

## **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: <u>cofa@hamilton.ca</u>

# 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

AN/A-21:230
Owner Anna Spearin
Municipal address 1304 Scenic Dr., Ancaster
Zoning By-law 87-57, as Amended
"A" and "NEC" (Agricultural "A" Zone and Niagara Escarpment Commission) district

**PROPOSAL:** To permit the creation of three (3) lots upon demolition of all existing structures and to permit the construction of a new single detached dwelling on each of the lots, notwithstanding,

1. Lot 2 and Lot 3, as shown on the submitted sketch, shall be permitted to provide a minimum lot area of 1,088 square metres instead of providing the minimum required lot area of 1,850 square metres;

2. A minimum lot frontage of 18.1 metres shall be permitted for all three lots instead of the minimum required lot frontage of 30 metres; and,

3. A minimum side yard of 1.7 metres shall be permitted for all three lots instead of the minimum required side yard of 3.0 metres.

#### NOTES:

1. A portion of Lot 1 is shown to be located within the Niagara Escarpment Commission's Control Area. As such, the Niagara Escarpment Commission regulates development and the provisions contained within the Ancaster Zoning By-law 87-57 do not apply.

2. Details regarding the proposed single detached dwellings have not been provided. Further variances may be required at such time a complete zoning compliance review is conducted on the proposed construction.

3. Variance 1 and 2 are necessary to facilitate Land Severance applications AN/B-21:53 and AN/B-21:54 to be heard in conjunction with this application.

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

DATE:	Thursday, July 22nd, 2021
TIME:	2:15 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

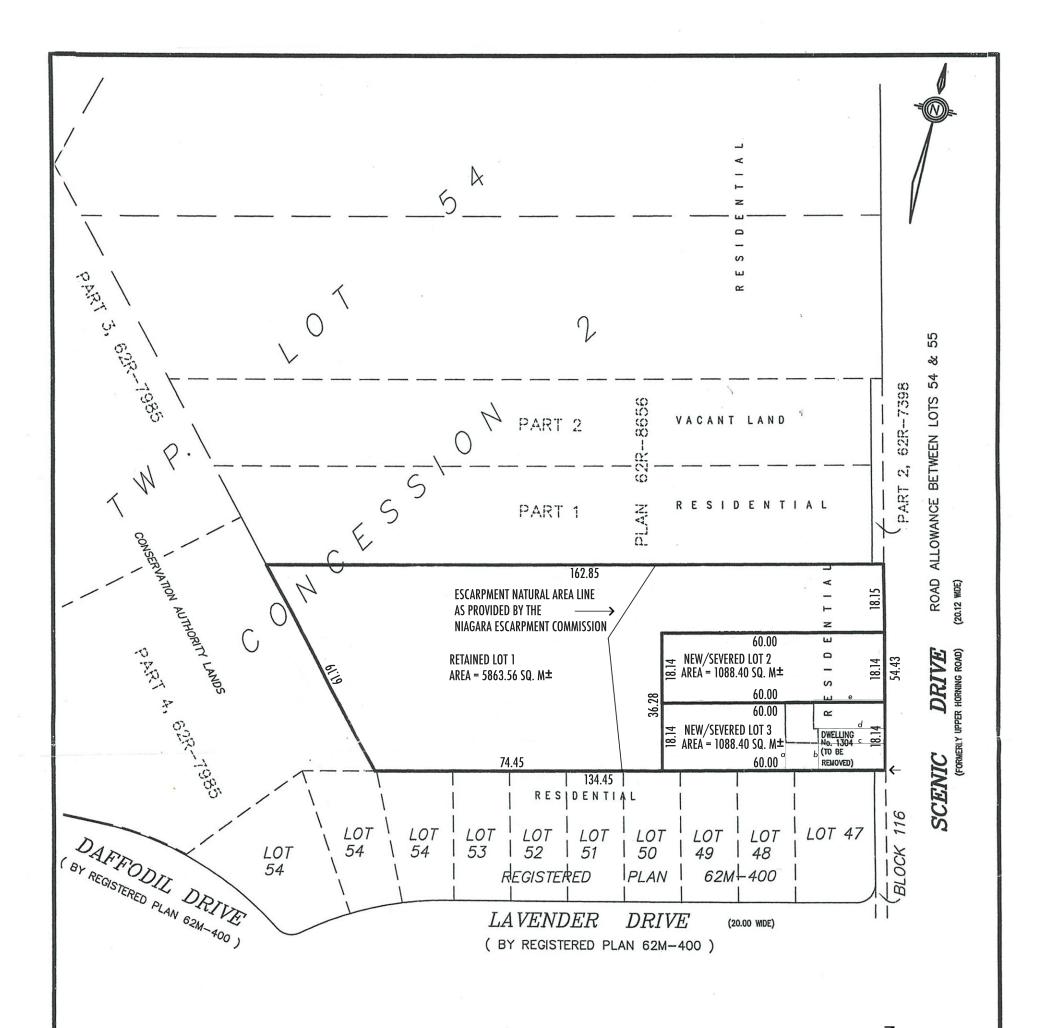
For more information on this matter, including access to drawings illustrating this request:

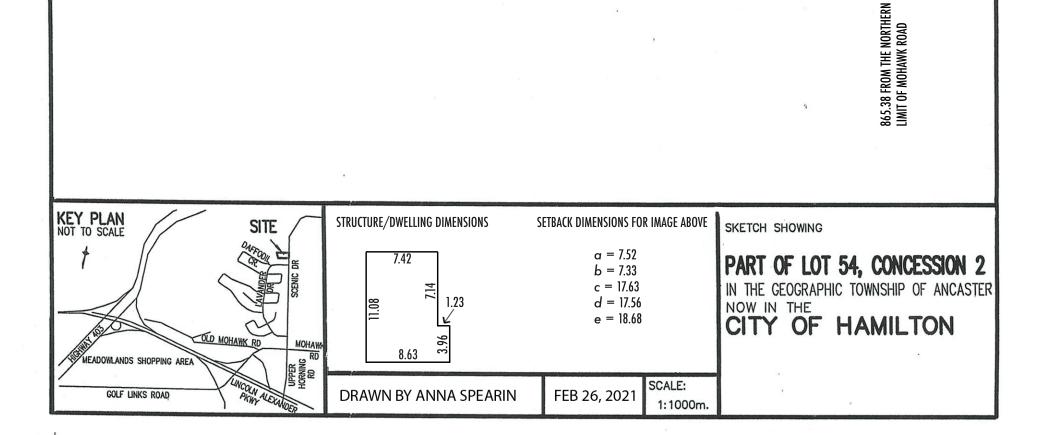
- Visit <u>www.hamilton.ca/committeeofadjustment</u>
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at <u>cofa@hamilton.ca</u>

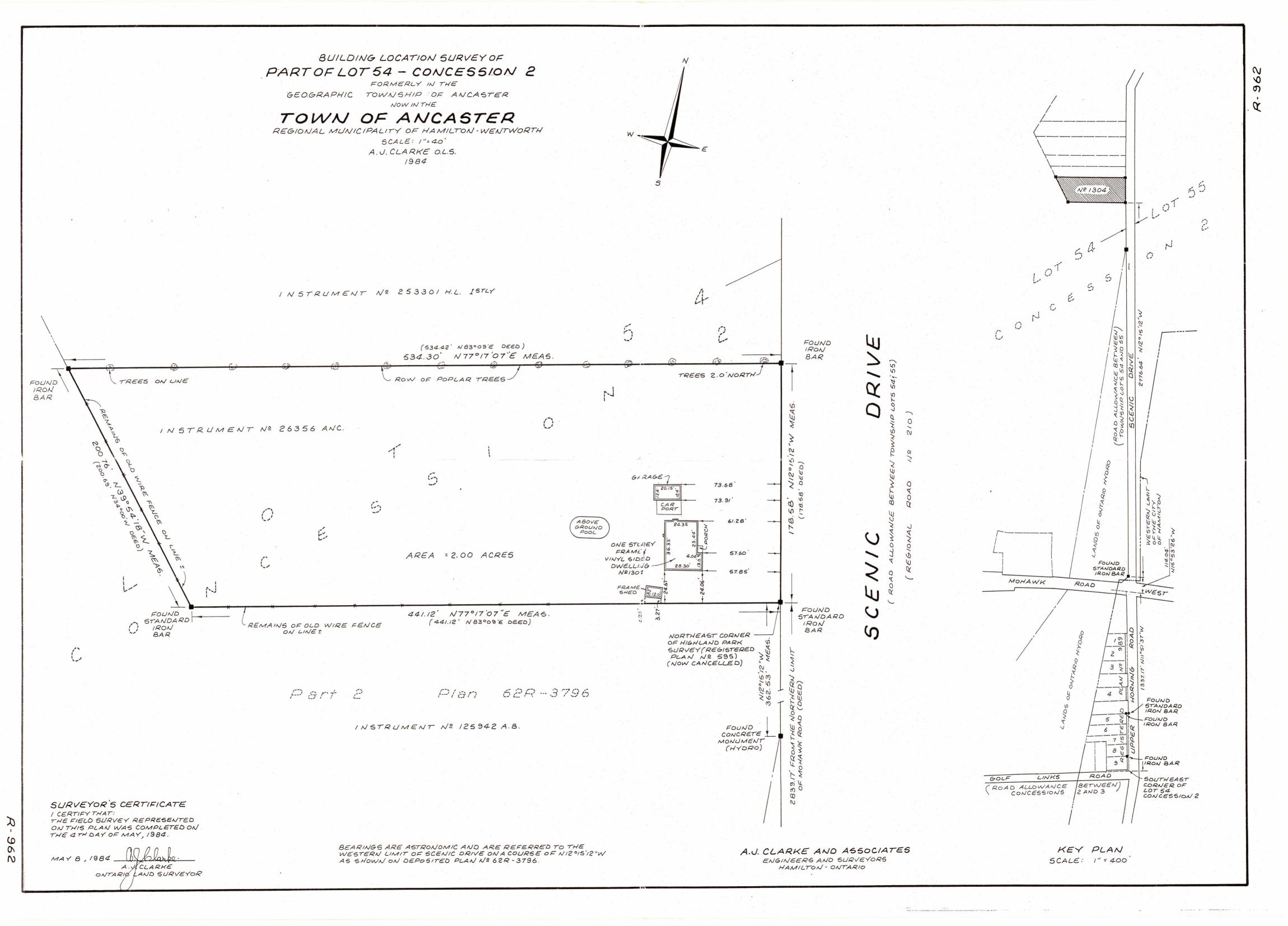
DATED: July 6th, 2021.

