

## **NOTICE OF PUBLIC HEARING** **Minor Variance**

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**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
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**APPLICATION NO.:** AN/A-21:200

**APPLICANTS:** Agent GSP Group (N. Frieday)  
Owner Rotuka Developments

**SUBJECT PROPERTY:** Municipal address **455 Springbrook Ave., Ancaster**

**ZONING BY-LAW:** Zoning By-law 87-57, as Amended 19-235

**ZONING:** "R4-705, R4-706" (Residential) district

**PROPOSAL:** To facilitate the creation of two (2) lots in conjunction with Severance Application AN/B-20:20, notwithstanding that:

1. A minimum rear yard of 4.35 metres shall be provided on the portion of the lands to be retained, instead of the required minimum rear yard of 7.5 metres.

NOTE:

1. Please note this application is required to facilitate Severance Application AN/B-20:20.
2. Specific details regarding proposed yard encroachments were not included as part of this application. Further variances may be required if compliance with Section 7.12 cannot be achieved.

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

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**DATE:** Thursday, June 17th, 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](http://www.hamilton.ca/committeeofadjustment)  
for viewing purposes only

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### **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](http://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](mailto:cofa@hamilton.ca)

DATED: June 1st, 2021.

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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.***

May 11, 2021

File No: 20004

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

Dear Ms. Sheffield:

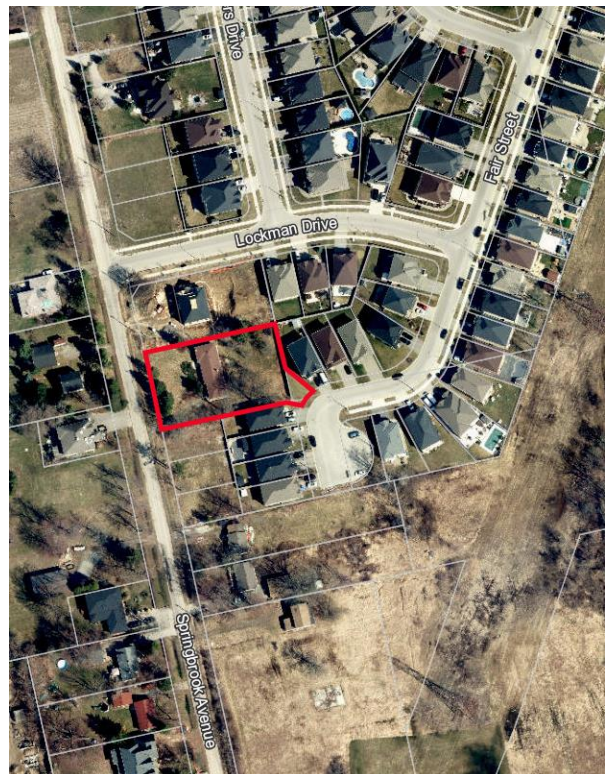
**RE: 455 Springbrook Avenue  
MINOR VARIANCE APPLICATION**

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On behalf of Rotuka Developments Inc., GSP Group is pleased to submit the enclosed Minor Variance Application on lands municipally known as 455 Springbrook Avenue in the City of Hamilton.

As shown in **Figure 1**, the Site is largely rectangular shaped. The irregular shaped parcel on Fair St. is currently owned by the City and will merge with the rear lot to be created.

The Site has a 35.56m frontage along Springbrook Ave. and a 12m frontage along Fair St. The area of the Site is approximately 2,275m<sup>2</sup> (0.2 ha). The Site currently contains a single-detached dwelling, which is proposed to be retained as part of Approved Consent application AN/B-20:20.



**Figure 1: Location Map** Source: Hamilton IMapper, 2021

Single-detached dwellings are located immediately to the north, east, and south, of the Site, as well as across Springbrook Ave. to the west. The immediate neighbourhood consists of low-rise residential dwellings.



**Figure 2:** West Site Elevation Source: Google Earth Imagery, 2015

## Proposed Development

The purpose of this Minor Variance application is to allow a reduction of the rear yard setback of the existing dwelling in order to implement approved Consent Application AN/B-20:20 that facilitates the creation of a 991.1m<sup>2</sup> lot fronting Fair Street and a retained lot of 1,281.2m<sup>2</sup> with 35.56m<sup>2</sup> of frontage along Springbrook Avenue.

