



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 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-21:308

APPLICANTS: Owner Michael, Ulrika & Sandro DiCenzo
Agent A.J. Clarke & Associates c/o Ryan Ferrari

SUBJECT PROPERTY: Municipal address **1440 Upper Gage Ave., Hamilton**

ZONING BY-LAW: Zoning By-law 6593 , as Amended by By-law No. 77-297

ZONING: D/S-552 district (Urban Protected Residential - One and Two Family)

PROPOSAL: To construct a new single family dwelling on the severed and retained parcels to be created through proposed Consent Application HM/B-21:72, notwithstanding that:

Part 1 – Parcel to be Severed

1. The minimum lot width shall be 9.0m instead of the minimum required 12.0m lot width;
2. The minimum lot area shall be 334 square metres instead of the minimum required 360 square metres for lot width;

Part 2 – Parcel to be Retained

3. The minimum lot width shall be 9.0m instead of the minimum required 12.0m lot width;
4. The minimum lot area shall be 334 square metres instead of the minimum required 360 square metres for lot width;

NOTES:

1. The variances are written as requested by the applicant with one exception. A variance is requested for on-site manoeuvring. However, as the Zoning By-law permits a situation of tandem parking for a single family dwelling with one parking space within the front yard, the variance is not required as the proposed parking arrangements are in compliance.
2. The Zoning By-law permits a maximum encroachment of one half the width of the side yard for eaves and gutter encroachments. As the submitted plans did not identify the eaves and gutter encroachments, further variances would be required if the encroachment were to exceed 0.6m.
3. The proposed Minor Variances are to be heard in conjunction with Consent Application HM/B-21:72.

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

DATE: Thursday, September 23rd, 2021
TIME: 2:40 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:

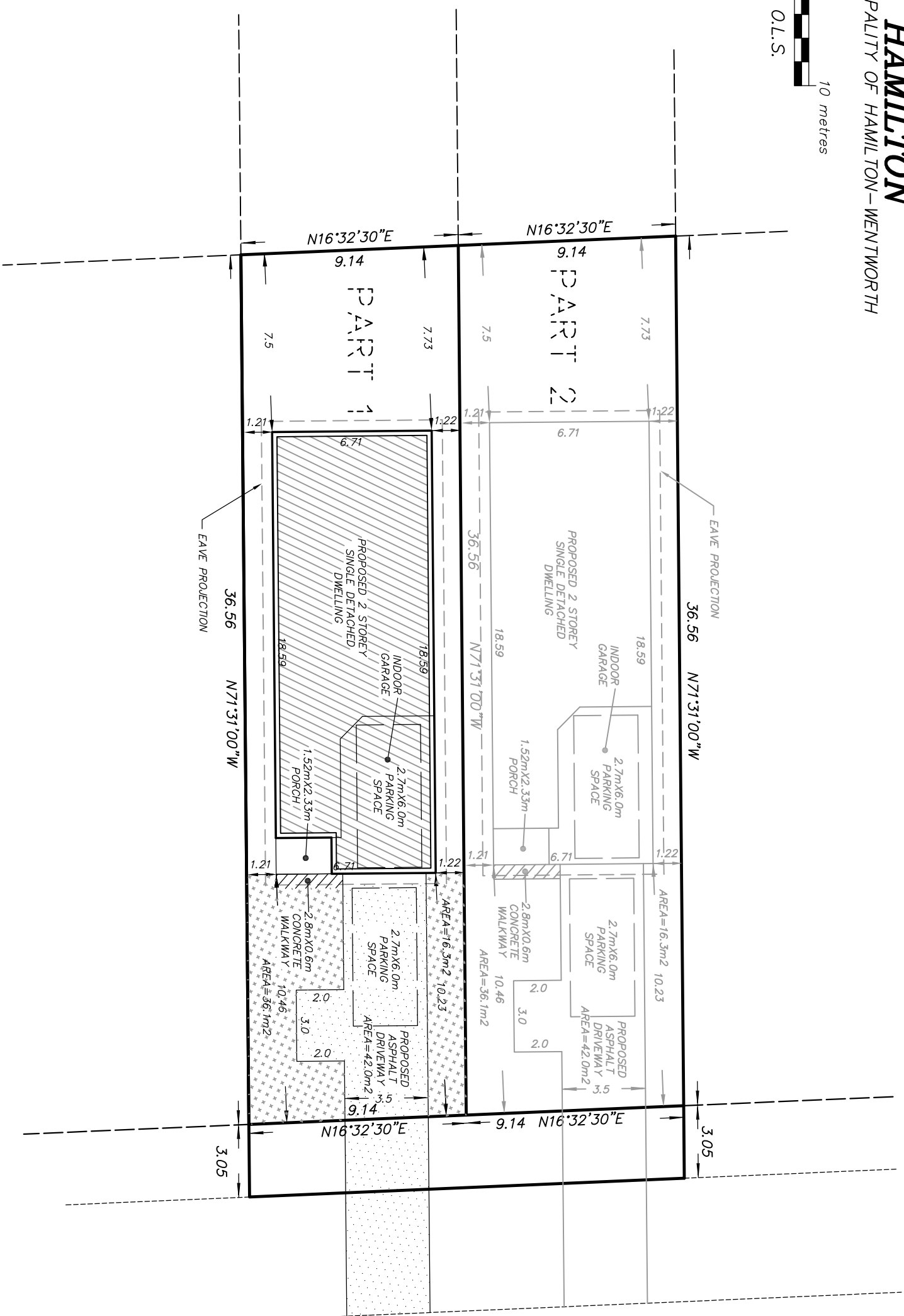
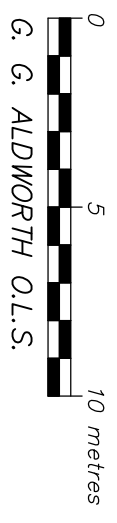
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: September 7th, 2021.

