



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: AN/B-21:114

SUBJECT PROPERTY: 455 Springbrook Ave., Ancaster

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 Rotuka Developments Inc.
Agent NPG Planning Solutions c/o J. Auspitz

PURPOSE OF APPLICATION:

To permit the conveyance of a parcel of land for residential purposes and to retain a parcel of land for residential purposes. To be heard in conjunction with AN/B-21:115. Previous applications AN/B-20:20 and AN/B-20:21.

Severed lands (Part 4):

12m[±] x 35.7m[±] and an area of 894.7m^{2±}

Retained lands (Parts 1, 2 and 3):

35.6m[±] x 36m[±] and an area of 1,281.2m^{2±}

The Committee of Adjustment will hear this application on:

DATE: Thursday, January 20th , 2022

TIME: 3:10 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

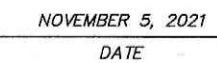
DATED: January 4th, 2022

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.



A horizontal scale bar with a black and white checkered pattern. It has three vertical tick marks labeled '0', '5', and '10 metres' from left to right. The bar is divided into 10 equal segments by these tick marks.



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PROJECT No	218263R
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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.:
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1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS
Registered Owners(s)		
Applicant(s)*		
Agent or Solicitor		

* 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 Ancaster	Lot PT 50	Concession 3	Former Township
Registered Plan N° 62R17369	Lot(s) PT 1	Reference Plan N°	Part(s)
Municipal Address 455 Springbrook Avenue			Assessment Roll N° 251814028019800

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:

Unknown

3.3 If a lot addition, identify the lands to which the parcel will be added:

N/A

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed**: Part 4

Frontage (m)	Depth (m)	Area (m ² or ha)
12	35.71	894.7

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 - To be demolished

Proposed: Single-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**: Parts 1, 2 & 3

Frontage (m)	Depth (m)	Area (m ² or ha)
35.56	35.96	1,281.2

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 - To be demolished

Proposed: Single-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) Neighbourhood & Low Density Residential 2b

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

See Planning Justification Report - Attached

5.2 What is the existing zoning of the subject land? R4-705

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"/>	160 m
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	430 m

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"/>	
An active railway line	<input type="checkbox"/>	
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?
Apparent age and use of building (Circa 1966)
- 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

See Planning Justification Report - Attached.

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

See Planning Justification Report - Attached.

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

See Planning Justification Report - Attached.

- 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

Growth Plan. See Planning Justification Report - Attached.

- 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)

Not Applicable.

- 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)

Not Applicable.

- 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)

Not Applicable.

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.

AN/B-20:20 & AN/B-20:21 (Lapsed Approval)

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

Resubmission of same Application, due to Lapse.

- 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?

May 15, 2018

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 ZAC-19-032

Status Approved and in effect.

10 RURAL APPLICATIONS

10.1 Rural Hamilton Official Plan Designation(s)

- | | | |
|--|-------------------------------------|---|
| <input type="checkbox"/> Agricultural | <input type="checkbox"/> Rural | <input type="checkbox"/> Specialty Crop |
| <input type="checkbox"/> Mineral Aggregate Resource Extraction | <input type="checkbox"/> Open Space | <input type="checkbox"/> Utilities |
| <input type="checkbox"/> 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)

- | | | |
|---|---|-------------------------|
| <input type="checkbox"/> Agricultural Severance or Lot Addition | } | (Complete Section 10.3) |
| <input type="checkbox"/> Agricultural Related Severance or Lot Addition | | |
| <input type="checkbox"/> Rural Resource-based Commercial Severance or Lot Addition | | |
| <input type="checkbox"/> Rural Institutional Severance or Lot Addition | | |
| <input type="checkbox"/> Rural Settlement Area Severance or Lot Addition | | |
| <input type="checkbox"/> Surplus Farm Dwelling Severance from an Abutting Farm Consolidation | | (Complete Section 10.4) |
| <input type="checkbox"/> 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.

Not Applicable.

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.

