

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.: DN/A-21:137

APPLICANTS: Owner 2818716 Ontario Inc
Agent Paul Demczak

SUBJECT PROPERTY: Municipal address **216 Hatt St., Dundas**

ZONING BY-LAW: Zoning By-law 3581-86 , as Amended

ZONING: R2 district (Single- detached Residential Zone)

PROPOSAL: To permit the creation of two (2) separate lots in accordance with Consent Application No. DN/B-21:32 and to permit the construction of a new single detached dwelling on each lot notwithstanding that:

Lands to be Severed:

1. A lot area of 337.0m² shall be provided instead of the minimum required lot area of 450.0m².
2. A lot frontage of 9.4m shall be provided instead of the minimum required lot frontage of 15.0m
3. A westerly side yard of 0.9m shall be provided instead of the minimum required 1.2m side yard.

Lands to be Retained:

1. A lot area of 336.0m² shall be provided instead of the minimum required lot area of 450.0m².
2. A lot frontage of 9.4m shall be provided instead of the minimum required lot frontage of 15.0m
3. An easterly side yard of 0.9m shall be provided instead of the minimum required 1.2m side yard.

NOTES:

- i. These variances are necessary to facilitate Consent Application No. DN/B-21:32
- ii. Please be advised that parking for each proposed dwelling shall be provided in accordance with Section 7 of Dundas Zoning By-law 3581-86. At this time, insufficient information has been provided in order to review parking for zoning

compliance. As such, further variances may be required if zoning compliance cannot be achieved.

- iii. The current zone permits a maximum building height of 10.5m. Insufficient information has been provided in order to confirm zoning compliance. As such, further variances may be required if the height of each dwelling does not conform.
- iv. Details respecting any intended yard encroachments (such as eaves and gutters, canopies, porches etc.) have not been provided. As such, zoning compliance could not be confirmed at this time. The owner shall be advised that any intended yard encroachments shall be in accordance with Section 6.6 of Dundas Zoning By-law 3581-86, otherwise further variances may be required.

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

DATE:	Thursday, May 20th, 2021
TIME:	1:30 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

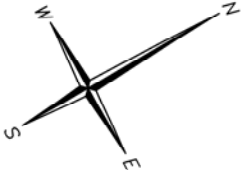
For more information on this matter, including access to drawings illustrating this request:

- 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: May 4th, 2021.

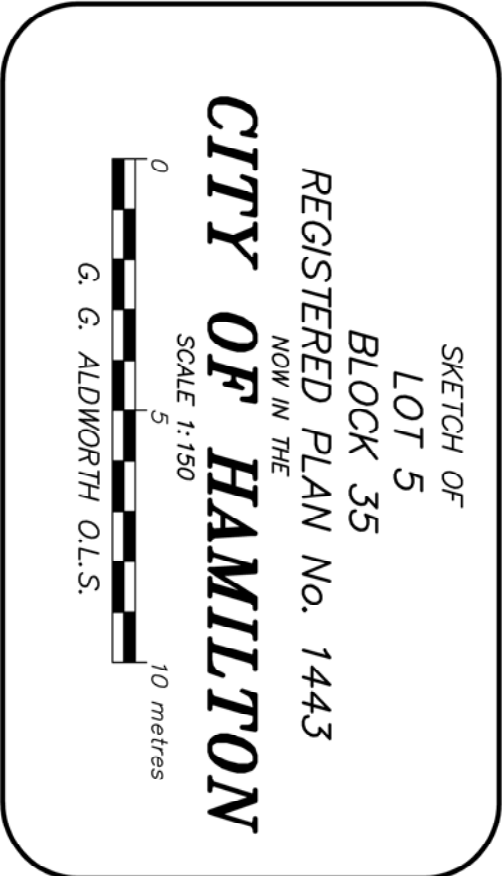
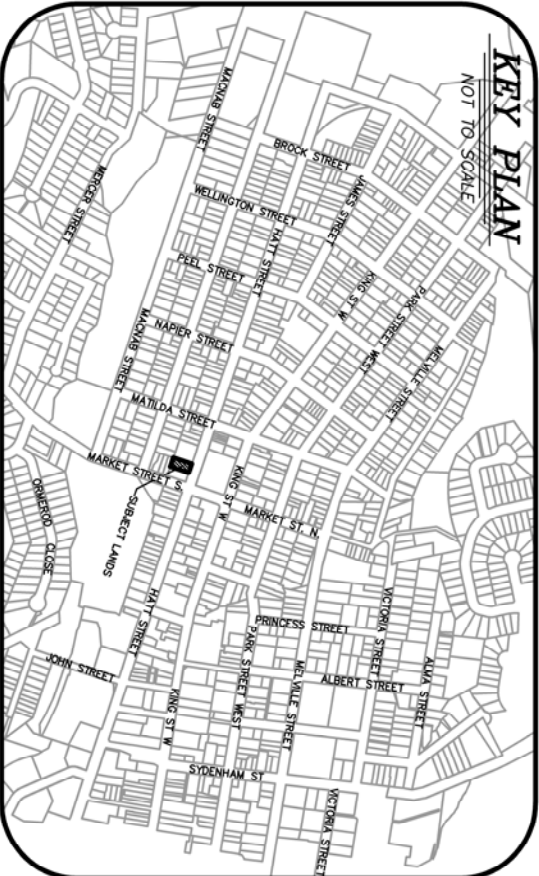
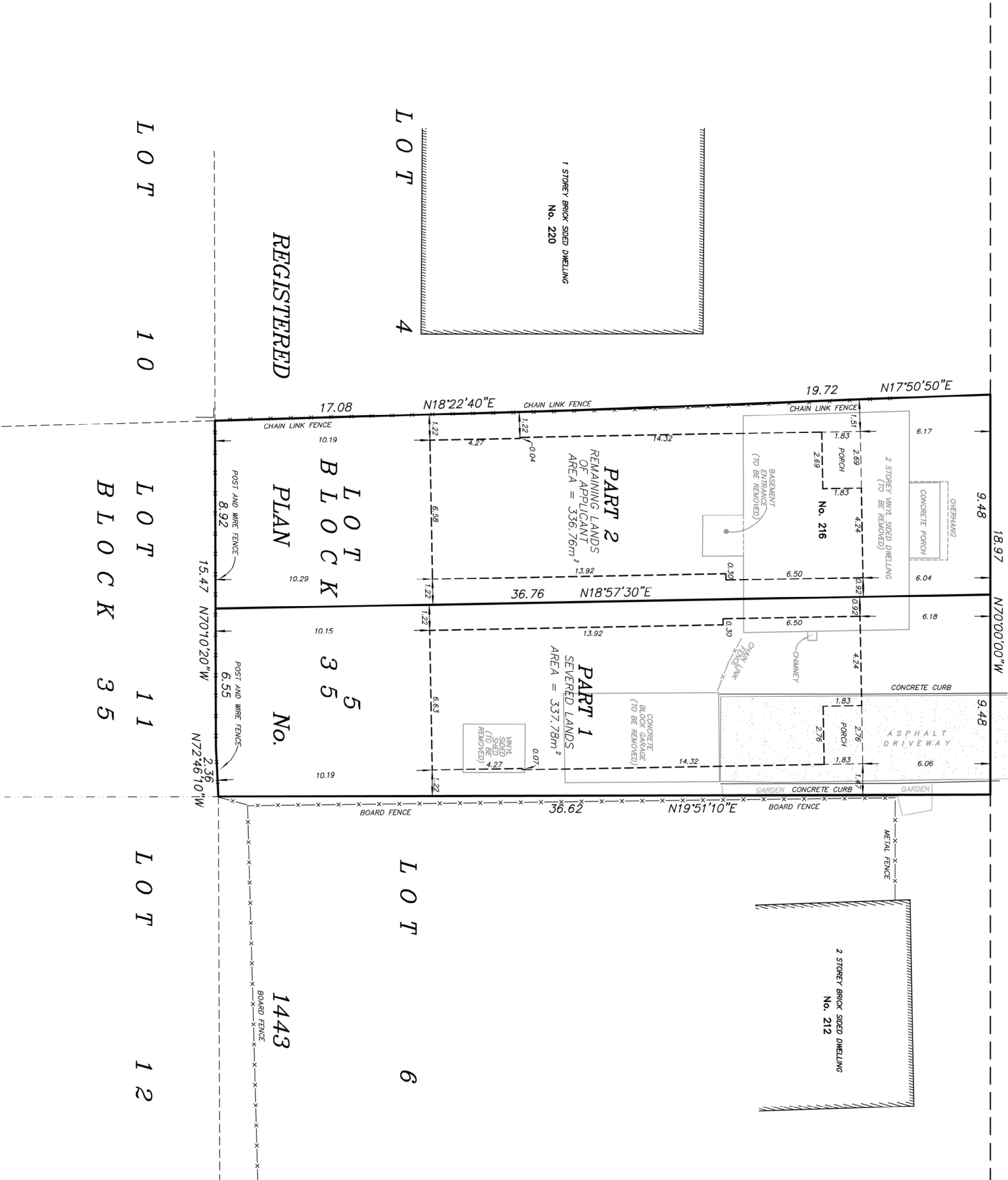
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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.