The retained land shown on Appendix A – Consent Sketch was contemplated to be further severed into three (3) residential buildable lots and had received approval as part of Consent Applications AN/B-20:20 and AN/B-20:21. Consequently, the existing dwelling that is now proposed to be retained was previously contemplated to be demolished. As such, a variance was not previously required.

Furthermore, the condition pertaining to the urbanization of Springbrook Avenue at the request of Development Engineering that was implemented as part of the Consent approval from AN/B-20:21 have made the fulfillment of the approved conditions essentially impossible to execute within the statutory 1-year timeline to fulfil conditions. As such, approved Consent AN/B-20:21 will lapse on July 16th, 2021.

As a direct result, this application seeks a reduction in the rear yard of the existing dwelling on the retained lot from the approved lot line that was approved in 2020 as part of File AN/B-20:20.

As part of the Approval for File AN/B-20:20, the City required as a condition the following,”

*The owner shall demolish the existing single detached dwelling on the lands to be retained to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section) or the owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law (i.e. rear yard setback). Subject to a demolition permit issued in the normal manner.”*

Consequently, this application seeks to remedy the rear yard variance requirement as instituted as part of the AN/B-20:20 Consent approval. In the interim of Springbrook Avenue being urbanized by others, as a result of lapsing of approved Consent AN/B-20:21, an additional Consent application will have to be submitted in the future which would create the three (3) Springbrook Avenue lots initially contemplated and approved. This will result in the existing single detached dwelling, subject to this minor variance, to be demolished to allow the new lots to be developed on in the future.

## **Policy Overview**

The Site is within the “Neighbourhoods” designation in accordance with *Schedule E-2 -Urban Land Use Designations* of the Urban Hamilton Official Plan (UHOP) and is currently dual-zoned “Residential” R4-705 and “Residential” R4-706 pursuant to Zoning By-law No. 87-57. This land use designation general permits a range of residential uses, including single detached dwellings on the Site.

## **Requested Minor Variance**

As noted above, the Site is dual-zoned Residential (R4-705) and Residential (R4-706) Zones under City Zoning By-law No. 87-57. Accordingly, to implement the Approved Consent, the following variance is required:

1. A 3.15m reduction to allow a 4.35m minimum rear yard, whereas a 7.5m minimum rear yard is required (Section 12.2.f).

## Planning Analysis

Section 45(1) of the *Planning Act* states that the Committee of Adjustment “*may authorize such minor variances from the provisions of the by-law, in respect of the land, building or structure or the use thereof*” provided the following four tests are met:

- a) Does the minor variance maintain the general intent and purpose of the Official Plan?
- b) Does the minor variance maintain the general intent and purpose of the Zoning By-law?
- c) Is the minor variance desirable for the appropriate development or use of the land, building, or structure?
- d) Is the requested variance minor in nature?

The analysis that follows demonstrates how the requested variances satisfy the four tests of a minor variance.

**a) Does the requested variance maintain the general intent and purpose of the Official Plan?**

The proposed reduction in minimum lot area is required in order to recognize the placement of the existing house in context with the approved lot line location which has led to a non-confirming rear yard setback on the retained lands. Consequently, this dwelling will likely be demolished in the future when the other approved severances can be implemented creating the other lots on Springbrook Avenue. As such, the reduction in rear yard setback is solely to recognize the condition from the existing single detached dwelling on the lands and will have no material physical change to the property.

**Therefore, the requested minimum rear yard is compatible with the existing character and function of the neighbourhood and therefore the requested variance meets the general intent and purpose of the Official Plan.**

**b) Does the requested variance maintain the general intent and purpose of the Zoning By-law?**

The purpose of a minimum rear yard is to ensure there is adequate separation between buildings and rear lot lines for a rear yard amenity area.

As noted previously, the proposed reduction in minimum lot area is required in order to recognize the existing limit of the single detached dwelling on the Site in proximity to the approved lot line to satisfy a condition of approval for the Consent.