November 17, 2021

Date


Signature of Owner

Planning Justification Report



Consent Applications

455 Springbrook Avenue, Hamilton

Date: November 26, 2021

For: Coben Christiansen, Ace Architecture

By: NPG Planning Solutions Inc.
4999 Victoria Avenue
Niagara Falls, ON L2E 4C9
T: 905 321 6743

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1.0 Introduction

NPG Planning Solutions Inc. (NPG) has been retained by Coben Christiansen, acting on behalf of the Owner Rotuka Development Inc. of approximately 2,168 m² of land in the City of Hamilton, municipally known as 455 Springbrook Avenue, Ancaster (the “Subject Lands”).

Applications AN/B-20:20 and AN/B-20:21 were provisionally approved by the Committee of Adjustment on July 9th, 2020 to facilitate the development of (4) new lots for the construction of four (4) single-detached dwellings on the Subject Lands subject to conditions. The conditions of consents have not been fulfilled within one (1) year. Therefore, the consents have lapsed, and new Applications are required. These Applications fulfill this *Planning Act* requirement.

NPG has been retained to provide professional planning advice on the resubmission of planning Applications proposing the development of (4) new lots for the construction of four (4) single-detached dwellings on the Subject Lands. Implementation of the proposed development requires two (2) consent applications. To secure frontage on a public street for one of the new lots, the Owner would be required to purchase remnant parcels of adjacent lands from the City of Hamilton, being municipally known as 253 Fair Street (Part Block 102, Plan 62M-1116, in the City of Hamilton, designated as Part 1, Plan 62R-19274) and 255 Fair Street (Block 14, Plan 62M-1161).

This Planning Justification Report (“PJR”) provides an analysis of the proposed development and evaluates the appropriateness of applications for Consent when assessed against provisions of the Planning Act and policies in the Provincial Policy Statement (“PPS”), Growth Plan for the Greater Golden Horseshoe (“Growth Plan”), the Urban Hamilton Official Plan (“OP”) and the Town of Ancaster Zoning By-Law No. 87-57.

The proposed development is an example of Greenfield Development within an Urban Area. The Applications would facilitate development in accordance with the policies of the Meadowlands Neighbourhood IV Secondary Plan.

2.0 Description of Subject Lands and Surrounding Area

As shown in **Figure 1-Aerial Context**, the Subject Lands are located in the Urban Community of Ancaster on the east side of Springbrook Avenue and northwest side of Fair Street. The Subject Lands identified as Part A has frontage of approximately 36 metres on Springbrook Avenue and a total area of approximately 2,176.4 m².

There are two parcels of land known municipally as 253 Fair Street (Part Block 102, Plan 62M-1116, in the City of Hamilton, designated as Part 1, Plan 62R-19274) and 255 Fair Street (Block 14, Plan 62M-1161), that abut the Subject Lands to the southeast, identified as Parts B and C, respectively. These two Parts have a combined area of 97.1 m². In order to develop the Subject Lands, the owners are required to purchase Parts B and C from the City of Hamilton, which will provide the Subject Lands required frontage onto Fair Street.

In addition, there is a 0.3m reserve along Part C, which will need to be lifted for access.



The Subject Lands are generally flat in nature and rectangular in shape as shown in the following photos, and **Appendix A – Survey Sketch**. There is also a one-storey single-detached dwelling located on the property.

Surrounding lands are either vacant or used for low density residential purposes.

The following are photos of the Subject Lands and surrounding context:

Photo 1: Subject Lands Facing East from Springbrook Avenue



Photo 2: Subject Lands Facing Northwest from Fair Street



Photo 3: Dwellings along Springbrook Avenue, north side of Lockman Drive



Photo 4: Westside of Springbrook Avenue (452 Springbrook Avenue)



Photo 5: Abutting vacant lands to the south (465, 469 & 473 Springbrook Avenue)



Photo 5: Abutting lands to the north along Lockman Drive



3.0 Proposed Development

Two (2) consent Applications have been submitted to permit the severance of the lands into four (4) lots: three (3) fronting Springbrook Avenue and one (1) fronting Fair Street.

