



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th 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

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: DN/B-21:71

SUBJECT PROPERTY: 321 Hatt St., Dundas

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): Owner Ronald Alan Bamford
Agent Robert Russell

PURPOSE OF APPLICATION: To permit the conveyance of one half of a semi-detached dwelling and to retain one half of a semi-detached dwelling. Existing dwelling to be removed.

Severed lands:
9.3m[±] x 45.6m[±] and an area of 421.5m²±

Retained lands:
9.3m[±] x 44.9m[±] and an area of 417.6m²±

The Committee of Adjustment will hear this application on:

DATE: Thursday, September 23rd, 2021

TIME: 2:10 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: September 7th, 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.



TOPOGRAPHIC SURVEY
OF
LOT 10, BLOCK 27
REGISTERED PLAN 1443
IN THE
CITY OF HAMILTON

LOT 3

LOT 4

LOT 5

PLAN 62R-2715

PART 1

PART 2

PIN 17484-0216 (LT)
PART 2, PLAN 62R-1848

PIN 17484-0217 (LT)

PIN 17484-0218 (LT)

PIN 17484-0219 (LT)

3.36m CURB

SRUB

N65°30'40"W

18.440 (P1 & Med)

LOT 10

PLAN

LOT 9

BLOCK 27

1443

PART 3
PLAN 62R-14052

PART 1
PLAN 62R-14052

LANDS TO BE
RETAINED

LANDS TO BE
CONVEYED

LOT 11

PIN 17484-0205 (LT)

DWELLING
No. 333

PIN 17484-0304 (LT)

PIN 17484-0328 (LT)

PIN 17484-0329 (LT)

PIN 17484-0340 (LT)

N20°14'50"E

N20°13'25"E

N20°13'25"E

N19°51'08"E

1 1/2 STOREY
STONE DWELLING
No. 321

PART 1

DWELLING
No. 319

PLAN 62R-15209

0m 5m 10m

45.825

N70°00'40"W

18.416 (P1 & S4)

101.133

CONCRETE SIDEWALK

CONCRETE SIDEWALK

HATT STREET

(BY PLAN 1443)

PIN 17484-0159 (LT)

LEGEND:
 SUBJECT PROPERTY
 PROPOSED SEVERANCE LINE

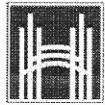
SITE ADDRESS: **321 HATT STREET
HAMILTON, ONTARIO**

Robert Russell Planning Consultants Inc.
32 Albert St. Georgetown, Ont. L7G 2B3

TITLE: **SEVERANCE SKETCH**

SCALE: 1:250
 DATE: JUNE 2021
 DRAWN: B.C.
 CHECKED: R.R.
 DRAWING No: _____

S-1



Hamilton

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 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.: |
|----------------------------|-----------------------------------|-----------------|-----------|

1 APPLICANT INFORMATION

| 1.1, 1.2 | NAME | ADDRESS |
|--|--|---------|
| Registered Owners(s) | Ronald Alan Bamford | |
| Applicant(s)* Owner is Applicant | | |
| Agent or Solicitor | Robert Russell Planning Consultants Inc. | |

* 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 Dundas | Lot | Concession | Former Township |
| Registered Plan N°. 1443 | Lot(s) 10, Blk 27 | Reference Plan N°. | Part(s) |
| Municipal Address 321 Hatt Street | Assessment Roll N°. 251826015025400 | | |

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:

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:

 TBD

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 ² or ha) |
|--------------|-----------|-----------------------------|
| 9.275 | 45.62 | 421.51 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

Proposed: Semi-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 ² or ha) |
|--------------|-----------|-----------------------------|
| 9.275 | 44.90 | 417.61 |

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: Semi-Detached Dwelling

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)

- 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): _____

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

Policy E.2.6.4 indicates that the Neighbourhood designation allows for a full range of housing forms. Please see Planning Justification Submitted in support of the Zoning Application ZAR-20-036 for additional information.

