



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> 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](mailto:cofa@hamilton.ca)

# NOTICE OF PUBLIC HEARING

## Application for Consent/Land Severance

APPLICATION NUMBER: SC/B-21:50

SUBJECT PROPERTY: 64 Deerhurst Rd., Stoney Creek

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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
- 

**APPLICANT(S):** Agent David Cooper  
Owners A. & C. James

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

**Severed lands:**  
32.81m<sup>±</sup> x 72.46m<sup>±</sup> and an area of 2,364m<sup>2±</sup>

**Retained lands:**  
16.35m<sup>±</sup> x 72.45m<sup>±</sup> and an area of 1,176.45m<sup>2±</sup>

The Committee of Adjustment will hear this application on:

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**DATE:** Thursday, July 22nd , 2021

**TIME:** 1:55 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: July 6th, 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.***





Hamilton

Committee of Adjustment

City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**APPLICATION FOR CONSENT TO SEVER LAND  
UNDER SECTION 53 OF THE PLANNING ACT**

Office Use Only

Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:
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**1 APPLICANT INFORMATION**

1.1, 1.2	NAME	ADDRESS
Registered Owners(s)	Clayton Elliot James & Amanda Brooke James	[REDACTED]
Applicant(s)*	Glen Schnarr and Associates Inc. (c/o David Capper)	
Agent or Solicitor	Glen Schnarr and Associates Inc. (c/o David Capper)	

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

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

**2 LOCATION OF SUBJECT LAND** Complete the applicable lines

2.1 Area Municipality Hamilton	Lot LT 7, LT 8	Concession	Former Township Stoney Creek
Registered Plan N°. <b>PL 862</b>	Lot(s)	Reference Plan N°. <b>62R19384</b>	Part(s) <b>7</b>
Municipal Address <b>64 Deerhurst Road, Stoney Creek, L8E 2E6</b>			Assessment Roll N°. <b>251800326033300</b>

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

Yes  No

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

**EASEMENT IN GROSS AS IN WE887391**

**3 PURPOSE OF THE APPLICATION**

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

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

creation of a new lot

Other:  a charge

- addition to a lot
- an easement

- a lease
- a correction of title

b) **Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):**

- creation of a new lot
- creation of a new non-farm parcel  
( i.e. a lot containing a surplus farm dwelling  
resulting from a farm consolidation)
- addition to a lot

- Other:  a charge  
 a lease  
 a correction of title  
 an easement

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

Unknown

3.3 If a lot addition, identify the lands to which the parcel will be added:

**4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION**

4.1 Description of land intended to be **Severed**:

Frontage (m)	Depth (m)	Area (m <sup>2</sup> or ha)
32.81 m	71.71 m - 72.46 m	2,364 sq m

Existing Use of Property to be severed:

- Residential
- Agriculture (includes a farm dwelling)
- Other (specify) \_\_\_\_\_
- Industrial
- Agricultural-Related
- Commercial
- Vacant

Proposed Use of Property to be severed:

- Residential
- Agriculture (includes a farm dwelling)
- Other (specify) \_\_\_\_\_
- Industrial
- Agricultural-Related
- Commercial
- Vacant

Building(s) or Structure(s):

Existing: Single Detached Dwelling (To be demolished)

Proposed: Single Detached Dwelling

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
- privately owned and operated individual well
- lake or other water body
- other means (specify) \_\_\_\_\_

Type of sewage disposal proposed: (check appropriate box)

- publicly owned and operated sanitary sewage system
- privately owned and operated individual septic system
- other means (specify) \_\_\_\_\_

4.2 Description of land intended to be **Retained**:

Frontage (m)	Depth (m)	Area (m <sup>2</sup> or ha)
16.35	71.71 m - 72.46	1,176.45 sq m

Existing Use of Property to be retained:

- Residential
- Agriculture (includes a farm dwelling)
- Other (specify) \_\_\_\_\_
- Industrial
- Agricultural-Related
- Commercial
- Vacant

Proposed Use of Property to be retained:

- Residential
  Industrial
  Commercial  
 Agriculture (includes a farm dwelling)
  Agricultural-Related
  Vacant  
 Other (specify) \_\_\_\_\_

Building(s) or Structure(s):

Existing: single detached dwelling

Proposed: Single detached residential

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
  lake or other water body  
 privately owned and operated individual well
  other means (specify) \_\_\_\_\_

Type of sewage disposal proposed: (check appropriate box)

- publicly owned and operated sanitary sewage system  
 privately owned and operated individual septic system  
 other means (specify) \_\_\_\_\_

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

- electricity
  telephone
  school bussing
  garbage collection

## 5 CURRENT LAND USE

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

Rural Hamilton Official Plan designation (if applicable): n/a

Urban Hamilton Official Plan designation (if applicable): Neighbourhoods

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

See attached Justification Report

5.2 What is the existing zoning of the subject land?

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? R2

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

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

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

**6 PREVIOUS USE OF PROPERTY**

- Residential       Industrial       Commercial  
 Agriculture       Vacant       Other (specify)

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

**7 PROVINCIAL POLICY**

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)

- Yes       No

See attached Planning Justification Report

- b) Is this application consistent with the Provincial Policy Statement (PPS)?  
 Yes       No      (Provide explanation)

See attached Planning Justification Report

- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?  
 Yes       No      (Provide explanation)

See attached Planning Justification Report

- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)  
 Yes       No

Growth Plan. See attached Planning Justification Report

- e) Are the subject lands subject to the Niagara Escarpment Plan?  
 Yes       No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?