The first severance application would facilitate the development of a lot, shown as Part 4 on the Survey Sketch and Figure 2 below with an area of 894.7 m² and a retained lot with an area of 1,281.2 m² and a frontage of 35.56 m along Springbrook Avenue. Through a separate process, Part 4 would be merged with two parcels of City-owned land with a combined area of 97.1 m² fronting onto Fair Street that are currently in the City's ownership. This merger will provide 12 metres of frontage to Part 4 along Fair Street. As indicated, there is a 0.3 m reserve fronting one of the City-owned parcels that would need to be lifted for access.

The second severance application would facilitate the development of a lot, shown as Part 2 on the Survey Sketch and Figure 3 below, with an area of 426.1 m², with a frontage of 11.85 m along Springbrook Avenue. Two lots would be retained as a result of the second severance application, as follows:

- Part 1, with an area of 426.1 m² and 11.85 m frontage on Springbrook Avenue; and
- Part 3, with an area of 429.5 m² and 11.86 m frontage on Springbrook Avenue.

The following Figures 2 and 3 outline the order of the Applications:

Figure 2: First severance application of Part 4

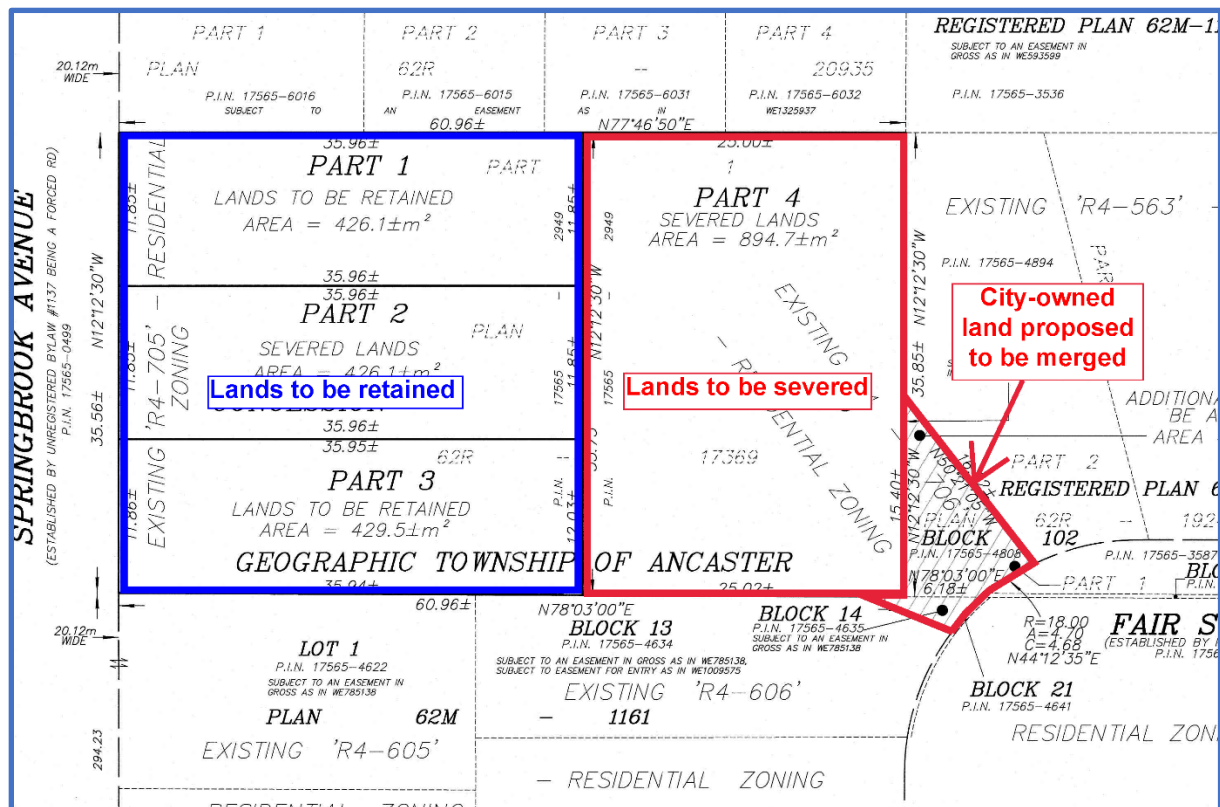
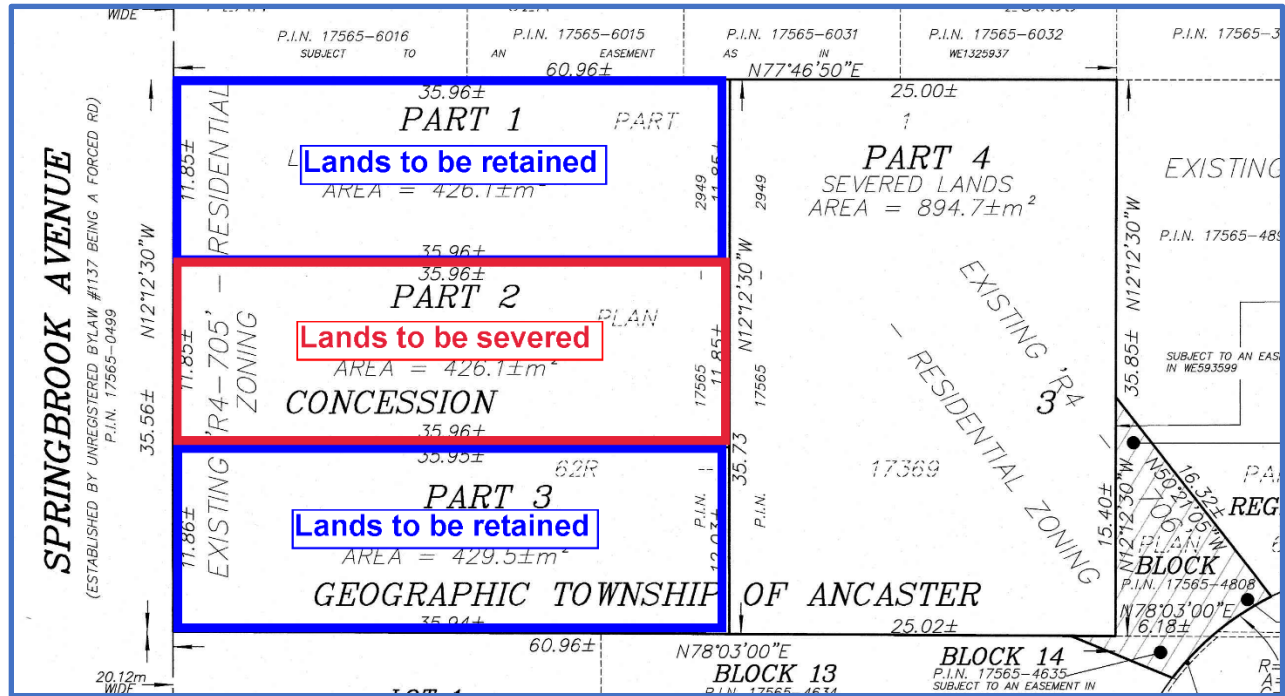