Consequently, these retained lands are intended to be redeveloped into several lots with frontage on Springbrook Avenue in the future as part of a subsequent Consent application. As such, the reduction in rear yard is solely to recognize the existing condition of the single detached dwelling on the retained lands with the new lot line and will have no material physical change to the property.

**Therefore, the requested variance for reduction in minimum rear yard maintains the general intent and purpose of the Zoning By-law.**

**c) Is the minor variance desirable for the appropriate development or use of the land, building, or structure?**

What is key in the review of this criterion is whether the minor variance is desirable from a planning and public interest perspective. The test of desirability includes consideration of many factors that can affect the broad public interest as it relates to the subject lands, accepted planning principles and existing pattern of development.

As previously indicated, the proposed reduction in minimum rear yard is required in order to recognize the existing limit of the single detached dwelling on the Site in proximity to the approved lot line to satisfy a condition of approval for the Consent. As such, the reduction in rear yard is solely to recognize the existing condition from the dwelling on the lands and will have no material physical change to the property that would have any undesirable impacts. As the dwelling is likely to be demolished in the future as part of a subsequent consent application to re-implement the approved Consent AN/B-20:21, this reduction in rear yard is considered technical in nature to address the condition of approval previously stated.

**Therefore, the requested variance for reduction in minimum rear yard is considered desirable and appropriate.**

**d) Are the requested variances 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. Consideration of how the variance impacts the overall area, as well as the Site must be evaluated.

As previously indicated, the proposed reduction in minimum rear yard is required in order to recognize the existing limit of the single detached dwelling on the Site in proximity to the approved lot line to satisfy a condition of approval for the Consent. As such, the reduction in rear yard is solely to recognize the existing condition from the dwelling on the lands and will have no material physical change to the property

that would have any undesirable impacts. As the dwelling is likely to be demolished in the future as part of a subsequent consent application to re-implement the approved Consent AN/B-20:21, this reduction in rear yard is considered technical in nature to address the condition of approval previously stated. The requested variance will have no material physical change to the property that would have any undesirable impacts.

**Therefore, the requested variance for reduction in minimum rear yard is considered minor in nature.**

## **Summary and Recommendations**

The requested variance represents good land use planning as it satisfies the four tests of Section 45(1) of the Planning Act. Approval of the requested variance will continue to maintain the general intent and purpose of the Official Plan and Zoning By-law, is desirable for the appropriate use of the land, and is considered minor in nature. Because of this, my recommendation is that the variance be approved.

The Site has been approved to facilitate the proposed development contemplated as part of the application submitted for 455 Springbrook Avenue (City File: AN/B-20:20). This Minor Variance application will assist in the clearance of conditions related to approved Consent AN/B-20:20. The Application fee payment noted below has been delivered via mailbox drop-off to the attention of City of Hamilton – Committee of Adjustment.

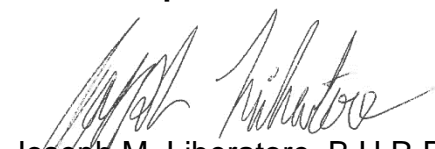
In support of the Minor Variance application, please find enclosed the following:

- One (1) original of the completed application form with signatures;
- One (1) copy of the Approved Conditions (AN/B-20:20 and AN/B-20:21); and,
- One (1) cheque made payable to the “City of Hamilton” for \$3,320.00.

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](mailto:jliberatore@gspgroup.ca).

Yours truly

**GSP Group Inc.**





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

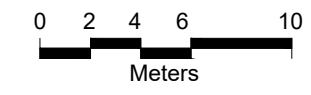
cc. Client



# Appendix A SEVERANCE SKETCH

PART OF LOT 50 CONCESSION 3 &  
PART OF BLOCK 102 REGISTERED PLAN 62M-1116 &  
ALL OF BLOCK 14 REGISTERED PLAN 62M-1161  
CITY OF HAMILTON

-  LANDS TO BE RETAINED  
1281.1m<sup>2</sup>
-  LANDS TO BE SEVERED  
991.1m<sup>2</sup>



NOTE: This concept has been prepared for general feasibility purposes only. Building code requirements and technical / architectural design have not been addressed.

