

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-21:270

APPLICANTS: Owner John Lamparaski
Agent A.J. Clark & Associates c/o R. Ferrari

SUBJECT PROPERTY: Municipal address **59 Mountain Park Ave., Hamilton**

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

ZONING: C district (Urban Protected Residential)

PROPOSAL: To permit the creation of two (2) lots through Land Severance application HM/B-21: 64 notwithstanding that;

1. A minimum lot width of 11.0 m shall be provided for the land to be severed (shown as Part 1) instead of the minimum required lot width of 12.0 m.

Notes:

This variance is necessary to facilitate Land Severance application HM/B-21: 64.

The addition to be removed straddling the proposed new lot line is subject to the issuance of a building permit in the normal manner.

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

DATE: Thursday, August 26th, 2021
TIME: 1:20 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

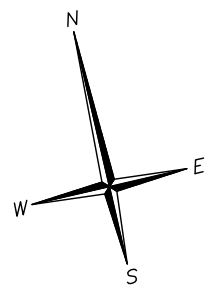
For more information on this matter, including access to drawings illustrating this request:

- 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: August 10th, 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.



ESCARPMENT

REGISTERED

LOT 9

LOT 8
PART 2

LOT 7
PART 1

LOT 6

PROPOSED
SEVERANCE
AREA=449.3±m²

REMAINING LANDS OF
APPLICANT
AREA=754.8±m²

2 1/2 STOREY
BRICK
DWELLING
No 59

2 1/2 STOREY
BRICK & STUCCO
DWELLING
No 69

LOT LINE

LOT LINE

(NO FOUNDATION)
BAY WINDOW

STAIRS

20.12 m WIDE MUNICIPAL ROAD

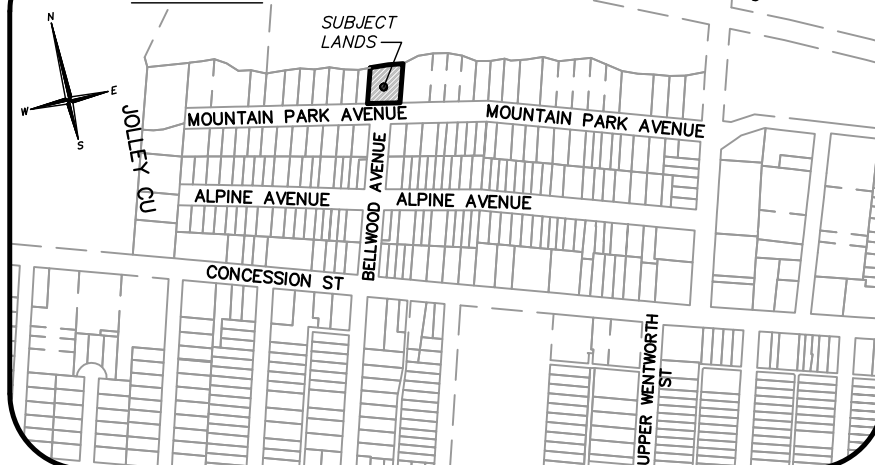
MOUNTAIN PARK AVENUE

(FORMERLY CLIFTON AVENUE STREET ESTABLISHED ACCORDING TO REG'D. PLAN No 384
STREET NAME CHANGED BY BY-LAW No 993-1910, INST. Nos 191 & 115241CD)

KEY PLAN

NOT TO SCALE

SHERMAN AC



SKETCH OF
LOTS 7 & 8 & PART OF LOT 9
GEORGE F. WEBB SURVEY
REGISTERED PLAN No. 384
IN THE
CITY OF HAMILTON

SCALE 1:200

0 5 10 metres

ATHITHTHAN KANAGANAYAGAM O.L.S.

METRIC:

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTE:

THIS PLAN IS COMPILED FROM PLANS AND RECORDS
ON FILE IN THIS OFFICE AND IS NOT BASED ON AN
ACTUAL FIELD SURVEY.

THIS PLAN IS PREPARED TO ACCOMPANY AN APPLICATION
TO THE LAND DIVISION COMMITTEE REQUESTING A GRANT
OF SEVERANCE AND IS NOT INTENDED FOR REGISTRATION.

