

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-21:413

APPLICANTS: Owner Zeina Homes c/o Ali Alaichi
Agent Urban Solutions c/o M. Johnston

SUBJECT PROPERTY: Municipal address **449 Stone Church Rd. W., Hamilton**

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

ZONING: B district Suburban Agriculture and Residential and etc.

PROPOSAL: To facilitate the development of three new residential lots for single detached dwellings to be created through Consent Application HM/B-21:108, notwithstanding that:

Lots to be Retained:

1. The minimum front yard depth shall be 7.5 metres instead of the minimum required 12 metres;
2. The minimum side yard shall be 1.1 metres on the side abutting the D/S-198 District and the RT-20/S-946 District and 0.45m for the other side yard for each parcel instead of the minimum required 3.0 metre side yard;
3. The minimum lot width shall be 9.5 metres instead of the minimum required 20.0 metre lot width;
4. The minimum lot area shall be 415 square metres instead of the minimum required 1,100 square metre lot area;
5. The minimum landscaped area for the front yard shall be 30% instead of the minimum 50% landscaped area.

Lot to be Severed:

6. The minimum front yard depth shall be 7.5 metres instead of the minimum required 12 metres;
7. The minimum side yard shall be 1.1 metres on one side and 0.45m on the other side instead of the minimum required 3.0 metre side yard;
8. The minimum lot width shall be 11.5 metres instead of the minimum required 20.0 metre lot width;

9. The minimum lot area shall be 492 square metres instead of the minimum required 1,100 square metre lot area;

10. The minimum landscaped area for the front yard shall be 30% instead of the minimum 50% landscaped area.

NOTES:

1. The requested variances are written as requested by the applicant. An additional variance has been requested by the applicant to address the minimum front yard landscaped area.

2. This variance application will be addressed concurrently with Consent Application HM/B-21:108.

3. The variances are based on the submitted survey sketch for the severed and retained parcels. Development details have not been provided at this time for the proposed single family dwellings.

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

DATE:	Thursday, January 20th, 2022
TIME:	2:25 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