H A T T S T R E E T

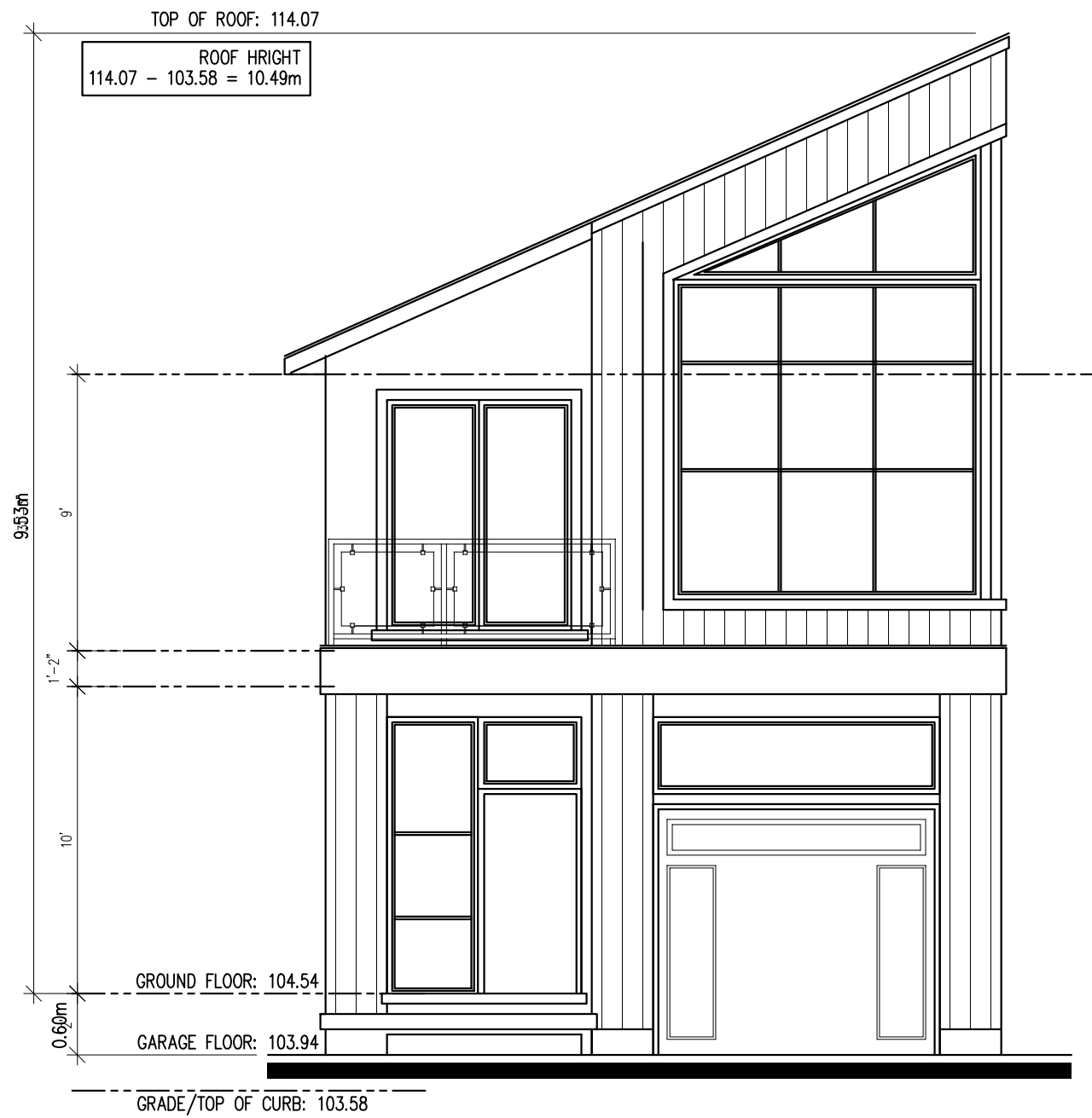
(ESTABLISHED BY REGISTERED PLAN 1443)



METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
NOTE: THIS PLAN IS COMPILED FROM PLANS AND RECORDS ON FILE IN THIS OFFICE AND IS NOT BASED ON AN ACTUAL FIELD SURVEY.
THIS PLAN IS PREPARED TO ACCOMPANY AN APPLICATION TO THE COMMITTEE OF ADJUSTMENT REQUESTING A GRANT OF SEVERANCE AND IS NOT INTENDED FOR REGISTRATION.
CAUTION: THIS IS NOT A PLAN OF SUBDIVISION AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES.
MARCH 3, 2021 DATE G. G. ALDORTH ONTARIO LAND SURVEYOR



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PLANNING RATIONALE

March 2021

Subject Address:

216 Hatt Street
Hamilton, ON

1.0 Background

1.1 Introduction

Batory Management has been retained by 2818716 Ontario Inc. as the planning consultant for the development at 216 Hatt Street in the City of Hamilton, Ontario.

The following Planning Justification Report provides an overview of the proposed development on the subject lands. This report also provides justification of the consent and minor variance applications needed to facilitate the proposed development of the subject lands.

Located one property west of the corner of Hatt Street and Market Street South, the subject property is a rectangular shaped lot, with one single detached home and detached garage. The landowner seeks to sever the property in order to create one new residential lot. The landowner further seeks to construct a new detached dwelling on the severed lot, as well as a new detached dwelling on the retained lot.

1.2 Location and Site Context

216 Hatt Street is located within the Dundas community Ward 13, in Hamilton's former Town of Dundas. The subject property is an interior lot with 18.96 m of frontage on Hatt Street, and 674.54 sq.m. (7,260.69 sq.ft.). in lot area. The site is currently occupied by one single detached two-storey house, with a detached one-storey garage.

The subject lands are bounded by the following:

- To the north: Hatt Street, Dundas Community Centre and mixed residential and commercial along King Street West.
- To the south: Existing residential neighbourhood.
- To the west: Existing residential neighbourhood.
- To the east: Market Street, existing residential neighbourhood and J.L. Grightmire Market Square Arena.

The immediate neighbourhood within Dundas is a mixed building typology residential neighbourhood that's been organically developed and is currently changing with a variety of different built forms. Heritage properties are scattered throughout the neighbourhood, both registered under Class IV and V of the Ontario Heritage Act, and properties that are listed in the Municipal Heritage Register. It should be noted that the subject site is not designated as Heritage in either the Ontario Heritage Act and the Municipal Heritage Register. The immediate surrounding area contains a mix of both main street service commercial and office uses along King Street East as well as residential detached one and two storey dwellings, semi detached dwellings, townhouse units and multiple unit dwellings.



Figure 1 – Aerial Photo

Hatt Street travels east-west with two lanes of traffic with permitted lay-by parking on the both lanes except immediately in front of Dundas Lions Memorial Community Centre. Hatt Street is designated as a Collector Road in Schedule C of the Urban Hamilton Official Plan Schedule C; Functional Road Classification.

While Hatt Street is not directly on a Hamilton Bus Route, King Street E one block to the north of the subject site is serviced by the Delaware/Dundas #52 and 5/5E Route that is a dedicated line connecting Dundas to west Hamilton through the King Street East #5 route. The nearest transit stop is approximately 50m north of the subject site, at the corner of King Street West and Market Street South.