- Yes       No

(Provide Explanation)

-N.A.-

- f) Are the subject lands subject to the Parkway Belt West Plan?  
 Yes       No

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

- Yes       No      (Provide Explanation)

-N.A.-

- g) Are the subject lands subject to the Greenbelt Plan?  
 Yes       No

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

- Yes       No      (Provide Explanation)

-N.A.-

## 8 HISTORY OF THE SUBJECT LAND

- 8.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?  
 Yes       No       Unknown

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

-N.A.-

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

-N.A.-

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

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



the transferee and the land use.

Unknown

8.4 How long has the applicant owned the subject land?

Since 2016 (approx. 4 years)

8.5 Does the applicant own any other land in the City?  Yes  No

If YES, describe the lands in "11 - Other Information" or attach a separate page.

**9 OTHER APPLICATIONS**

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

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

9.2 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?

Yes  No  Unknown

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

File number \_\_\_\_\_ Status \_\_\_\_\_

**10 RURAL APPLICATIONS**

10.1 Rural Hamilton Official Plan Designation(s)

- Agricultural  Rural  Specialty Crop
- Mineral Aggregate Resource Extraction  Open Space  Utilities
- Rural Settlement Area (specify) \_\_\_\_\_

Settlement Area                      Designation

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

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

- Agricultural Severance or Lot Addition
  - Agricultural Related Severance or Lot Addition
  - Rural Resource-based Commercial Severance or Lot Addition
  - Rural Institutional Severance or Lot Addition
  - Rural Settlement Area Severance or Lot Addition
- } (Complete Section 10.3)
- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)
  - Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

10.3 Description of Lands

a) Lands to be Severed:

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> or ha): (from in Section 4.1)
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Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

b) Lands to be Retained:

Frontage (m): (from Section 4.2)	Area (m <sup>2</sup> or ha): (from Section 4.2)
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Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

10.4 **Description of Lands (Abutting Farm Consolidation)**

a) Location of abutting farm:

\_\_\_\_\_  
(Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m <sup>2</sup> or ha):
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Existing Land Use(s): \_\_\_\_\_ Proposed Land Use(s): \_\_\_\_\_

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

Frontage (m):	Area (m <sup>2</sup> or ha):
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Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

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

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> or ha): (from Section 4.1)
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Front yard set back: \_\_\_\_\_

e) Surplus farm dwelling date of construction:

Prior to December 16, 2004  After December 16, 2004

f) Condition of surplus farm dwelling:

Habitable  Non-Habitable

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

Frontage (m): (from Section 4.2)	Area (m <sup>2</sup> or ha): (from Section 4.2)
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Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

10.5 **Description of Lands (Non-Abutting Farm Consolidation)**

a) Location of non-abutting farm

\_\_\_\_\_  
(Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

Frontage (m):	Area (m <sup>2</sup> or ha):
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Existing Land Use(s): \_\_\_\_\_ Proposed Land Use(s): \_\_\_\_\_

c) Description of surplus dwelling lands intended to be severed:

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> or ha): (from Section 4.1)
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Front yard set back: \_\_\_\_\_

d) Surplus farm dwelling date of construction:

Prior to December 16, 2004  After December 16, 2004

e) Condition of surplus farm dwelling:

Habitable

Non-Habitable

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

Frontage (m): (from Section 4.2)	Area (m <sup>2</sup> or ha): (from Section 4.2)
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Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

### 11 OTHER INFORMATION

Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

### 12 SKETCH (Use the attached Sketch Sheet as a guide)

12.1 The application shall be accompanied by a sketch showing the following in metric units:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features (for example, buildings, barns, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
  - i) are located on the subject land and on land that is adjacent to it, and
  - ii) in the applicant's opinion, may affect the application;
- (f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- (h) the location and nature of any easement affecting the subject land.

### 13 ACKNOWLEDGEMENT CLAUSE

I acknowledge that The City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application, by reason of its approval to this Application.

5/11/2021  
Date

\_\_\_\_\_  
Sig

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# **PLANNING JUSTIFICATION BRIEF**

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## **Consent to Sever Application**

C. James & A. James  
64 Deerhurst Road, Stoney Creek  
City of Hamilton

May 2021  
GSAI File #: 1379-001

**Planning Justification Brief  
Consent to Sever Application  
64 Deerhurst Road, Stoney Creek  
Hamilton**

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## **1.0 INTRODUCTION**

Glen Schnarr and Associates Inc. has been retained by Clayton James & Amanda James to assist with advancing a consent to sever application for the property located at 64 Deerhurst Road, Stoney Creek in the City of Hamilton (herein referred to as the ‘subject property’). This application seeks to sever an oversized lot to create two smaller, similar sized parcels. In order to do so, our client is proposing to demolish the existing residential building on the subject property to support the creation of the two new lots through this severance application.

The subject property has a frontage of 32.74 m (107.41 ft) on Deerhurst Road and depth of approximately 72.46 m (237.72 ft). The total area of the subject property is 2,354.6 m<sup>2</sup> (0.56 ac). Our client is proposing to sever the property to create two separate lots, both fronting on Deerhurst Road. This severance will result one lot (Lot A) with a frontage of approximately 16.37 m and an area of 1,174.2 sq m, while the second lot (Lot B) will have a frontage of approximately 16.38 m and an area of 1,180.4 sq m.

In support of the proposed consent to sever application, we have conducted a thorough analysis of the relevant Provincial and Municipal planning policies. In addition, we have examined the context of the surrounding community to provide an informed opinion on the compatibility of the proposed severed residential lots with the surrounding development.

