

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.: HM/A-21:184

APPLICANTS: Agent Urban Solutions
Owner SASC Corp.

SUBJECT PROPERTY: Municipal address **164 Newlands Ave., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended 87-09

ZONING: "C" (Urban Protected Residential, etc.) district

PROPOSAL: To facilitate the creation of two (2) lots in conjunction with Severance Application HM/B-21:38, and the construction of a single family dwelling on the portion of the lands to be severed, notwithstanding that:

1. A minimum front yard depth of 4.5 metres shall be provided for the portion of the lands to be severed, instead of the minimum required front yard depth of 6.0.
2. A minimum side yard width of 0.20 metres shall be provided for the portion of the lands to be severed, instead of the minimum required side yard width of 1.2 metres.
3. A minimum easterly side yard width of 0.60 metres shall be provided for the portion of the lands to be retained, instead of the minimum required easterly side yard width of 1.2 metres.
4. A minimum lot width of 7.60 metres shall be provided for the portion of the lands to be severed and the portion of the lands to be retained, instead of the minimum required lot width of 12.0 metres.
5. A minimum lot area of 231 square metres shall be provided for the portion of the lands to be severed and the portion of the lands to be retained, instead of the minimum required lot area of 360.0 square metres.
6. One (1) parking space shall be provided on the portion of the lands to be severed, and no parking spaces shall be provided on the portion of the lands to be retained, instead of the minimum required two (2) parking spaces.
7. No onsite manoeuvring shall be provided for the parking space located within the front yard instead of the minimum required 6.0m manoeuvring aisle width and the requirement that a manoeuvring space shall be provided and maintained on the lot.
8. One (1) parking space shall be provided in the required front yard and 30% of the gross area of the front yard shall be used for a landscaped area, on the portion of the

lands to be severed, instead of the requirement that only one (1) of the required parking spaces may be located in the front yard, and not less than 50% of the gross area of the front yard shall be used for a landscaped area.

9. The front yard landscaped area shall be a minimum of 30% the gross area of the front yard instead of the minimum 50.0% required front yard landscaped area, for the portion of the lands to be severed.

NOTE:

1. Please note this application is to be heard in conjunction with Severance Application HM/B-21:38.

2. Specific details regarding proposed yard encroachments and other supplementary requirements as established by Section 18, were not included as part of this application. Further variances may be required if compliance with Section 18 cannot be achieved.

3. Detailed elevation drawings were not provided to confirm the height of the proposed single family dwelling on the portion of the lands to be severed. Further variances may be required if compliance with Section 9(2) cannot be achieved.

4. Construction of the proposed development is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.

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

DATE:	Thursday, June 17th, 2021
TIME:	2:45 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