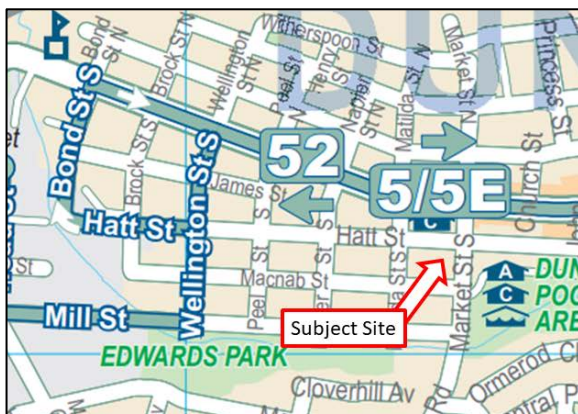


Figure 2 – Hamilton Street Railway System Map;

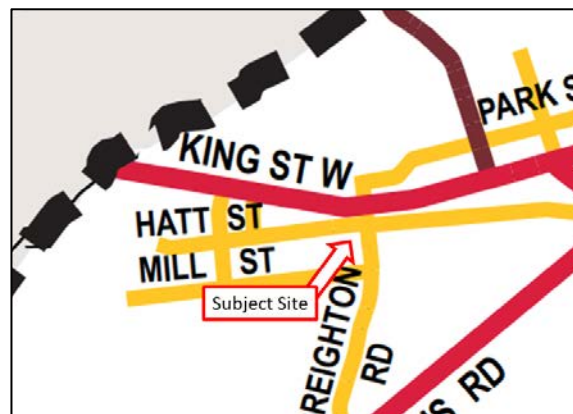


Figure 3 –OP Schedule C: Functional Road Classification

Subject Site:



Figure 4 – Subject Site

Neighbourhood Context:

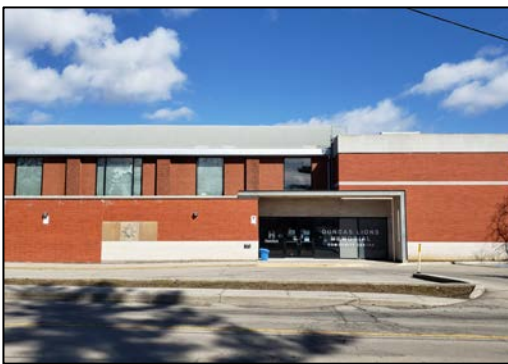


Figure 5 – Surrounding Context Photos (built form immediately surrounding the site)

1.3 Surrounding Lot Fabric

Hatt Street and the surrounding context in the neighbourhood is predominantly 1-2 storey homes, of varying design styles influenced from its time of construction. Mixed in with new built construction are heritage dwellings, converted dwelling office's, and public infrastructure.

Both Lots and Lot Frontages in the surrounding neighbourhood surrounding the subject are irregular as a result from the growth and change that has occurred. The property is located within a residential neighbourhood characterized by a variety of lot shapes and sizes. The subject area is characterized by an eclectic style of homes with evidence of redevelopment of homes within the neighbourhood. The eclectic nature of the homes includes ranging heights, lotting patterns, architectural styles, exterior colour palettes, and renovations / additions to many of the original dwellings.

The built-form along Hatt Street is made up of dwellings built in various time periods, and are accessed through the front yard with vehicle parking located predominantly in side-yard or on-street. The front face of dwellings are organized close to the street, with street-facing front yard walkways. Front yards consist of landscape sod and driveway pavers of gravel, stone, and asphalt. The front façade of the existing surrounding neighbourhood is generally brick and vinyl siding, in various colours and styles which reflect the growth and change within the neighbourhood. A portion of the newer built and newly renovated homes incorporate wood board and batten cladding. Trees within the neighbourhood are sporadic in growth and size, with species that are generally mature deciduous trees. A dominant evergreen species is located directly to the east of the site.

Surrounding Context:



Figure 6 – Neighbourhood Context Photos (various built forms within 150m of the site)

2.0 Proposed Development Concept

The purpose of this application is to sever the lot to create an additional lot with frontage along Hatt Street. A draft reference plan has been provided in Figure 6 below as part of this report which illustrates the proposed lot configuration.

The applicant intends to construct a detached dwelling on the severed lot and a detached dwelling on the retained lot, which will require a Minor Variance application to bring the built form into conformity with the Zoning By-Law. The proposed dwellings are intended to better reflect the scale and massing of adjacent properties, and provide architectural building materials that complement the architecture on Hatt Street. The landowner also intends to implement potential high performance building standards and/or green standards within the design and construction of the homes.

More detail pertaining to the existing land use policies and zoning regulations applicable to the subject lands are provided in Table 1.

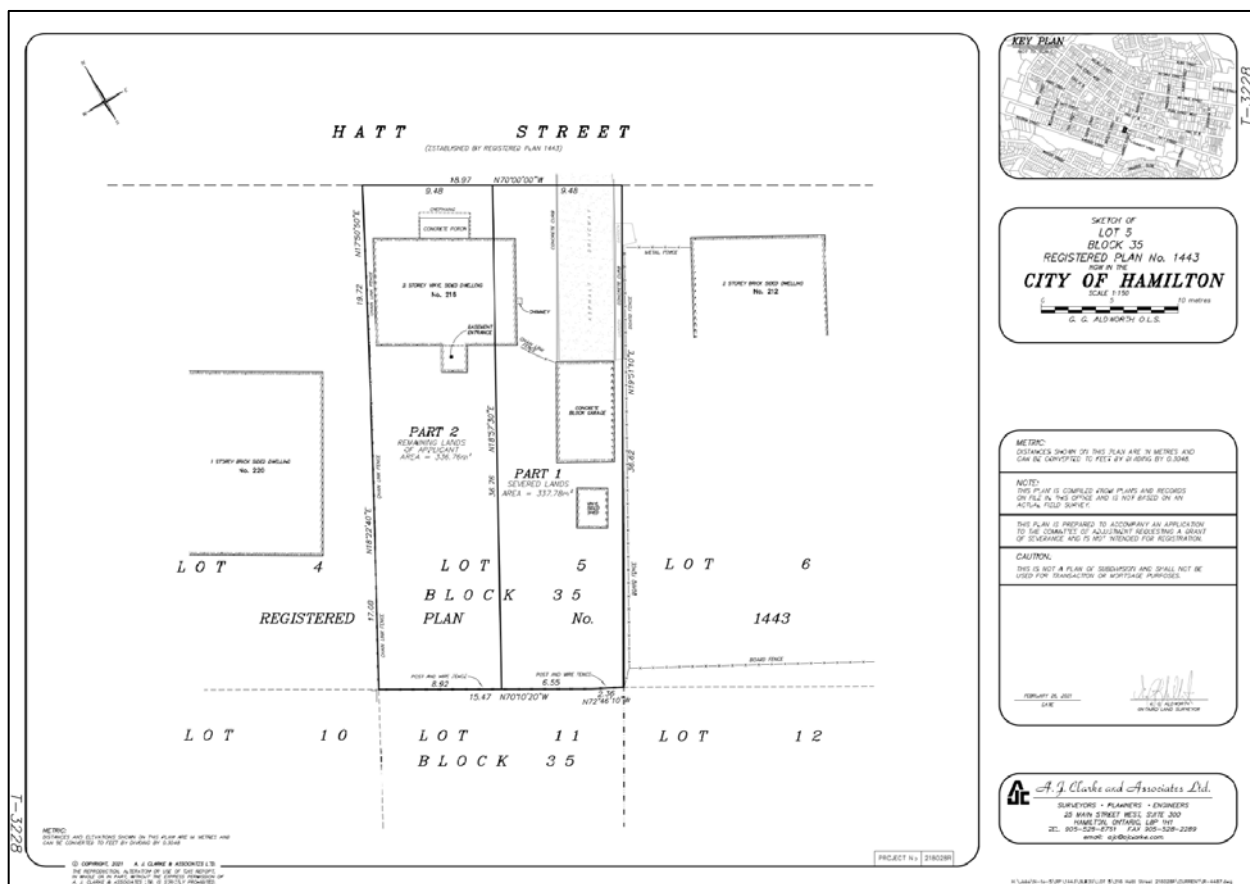




Figure 8 – Proposed Conceptual Rendering



3.0 Evaluation of the Proposed Consent Application

All planning decisions made within the Province of Ontario must be consistent and conform to Ontario's planning-system hierarchy. As such, this section will review the proposed consent application as it relates to the relevant planning policies.

3.1 Planning Act Section 51(24)

The *Planning Act of Ontario* provides legal authority relating to planning matters in the Province of Ontario. The proposed consent application meets the applicable subdivision criteria set out in the *Planning Act* as specified by Section 51(24) of the *Planning Act*.