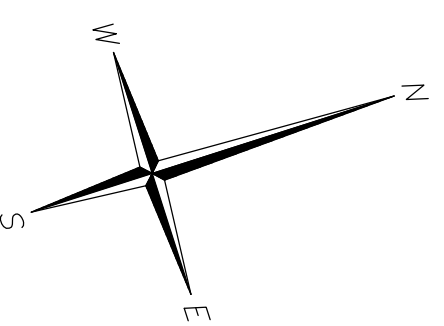
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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.

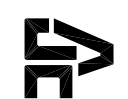
SKETCH OF
PART OF LOT 7 – CONCESSION 8
 GEOGRAPHIC TOWNSHIP OF BARTON
 NOW IN THE
CITY OF HAMILTON
 REGIONAL MUNICIPALITY OF HAMILTON – WENTWORTH
 SCALE 1:200



UPPER GAGE AVENUE
 (FORMERLY KINGS HIGHWAY 55)



"C" ZONING (MODIFIED)
 AREA PART 1 = 334.15 m²
 HOUSE AREA = 124.68 m²
 LOT COVERAGE – N/A



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
 email: ajc@ajclarke.com

JULY 29, 2021
 DATE

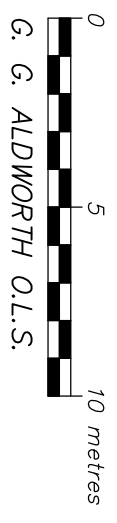
PROJECT No 218198

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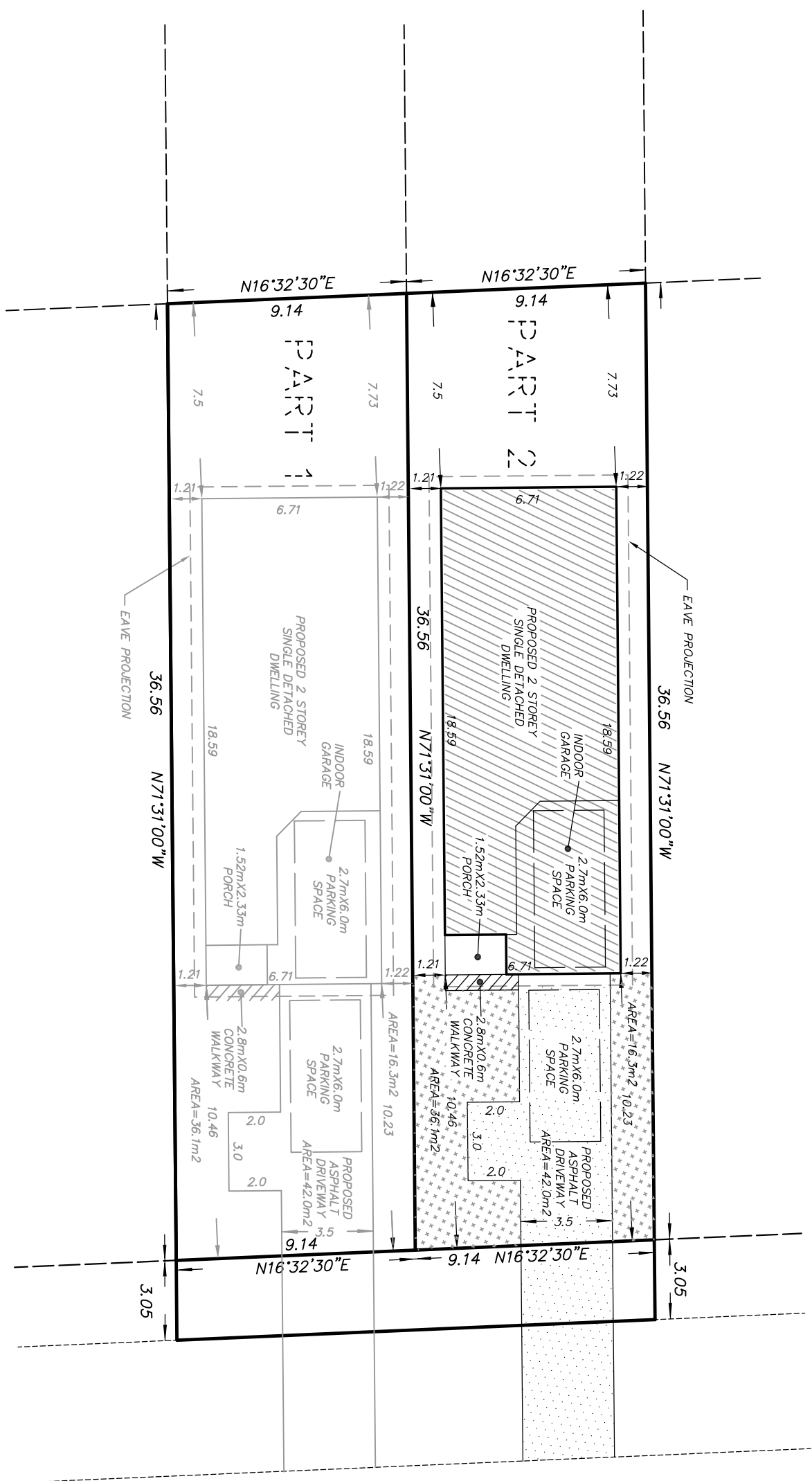
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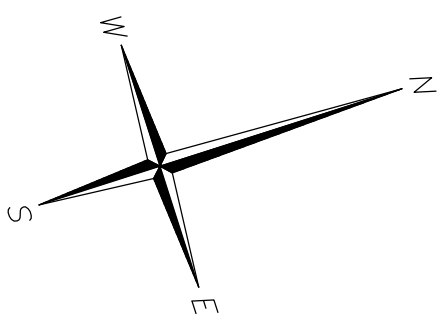
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G. G. ALDWORTH O.L.S.



UPPER GAGE AVENUE
 (FORMERLY KINGS HIGHWAY 55)



JULY 29, 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
 email: ajc@ajclarke.com

"C" ZONING (MODIFIED)
 AREA PART 2 = 334.15 m²
 HOUSE AREA = 124.68 m²
 LOT COVERAGE – N/A

PROJECT No 218198

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

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X-9511A

X-9511A



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 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)	Michael DiCenzo Ulrika DiCenzo Sandro DiCenzo	
Applicant(s)*	A.J. Clarke & Associates Limited c/o Ryan Ferrari	
Agent or Solicitor	(same as applicant)	

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:
VWR capital
19978 72 Ave #301. Langley BC. V2Y 1A7

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:

Minor Variance to permit reduced lot width and lot size.

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

Following the severance, the lot width will be deficient.

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**):

1440 Upper Gage Avenue
Part Lot 7 Concession 8 - Former Township of Barton
Reference Plan Number: 62R2442 Part 3
Assessment Roll Number: 251807074106070

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?

Online mapping

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.