5.2 What is the existing zoning of the subject land? R2 at the time of application. R4 site specific zone expected to be approved

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

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"/> | |
| A land fill | <input type="checkbox"/> | |
| A sewage treatment plant or waste stabilization plant | <input type="checkbox"/> | |
| A provincially significant wetland | <input type="checkbox"/> | |

| | | |
|--|--------------------------|--------------------------------------|
| A provincially significant wetland within 120 metres | <input type="checkbox"/> | |
| A flood plain | <input type="checkbox"/> | |
| An industrial or commercial use, and specify the use(s) | <input type="checkbox"/> | Class 1 located 27.2 m from property |
| An active railway line | <input type="checkbox"/> | Approx 450 m from property |
| A municipal or federal airport | <input type="checkbox"/> | |

6 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agriculture Vacant Other (specify)

- 6.1 If Industrial or Commercial, specify use _____
- 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?
Knowledge based on being a life long resident of Dundas
-
- 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

Please refer to Planning Justification provided in support of ZAR-20-036

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

Please refer to Planning Justification provided in support of ZAR-20-036

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

Please refer to Planning Justification provided in support of ZAR-20-036

- 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

Please refer to Planning Justification provided in support of ZAR-20-036

- 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)

- 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)

- 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)

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.

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

- 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.

8.4 How long has the applicant owned the subject land?

29 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 ZAR-20-036

Status Anticipated Recommendation Report June 15, 2021

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 ² or ha): (from in Section 4.1) |
|----------------------------------|--|

Existing Land Use: _____ Proposed Land Use: _____

b) Lands to be Retained:

| | |
|----------------------------------|---|
| Frontage (m): (from Section 4.2) | Area (m ² or ha): (from Section 4.2) |
|----------------------------------|---|

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 ² or ha): |
|---------------|------------------------------|

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 ² or ha): |
|---------------|------------------------------|

Existing Land Use: _____ Proposed Land Use: _____

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

| | |
|----------------------------------|---|
| Frontage (m): (from Section 4.1) | Area (m ² or ha): (from Section 4.1) |
|----------------------------------|---|

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 ² or ha): (from Section 4.2) |
|----------------------------------|---|

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 ² or ha): |
|---------------|------------------------------|

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 ² or ha): (from Section 4.1) |
|----------------------------------|---|

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 ² or ha): (from Section 4.2) |
|----------------------------------|---|

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.

Ronald Bamford also owns 135 Davidson Boulevard, Dundas L9H 7M5 which is used as his primary residence.

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.

May 28, 2024
Date


Signature of Owner

July 20, 2021

Elyse Meneray
Planner II
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

**Re: Submission of Application for
Zoning By-law Amendment
To facilitate the construction of 2 Semi-Detached Residential Dwellings
Ronald Bamford
321 Hatt Street, Dundas
FC-19-086**

We are pleased to submit, herewith, the documents required for a complete application for Consent to Sever to create one new residential lot at 321 Hatt Street in the former Town of Dundas.

Ross Bannatyne, acting as agent for the owner attended a formal consultation meeting August 28, 2019 at the City of Hamilton to review the proposed development. Subsequent to this meeting an application to amend the Zoning By-law was submitted and assigned application number ZAR-20-036.

Zoning By-law 21-112 was approved June 23, 2021 and the appeal period expired with no appeals filed on July 20, 2021. With the appropriate zoning in place on the subject property, an application for consent to sever can be processed by the City of Hamilton.

Enclosed with this electronic submission, please find the following documents, as required by the Formal Consultation Document:

- Complete and Signed Consent Application Form
- Severance Sketch prepared by Robert Russell Planning Consultants Inc.

Ross Bannatyne, acting as agent for the owner/applicant will provide the application fees directly to the City.

If you should have any questions or comments, please feel free to contact me at your convenience.

ROBERT RUSSELL PLANNING CONSULTANTS INC.



Rob Russell, MCIP, RPP
President

PLANNING JUSTIFICATION REPORT

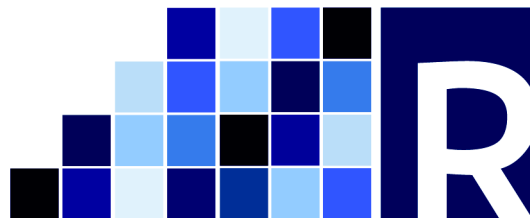
ZONING BY-LAW AMENDMENT APPLICATION FOR
A PROPOSED SEMI-DETACHED DWELLING
321 HATT STREET, DUNDAS

RONALD BAMFORD

PREPARED BY:

ROBERT RUSSELL PLANNING CONSULTANTS INC.
32 ALBERT STREET
GEORGETOWN, ONTARIO
L7G 2B3

AUGUST 2020



Robert Russell Planning Consultants Inc.