(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for person with disabilities and welfare of the present and future inhabitants of the municipality and to;

1. a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
2. b) Whether the proposed subdivision is premature or in the public interest
- d) The suitability of the land for the purposes for which it is to be subdivided;
- f) The dimensions and shapes of the proposed lots;
- i) The adequacy of utilities and municipal services

3.2 Provincial Policy Statement

The subject lands are located within Hamilton’s settlement area. Section 1.1.3.1 of the PPS 2014 notes that “*Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted”.

The consent application has regard to the criteria for land use patterns within settlement areas as outlined in section 1.1.3.2 of the PPS. Specifically, the consent application represents an efficient land use infill development opportunity. Additionally, the proposed lots will be created through the consent process and will be serviced by existing municipal infrastructure such as water and sanitary systems. Accessing the site can efficiently be done both actively as well as by motor vehicles; the subject site is accessed using a municipally serviced road and the subject lands are located within walking distance of main street amenities and the City’s public transportation network. Additionally, the proposed consent application supports the City of Hamilton’s population intensification targets. The consent of the subject lands will not jeopardize any natural heritage, agricultural, archaeological or cultural areas. Additionally, no human-made hazards are located within proximity to the subject lands.

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

The consent application is supported by the following sections of *A Place to Grow*:

Section 1.2.1 of the Plan provides the guiding principles for how land is to be developed, resources to be managed and protected, and public dollars to be strategically invested according to the following principles:

- Prioritize *intensification* and higher densities in *strategic growth* areas to make efficient use of land and *infrastructure* and support transit viability.
- Support a range and mix of housing options, including second units and *affordable* housing, to serve all sizes, incomes, and ages of households.

Section 2.1 of the Plan provides policies for where and how to grow. Specifically, Section 2.2.1.2 a) states:

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*

Section 2.1.2 c):

Within *settlement areas*, growth will be focused in:

- i) *delineated built-up areas*;
- ii) *strategic growth areas*;
- iii) locations with existing or planned transit, with a priority on *higher order transit* where it exists or is planned; and
- iv) areas with existing or planned *public service facilities*

Section 2.1:

- d) development will be directed to *settlement areas*, except where the policies of this Plan permit otherwise;
- e) development will be generally directed away from *hazardous lands*;

3.4 City of Hamilton Official Plan

The City of Hamilton Official Plan was adopted by Council on July 9, 2002 and is effective August 16, 2013, with the exception of certain policies and land use designations, none of which are applicable to the subject application.

The subject site is currently designated “Neighbourhoods” according to the Urban Hamilton Official Plan Schedule E-1: Urban Land Use Designations

Chapter B of the Hamilton Official Plan introduces Hamilton’s character based on its communities. Communities are described as having four attributes:

- Complete: Opportunities to live, work, learn, shop, and play are provided and are accessible.
- Healthy: Healthy and safe lifestyles are supported by quality built and natural environments.
- Diverse: Neighbourhoods are unique in character and enable a variety of lifestyle choices and housing opportunities for all. and;
- Vibrant: Interesting and creative streetscapes and human scale public places are created through quality design, pedestrian amenities, and attention to land use mix.

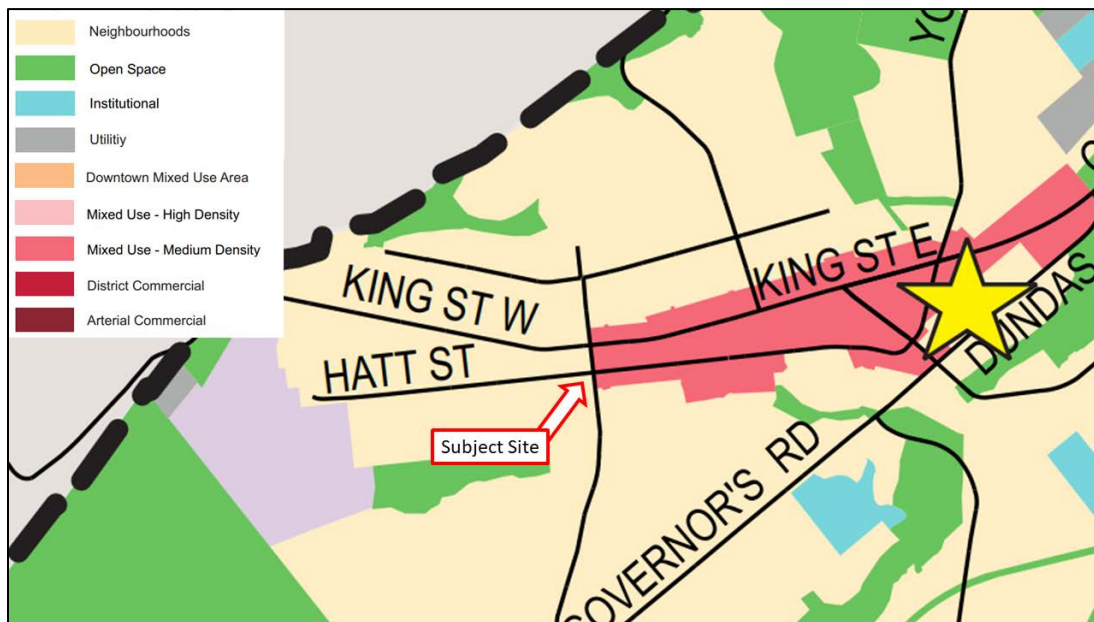


Figure 8 – City of Hamilton Official Plan: Urban Hamilton Schedule E-1 Urban Land Use Designations

Section 2.4 speaks specifically to Residential Intensification as a key component of Hamilton's growth strategy to meet the growth and intensification targets as set by the Province. Residential Intensification contributes to creating and maintaining vibrant neighbourhoods, nodes and corridors and can provide a wider range of housing types to meet the housing needs of Hamilton's current and future population.

The policies within Section 2.4.1. address Residential Intensification;

2.4.1.1.c) states that 40% of residential intensification is anticipated to occur within the Neighbourhoods designation

Policy 2.4.1.4 outlines that Residential Intensification shall be evaluated based on the following criteria;

2.4.1.4.b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form.

2.4.1.4.c) the developments contribution to maintaining and achieving a range of dwelling types and tenures

2.4.1.4.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.

2.4.1.4.f) infrastructure and transportation capacity

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

Policy 2.4.2 speaks specifically to residential intensification within the Neighbourhoods designation;

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

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

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

2.4.2.2.e) the relationship of the proposed lots(s) with the lot pattern and configuration within the neighbourhood

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

2.4.2.2.h) the ability to complement the existing functions of the neighbourhood

Chapter E addresses the Urban Designations of Hamilton's Neighbourhoods, in which is subject site is currently designated. They are described as diverse, ranging from old, historic area of the City, to newly developed subdivisions.

Chapter E Section 2.6 defines neighbourhoods as a key component of Hamilton's urban structure, representing the concept of complete community at the structural level. They're comprised of a mix of low, medium and high rise residential areas, with various types of roads, parks, open spaces, and commercial areas, institutions such as schools and places of worship. Neighbourhoods are regarded as stable, however it doesn't mean they're static and it's anticipated that physical change will occur over time.

Residential intensification within neighbourhoods is stated to be part of the evolution of neighbourhoods and can happen at a range of scales and densities provided the intensification is compatible with and respects the built form and character of the surrounding neighbourhood.

Section 3.1 speaks to the policy goals that apply to Neighbourhoods land use designation, they are;

- 3.1.1.: Develop compact, mixed use, transit-supportive, and active transportation friendly neighbourhoods
- 3.1.2. Develop neighbourhoods as part of a complete community, where people can live, work, shop, learn, and play.
- 3.1.3. Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.
- 3.1.4. Promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their ongoing evolution.
- 3.1.5. Promote and support residential intensification of appropriate scale and in appropriate locations throughout the neighbourhoods.

Section 3.2 goes on to speak about the function of Neighbourhoods, and outlines the general policies attributed to them:

- 3.2.1. Area designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.

Section 3.2.3 specifically states the uses permitted in Neighbourhoods:

- 3.2.3.a) residential dwellings, including second dwelling units and housing with supports;
- 3.2.3.b) open space and parks
- 3.2.3.c) local community facilities/services; and,
- 3.2.3.d) local commercial uses.

Section 3.4.3 states that the specific uses permitted within Neighbourhoods are single-detached, semi-detached, duplex, triplex, and street townhouse dwellings

Residential Uses are described in Section 3.3, and Low Density Residential developments are described within Section 3.4 of the Official Plan. Both of these policies outline the framework of new development within Neighbourhoods. Section 3.3.1 and 3.3.2 states that, lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas, and Development or redevelopment adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are compatible with existing and future uses in the surrounding area.