Figure 3: Second severance application of Part 2



4.0 Previous Applications

An application for Zoning By-law Amendment was approved by City Council in 2019 to rezone the Subject Lands to a site-specific Residential “R4” Zone, with modifications to lot coverage and lot frontage, as discussed in Section 5.5 of this report, in order to permit the development of four (4) single-detached dwellings.

Applications AN/B-20:20 and AN/B-20:21 were provisionally approved by the Committee of Adjustment on July 9th, 2020, subject to conditions. Section 53(41) of the *Planning Act* provides that if conditions have been imposed and the applicant has not, within a period of one year after notice was given, fulfilled the conditions, the Applications for consent shall be deemed to be refused. The conditions of consents have not been fulfilled. Therefore, the consents have lapsed, and new Applications are required. These Applications fulfill this *Planning Act* requirement.

5.0 Planning Policies and Legislation

5.1 Planning Act, R.S.O. 1990

Subsection 51 (24) and 53(12) of the *Planning Act* requires that in their consideration of a consent application the approval authority has regard to among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

- (b) whether the proposed subdivision is premature or in the public interest;*
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*
- (d) the suitability of the land for the purposes for which it is to be subdivided;*
 - (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;*
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;*
- (f) the dimensions and shapes of the proposed lots;*
- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;*
- (h) conservation of natural resources and flood control;*
- (i) the adequacy of utilities and municipal services;*
- (j) the adequacy of school sites;*
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;*
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and*
- (m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).*

Analysis:

The Applications contribute to the development of orderly and safe communities and the provision of a full range of housing types, in accordance with matters of Provincial Interest identified in Section 2 of the *Planning Act*. Additionally, the proposed lots are similar in dimensions and shapes to those surrounding the Subject Lands and would optimize the use of existing utilities and municipal services. As discussed in the following sections of this Planning Justification Report, the proposed lots also conform to the general policy direction of the Urban Hamilton Official Plan (OP), which permits the development of low-density residential uses. For these reasons, the Applications comply with subsection 51 (24) and 53(12) of the *Planning Act*.

5.2 Provincial Policy Statement (2020)

The PPS sets the policy foundation for regulating land use in Ontario. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the Provincial Policy Statement (PPS).

Section 1.1.3 of the PPS provides settlement area policies. Policy 1.1.3.1 provides that settlement areas shall be the focus of growth and development. Policy 1.1.3.2 further indicates that land use

patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources; and 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. The Policy further requires that land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment. Policy 1.1.3.3 requires that 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, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

Section 1.4 of the PPS provides Housing Policies. Policy 1.4.3(b) and (c) require that Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

b) permitting and facilitating:

- 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*
- 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*

c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;...

Analysis:

The subject lands are located within an existing Settlement Area. The proposed development provides for the efficient use of land, within an existing settlement area which is also compatible with the surrounding building stock. The Applications would also facilitate residential development of an underutilized lot, utilizing existing infrastructure, including water and sanitary services. For these reasons, the Applications are considered to be consistent with the Settlement Area and Housing policies of the PPS.

5.3 A Place to Grow: Growth Plan for Greater Golden Horseshoe (Office Consolidation 2020)

The Growth Plan for the Greater Horseshoe (2020) emphasizes compact and well-designed development. The Growth Plan supports the achievement of complete communities that are “compact, transit-supportive, and make efficient use of investments in infrastructure and public service facilities” through site design and urban design standards.

Policy 2.2.1. 2 (a) of the Growth Plan provides that 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. Policy 2.2.1. 2 (c) of the Growth Plan focuses growth within settlement areas to areas with existing or planned public service facilities.

Policy 2.2.7. 1. of the Growth Plan provides that new development taking place in designated greenfield areas will be planned, designated, zoned and designed in a manner that: a) supports the achievement of complete communities; b) supports active transportation; and c) encourages the integration and sustained viability of transit services. Policy 2.2.7. 2(a) provides for a minimum density target that is not less than 50 residents and jobs combined per hectare

Section 5.2.5. 5. of the Growth Plan provides that for each applicable delineated area, the minimum density targets in this Plan are to be implemented through:

- a) single-tier official plan policies that identify the minimum density targets and, through secondary planning or other initiatives, establish permitted uses within the delineated area and identify densities, heights, and other elements of site design;
- b) zoning all lands in a manner that would implement the official plan policies.

Analysis:

The Subject Lands are located within a Greenfield Area. As per policy 5.2.5 5. of the Growth Plan, the primary mechanism to implement policies of the Growth Plan is through official plans and secondary plans, and zoning that is required to implement official plan policies. The existing Official Plan, which includes the Meadowlands Neighbourhood IV Secondary Plan was approved by the Ministry of Municipal Affairs and Housing on March 16, 2011 and became effective August 16, 2013. At the time, the Official Plan including the Meadowlands Neighbourhood IV Secondary Plan were considered to be in conformity with the 2006 Growth Plan. The policies of the 2020 Growth Plan, particularly those pertaining to densities are the provision of complete communities are similar to those of the 2006 Growth Plan. For these reasons, subject to being in conformity with the Urban Hamilton Official Plan including the Meadowlands Neighbourhood IV Secondary Plan and Zoning By-law, the Applications are considered to be in conformity with the policies of the 2020 Growth Plan.