Scale 1:300 | January 30, 2020 | Project No.: 20004 | Drawn By: MN






SPRINGBROOK AVENUE



## Appendix A SEVERANCE SKETCH

PART OF LOT 50 CONCESSION 3 &  
PART OF BLOCK 102 REGISTERED PLAN 62M-1116 &  
ALL OF BLOCK 14 REGISTERED PLAN 62M-1161  
CITY OF HAMILTON

	LANDS TO BE RETAINED 1281.1m <sup>2</sup>		EXISTING BUILDING ENVELOPE 180.60m <sup>2</sup>
	LANDS TO BE SEVERED 991.1m <sup>2</sup>		

\*7.95% Existing Lot Coverage  
\*\*14.1% Proposed Lot Coverage





Committee of Adjustment  
Hamilton City Hall  
71 Main Street West, 5<sup>th</sup> floor  
Hamilton, ON L8P 4Y5  
Telephone (905) 546-2424, ext. 4221  
Fax (905) 546-4202

## **COMMITTEE OF ADJUSTMENT**

### **NOTICE OF DECISION**

#### **APPLICATION FOR CONSENT LAND SEVERANCE**

**APPLICATION NO. AN/B-20:20**  
**SUBMISSION NO. B-20/20**

**APPLICATION NUMBER: AN/B-20:20**

**SUBJECT PROPERTY: 455 Springbrook Ave., Ancaster**

**APPLICANT(S):** GSP Group Inc. c/o S. Hastings on behalf of the owner Rotuka Developments Inc.

**PURPOSE OF APPLICATION:** To permit the conveyance of a parcel of land for residential purposes.

**Severed lands:**

12m<sup>±</sup> x 35.71m<sup>±</sup> and an area of 991.1m<sup>2±</sup>

**Retained lands:**

35.56m<sup>±</sup> x 35.96m<sup>±</sup> and an area of 1,281.2m<sup>2±</sup>

That the said application, as set out above, IS APPROVED, for the following reasons:

1. The proposal does not conflict with the intent of the Urban Hamilton Official Plan.
2. The proposal does not contravene Zoning By-law requirements.
3. The Committee considers the proposal to be in keeping with development in the area.
4. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
5. The submissions made regarding this matter affected the decision by supporting the granting of the application.

**Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following condition(s).**

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
3. That the owner acquires the lands described as Block 14, Registered Plan 62M-1161; and the lands described as Part of Block 102, Registered Plan 62M-1116, in order to provide adequate frontage on a public road for the severed lands, to the satisfaction of the Manager of Development Planning, Heritage and Design.

4. That the owner takes the necessary steps to lift the reserve block that currently runs along the frontage of Fair Street, described as Block 21, Registered Plan 62M-1161, that any and all costs associated with lifting the reserve block shall be borne by the owner, and that the reserve block is lifted, in order to provide adequate frontage on a public road for the severed lands, to the satisfaction of the Manager of Development Planning, Heritage and Design.
5. Tree Management Plan: That the owner submits and receives approval of a Tree Protection Plan, including the review fee as per the effective Schedule of Rates and Fees (currently \$625), prepared by a qualified tree management professional (i.e. certified arborist, registered professional forester or landscape architect), to the satisfaction of the Manager of Development Planning, Heritage and Design.
6. Landscape Plan: That the owner submits and receives approval of a Landscape Plan, prepared by a qualified tree management professional (i.e. certified arborist, registered professional forester or landscape architect), to the satisfaction of the Manager of Development Planning, Heritage and Design.
7. The owner shall demolish the existing single detached dwelling on the lands to be retained to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section) or the owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law (i.e. rear yard setback). Subject to a demolition permit issued in the normal manner.
8. The owner shall acquire the shaded City owned lands shown on the severance sketch through a purchase agreement with the City of Hamilton and shall merge the acquired lands in title with the balance of the lands to be severed.
9. The owner shall submit survey evidence that the assembled lands to be severed, conform to the requirements of the Zoning By-Law for frontage (respecting Schedule “C” setback requirements) or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
10. That the Owner enters into a Development Agreement with the City of Hamilton and register it on title of the lands, to address issues including but not limited to: extension of the municipal sewers, road reconstruction, lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change. All to the satisfaction of the City’s Manager of Development Engineering Approvals.
11. That, the owner will be required to provide a cash payment based on the current “New Roads Servicing Rates” for the future urbanization of Springbrook Avenue to the satisfaction of the City’s Manager of Development Engineering Approvals.
12. That the owner provide cash payment to the City for any outstanding servicing cost required to lift the 0.3m reserve described as Block 21 on 62M-1161 to the satisfaction of the City’s Manager of Development Engineering Approvals.