Aug. 9, 2021
Date

Michael, Ulrika, Sandro DiCenzo
Signature Property Owner

Michael, Ulrika, Sandro DiCenzo
Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>+ - 19.0 m</u>
Depth	<u>+ - 45.17 m</u>
Area	<u>+ - 858.23 sq m</u>
Width of street	<u>+ - 15.42 m</u>

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 detached dwelling, one detached accessory structure, associated paved parking (located near rear of site).

Proposed

One single detached dwelling (per lot) (location undetermined at the moment)

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 single detached dwelling, one detached accessory structure, associated paved parking (located near rear of site).

Proposed:

One single detached dwelling (per lot) (location undetermined at the moment)

13. Date of acquisition of subject lands:
June 11, 2021
-
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:
Since Construction
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 zone
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
Consent application submitted concurrently.
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.



A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

The City of Hamilton
The Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, Ontario
L8P 4Y5

August 10, 2021

Attn: Jamila Sheffield
Secretary-Treasurer, Committee of Adjustment

Sent via email to Jamila.Sheffield@hamilton.ca

**Re: Severance and Minor Variance Submission
1440 Upper Gage, Hamilton**

Dear Ms. Sheffield,

A.J. Clarke & Associates Ltd. has been retained by the owners of the subject lands for the completion of the above noted Severance and Minor Variance Applications. The proposal is to sever an existing parcel of land municipally known as 1440 Upper Gage Avenue into two equally sized parcels. Each proposed to contain one (1) single detached dwelling. The resultant lots are as follows:

	Severed	Retained
Lot Area	330 m ²	330 m ²
Lot Frontage	9 m	9 m

In addition, a road widening of approximately 3m has been shown on the attached severance sketch. In support of the above applications, the following has been submitted:

1. A cheque in the amount of \$2,860.00, representing the required Severance Application fee.
2. A cheque in the amount of \$3,320.00, representing the required Minor Variance Application fee.
3. One (1) electronic copy of the Signed and executed Severance and Minor Variance Applications
4. One (1) electronic copy of a severance sketch, prepared by A.J. Clarke & Associates Ltd., dated July 23, 2021.
5. One (1) electronic copy of the Site Plans, prepared by A.J. Clarke & Associates Ltd., dated July 29, 2021, depicting the size and location of the proposed dwellings.

Severance Application

As a result of the severance application, the resultant lots will be deficient in lot size and lot width as provided by the "C" District Zone. A concurrently submitted Minor Variance application is intended to address the above lot deficiencies.



The proposed lots are also in keeping with the generally established lot pattern found in the neighbourhood, which consists of various land uses with varying densities. Although the proposal will result in lots with narrower frontages when compared to the “C” District requirement, the lots are consistent with the prevailing lot fabric found in this neighbourhood. Additionally, the lots are in keeping with the adjacent lots to the west of the proposed severance. As shown on the Plot Plans, the lots can accommodate modestly sized dwellings in keeping with others found in this neighbourhood.

Policy Consistency and Conformity

Official Plan

The proposed development is located within the “Neighbourhoods” designation within the City’s Urban Hamilton Official Plan (UHOP). Section E.3.0 provides policies for lands designated “Neighbourhoods” on Schedule E-1 (Urban Land Use Designations). The designation is broadly supportive of a range of residential development, including various forms of intensification. The proposed development conforms to the applicable policies of the “Neighbourhoods” designation, as it is a permitted use and conforms to the “Neighbourhoods” policies related to function, scale and design.

In addition to the designation specific policies of the UHOP, the proposed severance applications are also evaluated against the lot creation policies of Section F.1.14.3; and against the residential intensification policies of Section B.2.4 of the UHOP. Each of these sections is discussed in detail below:

Residential Intensification

The City’s residential intensification policies state that 40% of the City’s intensification target is to be accommodated within the “Neighbourhoods” designation (Pol. 2.4.1.3 c)). With respect to the evaluation criteria outlined in Policy B.2.4.1.4, the proposed development is of compatible built form and character to surrounding development, which consists of primarily single detached dwellings, and integrates well with surrounding development in terms of use, scale, form and character. The proposed development represents a form of “gentle” intensification and appropriately intensifies an existing single detached lot that is on full municipal services and within the urban boundary. Accordingly, the proposed development generally satisfies the criteria outlined in Policy B.2.4.1.4.

