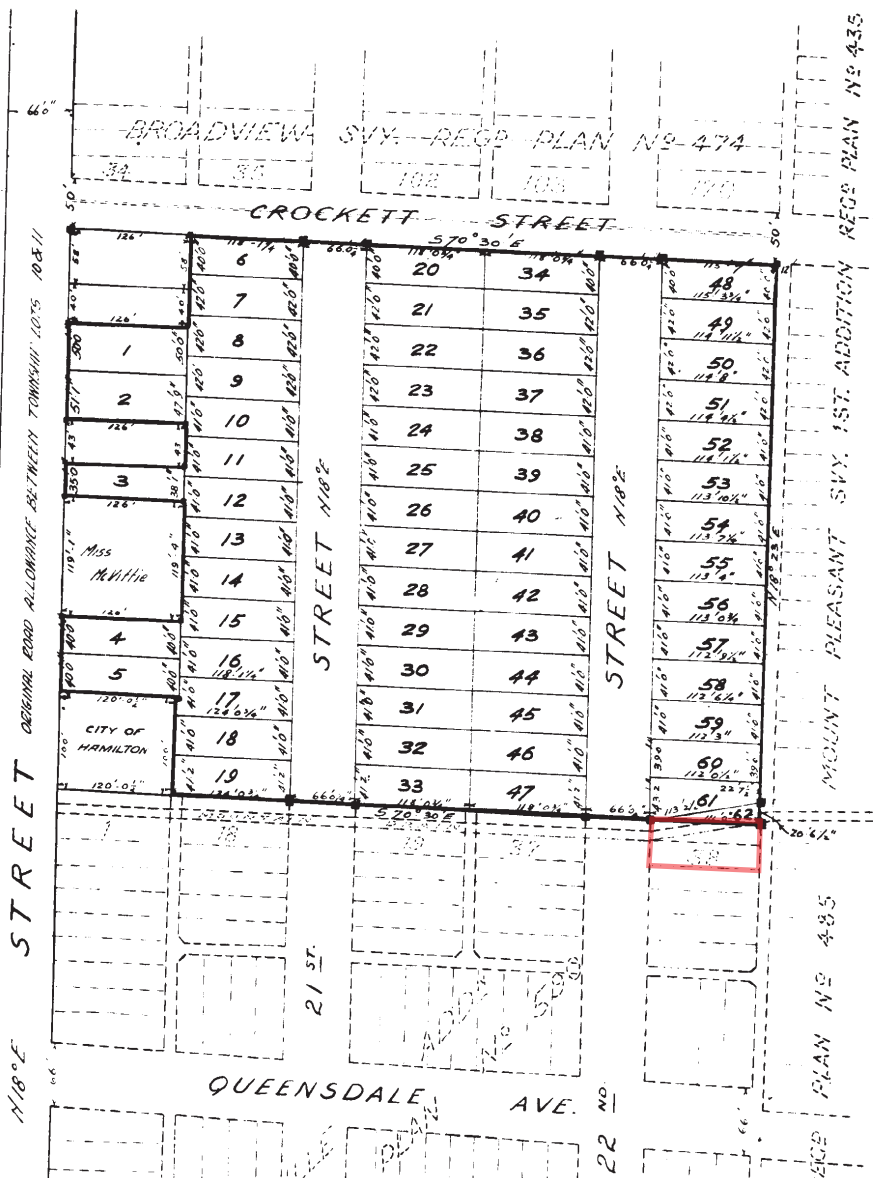


PLAN OF LEANDER PARK

Sy. 746

BEING A SUBDIVISION OF PARK LOTS 4, 5, & 8, BLOCK 'D'
E. & J. F. MOORE'S SUBDIVISION OF
PART OF LOT 10, CON. 4, TWP. OF BARTON
NOW IN THE
CITY OF HAMILTON

SCALE 1 in = 100 ft.



COUNTY OF
WENTWORTH
TO WIT

Sworn before me
this 8th day of
November
1945.

[Signature]
A NOTARY PUBLIC

I, *[Signature]*,
of the
in the Coun
make oath a
1st. That I wa
did see the wi
thereof duly s
by *[Signature]*
2nd. That the s
were executed
at
3rd. That I k
4th. That I on
ness to the s
[Signature]

OWNER'S CERTIFIC
Lots 1 to...32...and the streets enclosed
on this plan are laid out according
the said streets are hereby dedicated

WITNESS

The Municipal Council of the Corpora
of the City of Hamilton doth hereby
approve the registration of this plan.