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.









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

Phone: (905) 546-2424 ext. 4221 Email: <u>cofa@hamilton.ca</u>

## APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONI	-Y.
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)	Speartacular Inc. Anna Spearin		Phone:
Applicant(s)*			Phone:
			E-mail:
Agent or Solicitor			Phone:
			E-mail:

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

 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 see attached for response.
- 5. Why it is not possible to comply with the provisions of the By-law? Please see attached for response.
- Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number): PT LT 54, CON 2, ANCASTER, AS IN CD127987

1304 Scenic Drive, Ancaster, Ontario, L9K 1J6

7. PREVIOUS USE OF PROPERTY

	Residential 🔽 II	ndustrial	Commercial	
	Agricultural	/acant		
	Other			
8.1	If Industrial or Commerci	ial, specify use <u>N/A</u>		
8.2	Has the grading of the su has filling occurred?	ubject land been cha	nged by adding earth or other material, i.e.	
	Yes <u> </u>	Unknown	<u> </u>	
8.3	Has a gas station been le Yes <u> </u>		t land or adjacent lands at any time?	
8.4	Has there been petroleur Yes No		d on the subject land or adjacent lands?	
8.5	Are there or have there estimates a subject land or adjacent Yes No	lands?	nd storage tanks or buried waste on the	
8.6	cyanide products applied to the lands?	may have been use	used as an agricultural operation where d as pesticides and/or sewage sludge was	
	Yes <u> </u>	Unknown	<u>O</u>	
8.7	Have the lands or adjace	ent lands ever been ι	used as a weapon firing range?	
	Yes <u> </u>	Unknown	<u>O</u>	
8.8	of an operational/non-op	erational landfill or du	n within 500 metres (1,640 feet) of the fill are ump?	a
	Yes <u> </u>	Unknown	0	
8.9	remaining on site which a	are potentially hazard	dings, are there any building materials dous to public health (eg. asbestos, PCB's)?	,
	Yes 🔾 🛛 No 🕻	Unknown	ullet	

8.10	Is there any re	ason to believe th	he subject land may h	nave been contamina	ted by former
	uses on the sit	e or adjacent site	es?		
	Yes <u> </u>	No			

- 8.11 What information did you use to determine the answers to 9.1 to 9.10 above? Title search, property records, structure age, geotechnical report, and a discussion with previous owners.
- 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	e inventory attached?	Yes
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## 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.

07/05/2021		-
Date	Sig	ner

Anna Spearin

Print Name of Owner

10. Dimensions of lands affected:

Frontage	178.58 IL
Depth	534.30 ft (survey) 534.42 ft (deed) irregular lot
Area	2 acres
Width of street	20.12m

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

Existing:

One single dwelling: single-storey bungalow,  $GFA = \sim 937$  Sq Ft, width 36.35 ft, length 28.30 ft, and ~15.5 ft in height. Please see attached survery (garage, pool, and shed are no longer there).

Proposed

Three single dwelling homes (one on each lot) that otherwise meet the Ancaster Agricultural Zoning by-laws for dwellings.

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

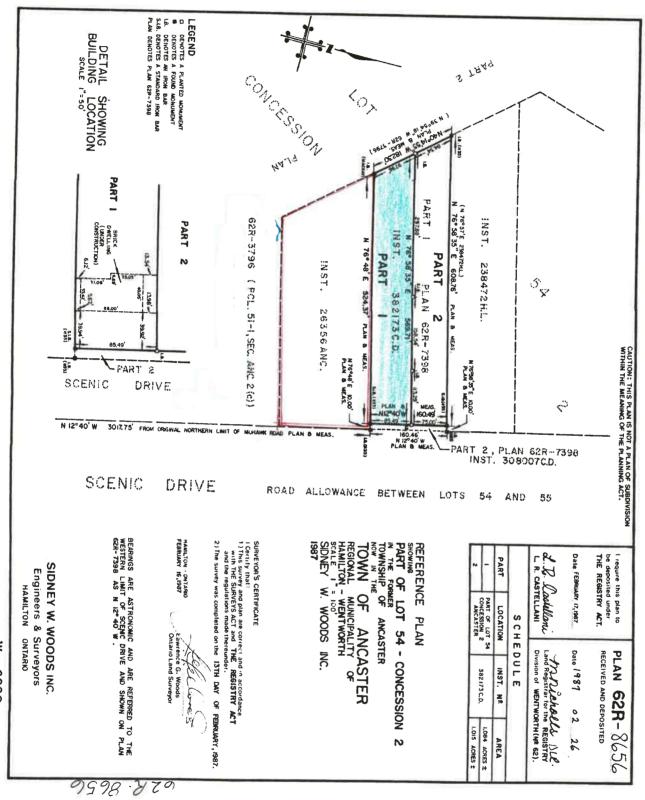
#### Existing:

The bundalow is located 57.85 ft from the front line, 24.06 ft from the southern side line, 114.56 ft from the northern side line. Please reference attached survey and sketch.

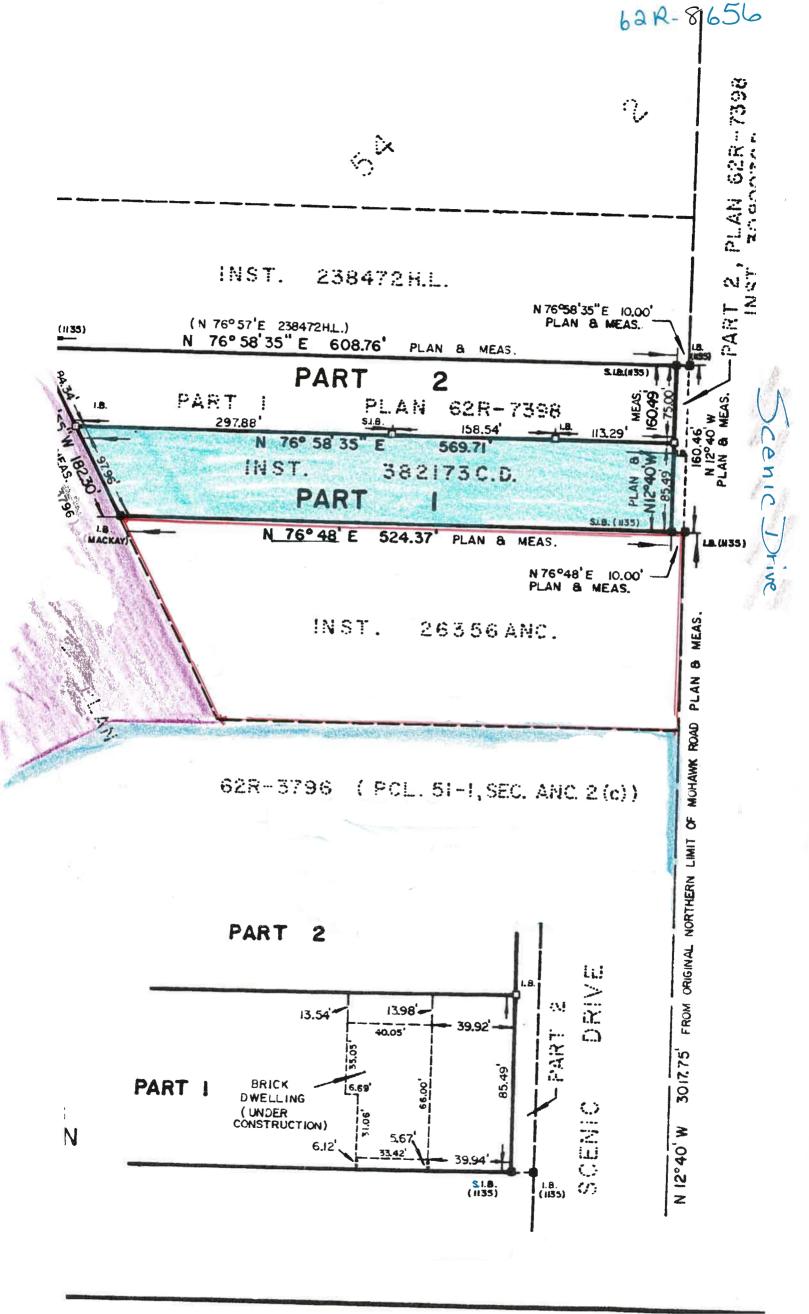
## Proposed:

Three single dwellings (one on each lot). The side lots would ideally be a minimum of 1.7m as opposed to the current 3m by-law for Ancaster Agricultural lots. The three dwellings would otherwise meet the Ancaster Agricultural Zoning by-laws.

