



Hamilton

COMMITTEE OF ADJUSTMENT

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING **Minor Variance**

You are receiving this notice because you are either:

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

APPLICATION NO.: SC/A-21:142

APPLICANTS: Owner Seabreeze Estates
Agent Urban Solutions

SUBJECT PROPERTY: Municipal address **65 Seabreeze Crt. Stoney Creek**

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

ZONING: RR and R3 district (Rural Residential and Single Residential)

PROPOSAL: To permit the development of new single detached dwellings for each of four (4) proposed residential lots to be created through concurrent severance applications for lands located at 65 Seabreeze Crescent and part of 125 Whitefish Crescent, notwithstanding that:

Lot A

1. The minimum lot area shall be 372 square metres instead of the minimum required 464.5 square metres for serviced lots in the RR Zone.
2. The minimum lot frontage shall be 10.8 metres instead of the minimum required 15.0 metres for serviced lots in the RR Zone.
3. The minimum front yard shall be 6.0 metres instead of the minimum required 10.0 metres for serviced a lot in the RR Zone.

Lot B

4. The minimum lot frontage shall be 12.7 metres instead of the minimum required 15.0 metres for serviced lots in the RR Zone.
5. The minimum front yard shall be 6.0 metres instead of the minimum required 10.0 metres for serviced a lot in the RR Zone.

Lot C

6. The minimum lot frontage shall be 12.8 metres instead of the minimum required 15.0 metres for serviced lots in the RR Zone.
7. The minimum front yard shall be 6.0 metres instead of the minimum required 10.0 metres for serviced a lot in the RR Zone.

Lot D

8. The minimum lot area shall be 424 square metres instead of the minimum required 464.5 square metres for serviced lots in the RR Zone.
9. The minimum lot frontage shall be 11.5 metres instead of the minimum required 15.0 metres for serviced lots in the RR Zone.

10. The minimum front yard shall be 6.0 metres instead of the minimum required 10.0 metres for serviced a lot in the RR Zone.

NOTES:

- 1. The proposed lots shown as “A” and “B” on the submitted Sketch are zoned R3 and RR in Zoning By-law 3692-92 and would front onto Whitefish Crescent. The more stringent zoning regulations are applied in such cases. Proposed lots “C” and “D” on the Sketch are zoned RR and are to front onto Seabreeze Crescent.
- 2. The site sketch did not identify building envelopes. However, the requested setbacks were identified in the in the development tables for the sketch.
- 3. The proposed severance would require severing part of 125 Whitefish Crescent to add to 65 Seabreeze Crescent to create proper frontage for Lot “B”. Additional lot line adjustments are proposed for the creation of Lots “A” and “B”.
- 4. A further variance will be required if a minimum of two (2) parking spaces are not provided for each single detached dwelling. The Zoning By-law requires a minimum parking space size of 2.75 metres in width and 5.8 metres in length to be provided except for a parking space contained within a private residential garage is required to provide an unobstructed area measuring 3.0 metres in width and 6.0 metres in length.
- 5. There are separate regulations applicable to properties in the RR Zone for serviced lots (sanitary sewers and municipal water) and for lots which are not serviced.

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

DATE:	Thursday, May 20th, 2021
TIME:	2:05 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.

REQUIRED VARIANCES:

LOT A

VARIANCE No. 1: TO PERMIT A MINIMUM LOT FRONTAGE OF 10.50 METRES WHEREAS A MINIMUM LOT FRONTAGE OF 12.0 METRES IS REQUIRED.

LOT C

VARIANCE No. 2: TO PERMIT A MINIMUM LOT FRONTAGE OF 12.50 METRES WHEREAS A MINIMUM LOT FRONTAGE OF 15.0 METRES IS REQUIRED.