DATED AT HAMILTON this 9th day of July, 2020.

\_\_\_\_\_  
M. Dudzic (Chairman)

\_\_\_\_\_  
D. Serwatuk

\_\_\_\_\_  
L. Gaddy

\_\_\_\_\_  
D. Smith

\_\_\_\_\_  
B. Charters

\_\_\_\_\_  
M. Switzer

\_\_\_\_\_  
T. Lofchik

\_\_\_\_\_  
N. Mleczko

\_\_\_\_\_  
M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS July 16th, 2020.  
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE  
OF THIS NOTICE OF DECISION (July 16th, 2021) OR THE APPLICATION SHALL BE  
DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING  
APPEAL TRIBUNAL (LPAT) MAY BE FILED IS August 5 2020.

**NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.**

Note: Based on these applications being approved and all conditions being met, the owner  
/ applicant should be made aware that the lands to be retained (north lot) will be assigned  
the address of 453 Springbrook Avenue, Hamilton (Ancaster), the lands to be conveyed  
(middle lot) will be assigned the address of 457 Springbrook Avenue, Hamilton (Ancaster),  
and the lands to be retained (south lot) will be assigned the address of 461 Springbrook  
Avenue, Hamilton (Ancaster).



Committee of Adjustment  
Hamilton City Hall  
71 Main Street West, 5<sup>th</sup> floor  
Hamilton, ON L8P 4Y5  
Telephone (905) 546-2424, ext. 4221  
Fax (905) 546-4202

## **COMMITTEE OF ADJUSTMENT**

### **NOTICE OF DECISION**

#### **APPLICATION FOR CONSENT\LAND SEVERANCE**

**APPLICATION NO. AN/B-20:21**  
**SUBMISSION NO. B-21/20**

**APPLICATION NUMBER:**     **AN/B-20:21**

**SUBJECT PROPERTY:**       **455 Springbrook Ave., Ancaster**

**APPLICANT(S):**               GSP Group Inc. c/o S. Hastings on behalf of the  
owner Rotuka Developments Inc.

**PURPOSE OF APPLICATION:** To permit the conveyance of a parcel of land for  
residential purposes.

**Severed lands:**  
11.85m<sup>±</sup> x 35.96m<sup>±</sup> and an area of 426.1m<sup>2±</sup>

**Retained lands:**  
11.85m<sup>±</sup> x 35.96m<sup>±</sup> and an area of 427.1m<sup>2±</sup>

That the said application, as set out above, **IS APPROVED**, for the following reasons:

1. The proposal does not conflict with the intent of the Urban Hamilton Official Plan.
2. The proposal does not contravene Zoning By-law requirements.
3. The Committee considers the proposal to be in keeping with development in the area.
4. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
5. The submissions made regarding this matter affected the decision by supporting the granting of the application.

**Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following condition(s).**

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
3. That all upgrades to municipal services and any new services required for the proposed lots fronting onto Springbrook Avenue shall be completed, to the satisfaction of the Manager of Development Planning, Heritage and Design.

- 4. That both the severed lot and the retained lots have frontage on Springbrook Avenue, to the satisfaction of the Manager of Development Planning, Heritage and Design.
- 5. Tree Management Plan: That the owner submits and receives approval of a Tree Protection Plan for both the severed and retained lands, including the review fee as per the effective Schedule of Rates and Fees (currently \$625), prepared by a qualified tree management professional (i.e. certified arborist, registered professional forester or landscape architect), to the satisfaction of the Manager of Development Planning, Heritage and Design.
- 6. Landscape Plan: That the owner submits and receives approval of a Landscape Plan for both the severed and retained lands, prepared by a qualified tree management professional (i.e. certified arborist, registered professional forester or landscape architect), to the satisfaction of the Manager of Development Planning, Heritage and Design.
- 7. That the Owner enters into a Development Agreement with the City of Hamilton and register it on title of the lands, to address issues including but not limited to: extension of the municipal sewers, road reconstruction, lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change. All to the satisfaction of the City's Manager of Development Engineering Approvals.
- 8. That, the owner will be required to provide a cash payment based on the current "New Roads Servicing Rates" for the future urbanization of Springbrook Avenue to the satisfaction of the City's Manager of Development Engineering Approvals.
- 9. That the owner provide cash payment to the City for any outstanding servicing cost required to lift the 0.3m reserve described as Block 21 on 62M-1161 to the satisfaction of the City's Manager of Development Engineering Approvals.