CAUTION:

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE
USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK

NOTE:

PART 1 LANDS TO BE SEVERED
PART 2 LANDS TO BE RETAINED

MARCH 10, 2021
DATE



A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO, L8P 1H1

TEL. 905-528-8761 FAX 905-528-2289

internet email: ajc@ajclarke.com



A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

July 6, 2021

The City of Hamilton
Committee of Adjustment
Planning and Economic Development Department
71 Main Street West, 5th Floor
Hamilton, Ontario
L8P 4Y5

Delivered via email

Attn: Jamila Sheffield
Secretary-Treasurer, Committee of Adjustment

**Re: Severance Application & Minor Variance Application
59 Mountain Park Avenue, City of Hamilton**

Dear Ms. Sheffield,

On behalf of our client, John Lamparski, we are pleased to provide you with the enclosed submission in support of an application for consent to sever land and minor variance for the subject lands. Please find the following enclosed materials:

1. A cheque in the amount of \$2,860.00 made payable to the City of Hamilton, in payment of the requisite severance application fee;
2. A cheque in the amount of \$3,320.00 made payable to the City of Hamilton, in payment of the requisite minor variance application fee;
3. One (1) Electronic copy of the signed and executed severance application form;
4. One (1) Electronic copy of the signed and executed minor variance application form;
5. One (1) Electronic copy of the severance sketch;

The proposed development consists of a severance application to sever one parcel of land from the existing lot at 59 Mountain Park Avenue, in the City of Hamilton. In addition, a minor variance application is also required to facilitate the severance. The proposed severed and retained parcels are identified as Parts 1 & 2 respectively, on the enclosed severance sketch. The existing single-detached dwelling on the subject lands will be retained, and a small addition will be demolished in favor of the proposed development.

The subject lands is designated "Neighbourhoods" within the Urban Hamilton Official Plan (UHOP). Section E.3.0 provides policies for lands designated "Neighbourhoods". The designation is broadly supportive of the development of complete communities that are made up of more than just homes, but include a variety of land uses. The proposal conforms to the applicable policies of the "Neighbourhoods" designation, as it is a permitted use and conforms to the "Neighbourhoods" policies related to function and scale. The subject lands are zoned "C" Urban Protected Residential etc. District in the City of Hamilton Zoning By-law No. 6593.



Severance

Section E.2.4.2.2 of the UHOP outlines evaluation criteria for residential intensification within the “Neighbourhoods” designation. The proposed severance is compatible with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects. The surrounding neighbourhood supports a variety of lot sizes with diverse built forms. The general lot frontages and area of the proposed lots are consistent with surrounding lotting patterns. Accordingly, the proposed development satisfies the criteria outlined in Policy E.2.4.2.2.

Further, in accordance with Policy F.1.14.3.1, the proposed lots comply with the applicable policies of the UHOP, are compatible and generally reflect the scale of the neighbourhood, have frontage onto a municipal road and are fully serviced. As such the proposal conforms to the UHOP.

This neighbourhood is characterized by a number of existing single detached dwellings of varying sizes and there is evidence of multiple severances that have taken place along Mountain Park Avenue, including adjacent to the subject lands at 69 Mountain Park Avenue. A number of residential properties on Mountain Park Avenue also contain single detached dwellings with less than 12m frontages. Therefore, the proposed severance is compatible and mutually capable of existing within this neighbourhood. There are no anticipated traffic, noise, lighting impacts or shadowing anticipated to stem from this redevelopment.

In our view, the proposed severance has regard for the matters under Section 51 (24) of the Planning Act, represent good planning and should be approved.

Minor Variance

The following variance is required to facilitate the severance application:

1. To permit a minimum lot width of 11.7m whereas the Zoning By-law requires a minimum lot width of 12m.

The purpose of this analysis is to demonstrate how the variance applied for satisfies the four tests established under Section 45(1) of the *Planning Act*.

Is the proposed variance in keeping with the intent of the Official Plan?

In addition to the designation specific policies of the UHOP, the proposed variance was evaluated against the lot creation policies of F.1.14.3; and against the residential intensification policies of Chapter B.2.4 of the UHOP, and the proposal conforms to the general intent of the UHOP.

Accordingly, the proposed variance is in keeping with the intent of the Official Plan.



Is the proposed variance in keeping with the intent of the Zoning by-law?