## **2.0 COMMUNITY CONTEXT AND SITE DESCRIPTION**

### **2.1 Subject Property**

The subject property is generally located on the north side of Highway 8 in Hamilton, located within the Poplar Park Neighbourhood, on the east side of Deerhurst Drive, north of the intersection of Deerhurst Road and Red Oak Avenue. The subject property is legally described as:

FIRSTLY: LT 7, PL 862; STONEY CREEK. SECONDLY: PT LT 8, PL 862, PART 7 ON 62R19384; SUBJECT TO AN EASEMENT IN GROSS AS IN WE887391; STONEY CREEK CITY OF HAMILTON.

The subject property is currently occupied by an existing two-storey single detached dwelling. Access to the subject property is provided off Deerhurst Road by way of a brick driveway.

### **2.2 Area Context**

The surrounding area is largely characterised by single detached dwellings. The lotting fabric in the surrounding area generally consists of rectangular shaped lots with generous lot frontages and

large rear yards. Most building setbacks appear to exceed the minimum requirements outlined under the Zoning By-law.

The homes along Deerhurst Road vary in size, age and architectural style resulting in significant variation in built form/typology. The immediate community is occupied by various mature trees, which are located in the front yards of the lots of the neighboring properties. Infill development of newer houses is occurring along the block south of the subject property along Worsley. A municipal sidewalk is provided along the east side of Deerhurst Road which connects to various other municipal sidewalks throughout the neighborhood. Moreover, the subject property is located within close proximity to the municipal bus route system along Highway 8, which is situated less than 500 metres south of the subject property. Refer Figure 1 – Site Context Plan.

### 3.0 Proposed Development

The proposed Consent application will result in the creation of two new lots along Deerhurst Road through the demolition of the existing dwelling on the subject property. The lot areas and frontages resulting from the severance are detailed below:

**Table 1: Summary of Proposed Lot Areas and Frontages**

	Lot A	Lot B	Complies with Zoning Bylaw
Lot Area (sq m)	1,1742.2 sq m.	1,180.4 sq m.	Yes
Frontage (m)	16.37 m	16.38 m	Yes

The proposed severance sketch is shown in Figure 2.

### 4.0 LAND USE POLICIES

#### 4.1 Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. It requires that all decisions on planning matters in Ontario “shall be consistent with” the PPS.

Section 1.0 of the PPS 2020 deals with Building Strong Healthy Communities and states that:

- “1.1.1 Healthy, livable and safe communities are sustained by:*
- a. promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
  - b. Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons),*

*employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*

- e. promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*
- g. ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*
- i. preparing for the regional and local impacts of a changing climate.*

The subject property is designated ‘Neighbourhood’ in the City of Hamilton’s Official Plan (*Schedule E1: Urban Land use Designations*) and located within the City of Hamilton’s Urban Area Boundary. The proposed severance represents efficient development by intensifying land use in a fully serviced urban area. Additionally, Section 1.3.1 of the PPS states that, “*Settlement areas shall be the focus of growth and development*”. The creation of two new lots will promote a cost-effective development pattern by utilizing available infrastructure and minimizing land consumption through the creation of an additional lot within the already serviced, existing Settlement Area. Moreover, the subject properties proximity to existing local public transit (Route 55/65) which provides convenient access to Confederation GO Transit Station and thereby will contribute to a transit supportive neighborhood.

The PPS provides further direction on the basis for land use patterns within settlement areas in Section 1.1.3.2 of the PPS, which states:

*“1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

- a. efficiently use land and resources;*
- b. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- d. prepare for the impacts of a changing climate;*
- e. support active transportation;”*

The proposed severance offers a more efficient use of an existing parcel of land, in an existing residential area which is provides full municipal servicing. As such, the proposed lot will be able

to utilize existing infrastructure and resources in the area. Furthermore, through intensification the proposed severance can contribute towards creating a more transit and active transportation supportive development pattern. Based on the analysis above, it is our opinion that the proposed severance and subsequent development supports the intensification policies of the PPS.

#### **4.2 A Place to Grow: The Growth Plan for the Greater Golden Horseshoe (2019)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the “Growth Plan”) is intended to be a framework for implementing the Government of Ontario’s vision for building stronger, prosperous communities by managing growth in the Region to the year 2051. The purpose of this plan is to build on other provincial initiatives, including the Greenbelt Plan and the Provincial Policy Statement, to guide decisions on transportation, infrastructure, land use planning, urban form, and housing. The following policies are applicable to the proposed development:

The Vision for the Greater Golden Horseshoe Area is grounded in the following principles found in Section 1.2.1 of the Growth Plan:

- *Support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime.*
- *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 additional residential units and affordable housing, to serve all sizes, incomes, and ages of households.*
- *Improve the integration of land use planning with planning and investment in infrastructure and public service facilities, including integrated service delivery through community hubs, by all levels of government.*
- *Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.*

The proposed development will provide a modest increase in density which will help contribute towards the creation of a complete community through providing a wider range of housing options and by providing opportunities for the use of the existing public transit system in the area. Additionally, the proposal will utilize the existing municipal servicing, thus demonstrating an effective growth management approach of intensifying underutilized lots within settlement areas, which have availability of municipal servicing.