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1.0 Background

Robert Russell Planning Consultants Inc. has been retained by Ronald Bamford to prepare a Planning Justification Brief for 321 Hatt in the City of Hamilton, within the former Town of Dundas.

The subject property is in the Spencer Creek neighbourhood which appears to comprise the lands that are south west of King Street West, east of the Dundas Valley Golf and Curling Club and north of Spencer Creek.

Hatt Street abuts the south property line, and the property is approximately half way between Brock Street South and Wellington Street South. Property area is approximately 832 m² and has a generally rectangular shape, with a width of 18.4 metres and a depth of approximately 45 metres.

The property currently contains a singled detached dwelling with 1.5 storeys, and ancillary residential structures in the rear yard.

Urban residential properties abut the subject property to the east, west and north. The surrounding neighbourhood is predominantly comprised of singled detached residential dwellings with a wide variety of lot sizes, however, the neighbourhood also includes some semi-detached dwellings, including the property adjacent to the rear lot line of the subject property. There are a few street townhouses scattered through the community.

There is a small pocket of industrial development approximately 200 metres east of the subject property on the opposite side of Spencer Creek, and a few isolated industrial lots within the immediate neighbourhood surrounding the subject property. The closest such industrial use is located at the south east corner of Hatt Street and Brock Street South, which is less than 30 metres from the subject property.

2.0 Development Concept

Ronald Bamford proposes to demolish the existing structures on the property and construct a semi-detached dwelling in their place. A formal consultation meeting was held August 28, 2019 which identified that a Zoning By-law Amendment and Consent to Sever would be required to permit the development of the semi-detached dwelling.

3.0 Planning Policy

3.1 PROVINCIAL POLICY STATEMENT 2014

The current Provincial Policy Statement (PPS) was released in 2014 and applies to all Planning Act decisions subsequent April 30, 2014.

Several policies in the PPS support the proposed development.

- “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;*
 - e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;”*
- “1.1.3.1 Settlement areas shall be the focus of growth and development.”*
- “1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas...”*
- “1.1.3.2 Land use patterns within settlement areas shall be based on:*
- a) densities and a mix of land uses which:*
 - 1. efficiently use land and resources;*
 - 2. 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;...*
 - b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.”*
- “1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:*
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities...”*

The proposed development provides infill development and appropriately designed intensification within a community that has existing services to accommodate the development. When compared with the current uses on the property, the proposed development provides a more efficient use of land, and maximizes the efficiency of the existing services, while providing lot sizes in keeping with density and lot sizes required in the City of Hamilton Official Plan as discussed further in Section 3.3 of this report.

The portion of Hatt Street on which the subject property fronts is on a Hamilton Street Railway bus route. Increased density, such as that provided by the proposed development of the semi-detached dwelling is more supportive of transit than the current uses.

Given the above examples, and a review of the remaining policies within Part V Sections 1, 2 and 3 of the PPS, we are of the opinion that the proposed development is consistent with the policies related to Building Strong Communities, Wise Use and Management of Resources and Protecting Public Health and Safety.

3.2 GROWTH PLAN

The Province of Ontario released the Growth Plan for the Greater Golden Horseshoe in 2006. The Growth Plan was recently amended in May of 2019 and all Planning Decisions after May 16, 2019 must conform to the policies in the new Growth Plan.

The property is within the Built Boundary as per Schedule 2 – Places to Grow Concept, of the Growth Plan for the Greater Golden Horseshoe.

The Growth Plan contains the following policies:

- “2.2.1.2** *Forecasted growth to the horizon of this Plan will be allocated based on the following:*
- a) the vast majority of growth will be directed to settlement areas that:*
 - i. have a delineated built boundary;*
 - ii. have existing or planned municipal water and wastewater systems; and*
 - iii. can support the achievement of complete communities;...*
 - c) within settlement areas, growth will be focused in:*
 - i. delineated built-up areas;”*

The proposed development is within the built up area of the City of Hamilton as per the Schedules in the Growth Plan 2019, is adjacent to municipal water and wastewater, and represents contextually appropriate intensification of the property in conformance with this policy.