Section 3.4.6 states the Design criteria for development in areas dominated by low density residential uses:

- 3.4.6.c) A mix of lot width and sizes *compatible* with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance and design features; shall be encouraged. Development shall be subject to the Zoning By-Law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility.

Hatt Street in Dundas – Urban Design Study

In 2005, The Hatt Street Urban Design Study was completed, which is intended to inform and guide urban design strategies on Hatt Street. The report speaks to the history of Hatt Street, principles for place-making, key design elements within the defined precincts, and built form guidelines, among other various urban design components within the study.

The subject property is located within ‘Precinct 4’, which is defined by small-scale residential built form that emerged in the first half of the 19th century as modest worker’s residences. The built form is recognized as having various architectural styles.

The Precinct 4 guidelines speak to infill opportunities on page 17, sidebar, of the guidelines, which states the following: As opportunities arise, residential properties along Hatt Street may also allow infill with a maximum building height of 3 storeys. All infill built-form development should be sympathetic to and consistent with the existing heritage environment in terms of building materials, colour, scale, and massing. This does not mean that the built form must be an exact copy of historic styles on the street, but rather a careful and creative interpretation of it.

3.5 Town of Dundas Zoning By-Law No. 3581-86

The in-force zoning by-law applying to the site is the Town of Dundas (Now City of Hamilton) Zoning By-Law No. 3581-86, as amended, consolidated for May 2017. The Town of Dundas Zoning By-Law is one of the Former Communities of Hamilton which is not subject to the Hamilton Zoning By-Law No. 05-200. The City of Hamilton is currently in the process of replacing the Zoning By-Laws of all of the former municipalities. At the present time of this application, the Town of Dundas By-Law is currently in effect.

The Town of Dundas Zoning By-law 3581-86 zones the subject site Single-Detached Residential (R2). This zoning permits single-detached dwellings, as well as additional uses such as:

- Retirement Home
- Bed and Breakfast Establishment (with conditions)
- Accessory Building, Structure and Uses (incl. 1 Accessory Apartment)
- Urban Farm (with conditions)
- Community Garden (with conditions)



Figure 8 – Zoning Map

- The minimum lot area in the R2 Zone is 450 square metres
- The minimum lot frontage in the R2 Zone is 15 metres.
- The minimum setbacks in the R2 Zone is 6.0 metres for the front yard, 7.5 metres for the rear yard, and 1.2 metres for the side yard.
- The maximum height in the R2 Zone is 10.5 metres
- The minimum parking requirement in the R2 zone is 1.0 spaces per dwelling unit, with a minimum space size of 2.5 metres in width, and 6.7 metres in length.
- The minimum front yard landscape requirement in an R2 Zone is 50%.

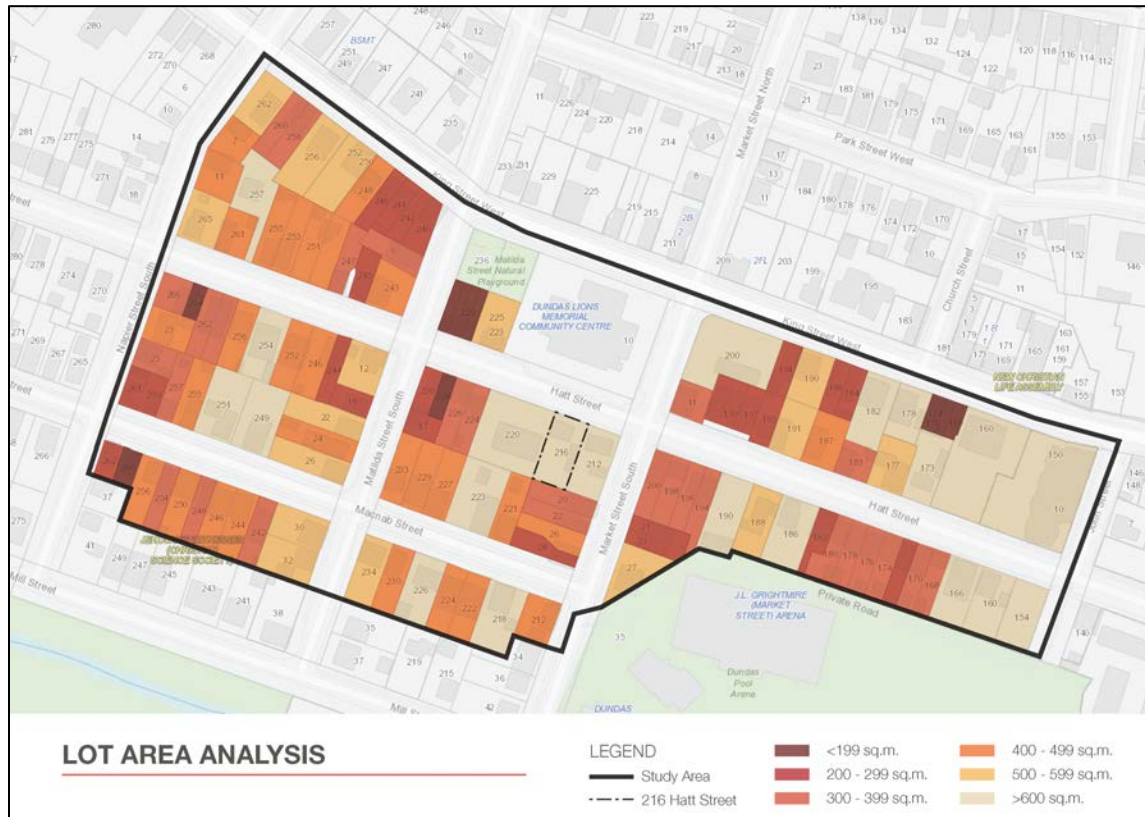
4.0 Neighbourhood Context Analysis:

An analysis of the immediate neighbourhood context and lot fabric was completed as part of this planning analysis, as outlined in Appendix 1. The table in Appendix 1 outlines frontage, depth, and lot area, of all of the lots within the immediate neighbourhood bounded by John Street to the east, Hatt Street to the South, King Street W to the north, and Napier Street S to the west. It is noted that the lots within the chosen study area have varied Zoning designations, however the majority of lots sampled permit residential dwellings. A total of 128 lots were analyzed within the study area.

4.1 Neighbourhood Context: Lot Area

The existing site is one of the largest lots in terms of lot area, falling within the 86% percentile of lots examined. It should be noted that over 60%, or 76 lots within the study area, do not comply with the minimum lot area provision of the Town of Dundas Zoning By-Law 3581-86 Single Detached Residential R2, of 450 sq.m.

On review of the proposed severance plan, the proposed lot area of the severed and retained lot will be 337.78 sq.m. and 336.76 sq.m. respectfully. Both Lot Areas of the severed and retained lot will be within the 42nd percentile of lots examined within the study area, meaning just over 40% of the lots within the neighbourhood are similar or smaller in area as the proposed severance application. Further, a total of 27 of the 128 lots, or 21% of the total lots are within a lot area range of 300-400 sq.m.