Sections 2.2.2.1 and 2.2.2.3 of the Growth Plan establishes policies for growth within delineated built-up areas. It states that:



- “2.2.2.1 *By the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, the applicable minimum intensification target is as follows:*
- a. A minimum of 50 per cent of all residential development occurring annually within each of the Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo and York will be within the delineated built-up area;”*
- 2.2.2.3 *All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:*
- a. identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development;*
- b. identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas;*
- c. encourage intensification generally throughout the delineated built-up area;*
- d. ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;*
- e. prioritize planning and investment in infrastructure and public service facilities that will support intensification; and*
- f. be implemented through official plan policies and designations, updated zoning and other supporting documents.”*

The proposed severance will assist in contributing to these intensification targets by allowing for the creation of a new lot located within an established community. The subject property includes connections to existing sidewalks, and public transportation systems thereby furthering complete community principles by encouraging walking and use of public transit as options for alternative modes of transportation. The proposed development will utilize existing municipal servicing and infrastructure including transit and community services.

Based on my review of the policies contained in the Growth Plan, it is of my opinion that the proposed application is consistent with the policies in the Growth Plan 2019.

#### **4.3 City of Hamilton Official Plan (2013)**

The City's of Hamilton's Official Plan was approved by Council in 2009 and came into effect in 2013. As outlined on *Appendix G – Boundaries Map* of the Official Plan, the subject property is located within the designated *Urban Boundary* and the *Built-up Area*. Moreover, the subject property is designated as '*Neighbourhoods*' on *Schedule E1: Urban Land use Designations*. The Official Plan contains goals, objectives and policies used to guide decisions on land use and other development matters.

Volume 1, Chapter B, Section 2.4 of the Official Plan highlights residential intensification as a key component of Hamilton's growth Strategy. The relevant policies state that:

*“VI, B2.4.1.3 The residential intensification target specified in Policy A.2.3.3.4 shall generally be distributed through the built-up areas follows:*

- a. 40% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure”*

As noted above, the subject property is located within the identified Built-up Area and is located in an area which is designated as Neighbourhoods. As such, the proposed development will help implement the intensification targets outlined above in the Official Plan by creating an addition lot within an existing Neighbourhood. Therefore, it is our opinion that the proposed severance application meets the intent on the above noted policy.

Further, Volume 1, Chapter B, Section 2.4.1.4 provides criteria for evaluation of residential intensification. It states that:

*“VI B2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:*

- a. a balanced evaluation of the criteria in b) through g), as follows;*
- 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;*
- c. the development's contribution to maintaining and achieving a range of dwelling types and tenures;*
- 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;*

- e. the development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;*
- f. infrastructure and transportation capacity; and,*
- g. the ability of the development to comply with all applicable policies.*

The proposed development is intended to facilitate the development of two single detached dwelling units which are permitted within in the Neighbourhoods designation and will contribute the size range of available units in the area. Moreover, as outlined in the in Section 5.1 of this report, the lots being proposed through the severance application are generally within the range of existing lot areas and frontages in the neighbourhood, therefore maintaining compatibility and relationship of the neighborhood lot fabric. The Lot Frontage and Area analysis in this report further demonstrates how the proposal addressed the compatibility polices outlined in Section E.2.0 of the Official Plan. Moreover, the subject property is connected to existing sidewalks, and public transportation systems, therefore providing multiple transportation options for existing and future residents. As such, the proposed severance is not anticipated to impact the existing transportation infrastructure of the neighbourhood. Based on the analysis outlined in this report, it is our opinion the proposal is in line with the polices outlined above,

Further, regarding intensification in the 'Neighbourhoods' designation, the Official Plan states that:

*“VI, B2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:*

- a. the matters listed in Policy B.2.4.1.4;*
- b. compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;*
- c. the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;*
- d. the consideration of transitions in height and density to adjacent residential buildings;*
- e. the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;*
- f. the provision of amenity space and the relationship to existing patterns of private and public amenity space;*

- g. the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;*
- h. the ability to complement the existing functions of the neighbourhood;*
- i. infrastructure and transportation capacity and impacts.*
- j. infrastructure and transportation capacity and impacts.*

As mentioned previously, our analysis concluded that the proposed lots are within the general range of existing lot areas and frontages in the neighbourhood, therefore maintaining compatibility and relationship of the neighborhood lot fabric. The proposed lots will meet the frontage and area requirements outlined in the applicable *Residential 2* zone of the City of Hamilton Zoning by-law. Therefore, the height, density, and various potential compatibility impacts resulting from shadowing, traffic, and overlook conditions are not anticipated. Based on our analysis, the newly created lots could be developed with reasonably sized dwellings which could be designed in full accordance with the existing *Residential 2* zoning standards which will regulate height, setback, and parking requirements. Moreover, each lot will provide rear yard amenity spaces which will be consistent with the surrounding lots. Infrastructure and transportation capacity are not expected to be greatly impacted as the subject property is in an area which has access to multiple transportation options and is fully connected to municipal services. Based on this analysis, it is our opinion the proposed development is in accordance with the relevant Official Plan policies.

Based on the analysis conducted for this report, it is our opinion that the proposed severance complies with the Residential Intensification policies contained in the City of Hamilton Official Plan.

#### **4.4 Stoney Creek Secondary Plan**

The subject property is located within the Western Development Area, within the Stoney Creek Secondary Plan. The subject property is designated ‘Low Density Residential 2b’ in the Secondary Plan (Volume 2 Chapter B .7.1-1: *Western Development - Land Use Plan*). The Secondary Plan builds on the parent policies of the Official Plan and provides specific guidance that guides the development of Stoney Creek Plan Area.