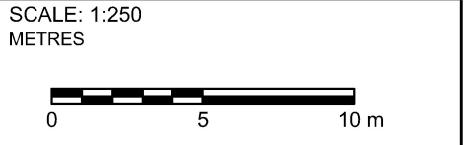
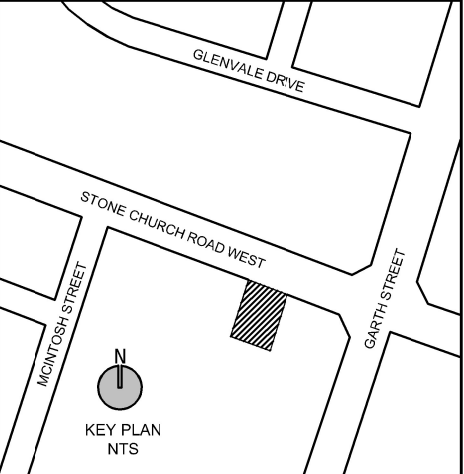
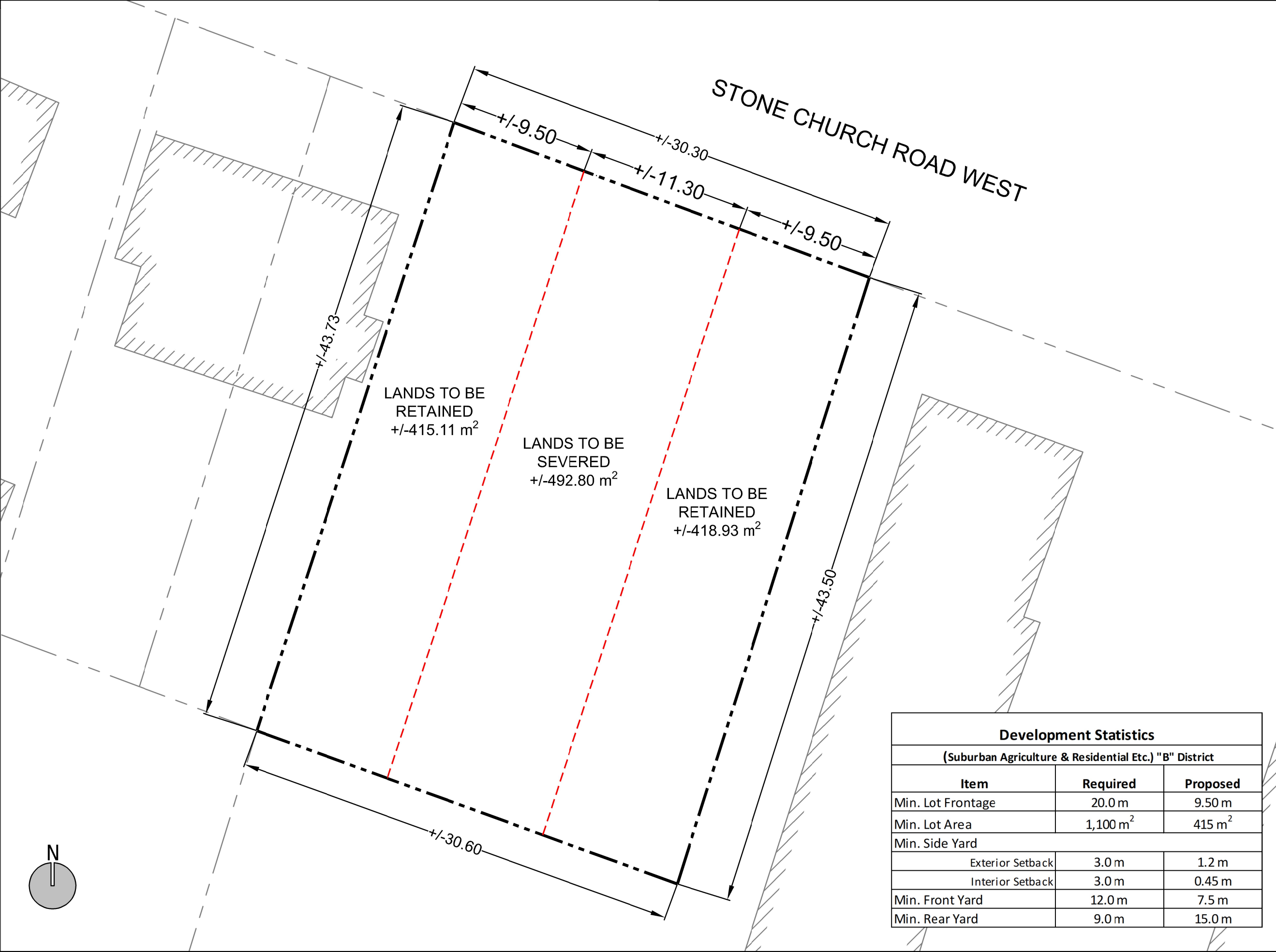
For more information on this matter, including access to drawings illustrating this request:

- 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: January 4th, 2022.

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.



LEGEND:

- SUBJECT LANDS
- PROPOSED SEVERANCE
- PROPERTY LINES
- EXISTING DWELINGS

NOTES:

All dimensions shown on this plan are in metres and can be converted to feet by dividing by 0.3048.