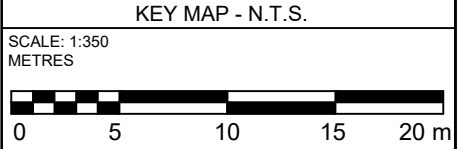
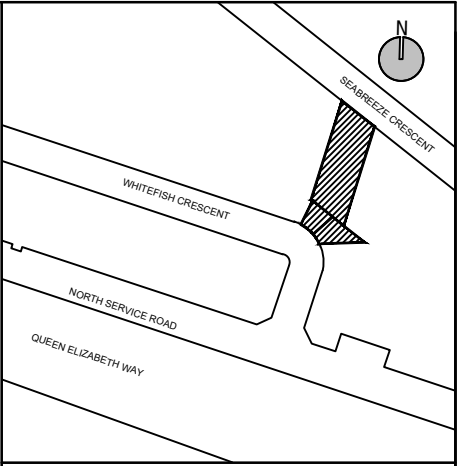
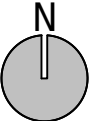
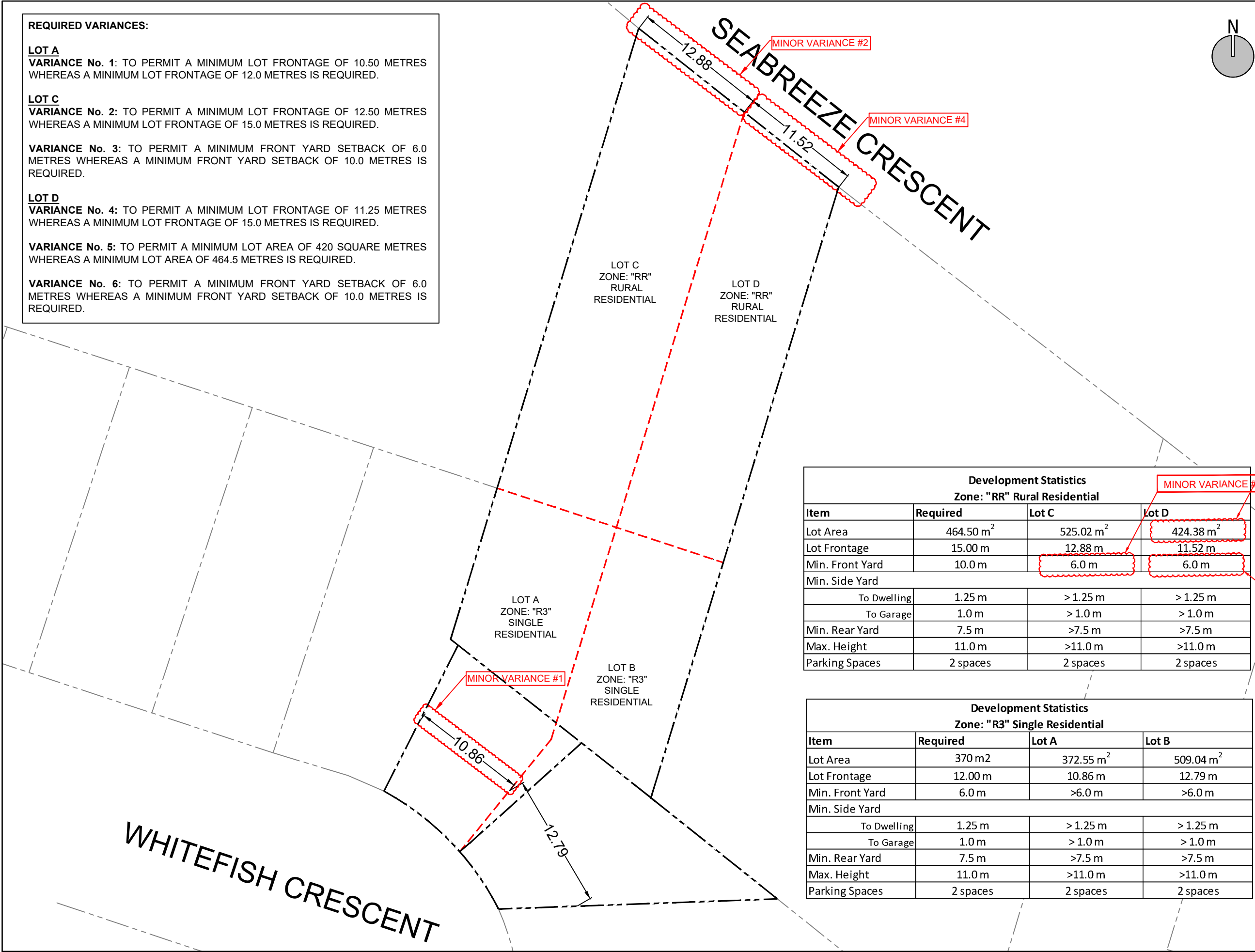
VARIANCE No. 3: TO PERMIT A MINIMUM FRONT YARD SETBACK OF 6.0 METRES WHEREAS A MINIMUM FRONT YARD SETBACK OF 10.0 METRES IS REQUIRED.