DATED AT HAMILTON this 9th day of July, 2020.

\_\_\_\_\_  
M. Dudzic (Chairman)

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D. Serwatuk

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D. Smith

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N. Mleczko

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L. Gaddye

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B. Charters

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T. Lofchik

\_\_\_\_\_  
M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS July16th, 2020.  
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (July 16th, 2021) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **August 5 2020.**

**NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.**

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (north lot) will be assigned the address of 453 Springbrook Avenue, Hamilton (Ancaster), the lands to be conveyed (middle lot) will be assigned the address of 457 Springbrook Avenue, Hamilton (Ancaster), and the lands to be retained (south lot) will be assigned the address of 461 Springbrook Avenue, Hamilton (Ancaster).

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)	Rotuka Developments Inc.		
Applicant(s)*	GSP Group Inc. c/o Nancy Frieday		
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:

Same as owner.

**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:  
Reduction in the 7.5m required rear yard setback to the existing dwelling from the new lot line that was approved as part of Consent Application AN/B-20:20.

5. Why it is not possible to comply with the provisions of the By-law?  
Dwelling presently exists and as a condition of Consent Application AN/B-20:20 it was required to seek relief for the non-conforming rear yard setback.

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**):  
Part of Lot 50, Concession 3 (Township of Ancaster) and Part of Block 102 and All of Block 14, Registered Plan 62M-1161, Municipally known as 455 Springbrook Avenue

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?

Owner's Knowledge

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

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.

MAY 10, 2021  
Date

  
Signature Property Owner

Rotuka Developments Inc. c/o Divyang Patel  
Print Name of Owner

10. Dimensions of lands affected:	
Frontage	<u>35.56m</u>
Depth	<u>35.97m</u>
Area	<u>1,281.2m²</u>
Width of street	<u>20.1m</u>

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

Existing: \_

1-storey Brick Single Detached Dwelling  
±180.6m² Ground Floor Area

Proposed

No new dwellings or structures proposed as part of this Minor Variance.

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

Existing: Front Yard Setback: 22.32m  
Side yard Setback (North): 3.48m  
Side Yard Setback (South): 8.71m  
Rear Yard Setback: 29.35m

Proposed: Front Yard Setback: 22.32m  
Side yard Setback (North): 3.48m  
Side Yard Setback (South): 8.71m  
Rear Yard Setback: 4.37m

13.

Date of acquisition of subject lands:  
May 2018
14.

Date of construction of all buildings and structures on subject lands:  
±1959
15.

Existing uses of the subject property:  
Single Detached Residential Uses
16.

Existing uses of abutting properties:  
Single Detached Residential Uses
17.

Length of time the existing uses of the subject property have continued:  
±60 Years
18.

Municipal services available: (check the appropriate space or spaces)  
Water Yes Connected Yes  
Sanitary Sewer Yes Connected  
Storm Sewers Yes
19.

Present Official Plan/Secondary Plan provisions applying to the land:  
Neighbourhoods Designation (Schedule E-2 of UHOP)  
Low Density Residential 2b Designation (Meadowlands Neighbourhood IV Secondary Plan)
20.

Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
Residential R4-705 (By-law 87-57)
21.

Has the owner previously applied for relief in respect of the subject property?  
☒ Yes ☐ No  
If the answer is yes, describe briefly.  
ZAC-19-032 (Approved)
22.

Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?  
☒ Yes AN/B-20:20 (Approved) ☐ No
23.

Additional Information  
Refer to Cover Letter.
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.