13.	Date of acquisition of subject lands: February 19th, 2021
14.	Date of construction of all buildings and structures on subject lands: 1955
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: Since 1955
18.	Municipal services available: (check the appropriate space or spaces)         Water       available         Sanitary Sewer       available         Storm Sewers       available
19.	Present Official Plan/Secondary Plan provisions applying to the land: Neighbourhoods, Schedule E-1 on the east portion of the lot and Open Space (under the NEC and HCA) on the west portion of the lot.
20.	Present Restricted Area By-law (Zoning By-law) provisions applying to the land: Ancaster - Agricultural
21.	Has the owner previously applied for relief in respect of the subject property?
	Yes  No
	If the answer is yes, describe briefly.
22.	Is the subject property the subject of a current application for consent under Section 53 of the <i>Planning Act</i> ?
	Yes No
23.	Additional Information N/A
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.



W - 6220



#### ADDITIONAL SHEET FOR 1304 SCENIC DRIVE MINOR VARIANCE APPLICATION:

#### 4. Nature and extent of relief applied for:

This minor variance application was jointly filed with a consent to sever land application for 1304 Scenic Drive. The creation of two new lots in addition to a retained lot would entail the following minor variances:

8.2 a) minimum lot area – 1850m<sup>2</sup>

- Variance required for the two new proposed lots only (each at 1088.4m<sup>2</sup>)

8.2 b) minimum lot frontage - 30m

- Variance required for all three proposed lots (18.14m, 18.14m, and 18.15m)

8.2 e) (ii) minimum side yard - 3m

- Variance required for all three proposed lots (each at 1.7m)

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

1304 Scenic Drive is located in an urban residential neighborhood of Hamilton and backs onto a beautiful gently sloping natural area (rightly overseen by the Hamilton Conservation Authority and the Niagara Escarpment Commission). However, it remains zoned as an Agricultural lot, likely due to its heritage. In order to preserve the natural area while increasing housing in established neighbourhoods, the lot would need to be divided as per the attached site sketch. This is because the two smaller new lots comply with Section 1.7.5.5 of the Niagara Escarpment Plan (*New lots within Urban Areas shall not be created if such lots encroach into Escarpment Natural, Escarpment Protection, Escarpment Rural or Mineral Resource Extraction Areas adjacent to the Urban Area.*) Meanwhile, the retained flag-shaped lot continues to encapsulate the Escarpment Natural area in addition to a 10m buffer, as discussed with the NEC. As a result, the two new lots are not able to comply with section 8.2 a) of the Ancaster Agricultural lot By-laws.

All three lots would not meet 8.2 b) and 8.2 e). In order to increase density (in accordance with the goals of the PPS) while maintaining the character of the surrounding residential neighborhood, three lots with just over 18m of frontage and 1.7m side lots would be ideal. The frontage of all of the neighbouring lots (524 to 268 Lavender Drive as well as 1282 and 1290 Scenic Drive) range from ~15m to ~23m. Furthermore, the abutting lot (1290 Scenic Drive) has a side lot of 1.72m.

## SOIL-MAT ENGINEERS & CONSULTANTS LTD.

www.soil-mat.ca info@soil-mat.ca TF: 800.243.1922

 Hamilton:
 130 Lancing Drive
 L8W 3A1
 T:
 905.318.7440
 F:
 905.318.7455

 Milton:
 PO Box 40012 Derry Heights PO
 L9T 7W4
 T:
 800.243.1922



#### PROJECT NO.: SM 301324-G

February 16, 2021

ANNA SPEARIN 130 Alderson Drive Hamilton, Ontario L9B 1G5

Attention: Anna Spearin

#### SLOPE STABILITY ASSESSMENT PROPOSED SEVERANCE AND DWELLINGS 1304 SCENIC DRIVE ANCASTER, ONTARIO

Dear Ms. Spearin,

Further to your authorisation, SOIL-MAT ENGINEERS & CONSULTANTS LTD. has completed the fieldwork, slope stability analysis, and report preparation in connection with the above noted project. Our comments and recommendations based on our field observations and analysis are presented in the following paragraphs.

INTRODUCTION

We understand that the project will involve the severance of the existing property located at 1304 Scenic Drive in Ancaster, Ontario, and the construction of multiple single-family dwellings upon demolition of the existing residence. As the property slopes down to the west to a creek under the jurisdiction of the Hamilton Conservation Authority [HCA], permit approval would be required from the HCA for the proposed construction. The purpose of this slope study was to assess the stability of the slope, including the top of stable slope location, and to provide our comments and recommendations with respect to the design and construction of the proposed addition, from a geotechnical point of view.

This work has been conducted in general accordance with the guideline policies of HCA, including the Natural Hazards Technical Guide by MNR and the supporting document "Geotechnical Principles for Stable Slopes".



#### PROCEDURE

The site was visited on January 19, 2021 by a representative of SOIL-MAT ENGINEERS & CONSULTANTS LTD. During our site visit two representative slope profiles were measured from or near the existing dwelling down to the toe of the slope, where the slope flattened before approaching the creek located approximately 29 to 33 metres further west. The location of the slope profiles are indicated in the attached Drawing No. 1, Slope Profile Location Plan, while the slope profiles themselves are illustrated in the attached Drawing Nos. 2 and 3, Slope Profile A-A and B-B, respectively

In addition, a Slope Stability Rating Chart, as the Ontario Ministry of Natural Resources publication "Geotechnical Principles for Stable Slopes" [Geotechnical Principles publication] was completed and indicated a Rating Value of 22, which indicates a low potential for slope instability. A copy of the Slope Stability Rating Chart has been attached to this letter report.