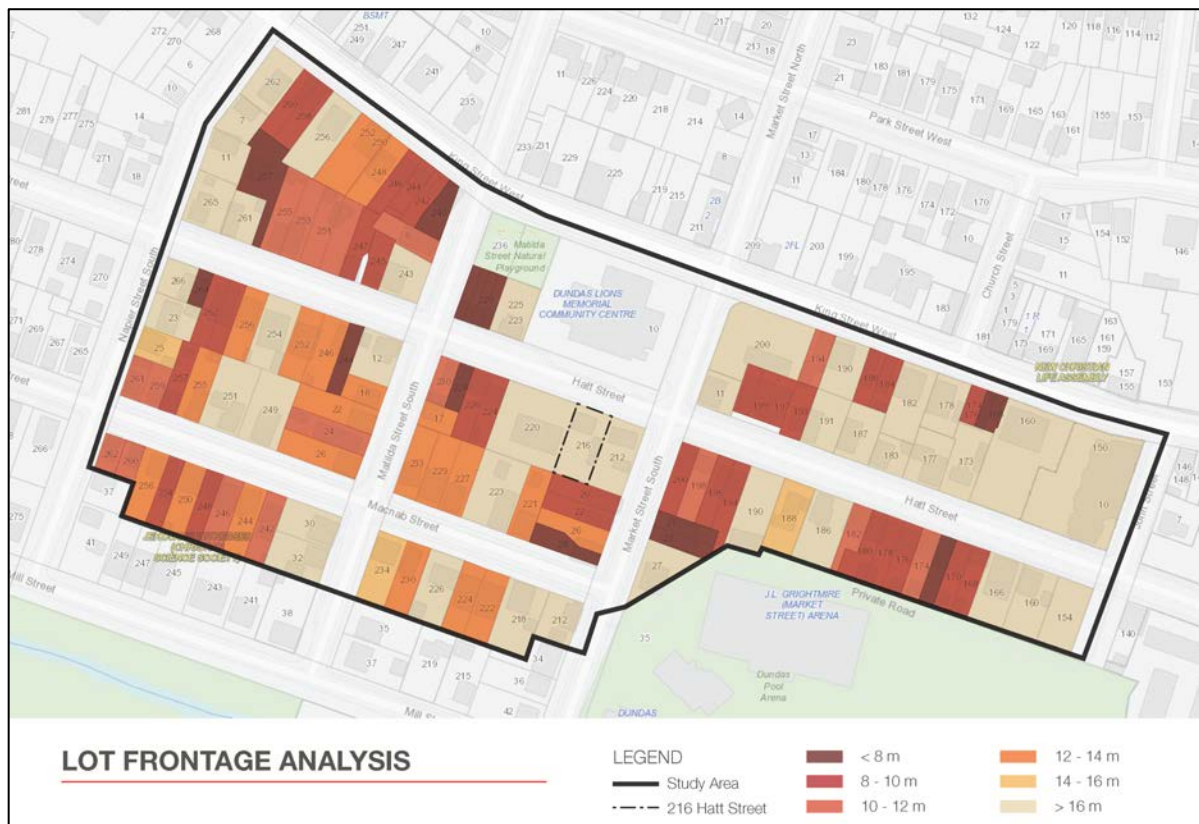
Lot Area Analysis		
Lot Area	Count	Percentage
< 199 sq.m	10	8%
200 - 299 sq.m	25	20%
300 - 399 sq.m.	27	21%
400 - 499 sq. m.	29	23%
500 - 599 sq.m.	16	13%
> 600 sq.m.	21	16%
Total	128	

4.2 Neighbourhood Context: Lot Frontage

The existing site is a relatively large lot in comparison to the surrounding neighbourhood with a frontage of 18.96m, which is in the 85% percentile of lots examined. It should be noted that over 65%, or 83 lots within the study area, do not comply with the minimum lot frontage provision of the Town of Dundas Zoning By-Law 3581-86 Single Detached Residential R2, of 15 m.

On review of the proposed severance plan, both the severed and retained lot have proposed a frontage of 9.48m. The proposed frontage of 9.48 m is within the 33rd percentile of lots examined within the study area, meaning a third of the lots within the neighbourhood have similar or smaller frontages as the proposed severance application. Further, a total of 30 of the 128 lots, or 23% of the total lots are within a lot frontage range of 8 - 10 m.

Lot Frontage Analysis		
Lot Frontage	Count	Percentage
< 8 m	16	13%
8 - 10 m	30	23%
10 - 12 m	17	13%
12 - 14 m	20	16%
14- 16 m	3	2%
> 16 m	42	33%
Total	128	



5.0 Consent Analysis:

The neighbourhood analysis for both Lot Frontages and Lot Area within Section 4.0 was conducted to establish the context of the existing neighbourhood in order to determine if the proposed variances for the Consent application are appropriate in the existing neighbourhood character. The variances will facilitate the creation of one severed lot, and one retained lot, as well as the future construction of two new detached dwellings (one dwelling on each respective lot).

In terms of lot area, the original lot prior to the proposed severance application is one of the larger lots within the existing neighbourhood. The proposed severance application will create two lots of similar size, being 337.78 sq.m. and 336.76 sq.m. and will require variances to the Town of Dundas Zoning By-Law 3561-86 Section 9.2.1.1, as the lot area minimums do not meet the requirements of 450 sq.m. The severed lots are in keeping with the surrounding neighbourhood, as they will fall within the 42nd percentile in terms of size, meaning that 42% of the lots within the neighbourhood are of similar size or smaller than the proposed development.

Also within the study area, the existing site has a frontage which is in the top 80% of lots within the surrounding neighbourhood. The proposed severance application will create two lots, both with frontages of 9.48 m in length, and will require a variance to the Town of Dundas Zoning By-Law 3561-86 Section 9.2.1.2, as the lot frontage does not meet the minimum requirement of 15m. The severed lots are in keeping within the surrounding neighbourhood, as they are in the 33rd percentile, meaning that 33% of the lots within the neighbourhood have similar or smaller frontages than the proposed development.

As such, both the variance for lot area and lot frontage proposed by this severance application are compatible with the neighbourhood. Most notably, the general lotting pattern of the immediate neighbourhood is being maintained in terms of the prevailing size and configuration of lots. Based on the review, the existing neighbourhood character is being maintained and the proposed development is compatible with neighbouring lots and the prevailing building types.

The proposed land division will not restrict development of adjacent lands, and the development is appropriate to the use proposed and is compatible with adjacent lots. Further, the proposed land division will comply with the requirements of the Zoning By-law, as facilitated through the accompanying minor variance application. On this basis, the proposed consent application represents good planning.

From a policy perspective, the proposed consent application meets the criteria for approval as set out in the Planning Act, represents an appropriate infill development opportunity as set in the *Provincial Policy Statement*, and supports the City of Hamilton's development criteria as set out in the Official Plan.

6.0 Evaluation of the Proposed Minor Variances

The application to the City of Hamilton Committee of Adjustment seeks approval of a number of minor variances to permit the severance of the subject site to allow for the creation of one additional residential lot in addition to the retained lot, as well as facilitate the construction of two detached dwellings on the severed and retained lots. As such, the application is evaluated by examining the four tests of minor variance, as set out in the Planning Act:

- 1) Is it in keeping with the purpose and intent of the Official Plan?
- 2) Is it in keeping with the purpose and intent of the Zoning By-law?
- 3) Is the application minor in nature?
- 4) Is it an appropriate and desirable development for the area?

6.1 Proposed Variances

Table 1 - 216 Hatt Street Proposed Variances				
Town of Dundas Zoning By-Law 3581-86: Single-Detached Residential Zone (R2)		Required	Part 1 Provided	Part 2 Provided
1	9.2.1.1 Lot Area Minimum	450 sq.m.	337.78 sq.m.	336.76 sq.m.
	<i>The minimum required lot area shall be 450 square metres</i>			
2	9.2.1.2 Lot Frontage Minimum	15 m	9.48 m	9.48 m
	<i>The minimum required lot frontage shall be 15 metres</i>			
3	9.2.2.2. Side Yard Setback	1.2 m	0.92 m (west property line)	0.92 m (east property line)
	<i>The minimum side yard setback shall be 1.2 metres</i>			

6.2 Intent of The Official Plan

The proposed detached residential dwellings are a permitted land use under the Neighbourhoods land use designation. The proposed detached dwellings respect the existing physical character of the neighbourhood, as outlined in the Neighbourhoods policies within the City of Hamilton Official Plan. The proposed built form is meeting the intent of Chapter E 3.2.1 in contributing a complete community, and in providing adequate dwelling types and densities for local residents. The proposed development also is compatible with the Policies in Chapter B Section 2.4.2, and Chapter E, 3.3.1 with the size and configuration of lots within the immediate neighbourhood; it is consistent with the prevailing building type and prevailing lots; it is consistent with the neighbouring setbacks of buildings from the street and maintains the general prevailing patterns of rear and side yard setbacks and landscaped open space. Also, the proposed development maintains the policies in Chapter B 2.4.2 where adequate privacy, sunlight, and sky views for existing residents through appropriate design and maintaining adequate setback and separation distances. As such, the proposed development meets the general intent of the Official Plan and provides a continuation of built form features that contribute to this specific neighbourhood.

6.3 Minor in Nature

To adequately evaluate whether a proposed By-law variance is minor, the resulting impact, if any, must be determined and considered. While a variance may represent a considerable mathematical deviation from the By-law, it may still be considered minor if the resulting impacts of the variance do not result in significant adverse impacts on the surroundings. These surroundings include neighboring properties as well as the general ‘streetscape’ of the public realm. In consideration of the proposed minor variance application required to facilitate the proposed development, all of the proposed variances meet the test of being minor in nature.