DESIGN BY: L. DRENNAN	CHECKED BY: M. JOHNSTON
DRAWN BY: L. DRENNAN	DATE: NOVEMBER 4, 2021


URBAN SOLUTIONS
 PLANNING & LAND DEVELOPMENT
 3 STUDEBAKER PLACE, UNIT 1
 HAMILTON, ON L8L 0C8
 905-546-1087 - urbansolutions.info

PROJECT:

449 STONE CHURCH ROAD WEST
CITY OF HAMILTON

CLIENT:

ZEINA HOMES
C/O ALI ALAICHI

TITLE:

SEVERANCE SKETCH

Development Statistics		
(Suburban Agriculture & Residential Etc.) "B" District		
Item	Required	Proposed
Min. Lot Frontage	20.0 m	9.50 m
Min. Lot Area	1,100 m ²	415 m ²
Min. Side Yard		
Exterior Setback	3.0 m	1.2 m
Interior Setback	3.0 m	0.45 m
Min. Front Yard	12.0 m	7.5 m
Min. Rear Yard	9.0 m	15.0 m



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

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

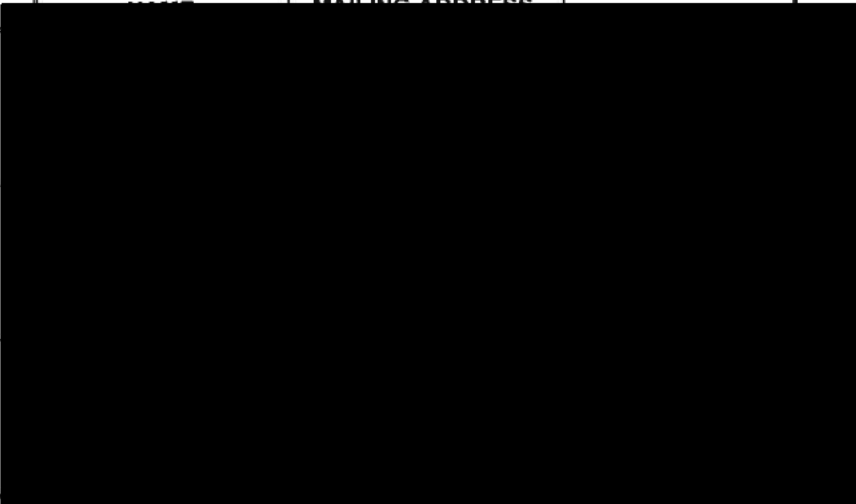
APPLICATION FOR A MINOR VARIANCE

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	MAILING ADDRESS
Registered Owners(s)		
Applicant(s)*		
Agent or Solicitor		

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:

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

4. Nature and extent of relief applied for:

Please refer to cover letter

☐ Secondary Dwelling Unit ☐ Reconstruction of Existing Dwelling

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

Please refer to 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**):

449 Stone Church Road West, Hamilton Ontario L9B 1R7

7. PREVIOUS USE OF PROPERTY

Residential ☒ Industrial ☐ Commercial ☐
Agricultural ☐ Vacant ☐ Other ☐

Other _____

- 8.1 If Industrial or Commercial, specify use _____
- 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 8.1 to 8.10 above?

Consultation with Owner

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

September 29, 2021

Date

Signature Property Owner(s)

Ali Alaichi
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	11.30m
Depth	43.5m
Area	492.80m ²
Width of street	n/a

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: _

N/A

Proposed

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

Existing:

Proposed:

Lot Area: +/- 415.11m² (retained), +/- 492.80m² (severed), +/- 418.93m² (retained)
Lot Frontage: +/- 9.50m (retained), +/- 11.30m (severed), +/- 9.50m (retained)
Interior Setback: 0.45m
Exterior Setback: 1.15m
(see concept plan prepared by UrbanSolutions)

13. Date of acquisition of subject lands:
n/a
14. Date of construction of all buildings and structures on subject lands:
unknown
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Residential (single-detached)
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Residential (multi-unit, single-detached, semi-detached)
17. Length of time the existing uses of the subject property have continued:
unknown
18. Municipal services available: (check the appropriate space or spaces)
Water ☒ Connected ☐
Sanitary Sewer ☒ Connected ☐
Storm Sewers ☒
19. Present Official Plan/Secondary Plan provisions applying to the land:
Neighbourhoods Designation under UHOP
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
"B" Suburban Agriculture And Residential in the 6593 Former Hamilton By-law
21. Has the owner previously applied for relief in respect of the subject property?
Yes ☐ No ☒
If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
Yes ☒ No ☐
23. Additional Information
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.