The ground surface elevations at the start of the slope profiles were assigned an elevation based off of the rear house elevation of 100.00 meters for convenience.

#### SITE DESCRIPTION AND SUBSURFACE CONDITIONS

The subject property is located at 1304 Scenic Drive in Ancaster, Ontario. The property is currently occupied by an existing single family dwelling. The rear yard of the property slopes gently to the west at an inclination of approximately 5.1 to 5.4 horizontal to 1 vertical before flattening further before reaching the creek.

A review of available published information [Quaternary Geology of Ontario, Southern Sheet Map 2556] indicate the subsurface soils to consist of fine textured glaciolacustrine deposits of silt and clay, to clay to silt-textured till, consistent with our experience in the area and observations in a series of hand dug test pits along the slope.

#### SLOPE CONDITIONS AND STABILITY ASSESSMENT

The subject slope was measured to have a total height of approximately 7.5 to 9.5 metres, with inclinations ranging from approximately 4.3 to 6.5 horizontal to 1.0 vertical, and overall inclinations of 5.1 to 5.4 horizontal to 1.0 vertical. The slope was noted as lightly to moderately vegetated, predominately grass covered with occasional trees and scrub vegetation. The toe of the slope was noted to be a sufficient distance from the creek to the west as to not be directly impacted. There was no evidence of significant surficial movements, failure scars, tension cracks, or other signs of slope instability at the time of our site visit.



As with all slopes, there is a reduction in shearing resistance attributed to the effects of freezing and thawing, wetting and drying, burrowing animals, etc. With time, the surface of the slope will degenerate and tend to reach equilibrium within its stress and ambient environment, including vegetative cover. However, this degeneration of the slope angle is a very slow process as is evident by the condition of the existing slope. The slope has evidently remained stable for a long period of time with only imperceptibly slow flattening. It is noted that slopes in native soils at inclinations flatter than 3 horizontal to 1 vertical are generally regarded as being inherently stable. In this case the subject slope has an overall inclinations of 5.1 to 5.4 horizontal to 1 vertical, and as such would be considered stable in the short and long term, without the need for more detailed study or analysis.

As the slope is considered stable in the short and long term, with inclinations of 4.3 horizontal or flatter over the majority of the slope, construction of the proposed development would not be considered to negatively affect the stability of the subject slope, from a geotechnical point of view. With respect to a top of stable slope location, any point along the slope face would be considered stable.

#### CONSTRUCTION CONSIDERATIONS

It is our opinion, based on our assessment, that the existing slope is considered to be stable in both the short and long-term and that the proposed construction would have no negative impact on the stability of the subject slope, from a geotechnical point of view. The following recommendations should be considered in the proposed construction:

- Drainage over the slope should be unaltered as much as possible. Any surface flows should be in a controlled manner, such as through established grass, to avoid increased or concentrated flows onto the slope.
- Trees and other vegetation on the slope should be protected from damage wherever possible.
- Where the existing grade is altered, such as to provide a slightly flattened area for the proposed addition, the final grade of any section should be not steeper than 3 horizontal to 1 vertical. Proper vegetation must be re-established in all areas of regrading to protect from surface erosion.
- All footings must be provided with 1.2 metres of earth cover or equivalent insulation for frost protection. Foundations for the new dwellings must be designed and constructed in accordance with the requirements of the current Ontario Building Code.



We trust that this slope assessment report is sufficient for your present requirements. Should there be any questions regarding the content or comments within this report please do not hesitate to contact our office.

Yours very truly, SOIL-MAT ENGINEERS & CONSULTANTS LTD.