- “2.2.2.2** *Until the next municipal comprehensive review is approved and in effect, the annual minimum intensification target contained in the applicable upper- or single-tier official plan that is approved and in effect as of July 1, 2017 will continue to apply.”*

The proposed development will provide a small measure of intensification within the delineated built-up area in accordance with this policy. Please refer to the discussion below in Section 3.3 regarding the Official Plan density policies.

- “2.2.6.1** *Upper- and single-tier municipalities...and other appropriate stakeholders, will:*
- a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:*
 - i. identifying a diverse range and mix of housing options and densities...”*

Although this policy is directed toward the contents of municipal Official Plans, the proposed development will provide some diversity in a predominantly single detached neighbourhood that has started to experience some redevelopment with other housing types.

- “4.2.10.1** *Upper- and single-tier municipalities will develop policies in their official plans to identify actions that will reduce greenhouse gas emissions and address climate change adaptation goals, aligned with other provincial plans and policies for environmental protection, that will include:*
- b) reducing dependence on the automobile and supporting existing and planned transit and active transportation;...”*

The incremental increase in population that will result from the proposed development will have convenient and quick access to an existing bus route, thus encouraging reduced automobile usage.

Given the above examples, and a review of the remaining policies within Sections 2, 3, 4, and 5 of the Growth Plan for the Greater Golden Horseshoe 2019, we are of the opinion that the proposed development is consistent with the policies related to growth, infrastructure and protection of natural systems.

3.3 CITY OF HAMILTON OFFICIAL PLAN

The City of Hamilton Official Plan was adopted by Council in July 2009, approved by the Ministry of Municipal Affairs in March 2011, and subsequently appealed to the Ontario Municipal Board. A number of policies remain under appeal. The consolidation available on the City of Hamilton's website as of August 6, 2020 is used in the analysis below.

Schedule A – Provincial Plans shows that the boundary between the Minor Urban Centres and the Urban Area is in close proximity to the subject property. It appears that the property is within the Minor Urban Centre Area.

Schedule B-8 – Detailed Natural Heritage Features Key Hydrologic Feature Streams identifies Spencer Creek as a Key Hydrologic Feature Stream.

Schedule C – Functional Road Classification identifies Hatt Street as a Collector Road.

Schedule E – Urban Structure identifies the subject property within the Neighbourhoods area.

Schedule E-1 – Urban Land Use Designations, designates the subject property as Neighbourhoods.

Schedule G – Local Housing Market Zones shows the property within the Dundas area.

The Strategic Directions contained in Section 2 of Chapter A of the Official Plan state that the City of Hamilton's residential intensification target is 40% of all development to be within the built up area by 2015 (S.2.3.3.4)

The key relevant policies of the City of Hamilton Official Plan state the following:

"B.2.4.1.1 Residential intensification shall be encouraged throughout the entire built-up area, in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – Implementation."

"B.2.4.1.2 The City's primary intensification areas shall be the Urban Nodes and Urban Corridors as illustrated on Schedule E – Urban Structure and as further defined in secondary plans and corridor studies for these areas, included in Volume 2."

The subject property is not within a Node or Corridor as per Schedule E, as such, it is not a primary

intensification area, however, as per the policies above, intensification is “*encouraged throughout the entire built-up area*”. As such, the small amount of neighbourhood scale intensification provided by the proposed semi-detached dwelling is appropriate for an area that is not designated as a primary intensification area.

- “B.2.4.1.4 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.”*
- “B.2.4.2.1 Residential intensification within lands designated Neighbourhoods identified on Schedule E-1 - Urban Land Use Designations shall comply with Section E.3.0 – Neighbourhoods Designation.”**
- “B.2.4.2.2 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) *the conservation of cultural heritage resources; and,*
 - j) *infrastructure and transportation capacity and impacts.”*

The proposed development addresses the above criteria in the following manner:

The existing neighbourhood is low-rise residential and contains mostly single detached dwellings with a few semi-detached and townhouse building types interspersed among the single detached dwellings. The singled detached dwellings in the neighbourhood are a variety of sizes and heights and are located on lots of differing sizes. As such, there is no single built form, dwelling size or lot size that can characterize the neighbourhood accurately. The proposed semi-detached development will replace an existing single detached dwelling, and although the massing and built form of the semi-detached will be slightly larger than the existing, it is not unlike some of the existing larger singled detached dwellings. In fact the massing of the semi-detached dwelling will be similar to that of the single detached dwelling immediately adjacent at 319 Hatt Street, while providing a much larger lot.