LOT D

VARIANCE No. 4: TO PERMIT A MINIMUM LOT FRONTAGE OF 11.25 METRES WHEREAS A MINIMUM LOT FRONTAGE OF 15.0 METRES IS REQUIRED.

VARIANCE No. 5: TO PERMIT A MINIMUM LOT AREA OF 420 SQUARE METRES WHEREAS A MINIMUM LOT AREA OF 464.5 METRES IS REQUIRED.

VARIANCE No. 6: TO PERMIT A MINIMUM FRONT YARD SETBACK OF 6.0 METRES WHEREAS A MINIMUM FRONT YARD SETBACK OF 10.0 METRES IS REQUIRED.



- LEGEND:
- SUBJECT LANDS
 - - - - - PROPERTY BOUNDARIES
 - - - - - PROP. SEVERANCE LINE

Development Statistics Zone: "RR" Rural Residential			
Item	Required	Lot C	Lot D
Lot Area	464.50 m ²	525.02 m ²	424.38 m ²
Lot Frontage	15.00 m	12.88 m	11.52 m
Min. Front Yard	10.0 m	6.0 m	6.0 m
Min. Side Yard			
To Dwelling	1.25 m	> 1.25 m	> 1.25 m
To Garage	1.0 m	> 1.0 m	> 1.0 m
Min. Rear Yard	7.5 m	>7.5 m	>7.5 m
Max. Height	11.0 m	>11.0 m	>11.0 m
Parking Spaces	2 spaces	2 spaces	2 spaces

Development Statistics Zone: "R3" Single Residential			
Item	Required	Lot A	Lot B
Lot Area	370 m ²	372.55 m ²	509.04 m ²
Lot Frontage	12.00 m	10.86 m	12.79 m
Min. Front Yard	6.0 m	>6.0 m	>6.0 m
Min. Side Yard			
To Dwelling	1.25 m	> 1.25 m	> 1.25 m
To Garage	1.0 m	> 1.0 m	> 1.0 m
Min. Rear Yard	7.5 m	>7.5 m	>7.5 m
Max. Height	11.0 m	>11.0 m	>11.0 m
Parking Spaces	2 spaces	2 spaces	2 spaces

NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:
ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: L. DRENNAN	CHECKED BY: M. JOHNSTON
DRAWN BY: L. DRENNAN	DATE: MARCH 23, 2021



URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT

3 STUDEBAKER PLACE, UNIT 1
HAMILTON, ON L8L 0C8
905-546-1087 - urbansolutions.info

PROJECT:
65 SEABREEZE CRESCENT
CITY OF HAMILTON

CLIENT:
SEABREEZE ESTATES INC.

TITLE:
MINOR VARIANCE SKETCH

U/S FILE NUMBER: 398-21	SHEET NUMBER: 1
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April 1, 2021

398-21

Via Email

Jamila Sheffield
Secretary Treasurer, Committee of Adjustment

City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield:

**RE: 65 Seabreeze Crescent, City of Hamilton
Minor Variance Application**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultants acting on behalf of Seabreeze Estates Inc., the registered owner of the lands municipally known as 65 Seabreeze Crescent, in the City of Hamilton (subject lands). Seabreeze Estates Inc. is also the registered owner of the two lots fronting Whitefish Crescent legally described as Block 11 and 12 on Plan 62M1042. The Blocks are labelled as Lot A and Lot B on the Minor Variance Sketch. On behalf of the owner, UrbanSolutions has prepared the enclosed Minor Variance Application to the City of Hamilton.

65 Seabreeze Crescent is designated Neighbourhoods in the Urban Hamilton Official Plan (UHOP) and are located in the (Rural Residential) "RR" District in the District of the former City of Stoney Creek Zoning By-law No. 3692-92. The subject lands currently contain a single detached dwelling.

The lands fronting Whitefish Crescent are designated Neighbourhoods in the Urban Hamilton Official Plan (UHOP) and are located in the (Single Residential – Three) "R3" District of the former City of Stoney Creek Zoning By-law No. 3692-92. The subject lands are currently vacant.

Purpose of the Application

The purpose of the Minor Variance application is to facilitate the development of four (4) single detached dwelling(s) on the lots illustrated on the Minor Variance Sketch. This Minor Variance application is to be heard in conjunction with the Consent to Sever application(s). The division of lands and the required minor variances are outlined on the enclosed Minor Variance Sketch and outlined below.