2nd lot

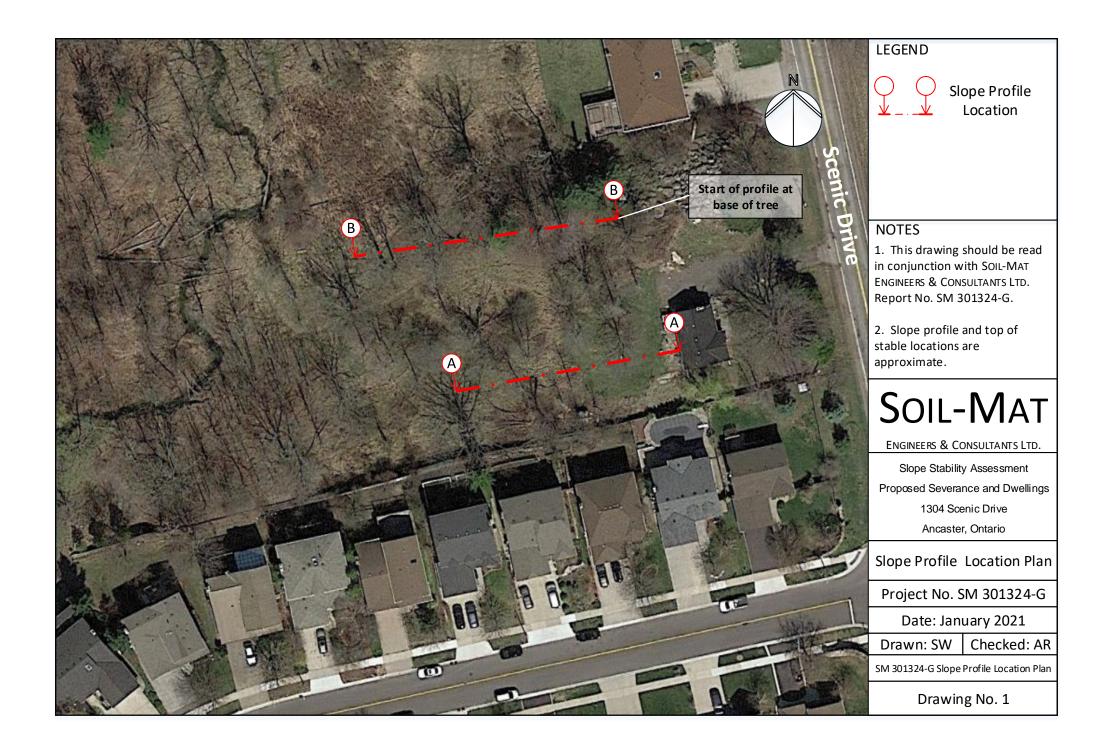
Scott Wylie, B. Eng., EIT

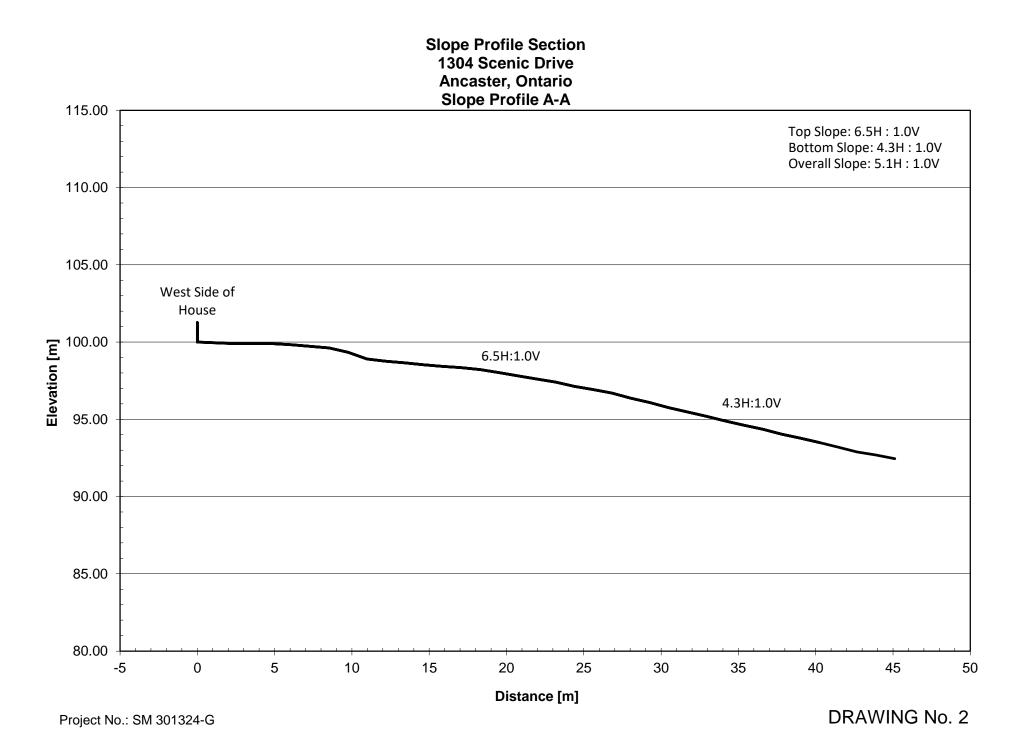
Ádam Roemmele, P.Eng. Project Engineer

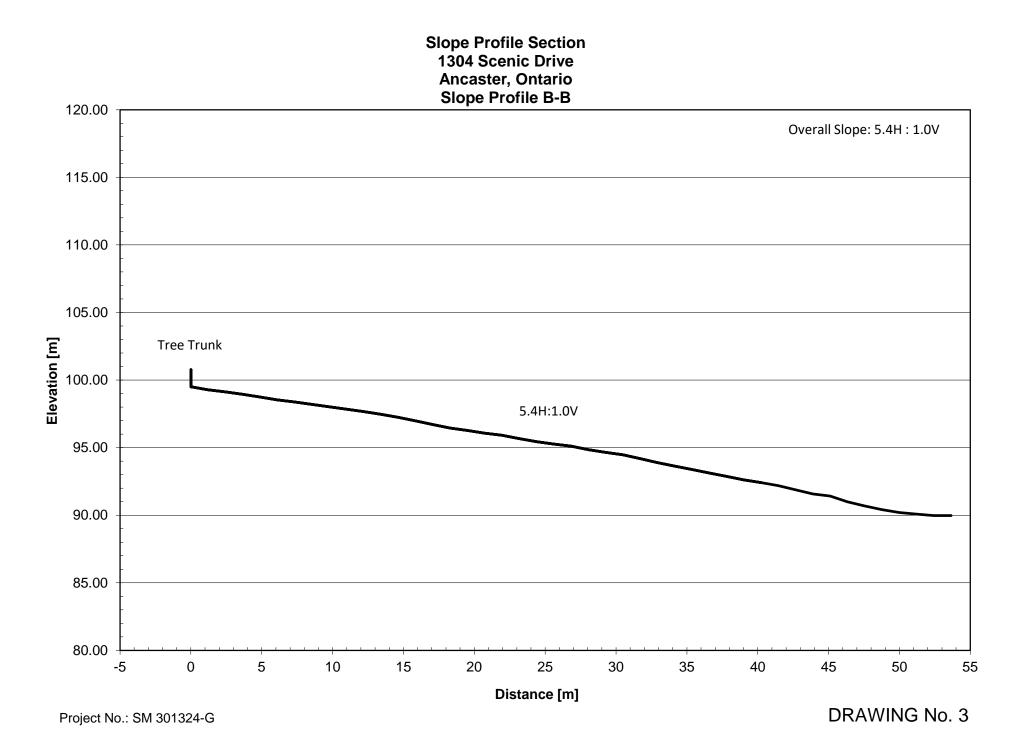


Enclosures: Drawing No. 1, Slope Profile Location Plan Drawing Nos. 2 and 3, Slope Profile A-A, Slope Profile B-B Slope Stability Rating Chart

Distribution: Anna Spearin [1, plus pdf]





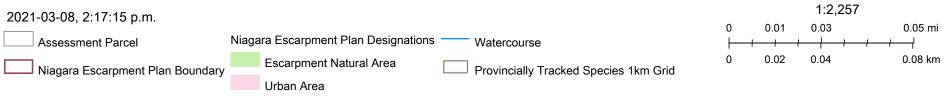


#### TABLE 8.1 - SLOPE STABILITY RATING CHART

Site Locat Property ( Inspected		caster		I Weather:	nspection Date:		301324-G 9th, 2021
1.	SLOPE INCLINATION degrees a) 18 or less b) 18 - 26 c) more than 26	horiz. : ve 3 : 1 or fla 2 : 1 to m steeper tha	atter ore than 3 : 1			Rat	ing Value $\bigcirc 6 \\ 16$
2.	SOIL STRATIGRAPHYa)Shale, Limestone,b)Sand, Gravelc)Glacial Tilld)Clay, Silte)Fillf)Leda Clay						0 6 9 12 16 24
3.	SEEPAGE FROM SLOPEa)None or Near bottob)Near mid-slope onc)Near crest only or,	om only					0 6 12
4.	SLOPE HEIGHT           a)         2 m or less           b)         2.1 to 5 m           c)         5.1 to 10 m           d)         more than 10 m						$\begin{matrix} 0 \\ 2 \\ 4 \\ 8 \end{matrix}$