As noted previously the predominant housing type is singled detached, as such the construction of the proposed semi-detached dwelling will increase the range of dwelling types available in the neighbourhood.

The proposed use remains residential, and as such will continue to be integrated into the neighbourhood. The proposed semi-detached dwelling blends a 1.5 storey structure facing the street with a 2 storey structure stretching toward the rear yard. Proposed building materials will include brick and stone facades. As such, the proposed form and character are not out of place in a neighbourhood that already contains a mix of bungalows, 1.5 storey and 2 storey structures all with a variety of siding materials, including brick, stone and siding.

The policies of Section E.2.0 are discussed below in detail.

The incremental increase of population resulting from one additional dwelling unit in the neighbourhood should not have a measurable or noticeable impact on the existing infrastructure or transit capacity.

This Planning Justification Report in its entirety provides the necessary discussion related to how the proposed development meets all applicable policy.

The policies of Section E.3.0 are discussed below in detail.

Given the small scale of change between the current 1.5 storey single detached dwelling and proposed 1.5 and 2 storey semi-detached dwelling, there will be a minimal increase in height, massing, and shadow. Furthermore, the proposed height, massing and shadow are in keeping with the existing neighbourhood context. There should be no increase to any existing overlook conditions.

The current lot pattern of the surrounding neighbourhood is seemingly random, with a wide variety of lot areas, frontages and depths. The existing lots immediately abutting the rear property line are semi-detached and the proposed lot demising line between the semi-detached dwellings aligns with the existing demising line of the lots at 32 and 34 James Street.

The existing neighbourhood functions as a predominantly residential area, with supporting institutional and commercial uses, which include churches, public open space, a community centre, personal service and convenience retail.

The City of Hamilton's Urban Housing Goals are presented in Chapter B Section 3.2.1 including the

following:

“B.3.2.1.1 Provide for a range of housing types, forms, and densities to meet the social, health and well-being requirements of all current and future residents.”

“B.3.2.1.6 Increase the mix and range of housing types, forms, tenures, densities, affordability levels, and housing with supports throughout the urban area of the City.”

The proposed development will increase the range of housing types available in the neighbourhood and further the City of Hamilton’s efforts towards meeting these goals.

“B.3.2.4.1 The development of a full range of housing forms, types, and densities shall be provided for and promoted throughout the City of Hamilton through residential intensification and new development. A full range of housing forms, types, and densities means the full spectrum of physical housing types including single detached dwellings, semi-detached dwellings, duplexes, townhouses of various types (street, block, stacked), apartments and other forms of multiple dwellings, and lodging houses, built at a range of densities.”

This policy directly supports all forms of housing throughout the City of Hamilton, including semi-detached dwellings. As such the proposed development is in accordance with this policy.

“B.3.3.1.8 Promote intensification that makes appropriate and innovative use of buildings and sites and is compatible in form and function to the character of existing communities and neighbourhoods.”

The proposed development is appropriate and compatible with the existing community as more fully discussed above through the discussion of Chapter B Policies 2.4.1.4 and 2.4.2.2.

“B.3.3.2.3 Urban design should foster a sense of community pride and identity by:
a) respecting existing character, development patterns, built form, and landscape;
b) promoting quality design consistent with the locale and surrounding environment;...”

As evidenced by the architectural elevation drawings provided with this submission, the design of the proposed semi-detached dwelling is consistent with and respects the existing locale and neighbourhood character. The proposed brick and stone siding and gable end roof structure is common in the surrounding neighbourhood, including some of the dwellings on Hatt Street adjacent to and opposite from the subject property.

“E.2.6.4 The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure...”

All forms of housing are permitted in the Neighbourhoods designation, which would include the proposed

semi-detached dwelling.

“E2.6.7 Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes compatible with the existing character or function of the neighbourhood shall be permitted. Applications for development and residential intensification within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Sections B.2.4 – Residential Intensification, E.3.0 – Neighbourhoods Designation,...”

The policies in Chapter B Section 2.4 are discussed above and are supportive of the proposed development. The minor change from the existing single detached dwelling to the proposed semi-detached dwelling is not substantial enough to affect the character of the stable neighbourhood, and generally will not be noticeable beyond the immediately adjacent properties.