The policies for lands designated for residential uses include:

*“V2 B7.1.1.2 Low Density Residential 2b Designation*

*Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the Low Density Residential 2b designation identified on Map B.7.1-1– Western Development Area - Land Use Plan:*

- a. the permitted uses shall be single, semi detached and duplex dwellings;
- b. the density shall range from 1 to 29 units per net residential hectare;”

In conformance with policy 7.1.1.2 of the Secondary Plan, the proposed severance contemplates the creation of two new residential lots, which will subsequently be developed for single detached dwellings which are permitted uses in the Low Density Residential 2b. The residential density resulting from the approval of the proposed severance application will be 8.7 units per net residential hectare and will be in conformity with the density range permitted in the Secondary Plan. Based on this, it is our opinion the proposed development is in conformity with the policies contained of the Stoney Creek Secondary Plan.

**4.5 City of Hamilton Zoning By-law 3692-92**

The subject property is zoned ‘Residential 2’ (R-2) in City of Hamilton Zoning By-law 3692-92 (Stoney Creek). Both the lots to be created through the proposed severance application will comply with the R2 frontage and area provisions outlined in the Zoning By-law. The final dwelling design is not yet determined. We have reviewed the zoning regulations that would apply to each of the proposed lots and have confirmed that each lot can be developed with a reasonably sized dwelling in full accordance with the relevant zoning provisions. The table below provides a summary of the applicable zoning regulations governing the subject property:

**Table 2: Summary of Zoning Regulations**

Regulation	By-law 3692-92	Severed Lot (Lot A)	Retained Lot (Lot B)
Zone	R2	R2	R2
Permitted Use	Single Detached dwelling, uses accessory to permitted use, a home occupation	Detached Dwelling	Detached Dwelling
Minimum lot area (Interior Lot)	460 sq m	1,174.2	1,180.4
Minimum lot frontage (Interior Lot)	15 m	16.37	16.38
Minimum front yard	6 m	<i>Compliance possible</i>	<i>Compliance possible</i>
Minimum interior side yard <ul style="list-style-type: none"> <li>• Attached Garage</li> </ul>	1.25 m 1 m min. from side lot line	<i>Compliance possible</i>	<i>Compliance possible</i>

Minimum Rear Yard	7.5 m	<i>Compliance possible</i>	<i>Compliance possible</i>
Maximum Building Height	11 m	<i>Compliance possible</i>	<i>Compliance possible</i>
Maximum Lot Coverage	40%	<i>Compliance possible</i>	<i>Compliance possible</i>
Parking	Minimum 2	<i>Compliance possible</i>	<i>Compliance possible</i>

## 5.0 Planning Analysis

### 5.1 Lot Area and Frontage Analysis

In order to analyze the compatibility of the proposed severance, an analysis of the surrounding development examining the existing lot frontages and lot areas has been conducted. The study area includes the city block which the subject property is located on the row of lots fronting onto Dewhurst Road on the adjacent city block. The study area is bound by Hemlock Avenue to the north, Worsley Road to the east, Red Oak Avenue to the south and the properties which front Deerhurst Road to the west. This study area has been defined in a manner that is in our opinion, representative of the existing neighbourhood character. Based on our analysis, the approval of the proposed severance will result in the development two new lots which are in keeping with, as well as compatible with, the existing character of the surrounding neighbourhood. The resulting data set from the analysis is shown in *Table 3: Lot Frontage and Area Analysis* below:

**Table 3: Lot Frontage and Area Analysis:**

<b>Address</b>	<b>Lot Frontage (m)</b>	<b>Lot Area (sq m)</b>
64 Deerhurst Road (existing)	32.7	2,352.9
<i>64 Deerhurst Road (Lot A)</i>	<i>16.37</i>	<i>1,174.2</i>
<i>64 Deerhurst Road (Lot B)</i>	<i>16.38</i>	<i>1,180.4</i>
66 Deerhurst Road	14.1	1,009.1
68 Deerhurst Road	14.5	1,024.8
70 Deerhurst Road	14.8	1,041.7
72 Deerhurst Road	21.4	1,505.3
76 Deerhurst Road	21.5	1,499.5
78 Deerhurst Road	21.7	1,158.3
80 Deerhurst Road	22.5	578.8
79 Deerhurst Road	24.5	851.0
77 Deerhurst Road	24.5	1,497.5
75 Deerhurst Road	12.4	765.13
73 Deerhurst Road	12.4	743.4
69 Deerhurst Road	24.2	1,496.9
67 Deerhurst Road	24.6	1,502.1
63 Deerhurst Road	24.5	1,508.8

61 Deerhurst Road	24.2	1,497.9
57 Deerhurst Road	24.9	1,272.1
359 Red Oak Avenue	15.6	493.7
361 Red Oak Avenue	14.3	459.5
363 Red Oak Avenue	14.3	459.5
365 Red Oak Avenue	14.3	459.5
367 Red Oak Avenue	14.4	451.2
369 Red Oak Avenue	15.9	447.1
371 Red Oak Avenue	16.5	453.2
373 Red Oak Avenue	16.4	448.3
375 Red Oak Avenue	16.3	448.3
61 Worsley Road	15.2	995.6
63 Worsley Road	15.8	1,013.8
65 Worsley Road	14.7	980.7
67 Worsley Road	15.7	1,007.3
69 Worsley Road	15.2	996.8
71 Worsley Road	15.4	1,002.2
73 Worsley Road	15.3	1,001.6
75 Worsley Road	15.1	997.3
77 Worsley Road	15.1	770.6
79 Worsley Road	15.3	528.2
81 Worsley Road	15.2	530.9
366 Hemlock Avenue	24.4	548.8
368 Hemlock Avenue	15.6	691.3
370 Hemlock Avenue	14.7	678.1
372 Hemlock Avenue	16.7	517.6
350 Hemlock Avenue	23.2	568.5