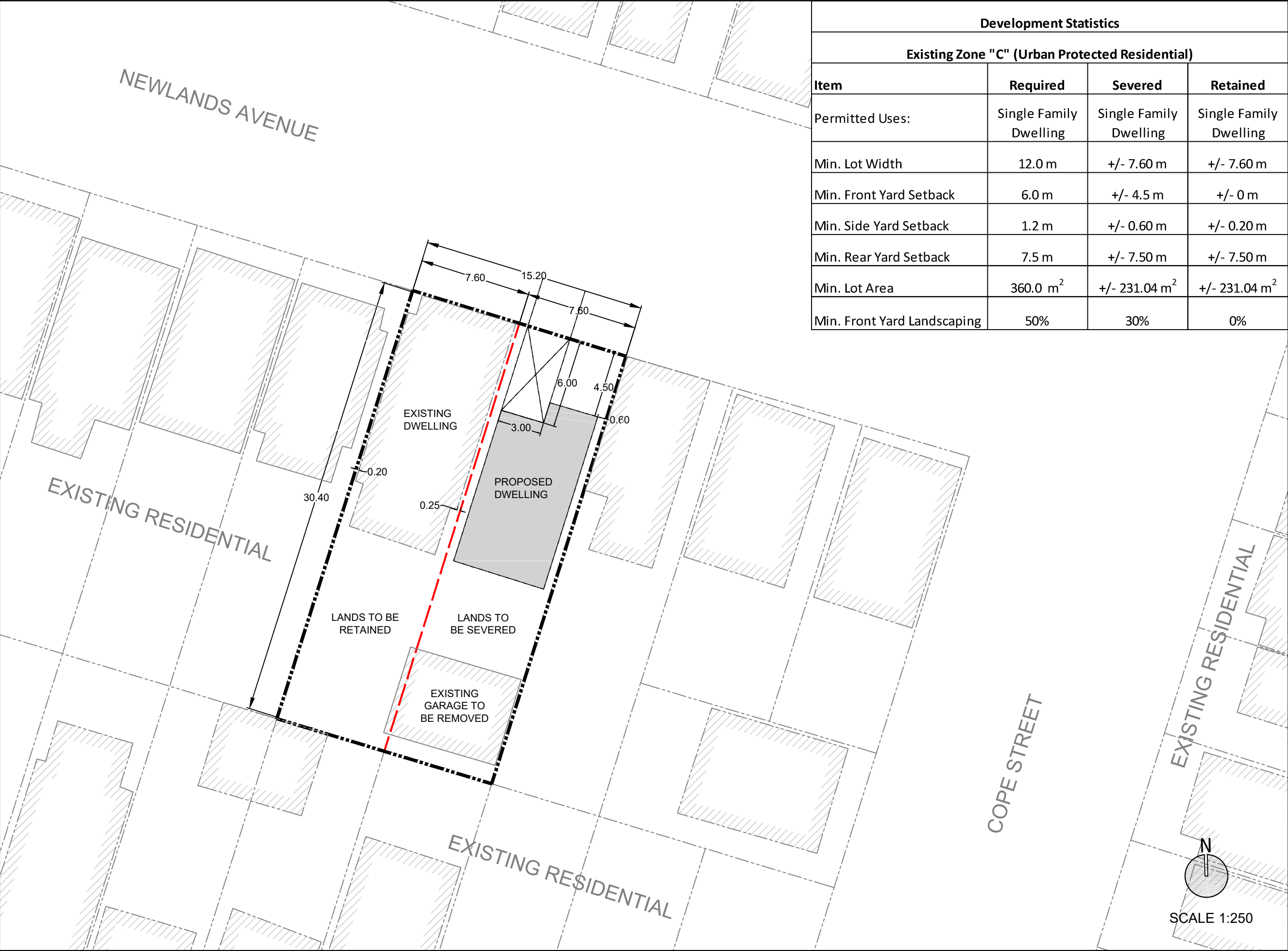
For more information on this matter, including access to drawings illustrating this request:

- 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

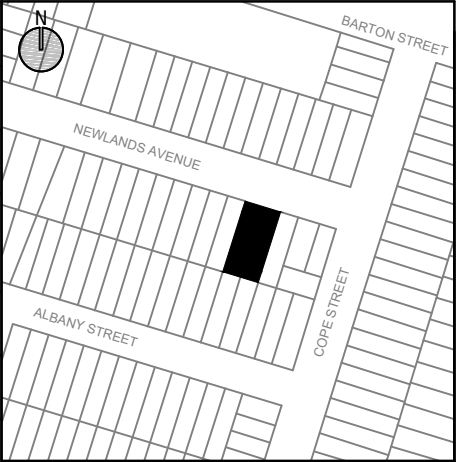
DATED: June 1st, 2021.

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.