“E.3.2.1 Areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities...”

*“E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
a) residential dwellings,...”*

The proposed semi-detached dwelling development on the subject property is in accordance with and permitted through these policies.

“E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.”

As addressed above, the proposed semi-detached dwelling is similar in mass, style and siding materials to many of the existing dwellings in the neighbourhood and will be fully compatible with the neighbourhood. The proposed development is in full conformance with the policies Chapter B Section 2.4 and the rest of the applicable policies in the Official Plan, as discussed through this report.

“E.3.2.13 The City supports residential intensification on lands within the Neighbourhoods designation in accordance with Section B.2.4 – Residential Intensification Policies, F.1.14 – Division of Land, and other applicable policies.”

The proposed development is supported in accordance with this policy. See above for the discussion of Chapter B Section 2.4 and see below for the discussion of Chapter F Section 1.14.

“E.3.3.1 Lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas...”

“E.3.4.3 Uses permitted in low density residential areas include single-detached, semi-detached, duplex, triplex, and street townhouse dwellings.”

The proposed semi-detached dwellings are still considered low density residential, and the subject properties location in the interior of a neighbourhood area is appropriate for the development.

“E.3.4.4 For low density residential areas the maximum net residential density shall be 60 units per hectare.”

The residential block upon with the subject property is located, as bounded by Hatt Street, James Street, Brock Street South and Wellington Street South is approximately 1.4 hectares in size and contains 22 lots. This suggests a density of less than 16 units per hectare. The lot sizes and building types on this block are consistent with most residential blocks in the neighbourhood, which would infer that the existing neighbourhood density substantially below the maximum permitted by this policy. As such, the creation of semi-detached dwelling and the resultant additional dwelling unit would not exceed the maximum neighbourhood density. When evaluated at the lot scale, the proposed 2 dwellings on a subject property of approximately 830 m² would result in a density of 24 units per hectare and would be in conformity with the above policy.

“E.3.4.5 For low density residential areas, the maximum height shall be three storeys.”

The proposed 1.5 and 2 storey structure meets the requirements of the above policy.

There are many other policies in the City of Hamilton’s Official Plan that speak to the same themes of compatibility that have already been discussed above. These themes include scale, massing, shadow, overlook, urban design compatibility and character and have already been discussed above. As such, some policies may not have been specifically identified in this report if an identical issue has already been addressed.

“F.1.14.3.1 Consents for new lot creation, for both the severed and retained lands, for residential uses in the Neighbourhoods designation shown on Map E-1 – Urban Land Use Designation, shall be permitted provided the following conditions are met:

- a) The lots comply with the policies of this Plan, including secondary plans, where one exists;*
- b) The lots comply with existing Neighbourhood Plans;*
- c) The lots are in conformity with the Zoning By-law or a minor variance is approved;*
- d) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;*
- e) The lots are fully serviced by municipal water and wastewater systems; and,*
- f) The lots have frontage on a public road.”*

It is proposed the the semi-detached parcels will be created through the consent process, and as such, must conform to the conditions contained in Chapter F Policy 1.14.3.1. As has been demonstrated in the preceding analysis above, the proposed semi-detached dwelling complies with the City of Hamilton Official Plan Policies. The subject property is not located within a Secondary Plan Area, nor within a Neighbourhood Plan. Upon approval of the proposed site specific Zoning By-law Amendment, the creation of a new lot will be conform with the Zoning By-law. For additional discussion regarding the Zoning By-law Amendment please refer to Section 3.4 of the Planning Justification Report. The scale, height, massing, density of the proposed dwellings is in keeping with the existing neighbourhood, which contains a mix of land uses and building forms. The lot is, and will continue to be serviced by a municipal road and full municipal water and sanitary sewers.

As noted above the immediate neighbourhood context includes industrial and commercial uses in close proximity to the subject property. These industrial uses and the residential community have co-existed in this area of Dundas for many decades, and are good example of a mixed use neighbourhood, with opportunities for employment and habitation in close quarters. There do not appear to be any Class 3 Industrial uses near this neighbourhood, and as such, the negative affect the industries have on the residential community is considered to be relatively minor. Futhermore, the proposed residential use, replaces and existing residential use, with only an incremental increase in residential density. The additional residential density should not serve to overwhelm the industrial uses or create a situation that would push them out of the community.