Summary	Frontage	Area
Sample Size	42	42
Sample Size above 15 m frontage	31	n/a
Sample Size below 15 m frontage	11	n/a
Sample Size below proposed frontage	25	n/a
Median (without severance)	15.65	915.85
Average (without severance)	18.09	910.83
Average (including severance)	17.67	889.69
Min	12.4	444.3
Maximum	32.7	2,352.9

## 5.2 Planning Act Analysis - Severance

The proposed severance application has been evaluated under Section 2 and Section 51(24) of the Planning Act. Section 51(24) of the Planning Act establishes criteria that are to be considered when evaluating a request to subdivide land.

Based on our review of Sections 2 a) through s) of the Planning Act, the approval of the proposed severance application would not cause a conflict with matters of Provincial interest as identified in this section of the Planning Act. On this basis, it is our opinion that the application has regard for matters of provincial interest.

The proposed severance is considered to satisfy the criteria contained in Section 51(24) as shown in *Table 4: Analysis under Section 51(24) of the Planning Act* below:

**Table 4: Analysis under Section 51(24) of the Planning Act.**

<b>Section 51(24)</b>	<b>Response</b>
a. the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;	It is our opinion that the application has regard for, and does not cause a conflict with matters of provincial interest.
b. whether the proposed subdivision is premature or in the public interest;	<p>The proposed severance is appropriate development for the subject property and exercises regard for the existing neighbourhood fabric.</p> <p>The proposed severance achieves a sensitive balance of infill development that is consistent with community character and conforms to the relevant Official Plan policies and is therefore considered to be in the public interest.</p>
c. whether the plan conforms to the Official Plan and adjacent plans of subdivision, if any;	The proposed severance will create an additional lot with appropriate dimensions, which is permitted by the City of Hamilton Official Plan.
d. the suitability of the land for the purposes for which it is to be subdivided;	The subject property is currently used, and will continue to be used for residential purposes. Full municipal services are available for the proposed severed lot.
e. the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;	The severed and retained lots will be served by the existing road system. No new roads are proposed as they are not required to accommodate the proposed development.



<p>f. the dimensions and shapes of the proposed lots;</p>	<p>The dimensions of the severed and retained lots are generally consistent with the existing lot fabric in the surrounding neighbourhood, and have regard for existing development.</p>
<p>g. the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;</p>	<p>No restrictions have been identified during the due diligence research for the proposed severance.</p>
<p>h. conservation of natural resources and flood control;</p>	<p>No Natural resources have been identified on the subject property and it is not within a flood plain.</p>
<p>i. the adequacy of utilities and municipal services;</p>	<p>The lot will be serviced by way of municipal services which are currently available within the municipal right of way.</p>
<p>j. the adequacy of school sites;</p>	<p>No comments or concerns are anticipated to be provided by Halton District School Board or the Halton District Catholic School Board due to the nature of the proposed development.</p>
<p>k. the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;</p>	<p>No road widenings are being proposed at this time.</p>
<p>l. the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and</p>	<p>Opportunities for incorporating energy efficient building designs and technologies will be explored through the detailed dwelling design and site plan processes for the severed lot.</p>
<p>m. the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4).</p>	<p>It is our understanding that the subject property is not subject to Site Plan Control.</p>

Based on the analysis provided above, we are of the opinion that the proposed severance complies with the requirements established under Section 2 and Section 51(24) of the Planning Act.

## 6.0 Conclusion

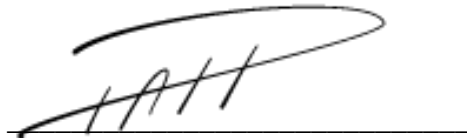
The submitted application for Consent will facilitate the creation of a new lot by severing an oversized parcel of land to facilitate the development of two new smaller lots. The proposed severance conforms to/is consistent with the Provincial Plans, City of Hamilton Official Plan, and relevant Zoning By-law requirements.

We respectfully request that the application for severance be approved. Upon the approval, the proposed severed lots will conform to all aspects of the Zoning By-law. Section 53(1) of the Planning Act grants municipalities the power to give Consent if a plan of subdivision is deemed unnecessary for the proper and orderly development of the municipality. As the Consent will match all Zoning or other City requirements.

It is my overall opinion that the proposed development represents good planning and is in the public interest and therefore should be approved. As such, I respectfully request that the Committee approve these applications and permit the development of an additional residential lot.

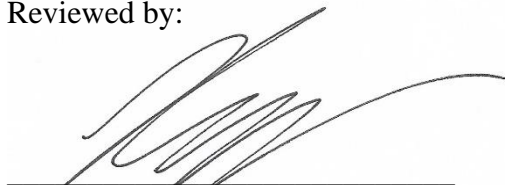
Yours very truly,

GLEN SCHNARR & ASSOCIATES INC.