Minimum Lot Frontage – Both Proposed Lots

A minor variance is required for the lot frontage as Section 9.2.1.2 of the Town of Dundas By-Law 3581-86 states that the minimum required frontage shall be 15m, while 9.48m is proposed. When considering the impacts of this requested variance, an analysis of other lots within the subject site’s neighbourhood context was considered as part of Section 4.0 of this report. As noted, a neighbourhood lot fabric analysis was undertaken as part of this planning analysis. Within this analysis, it was found that approximately one third of the lots studied have a frontage of 9.48m or less. It was also found that approximately 23% of the lots within the study area, or 30 of the 128 lots studied, have a frontage which ranges between 8-10m.

The proposed variance will not negatively impact the existing neighbourhood lot fabric. The proposed variances represent frontages that are observed within the neighbourhood fabric and as such are considered minor in nature.

Minimum Lot Area – Both Proposed Lots

A minor variance is required for the minimum lot areas of both of the proposed lots as section 9.2.1.1 of the Town of Dundas By-Law 3581-86 states that the minimum required lot area shall be 450 sq.m., however the proposed lots will be 337.78 sq.m. and 336.76 sq.m. respectfully. As noted previously, a neighbourhood lot analysis was conducted as part of Section 4.0 of this report which surveyed 128 properties within the immediate surrounding neighbourhood for the subject lands. It should be noted that the existing site could be considered as a larger lot in comparison to the existing lot fabric, being within the top 80% in terms of size of the lots analyzed in the study area. The severance application will create two lots which are within the 42nd percentile of the surrounding neighbourhood, meaning just under half of the lots are of similar size and smaller than the proposed severed lots. 21% of the lots within the neighbourhood are within a similar range of 300 sq.m to 400 sq.m. in size.

The proposed severed lots represent lot areas that are prevalent within the existing neighbourhood context and will not create any negative impact to the neighbourhood character. As such, the proposed variances are considered minor in nature.

Minimum Side Yard Setback – Both Proposed Lots

A variance is required for minimum side yard setbacks as the proposed detached dwelling built form does not meet the minimum criteria of 1.2 metres as described in Section 9.2.2.2 of the Town of

Dundas By-Law 3581-86. The variance is required for the mutual property line of the two dwelling units that will be created as part of the severance application. The variance will specifically be required for the west property line of the proposed “Part 1” lot, and the east property line of the proposed “Part 2” lot. It is noted that the proposed side yard setbacks are not out of character with the prevailing setbacks within the immediate neighbourhood, and the proposed massing and impacts to the streetscape will fit harmoniously with the existing character. Further, the proposed side yard setbacks are designed to only impact the proposed dwellings, and the side yard setbacks of the neighbouring dwelling will meet the Zoning By-Law minimum requirement. As such, the proposed variance is considered minor in nature.

6.4 Appropriate and Desirable Development for the Area

The proposed land division and creation of one new lot on the subject lands will create a lot fabric that is appropriate in the immediate neighbourhood context. As outlined in this planning report, many of the existing neighbouring lots that are also Zoned Single Detached Residential Zone R2, do not comply with the minimum lot frontage or lot area requirements of the Zoning By-law. Further, as presented within the Neighbourhood Character Study in Section 4.0 of the Planning Report, the proposed variances are similar to what is already prevalent in the immediate surrounding context and within the neighbourhood. As such, the proposed reduction in lot frontages, lot areas, and the side yard setbacks are not considered to result in a development that is out of character with the surrounding streetscape.

The variances dealing with the proposed detached dwellings will not create negative impacts within the context of the immediate neighbourhood. The prevailing character of building typology is being maintained, and the proposed massing, scale, setbacks, and landscaping are being maintained with no negative impacts to adjacent properties or within the neighbourhood. As such, the proposed development is appropriate and desirable for the area.

6.5 Intent of the Zoning By-law

Minimum Lot Frontage – Both Proposed Lots

The intent of the minimum lot frontage provision of the Town of Dundas Zoning By-law 3581-86 is to ensure that frontage of a lot will not result in a lot that is too narrow and subsequently disrupt the neighbourhood fabric. This provision helps create lots that are similar in shape and cohesive with each other and helps create a consistent streetscape. While the proposed variance represents a numerical deviation from the By-law, it does not represent a deviation from what is already found within the prevailing neighbourhood context, as discussed in Section 4.0 of this Planning report. As such, the proposed reduction to the proposed lot frontage as part of the Severance application meets the intent of the Zoning By-law.

Minimum Lot Area – Both Proposed Lots

The intent of the minimum lot area provision of the Town of Dundas Zoning By-law 3581-86 is to ensure that the size of a lot is adequate relative to neighbourhood lot fabric in an effort to protect the character of a neighbourhood from development that is too dense, or an overdevelopment of an individual lot. The proposed lot areas are not atypical of lot sizing that exist in the immediate

neighbourhood, as discussed in Section 4.0 of this Planning Report, and will not create any negative impact to the prevailing neighbourhood character and lotting patterns. As such, the proposed lot areas are compatible within the immediate neighbourhood and meet the intent of the Zoning By-law.

Minimum Side Yard Setback – Both Proposed Lots

The intent of the minimum side yard setback within the Town of Dundas Zoning By-law 3581-86 are to ensure that the proposed dwellings are compatible with the prevailing character and streetscape of the immediate neighbourhood, and to ensure that new development is not situated undesirably close to an existing structure. It is noted that the proposed side yard setback is not out of character with the prevailing setbacks within the immediate neighbourhood, and the proposed massing and impacts to the streetscape will fit harmoniously with the existing character. As previously noted, the proposed variance to the side yard setbacks are designed to only impact the new proposed dwellings, and the minimum side yard setbacks to the adjacent neighbouring properties are in keeping with the minimum requirements of the Town of Dundas Zoning By-Law. The proposed side yard setbacks are not out of character within the context of the immediate neighbourhood. As such, the proposed variances meet the intent of the Zoning By-law.

7.0 Planning Conclusion

As noted above, this report evaluated the proposed consent application as well the minor variance application as set out in the Planning Act.

The consent application has been reviewed as it relates to consistency of the *Provincial Policy Statement 2014, A Place to Grow: Growth Plan for the Greater Golden Horseshoe*, its consistency with the City of Hamilton Official Plan, and the in-force Town of Dundas Zoning By-law 3581-86. It is of our opinion the consent application adequately responds to these.

The proposed variances are in keeping with the purpose and intent of the Official Plan and Town of Dundas Zoning By-law 3581-86, considered minor in nature and an appropriate and desirable development for the area. On this basis, the proposed development satisfies the four tests required for a minor variance application under the Planning Act and represent good planning.

Respectfully submitted by,



Paul Demczak, MCIP, RPP
Principal, Batory Management

Appendix I – Neighbourhood Lot Analysis

#	Street	Frontage (m)	Depth (m)	Area (sq.m.)
154	Hatt Street	18.29	36.58	687.97
160	Hatt Street	18.29	36.58	647.50
166	Hatt Street	18.29	36.58	687.97
168	Hatt Street	9.14	36.58	323.75
170	Hatt Street	9.14	36.58	323.75
172	Hatt Street	7.72	36.58	283.28
174	Hatt Street	10.21	36.58	364.22
176	Hatt Street	9.50	36.58	364.22
178	Hatt Street	9.14	36.58	323.75
180	Hatt Street	8.23	36.58	364.22
182	Hatt Street	10.06	36.58	283.28
186	Hatt Street	20.88	36.58	728.44
188	Hatt Street	15.70	36.58	566.56
190	Hatt Street	18.29	39.62	687.97
194	Hatt Street	8.93	48.46	323.75
196	Hatt Street	8.44	36.58	323.75
198	Hatt Street	10.36	36.58	364.22
200	Hatt Street	8.84	36.58	323.75
212	Hatt Street	18.29	36.58	687.97
216	Hatt Street	18.29	36.58	687.97
220	Hatt Street	36.58	36.58	1335.47
224	Hatt Street	9.14	36.58	323.75
226	Hatt Street	9.14	36.58	323.75
228	Hatt Street	7.21	23.89	161.87
230	Hatt Street	10.39	23.89	242.81
244	Hatt Street	7.62	36.58	283.28
246	Hatt Street	13.46	36.58	485.62
252	Hatt Street	12.50	36.73	445.16
254	Hatt Street	17.47	36.73	647.50
256	Hatt Street	12.19	36.58	445.16
260	Hatt Street	8.89	36.58	323.75
262	Hatt Street	8.89	36.58	323.75
264	Hatt Street	7.95	18.44	161.87
266	Hatt Street	16.74	18.44	323.75
173	Hatt Street	17.07	36.27	647.50
177	Hatt Street	19.51	277.67	526.09
183	Hatt Street	18.29	18.29	323.75
187	Hatt Street	17.68	28.04	485.62