Section B.2.4.2 of the UHOP deals specifically with residential intensification within the “Neighbourhoods” designation. Policy 2.4.2.2 of the UHOP outlines further evaluation criteria for residential intensification with the “Neighbourhoods” designation. The proposed development is compatible with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic and other nuisance effect. The proposed single detached dwellings are proposed to conform to the Zoning By-law in terms of height and setbacks. Although the proposed lots are slightly narrower than what is required under the “C” District, the general size and area of the proposed lots is consistent with surrounding lotting patterns, and the proposed dwellings will create a consistent street setback along the west side of Upper Gage Avenue. Further, the size of the lots and proposed building setbacks provide ample room for private amenity areas, and landscaping, including in the front yard. Accordingly, the proposed development satisfies the



criteria outlined in Policy 2.4.2.2.

Lot Creation Policies

Policy F.1.14.3.1 outlines the evaluation criteria for new lots for residential uses in the “Neighbourhoods” designation. It states that they shall be permitted provided that a number of conditions are met. Amongst these conditions, the lots must have frontage onto a public road and available municipal servicing. The lots have frontage onto a public road and have access to municipal services. The lots must also conform to the policies contained in the Official Plan. In this case, with respect to compatible residential intensification noted above, the lots conform. The lots are required to be compatible and generally reflect the existing development in the neighbourhood. Attached to this letter is an Appendix, which depicts the range of lot widths found within the neighbourhood. As shown, there are many lots below the 12m requirement in width, including lots having a minimum lot frontage of 9m at 1446 and 1448 Upper Gage Street.

Upper Gage is designated as a Major Arterial Road on Schedule C – Functional Road Classifications. Therefore, the lands are located along an appropriate corridor for intensification. Directly adjacent to the subject lands are a number of townhouse units that reflect a more compact built form. Given the location along an Arterial Road and the various lot sizes in this neighbourhood, the development proposal generally reflects the scale and character of the neighbourhood and is an appropriate form of intensification.

Minor Variance

The following variances are required to facilitate the application:

1. To provide for a minimum lot size of 334m² whereas a minimum lot size of 360m² is required.

The minimum lot size is intended to create a consistent lot fabric and provide an adequate lot size for a single detached dwelling. It should be noted that approximately 54m² of land is being conveyed as a 3m road widening to facilitate the application. Therefore, the proposed lots could ostensibly meet the By-law requirement should the road widening not be required. Regardless, the proposed lot size facilitates a modestly sized single detached dwelling that is consistent with dwellings found within this neighbourhood. The variance enables the severance of a parcel of land that is in keeping with the neighbourhood lot fabric and facilitates a form of intensification that is compatible with the neighbourhood. Accordingly, the variance maintains the four tests.

2. To provide for a minimum lot width of 9m whereas 12m is required.

The minimum lot frontage is intended to create a consistent lot fabric and provide for adequate access to and from the site. In this case, the site can accommodate a single detached dwelling along with on site parking and a driveway which meets the Zoning By-law. Motor Vehicles have adequate access in and out of the site. The lot widths are consistent with others found in this neighbourhood and facilitate a compatible form of intensification on the subject lands. Accordingly, the variance maintains the four tests.



3. No on-site maneuvering space shall be provided, whereas 6m of maneuvering space is required.

The intent of this provision is to allow for motor vehicles to enter and exit the site in a forward manner. Given that the site is adjacent to Upper Gage Avenue, a hammerhead has been included so that a motor vehicle can complete a three point turn and enter and exit Upper Gage Avenue in a forward manner. This facilitates safe access in and out of the site and will minimize traffic conflicts onto Upper Gage Avenue. Accordingly, there is appropriate on site maneuvering space and the variance maintains the purpose and intent of the zoning by-law. Accordingly, the variance maintains the four tests.

In our professional opinion, the subject consent application meets the requirements listed under Section 51 (24) of the Planning Act and accordingly, the variances meet the requisite four tests. The proposal represents good planning and should be approved.

We look forward to being scheduled for the next available Committee of Adjustment date. Please do not hesitate to contact our office should there be any questions regarding the above.

Regards,

Ryan Ferrari, BURPI, CPT
Planner
A.J Clarke & Associates Ltd.

Cc: Mike DiCenzo (email)

Appendix A: Lot Frontage Calculation



Lot Frontage Calculations