Patrick Pearson, MCIP, RPP  
Planner

Reviewed by:



David Capper, MCIP, RPP  
Associate




# FIGURE 1

## SITE CONTEXT PLAN

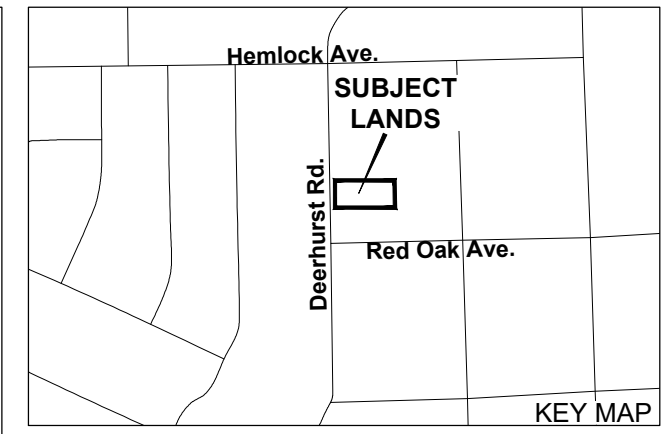
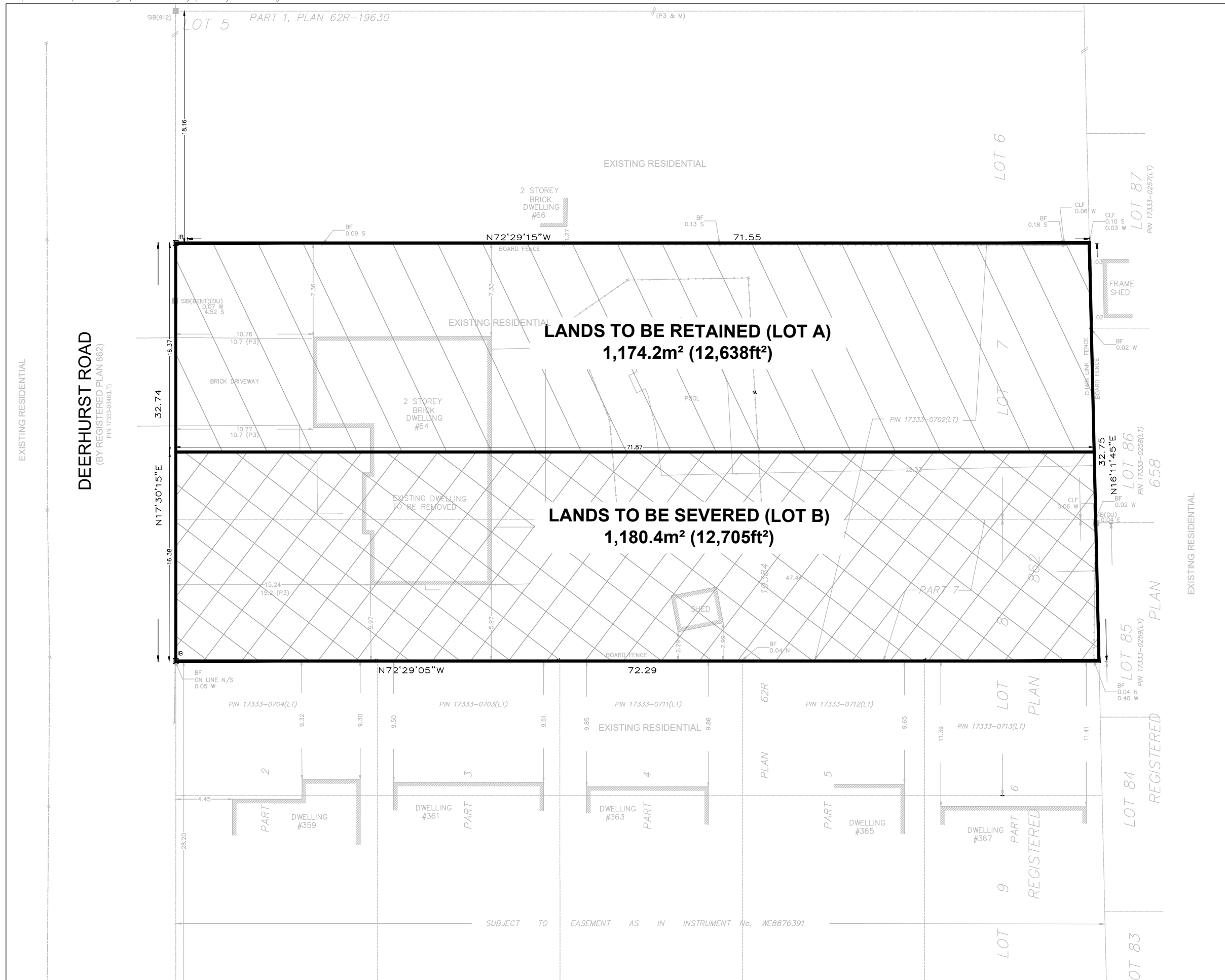
64 Deerhurst Road, Stoney Creek, Ontario

### LEGEND

 Subject Property



Scale NTS  
May 11, 2021



**CLAYTON AND AMANDA JAMES  
FIGURE 2 - CONSENT SKETCH**

64 DEERHURST ROAD,  
LOT 7 AND PART OF LOT 8,  
REGISTERED PLAN 862  
CITY OF HAMILTON

**CONSENT STATISTICS**

LANDS TO BE RETAINED (LOT A): 1,174.2m<sup>2</sup> (12,638ft<sup>2</sup>)