Lot A

1. To permit a minimum lot frontage of 10.50 metres whereas a minimum lot frontage of 12.0 metres is required.

Lot C

2. To permit a minimum lot frontage of 12.50 metres whereas a minimum lot frontage of 15.0 metres is required.
3. To permit a minimum front yard setback of 6.0 metres whereas a minimum front yard setback of 10.0 metres is required.

Lot D

4. To permit a minimum lot frontage of 11.25 metres whereas a minimum lot frontage of 15.0 metres is required.
5. To permit a minimum lot area of 420 square metres whereas a minimum lot area of 464.5 metres is required.
6. To permit a minimum front yard setback of 6.0 metres whereas a minimum front yard setback of 10.0 metres is required.

Section 45(1) of the *Planning Act*, R.S.O. 1990, as amended, requires a Minor Variance to satisfy four tests. The proposed Single Detached Dwelling(s) is a permitted use in both the Neighbourhoods designation of the Urban Hamilton Official Plan, the (Rural Residential) "RR" and the (Single Residential – Three) "R3" District of the former City of Stoney Creek Zoning By-law No. 3692-92. The proposed minor variances will allow for the development of four (4) single detached dwellings that is in keeping with the character of the surrounding neighbourhood with similar lot frontages and lot areas and also implements the provincial and local planning policy framework. More specifically, the resulting variances and severances further implement the build-out of this subdivision as contemplated in the City's approved 62M1042.

In support of this application, please find the enclosed:

- One (1) copy of the completed Minor Variance application;
- One (1) copy of the Minor Variance Sketch prepared by UrbanSolutions; and,
- One (1) cheque in the amount of **\$3,320.00** payable to the City of Hamilton for the Minor Variance application.

We trust the enclosed is in order; however, please feel free to contact the undersigned with any questions.

Regards,
UrbanSolutions


Matt Johnston, MCIP, RPP
Principal


Brandon Petter, MPlan
Planner

Cc: Seabreeze Estates Inc.
Mr. Sergio Manchia, UrbanSolutions



Hamilton

Committee of Adjustment

City Hall, 5th Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONLY.

APPLICATION NO. _____ DATE APPLICATION RECEIVED _____

PAID _____ DATE APPLICATION DEEMED COMPLETE _____

SECRETARY'S
SIGNATURE _____

The Planning Act

Application for Minor Variance or for Permission

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

1, 2

	NAME	ADDRESS	
Registered Owners(s)	Seabreeze Estates Inc. c/o Peter DeSantis		
Applicant(s)*	Same as owner		Phone: E-mail:
Agent or Solicitor	UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston		

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

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

N/A

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

4. Nature and extent of relief applied for:
Please refer to cover letter and enclosed Minor Variance Sketch for list of required variances.
5. Why it is not possible to comply with the provisions of the By-law?
Please refer to cover letter.
6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):
65 Seabreeze Crescent & 0 Whitefish Crescent, Hamilton
7. PREVIOUS USE OF PROPERTY
- | | | | | | |
|--------------|-------------------------------------|------------|--------------------------|------------|--------------------------|
| Residential | <input checked="" type="checkbox"/> | Industrial | <input type="checkbox"/> | Commercial | <input type="checkbox"/> |
| Agricultural | <input type="checkbox"/> | Vacant | <input type="checkbox"/> | | |
- 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?

Consultation with owner.

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 ☐ N/A

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.

Mar 25-21
Date


Signature Property Owner

Peter De Santos
Print Name of Owner

10. Dimensions of lands affected: Refer to enclosed Minor Variance Sketch

Frontage _____
Depth _____
Area _____
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: _

Single Residential Dwelling

Proposed

Single Residential Dwelling

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

Existing:

Refer to enclosed Minor Variance Sketch

Proposed:

Refer to enclosed Minor Variance Sketch

13. Date of acquisition of subject lands:
Unknown
14. Date of construction of all buildings and structures on subject lands:
Unknown
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:
Unknown
18. Municipal services available: (check the appropriate space or spaces)
 Water _____ Connected ✓
 Sanitary Sewer _____ Connected ✓
 Storm Sewers _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
The subject lands are designated as "Neighbourhoods" in the Urban Hamilton Official Plan.
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
The subject lands are zoned "RR" Rural Residential and "R3" Single Residential
21. Has the owner previously applied for relief in respect of the subject property?
☐ Yes ☒ No
 If the answer is yes, describe briefly.
N/A
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
☒ Yes ☐ No
23. Additional Information
Concurrent Consent to Sever applications have been submitted to create 4 lots.
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.