Development Statistics			
Existing Zone "C" (Urban Protected Residential)			
Item	Required	Severed	Retained
Permitted Uses:	Single Family Dwelling	Single Family Dwelling	Single Family Dwelling
Min. Lot Width	12.0 m	+/- 7.60 m	+/- 7.60 m
Min. Front Yard Setback	6.0 m	+/- 4.5 m	+/- 0 m
Min. Side Yard Setback	1.2 m	+/- 0.60 m	+/- 0.20 m
Min. Rear Yard Setback	7.5 m	+/- 7.50 m	+/- 7.50 m
Min. Lot Area	360.0 m ²	+/- 231.04 m ²	+/- 231.04 m ²
Min. Front Yard Landscaping	50%	30%	0%



KEY MAP - N.T.S.

SCALE: 1:250

0 5 10m

LEGEND:

- SUBJECT LANDS
- - - PROPOSED SEVERANCES
- PROPERTY LINES

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: S. FURLONG	CHECKED BY: M. JOHNSTON
DRAWN BY: S. FURLONG	DATE: APRIL 19, 2021


URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT
3 STUDEBAKER PLACE, UNIT 1
HAMILTON, ON L8L 0C8
905-546-1087 - urbansolutions.info

PROJECT:
164 NEWLANDS AVE.
CITY OF HAMILTON

CLIENT:
SASC CORPORATION

TITLE:
SEVERANCE SKETCH

U/S FILE NUMBER: 401-21	SHEET NUMBER: 1
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April 23, 2021

401-21

Via Email and Delivered

Jamila Sheffield
Secretary Treasurer, Committee of Adjustment

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

Dear Ms. Sheffield:

**RE: 164 Newlands Avenue, City of Hamilton
Minor Variance & Consent to Sever Applications**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultants acting on behalf of SASC Corporation, the registered owner of the lands municipally known as 164 Newlands Avenue, in the City of Hamilton (subject lands). On behalf of the owner, UrbanSolutions has prepared the enclosed Minor Variance and Consent to Sever Applications to the City of Hamilton.

The subject lands are designated Neighbourhoods in the Urban Hamilton Official Plan (UHOP) and are located in the (Urban Protected Residential) "C" District of the former City of Hamilton Zoning By-law No. 6593. The subject lands currently have a lot area of 462.08 m² and a frontage of more than 15 metres, considerably larger and wider than the balance of the surrounding residential neighbourhood. The lot contains a single detached dwelling in addition to a detached garage which is to be removed.

The purpose of the Consent to Sever application is to sever the subject lands in to two (2) separate parcels. The existing dwelling on the retained lands will remain while having a lot area of 231.04 m² and frontage of 7.60 m while the severed lands will have a lot area of 231.04 m² and 7.60 m of frontage.

The Consent to Sever application is in keeping with Section 53(1) of the *Planning Act*, R.S.O, 1990, as amended, as a plan of subdivision is not necessary for the proper and orderly development of the subject lands. The subject lands have access to full municipal services and can be considered a reasonable subdivision of land without being subject to the provisions of a full Draft Plan of Subdivision.

The purpose of the Minor Variance application is to facilitate the development of a single detached dwelling on the lot that is to be severed. The requested minor variances for the lands to be retained reflect the existing site conditions at 164 Newlands Avenue. The division of lands and minor variances are outlined on the enclosed Committee of Adjustment Sketch in addition to below:

Lands to be Severed

1. To permit a minimum front yard of +/- 4.5 metres, whereas 6.0 metres is required.
2. To permit a minimum side yard of +/- 0.6 metres whereas 1.2 metres is required.
3. To permit a minimum lot width of +/- 7.60 metres whereas 12.0 metres is required.
4. To permit a minimum lot area of +/- 231 metres whereas 360.0 metres is required.
5. To permit a minimum of 30% the gross area of the front yard instead of the minimum 50% required front yard landscaped area.
6. To permit front yard parking.
7. No onsite manoeuvring shall be provided for the two (2) required parking spaces for the portion of the lands to be severed, instead of the requirement that manoeuvring space abutting and accessory to each required parking space shall be provided and maintained on the lot.