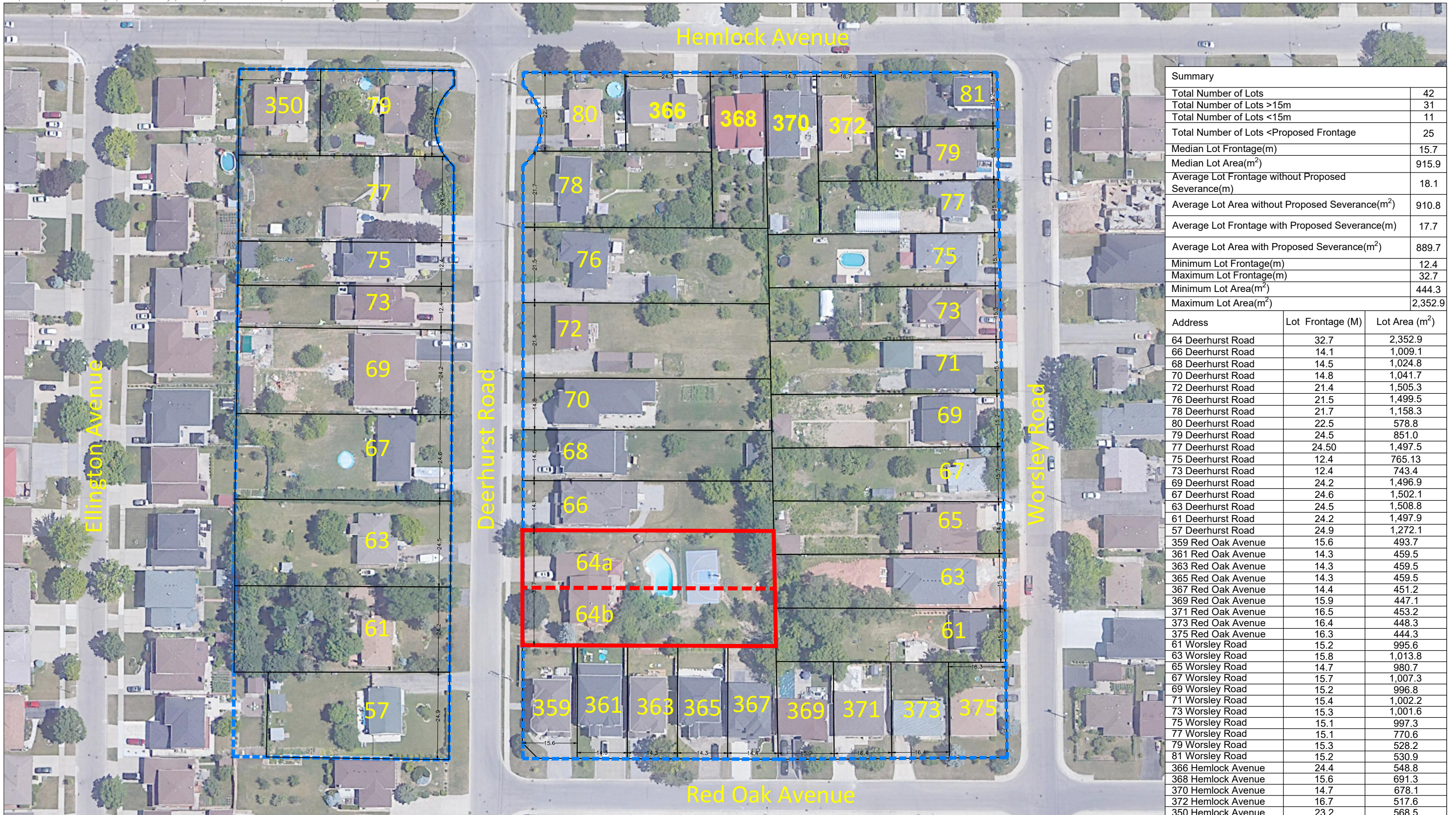
LANDS TO BE SEVERED (LOT B): 1,180.4m<sup>2</sup> (12,705ft<sup>2</sup>)

**TOTAL: 2,354.6m<sup>2</sup> (25,343ft<sup>2</sup>)**



SCALE 1:300  
MAY 13, 2021





Summary	
Total Number of Lots	42
Total Number of Lots >15m	31
Total Number of Lots <15m	11
Total Number of Lots <Proposed Frontage	25
Median Lot Frontage(m)	15.7
Median Lot Area(m <sup>2</sup> )	915.9
Average Lot Frontage without Proposed Severance(m)	18.1
Average Lot Area without Proposed Severance(m <sup>2</sup> )	910.8
Average Lot Frontage with Proposed Severance(m)	17.7
Average Lot Area with Proposed Severance(m <sup>2</sup> )	889.7
Minimum Lot Frontage(m)	12.4
Maximum Lot Frontage(m)	32.7
Minimum Lot Area(m <sup>2</sup> )	444.3
Maximum Lot Area(m <sup>2</sup> )	2,352.9

Address	Lot Frontage (M)	Lot Area (m <sup>2</sup> )
64 Deerhurst Road	32.7	2,352.9
66 Deerhurst Road	14.1	1,009.1
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**FIGURE 3**  
**LOT FRONTAGE AND AREAS ANALYSIS**  
 64 DEERHURST RD, STONEY CREEK, ONTARIO

- Subject Property
- - - Study Area
- - - Proposed Severance Boundary

**Developmental Stats:**  
 Subject Property Area: 2352.9 m<sup>2</sup>  
 Total Frontage: 32.7 m

- Note:**
- All frontages and lot areas taken from City of Hamilton's Interactive Mapping Tool
  - These properties are zoned as R2 in Zoning By-Law 3692-092
  - All areas and frontages are approximate only

Scale 1:1000  
 May 11, 2021



**GSAI**  
 Glen Schnarr & Associates Inc.