November xx, 2021

422-21

Via Delivered

Jamila Sheffield
Secretary Treasurer, Committee of Adjustment

City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield:

RE: Consent to Sever/ Minor Variance
449 Stone Church Road, Hamilton Ontario

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultants acting on behalf of Zeina Homes, the registered owner of the lands municipally known as 449 Stone Church Road (subject lands). On behalf of the owner, UrbanSolutions has prepared the enclosed the Consent to Sever and Minor Variance applications to the City of Hamilton.

Located to the west of the Garth and Stone church Intersection, the subject lands are within the Neighbourhoods designation on Schedule E – Urban Land Use Designations in the Urban Hamilton Official Plan. The subject property is also zoned “B” Suburban, Agricultural, and Residential, in the Former City of Hamilton Zoning By-law No. 6593 which permits single detached dwellings. The existing single detached dwelling will be demolished.

The purpose of the Consent to Sever application is to sever the lands in to three (3) separate parcels. The Consent to Sever application is in keeping with Section 53(1) of the *Planning Act, R.S.O., 1990*, as amended, as a plan of subdivision is not necessary for the proper and orderly development of the subject lands. The subject lands have access to full municipal services and can be considered a reasonable subdivision of land without being subject to the provisions of a full Draft Plan of Subdivision.

The purpose of the Minor Variance application is to address the nonconformities caused by severances. To facilitate the severance, the following variances are required for the lands to be retained:

1. To permit a minimum frontage of 9.45 metres, whereas 20.00 metres is required.
2. To permit a minimum lot area of 415.00 metres squared, whereas 1,100 metres squared is required.
3. To permit one interior side yard of 0.45 metres, and one interior side yard of 1.15 metres whereas 3.00 metres is required.
4. To permit a minimum front yard of 7.50 metres, whereas 12.00 metres is required.

Section 45(1) of The Planning Act, R.S.O, 1990, as amended, requires any Minor Variance application to satisfy four tests. The proposed severance allows the property to accommodate three new residential dwellings, representing appropriate infill for the site and supporting the 'Neighbourhoods' land use designation attributed to the site. The proposed variances also accommodate .9m swales to ensure that proper stormwater management has been considered for the new lots. As such, the proposed variances satisfy the four-tests contained within Section 45(1) of *The Planning Act* as they conform to the Urban Hamilton Official Plan, and the Former City of Hamilton Zoning By-law No. 6593, are minor in nature and represent good land use planning.

In support of this application, please find enclosed:

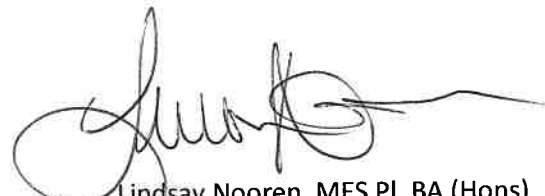
- One (1) copy of the Consent to Sever application;
- One (1) copy of the Minor Variance application;
- Two (2) copies of the severance sketch prepared by UrbanSolutions;
- One (1) copy of the severance sketch prepared by UrbanSolutions in AutoCAD format (via email);
- One (1) cheque payable to the City of Hamilton for the Consent Application fee of \$2,860.
- One (1) cheque payable to the City of Hamilton for the Minor Variance Application fee of \$3,320.

We trust the enclosed is in order; however, please feel free to contact us with any questions.

Regards,
UrbanSolutions



Matt Johnston, MCIP, RPP
Principal



Lindsay Nooren, MES Pl. BA (Hons)
Planner

cc: Ali Alaichi, Zeina Homes (via email)