5.		avy shrubs or forested wi Mostly grass, weeds, occa					$\begin{pmatrix} 0\\ 4\\ 8 \end{pmatrix}$
6.	b) Minor drainage ov	2 apparent drainage over sl er slope, no active erosion be, active erosion, gullies					$ \begin{array}{c} 0 \\ 2 \\ 4 \end{array} $
7.	PROXIMITY OF WATEROa)15 metres or moreb)Less than 15 metres	from slope toe	OE				$\bigcirc 6$
8.	PREVIOUS LANDSLIDE Aa)Nob)Yes	ΑCTIVITY					$\bigcirc 6$
	SLOPE INSTABILITY RATING	RATING VALUES TOTAL	INVESTIGATION REQUIR	EMENTS		T	TOTAL 22
1. 2. 3.	Low potential Slight potential Moderate potential	< 24 25-35 > 35	Site inspection only, Site inspection and su Boreholes, piezomete	urveying, pre	liminary study,		rt.
NOTES:	b) If there is a water	rom each category; compa body (stream, creek, river d be evaluated in detail a	, pond, bay, lake) at th	e slope toe; t		toe erosion a	ind

## 1304 Scenic Drive NEP





Niagara Escarpment Commission

THIS IS NOT A PLAN OF SURVEY. This map is illustrative only. Do not rely on it as being a precise indicator of routes, location of features, nor as a guide to navigation.