5.4 Urban Hamilton Official Plan

The Urban Hamilton Official Plan (UHOP) designates the lands “Neighbourhood” on Schedule E – Urban Structure and Schedule E-1 – Urban Land Use Designations, and “Low Density Residential 2b” on Meadowlands Neighbourhood IV Secondary Plan Land Use Plan Map B.2.6-1.

The following policies apply:

5.4.1 Housing Policies

Housing policies are provided for in Section B.3.2 of the UHOP. Policy B.3.2.4.1 provides that 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.

Analysis:

The proposed development would facilitate the development of four single-detached dwellings, contributing to the range of housing forms that are available within the City of Hamilton. The Applications are considered to conform to the housing policies of the UHOP.

5.4.2 Neighbourhoods

Policy E.2.6.2 provides that neighbourhoods shall primarily consist of residential uses and complementary facilities and services intended to serve the residents. Policy E.2.6.4 further provides that the Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure.

Policy E.2.6.7 provides that 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. Policies E.3.2.3 and E.3.2.4 permit residential dwellings, including second dwelling units within the Neighbourhood Designation provided that the existing character of established Neighbourhoods designated areas shall be maintained. The policies further require that residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood.

Analysis:

The proposed development is considered Greenfield Development. However, abutting lands have undergone land division processes. As per UHOP policies, Applications for development and residential intensification within Neighbourhoods shall be reviewed in consideration of the local context. The developed lots in proximity are all used for single-detached dwelling purposes. The abutting lots also have lot frontages and areas that are similar to that which is proposed with these Applications. For these reasons, the Applications are considered to conform to the Neighbourhoods policies of the UHOP.

5.4.3 Low Density Residential

Policy E.3.4.2 states that low density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade. Policy E.3.4.3 Uses permitted in low density residential areas include single-detached, semi-detached, duplex, triplex, and street townhouse dwellings.

Analysis:

The Applications would facilitate the development of four (4) single-detached dwellings units, as permitted in the UHOP. The Applications are considered to conform to the Low Density Residential policies of the UHOP.

5.4.4 Lot Creation

Policy F.1.14.3.1 provides that 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 a list of conditions (a-f) are met. An analysis of these conditions is as follows:

a) The lots comply with the policies of this Plan, including secondary plans, where one exists

As discussed in subsections 5.4.1 through 5.4.3 of this Report, the proposed lots comply with the parent policies of the UHOP. Subsection 5.4.5 also concludes that the proposed lot complies with the Meadowlands Neighbourhood IV Secondary Plan.

b) The lots comply with existing Neighbourhood Plans

No Neighbourhood Plan exists for this location.

- c) **The lots are in conformity with the Zoning By-law or a minor variance is approved**
As discussed in Section 5.5 of this report, the proposed lots comply with the Town of Ancaster Zoning By-law 87-57.