[Signature]
MAYOR

[Signature]
CLERK

Approved by *[Signature]*

The Ontario Municipal Board doth hereby
approve of the Registration of this plan

[Signature]
SECRETARY

Dated at





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.:
----------------------------	-----------------------------------	-----------------	-----------

1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS	
Registered Owners(s)	2721536 ONTARIO INC. c/o Emil Joseph	[REDACTED]	Phone: [REDACTED] E-mail: [REDACTED]
Applicant(s)*	GSP GROUP INC. c/o Nancy Frieday	[REDACTED]	Phone: [REDACTED] E-mail: [REDACTED]
Agent or Solicitor			Phone: [REDACTED] E-mail: [REDACTED]

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

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

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality Hamilton	Lot	Concession	Former Township
Registered Plan N°. PL 590	Lot(s) PT of LTS 38, 39	Reference Plan N°.	Part(s)
Municipal Address 129 East 22nd Street			Assessment Roll N°.

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

☐ Yes ☒ No

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

3 PURPOSE OF THE APPLICATION

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

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

☒ creation of a new lot

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:

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) ±9.46m	Depth (m) ±34.03m	Area (m ² or ha) ±321.75m 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: Vacant

Proposed: 1.5 Storey Single Detached Dwelling on Severed Land)

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) ±9.77m	Depth (m) ±34.03m	Area (m ² or ha) ±335.05m 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: 1.5 Storey Converted Dwelling, As existing

Proposed: No new structures proposed on Retained Land

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

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

- ☒ electricity ☒ telephone ☒ school bussing ☒ garbage collection

5 CURRENT LAND USE

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

Rural Hamilton Official Plan designation (if applicable): _____

Urban Hamilton Official Plan designation (if applicable) Neighbourhood

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

Please refer to Planning Justification Brief.

5.2 What is the existing zoning of the subject land?

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? D District (Urban Protected Residential - One And Two Family Dwellings, Etc.) - By-law 6593

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

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	

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

6 PREVIOUS USE OF PROPERTY

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

- 6.1 If Industrial or Commercial, specify use _____
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
☐ Yes ☒ No ☐ Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?
☐ Yes ☒ No ☐ Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
☐ Yes ☒ No ☐ Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
☐ Yes ☒ No ☐ Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
☐ Yes ☒ No ☐ Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
☐ Yes ☒ No ☐ Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
☐ Yes ☒ No ☐ Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
☐ Yes ☒ No ☐ Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
☐ Yes ☒ No ☐ Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?
 Owner's Knowledge _____
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
 Is the previous use inventory attached?
☐ Yes ☐ No N/A

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

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

☒ Yes ☐ No (Provide explanation)

Please refer to Planning Justification Brief.

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

☒ Yes ☐ No (Provide explanation)

Please refer to 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

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) N/A

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

☐ Yes ☒ No

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

☐ Yes ☐ No (Provide Explanation)

N/A

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

☐ Yes ☒ No

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

☐ Yes ☐ No (Provide Explanation)

N/A

8 HISTORY OF THE SUBJECT LAND

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

☐ Yes ☒ No ☐ Unknown

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

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

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

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

the transferee and the land use.

8.4 How long has the applicant owned the subject land?

8.5 Does the applicant own any other land in the City? ☐ Yes ☐ No
If YES, describe the lands in "11 - Other Information" or attach a separate page.

9 OTHER APPLICATIONS

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

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

9.2 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision? ☐ Yes ☒ No ☐ Unknown

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

File number _____ Status _____

10 RURAL APPLICATIONS

10.1 Rural Hamilton Official Plan Designation(s)

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

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

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

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

10.3 Description of Lands

a) Lands to be Severed:

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

Existing Land Use: _____ Proposed Land Use: _____

b) Lands to be Retained:

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

Existing Land Use: _____ Proposed Land Use: _____

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

(Street) (Municipality) (Postal Code)

b) Description abutting farm:

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

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

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

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

Existing Land Use: _____ Proposed Land Use: _____

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

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

Front yard set back: _____

e) Surplus farm dwelling date of construction:

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

f) Condition of surplus farm dwelling:

☐ Habitable ☐ Non-Habitable

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

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

Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

(Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

Frontage (m):	Area (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)
----------------------------------	---

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.

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:

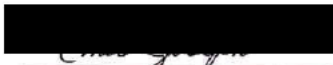
- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of 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 20, 2021

Date


Signature of Owner