The lot frontage regulation set forth in the "C" District regulate the intensity of a permitted use. This is to ensure overdevelopment of lands does not occur, and that development is in keeping with the character of the neighbourhood while being compatible with surrounding development. The proposed variance to lot frontage will allow for lot creation that is in keeping with the character of the area, while also being compatible with adjacent development. A number of single detached dwellings exist with less than 12m lot frontages, namely lots 82 – 94 Mountain Park Avenue. A severance was approved adjacent to the subject lands having a 12m lot frontage and an existing single detached dwelling.

Accordingly, the requested variances are in keeping with the intent of the Zoning By-law.

Is the proposed variance desirable and appropriate?

The general scale and character of the established development pattern varies considerably in the surrounding area. Lot widths vary significantly within the neighbourhood, however the current property is oversized relative to a vast majority of lots within the neighbourhood. The subject neighbourhood is characterized by a diverse built form and scale. The proposal would be appropriate and compatible intensification that is in keeping with the wide variety of established development in the immediate neighbourhood. The proposal will conform to the applicable regulations of the Zoning By-law ("C" District) with respect to building height, setbacks, and massing, and will therefore be consistent with nearby development.

The proposed variances will facilitate a form of residential intensification, consistent with provincial policy direction, that is in keeping with the character of the area and that is compatible with adjacent development.

Accordingly, the proposed variances are considered desirable and appropriate.

Is the proposed variance Minor in nature?

The above test is a measure of impact and whether the impact anticipated from the proposed variances is minor in nature. The lot width of the proposed lot is in keeping with the character of the area and are compatible with adjacent development. There are no anticipated impacts in terms of visual impact, shadowing, overlook, traffic, or otherwise resulting from the proposal and it has been demonstrated that a sufficiently sized dwelling can be situated on the lots being created by the concurrent severance application. The requested reduction of 0.29 metres in minimum lot width is considered minor.

I trust this is satisfactory for your purposes and thank you for your co-operation in this matter. Should you have any questions or require additional information, please do not hesitate to contact our office.



Sincerely,

Ryan Ferrari, BURPI, CPT
A. J. Clarke and Associates Ltd.

Encl.

Copy: John Lamparski (email)

**Committee of Adjustment**

City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE**FOR OFFICE USE ONLY.**

APPLICATION NO. _____ DATE APPLICATION RECEIVED _____

PAID _____ DATE APPLICATION DEEMED COMPLETE _____

SECRETARY'S
SIGNATURE _____

The Planning Act**Application for Minor Variance or for Permission**

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

1, 2	NAME	ADDRESS	
Registered Owners(s)	John Lamparski		
Applicant(s)*	A.J Clarke and Associated Ltd. c/o Ryan Ferrari		
Agent or Solicitor	(same as applicant)	(same as applicant)	Phone:
			E-mail:

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

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

See attached cover letter.

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

See attached cover letter.

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

59 Mountain Park Avenue

Lot 7, 8, Pt Lt 9

Registered Plan No. 384

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?

Property owner information.

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

Is the previous use inventory attached? Yes ☐ No ☒

9. ACKNOWLEDGEMENT CLAUSE

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

Date

Signature Property Owner

John Lamparski

Print Name of Owner

10. Dimensions of lands affected:

Frontage	+/- 31.09m
Depth	+/- 39.42m
Area	+/- 1204.10 sq. m
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 (1) single family detached dwelling.

Proposed

Demolish portion of existing Single Detached Dwelling.

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

Existing:

One (1) single family detached dwelling.

Proposed:

Demolish portion of existing Single Detached Dwelling.

13. Date of acquisition of subject lands:
N/A
-
14. Date of construction of all buildings and structures on subject lands:
N/A
-
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:
N/A
18. Municipal services available: (check the appropriate space or spaces)
Water Yes Connected X
Sanitary Sewer Yes Connected X
Storm Sewers Yes
19. Present Official Plan/Secondary Plan provisions applying to the land:
Neighbourhoods Designation
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
"C" - Urban Protected Residential
21. Has the owner previously applied for relief in respect of the subject property?
☐ Yes ☒ No
If the answer is yes, describe briefly.
N/A
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
☐ Yes ☒ No
23. Additional Information
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.