191	Hatt Street	18.29	28.38	526.09
193	Hatt Street	9.75	24.99	242.81
197	Hatt Street	9.50	25.05	242.81
199	Hatt Street	8.34	25.05	206.39
201	Hatt Street	8.35	25.06	206.39
223	Hatt Street	18.29	28.37	526.09
227	Hatt Street	4.72	28.28	121.41
229	Hatt Street	4.47	28.29	121.41
231	Hatt Street	4.47	28.30	121.41
233	Hatt Street	4.63	28.31	121.41
243	Hatt Street	21.08	25.20	485.62
245	Hatt Street	9.30	30.87	275.19
247	Hatt Street	8.38	36.41	303.52
249	Hatt Street	10.58	38.05	404.69
251	Hatt Street	10.58	38.90	404.69
253	Hatt Street	10.67	42.06	404.69
255	Hatt Street	10.42	43.59	485.62
257	Hatt Street	4.32	43.28	728.44
261	Hatt Street	16.76	23.77	404.69
265	Hatt Street	21.08	24.93	526.09
10	John Street	59.00	46.24	2387.65
160	King Street	35.63	56.52	1780.62
168	King Street	6.82	19.45	121.41
170	King Street	4.58	19.20	80.94
174	King Street	8.06	19.20	121.41
178	King Street	18.29	28.38	687.97
182	King Street	18.59	36.58	679.87
184	King Street	9.14	27.74	242.81
186	King Street	9.14	27.43	242.81
190	King Street	18.29	27.74	526.09
194	King Street	10.67	28.35	283.28
200	King Street	41.13	34.80	1375.94
240	King Street	5.67	32.41	283.28
242	King Street	8.67	31.05	242.81
244	King Street	8.69	32.05	242.81
246	King Street	8.05	36.66	283.28
248	King Street	12.24	37.80	445.16
250	King Street	5.14	38.63	242.81
252	King Street	12.87	41.71	526.09
256	King Street	18.29	44.71	526.09
258	King Street	9.03	38.61	364.22
260	King Street	9.68	37.43	323.75

262	King Street	18.29	28.19	526.09
7	Napier Street	22.71	18.72	404.69
11	Napier Street	22.86	21.28	445.16
23	Napier Street	20.42	24.43	485.62
25	Napier Street	15.24	21.08	323.75
6	Matilda Street	11.89	36.52	364.22
12	Matilda Street	24.38	21.08	526.09
17	Matilda Street	13.41	18.29	242.81
18	Matilda Street	12.19	21.08	242.81
22	Matilda Street	12.80	42.16	526.09
24	Matilda Street	11.58	42.16	485.62
26	Matilda Street	12.19	42.16	526.09
30	Matilda Street	17.37	29.36	526.09
32	Matilda Street	19.20	29.97	566.56
11	Market Street	19.51	18.59	364.22
20	Market Street	8.93	36.58	323.75
21	Market Street	7.77	32.00	246.86
22	Market Street	9.30	36.56	323.75
23	Market Street	7.77	32.46	222.58
26	Market Street	12.19	36.58	445.16
27	Market Street	36.76	46.82	526.09
28	Market Street	6.10	37.03	242.81
212	MacNab Street	18.29	23.16	404.69
218	MacNab Street	21.34	36.58	768.91
221	MacNab Street	12.19	36.58	445.16
222	MacNab Street	12.19	36.58	445.16
223	MacNab Street	24.38	36.58	890.31
224	MacNab Street	12.19	36.58	445.16
226	MacNab Street	18.29	36.58	687.97
227	MacNab Street	12.19	36.58	445.16
229	MacNab Street	12.19	36.58	445.16
230	MacNab Street	12.19	36.58	445.16
233	MacNab Street	36.58	12.19	445.16
234	MacNab Street	15.24	36.58	566.56
242	MacNab Street	10.36	36.59	364.22
244	MacNab Street	12.34	36.59	445.16
246	MacNab Street	11.43	36.59	404.69
248	MacNab Street	8.74	36.59	323.75
249	MacNab Street	21.08	36.58	768.91
250	MacNab Street	12.05	36.59	445.16
251	MacNab Street	21.08	36.58	768.91
254	MacNab Street	8.84	36.58	323.75

255	MacNab Street	12.04	36.58	445.16
256	MacNab Street	12.24	36.58	445.16
259	MacNab Street	10.67	21.34	242.81
260	MacNab Street	10.83	19.29	161.87
261	MacNab Street	10.67	21.34	242.81
262	MacNab Street	10.67	18.29	202.34
Count				128

	Frontage (m)	Depth (m)	Area (sq.m.)
Average	13.92	34.67	444.81
Min	4.319016	12.192	80.9374522
Median	12.045696	36.576	404.687261

		Percentile
Project Statistics		Frontage (m)
Orig. Lot Frontage	18.96	85%
Frontage (m)	9.48	33%
Depth (m)	36.76	84%
Orig. Lot Area	674.54	86%
Area 1 (sq.m)	337.78	42%
Area 2 (sq.m)	336.76	42%

Lot Area Analysis		
Lot Area	Count	Percentage
< 199 sq.m	10	8%
200 - 299 sq.m	25	20%
300 - 399 sq.m.	27	21%
400 - 499 sq. m.	29	23%
500 - 599 sq.m.	16	13%
> 600 sq.m.	21	16%
Total	128	

Lot Frontage Analysis		
Lot Frontage	Count	Percentage
< 8 m	16	13%
8 - 10 m	30	23%
10 - 12 m	17	13%
12 - 14 m	20	16%
14- 16 m	3	2%
> 16 m	42	33%
Total	128	

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)			
Applicant(s)*			
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:
Canadian Imperial Bank of Commerce

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:

Lot Area Minimum: Required 450 sq.m. Provided 337.78 sq.m. and 336.76 sq.m.
Lot Frontage Minimum: Required 15m Provided 9.48m (both lots)
Side Yard Setback: Required 1.2m Provided 0.92m (both interior lot lines)
5. Why it is not possible to comply with the provisions of the By-law?

Accompanying Severance Application will create two lots that do not comply with the Dundas Zoning By-Law 3581-86 R2 Zoning designation. The proposed detached dwellings side yard setback does not comply with the Dundas Zoning By-Law 3581086 R2 Zoning designation.
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**):

Lot 5, Block 35, Registered Plan 1443, City of Hamilton.
216 Hatt Street, Dundas, ON L9H 2G8
7. PREVIOUS USE OF PROPERTY

Residential ☒ Industrial ☐ Commercial ☐
Agricultural ☐ Vacant ☐

Other _____
- 8.1 If Industrial or Commercial, specify use _____
- 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?

Site historical evaluation

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.

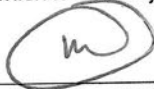
Is the previous use inventory attached? Yes ☐ No ☐

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 31, 2021

Date


Signature Property Owner

2818716 Ontario Inc., Gareth May

Print Name of Owner

10. Dimensions of lands affected:

Frontage	18.97 m
Depth	36.62 m
Area	674.54
Width of street	

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: _

One 2-storey residential dwelling, approximately 130 sq.m. GFA in size and one 1-storey detached garage approximately 20 sq.m GFA in size.

Proposed

Sever the subject lands into one severed lot and one retained lot, and to construct one 2-storey detached dwelling approximately 180 sq.m GFA, per lot.

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

Existing:

One 2-storey residential dwelling, approximately 130 sq.m. GFA in size and one 1-storey detached garage approximately 20 sq.m GFA in size.

Proposed:

Sever the subject lands into one severed lot and one retained lot, and to construct one 2-storey detached dwelling approximately 180 sq.m GFA, per lot.

13. Date of acquisition of subject lands:
March 31, 2021
14. Date of construction of all buildings and structures on subject lands:
Est. 1960
15. Existing uses of the subject property:
Residential
16. Existing uses of abutting properties:
Residential
17. Length of time the existing uses of the subject property have continued:
>60 yrs.
18. Municipal services available: (check the appropriate space or spaces)
Water Yes Connected Yes
Sanitary Sewer Yes Connected Yes
Storm Sewers Yes
19. Present Official Plan/Secondary Plan provisions applying to the land:
Neighbourhoods
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Town of Dundas Zoning By-Law No. 3581-86 Single-Detached Residential (R2)
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.