Given the above examples, and after a review of the remaining policies within the City of Hamilton Official Plan, we are of the opinion that the proposed development is consistent with the policies in Volume 1, Chapters B, C, E, F, and G of the City of Hamilton Official Plan. The subject property is not within a Secondary Plan Area, is not within a Special Policy Area, and is not subject to Site Specific Policies, and as such, Volumes 2 and 3 of the Official Plan are not applicable.

3.4 ZONING BY-LAW (FORMER TOWN OF DUNDAS ZONING BY-LAW 3581-86)

The May 2017 consolidation of the Town of Dundas (Now City of Hamilton) Zoning By-law was used for the following analysis.

The City of Hamilton's Interactive Zoning map available on the City's website, indicates that the subject property is currently zoned as Single Detached Residential (R2).

The permitted uses in the Single Detached Residential (R2) zone do not include a semi-detached residential dwelling. As such, a Zoning By-law Amendment is required to facilitate the proposed construction of a semi-detached dwelling at 321 Hatt Street.

The Application for a Zoning By-law Amendment seeks to change the zoning of the property from Single Detached Residential (R2) to Low Density Residential Zone (R4). The R4 Zone permits the following residential uses as per Zoning By-law Section 11.1:

- Single Detached Dwelling

- Semi-Detached Dwelling
- Duplex Dwelling
- Conversions, up to three dwelling units

The following is an analysis of how the proposed development will address each of the R4 zone regulations as contained in Zoning By-law Section 11.3:

- 11.3.1.1 Requires a minimum lot area of 630 m² and the subject site has an area of 832.6 m²
- 11.3.1.2 Requires a minimum lot frontage of 21.0 m whereas the subject property has a frontage of 18.4 m
- 11.3.2.1 Requires a minimum front yard of 6.0 metres and the proposed dwellings will provide a front yard of 6.6 m to the unenclosed porch and 8.1 m as measured to the front facade
- 11.3.2.2 Requires a minimum side yard of 1.2 m and the proposed dwellings will provide side yards of 1.56 m for the westerly side yard and 1.57 for the easterly side yard
- 11.3.2.3 Requires a minimum rear yard of 7.5 m and the proposed dwelling will provide a rear yard of 15.8 m
- 11.3.3 Limits the maximum height to 10.5 m and the proposed dwellings will have a height of 9.79

Other applicable Zoning By-law regulations are:

- 7.12.1.2 Requires 1 parking space per semi-detached dwelling unit and the proposed dwellings provide one parking space in the attached garage
- 7.14.1 Requires the parking space to be 2.5 m in width and 6.0 m in length for a parking space situated at 90 degrees to the road, and the proposed interior parking space provides 6.2 m length to the bottom of the internal risers and a clear width of 3.5 m after accommodating the swing path of the door at the rear wall of the garage

As evidenced above the proposed lots will not meet the minimum frontage requirement and as such a site specific exception will be required to permit a frontage of 18.4 metres.

Given the above examples, and a review of all the rest of the Town of Dundas Zoning By-law 3581-86, we are of the opinion that the proposed development is in general compliance with The Town of Dundas Zoning By-law.

4.0 Summary

The proposed applications for a Zoning By-law Amendment and Consent to Sever develop a semi-detached dwelling at 321 Hatt Street meets the policies and objectives of the Province of Ontario, and City of Hamilton. The proposed development provides residential intensification through the redevelopment of a single detached dwelling within the Built Boundary of the City of Hamilton. The subject property is located on an existing transit route, and is located in proximity to commercial areas, employment lands, open space and community uses. The existing neighbourhood contains a mix of residential densities, including a semi-detached dwelling immediately adjacent to the rear property line. As such, the density and scale of the proposed development are consistent with the surrounding community. The proposed applications also



meet most of the regulations of the City of Hamilton (former Town of Dundas) Zoning By-law. The proposed site specific exception to the Zoning By-law is relatively minor and conforms with all applicable policy.

It is our opinion that the proposed Zoning By-law Amendment and Consent to Sever application represents good and sound planning and is appropriate for this property.

Yours Truly,

ROBERT RUSSELL PLANNING CONSULTANTS INC.

A handwritten signature in blue ink, appearing to read 'Rob Russell', is written over the printed name.

Rob Russell, MCIP, RPP
President