Lands to be Retained

8. To permit a minimum front yard of +/- 0 metres, whereas 6.0 metres is required.
9. To permit a minimum side yard of +/- 0.2 metres whereas 1.2 metres is required.
10. To permit a minimum lot width of +/- 7.60 metres whereas 12.0 metres is required.
11. To permit a minimum lot area of +/- 231 metres whereas 360 metres is required.

Section 45(1) of the *Planning Act*, R.S.O., 1990, as amended, requires a Minor Variance to satisfy four tests. As noted earlier, the subject property has considerably more frontage than the other lots on this street. With the position of the existing dwelling on the west half of the lot, the proposed severance accommodates a new dwelling, filling in the gap along the streetscape. With the variances proposed, the severance makes the lots and dwellings to be more in keeping and compatible with the surrounding neighbourhood. As such, the proposed variances satisfy the four test contained Section 45(1) of the Planning Act and represent good land use planning.

In support of this application, please find enclosed the following:

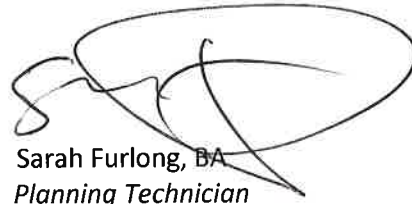
- One (1) copy of a completed Consent to Sever application form;
- One (1) copy of the completed Minor Variance application form;
- One (1) copy of the Committee of Adjustment Sketch prepared by UrbanSolutions;
- One (1) cheque in the amount of **\$2,860.00** made payable to the City of Hamilton for the Consent to Sever application; 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

A handwritten signature in black ink, appearing to read 'Matt Johnston', with a stylized, flowing script.

Matt Johnston, MCIP, RPP
Principal

A handwritten signature in black ink, appearing to read 'Sarah Furlong', with a large, circular loop and a sharp, angular end.

Sarah Furlong, BA
Planning Technician

cc: SASC Corporation

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)	SASC Corporation	261 Graham Avenue South Hamilton, ON L8K 2M7	Phone:
			E-mail:
Applicant(s)*	Same as owner		Phone:
			E-mail:
Agent or Solicitor	Urbansolutions Planning & Land Development Consultants Inc. c/o Matt Johnston	3 Studebaker Place, Unit 1 Hamilton, ON L8L 0C8	Phone: (905)546-1087
			E-mail: mjohnston@urbansolutions.info

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 for requested variances.

5. Why it is not possible to comply with the provisions of the By-law?

Please refer to cover letter for details.

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**):

164 Newlands Avenue.

7. PREVIOUS USE OF PROPERTY

Residential ☒ Industrial ☐ Commercial ☐

Agricultural ☐ Vacant ☐

Other _____

8.1 If Industrial or Commercial, specify use N/A

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes ☐ No ☒ Unknown ☐

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes ☐ No ☒ Unknown ☐

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes ☐ No ☒ Unknown ☐

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes ☐ No ☒ Unknown ☐

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes ☐ No ☒ Unknown ☐

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes ☐ No ☒ Unknown ☐

8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes ☐ No ☒ Unknown ☐

8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes ☐ No ☒ Unknown ☐

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
Yes ☐ No ☒ Unknown ☐

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?
Consultation with the 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.

23/04/2021
Date


Signature Property Owner

SASC Corporation
Print Name of Owner

10. Dimensions of lands affected:
Frontage 7.60 m (Retained) & 7.60 m (Severed)
Depth 30.40 m
Area +/- 231.04 m2 (Retained) & +/- 231.04 m2 (Severed)
Width of street +/- 18.25 m

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:
Please refer to enclosed cover letter and sketch.

Proposed
Please refer to enclosed cover letter and sketch.

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)
Existing:
Please refer to enclosed cover letter and sketch.

Proposed:
Please refer to enclosed cover letter and 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:
Neighbourhood Designation in Urban Hamilton Official Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
"C" (Urban Protected Residential) District in the City of Hamilton Zoning By-law No. 6593.
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
A concurrent Consent to Sever application has been submitted.
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.
Please refer to enclosed cover letter and sketch.