- 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**

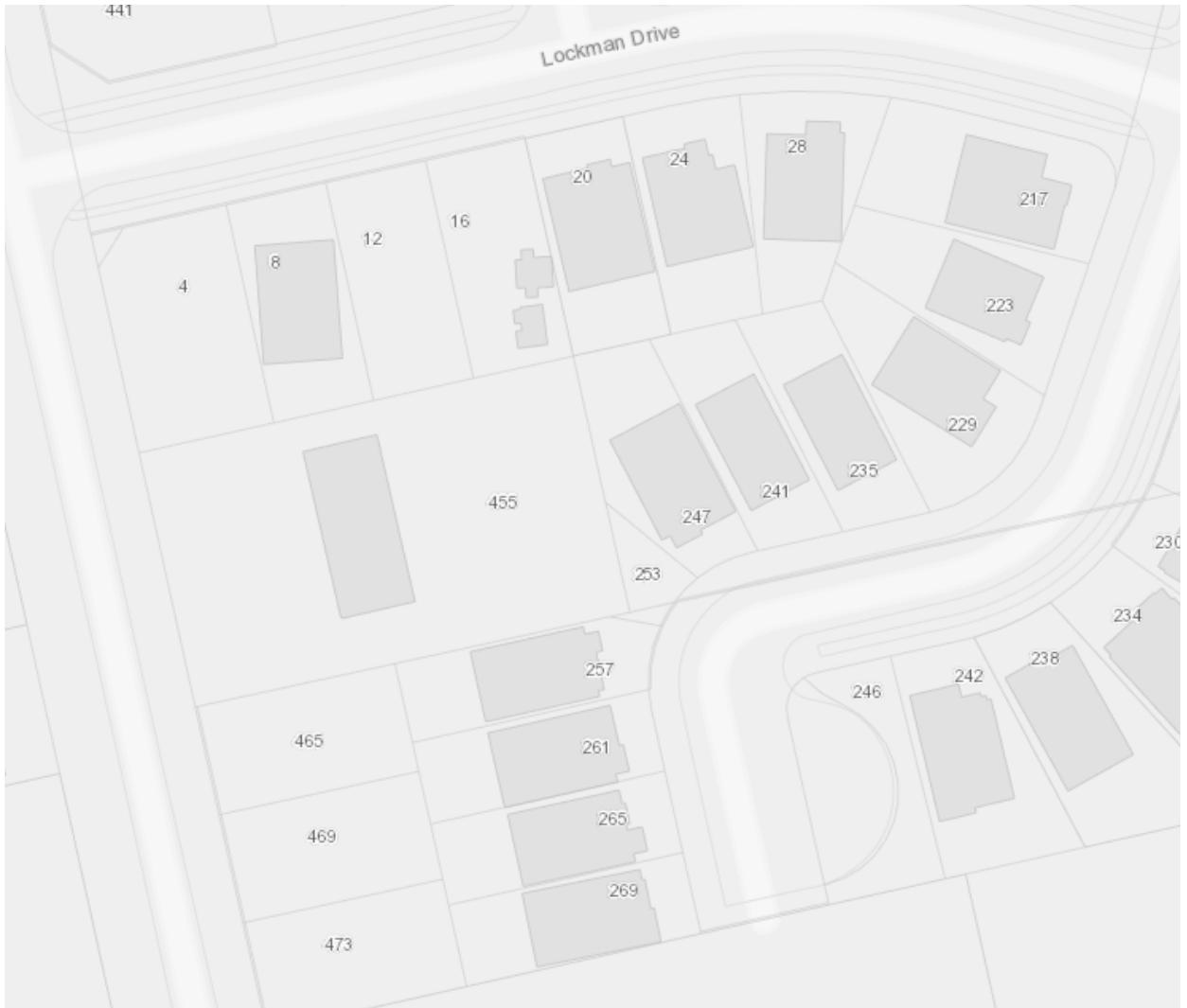
The proposed lots reflect the general scale and character of the established development pattern in the area. The proposed lots are also similar in terms of lot frontage and areas of the surrounding area. The approval of the Applications, and the merger of Part 4 with municipal lands would result in lots with frontages of approximately 12 metres and areas that range between 426.1 m² and 991.8 m².

Table 1 below, provides an approximate overview of lot frontages and areas for surrounding lands. The location of the identified lots in relation to the Subject Lands is shown on Figure 4.

Table 1: Approximate Lot Frontages and Area of Established Development Pattern

Address	Frontage	Area
4 Lockman Drive	19 m	566 m ²
8 Lockman Drive	14 m	427 m ²
12 Lockman Drive	14 m	426 m ²
16 Lockman Drive	14 m	427 m ²
465 Springbrook Avenue	15.1 m	418 m ²
469 Springbrook Avenue	15.1 m	418 m ²
473 Springbrook Avenue	15.2 m	421 m ²
235 Fair Street	12.3 m	399 m ²
241 Fair Street	12 m	399 m ²
247 Fair Street	9.1 m	424 m ²
257 Fair Street	9 m	375 m ²
261 Fair Street	11.4	385 m ²
265 Fair Street	11.4	374 m ²
269 Fair Street	11.4	375 m ²

Figure 4: Subject Lands in relation to immediate neighbourhood context



As demonstrated, the proposed lots fall within the range of approved lot frontages and lot areas surrounding the Subject Lands.

e) The lots are fully serviced by municipal water and wastewater systems

There is an existing 300 mm municipal watermain along Springbrook Avenue, fronting the Subject Lands. There are also sanitary sewer and stormwater mains to the north of the Subject Lands. The Owner would be required to extend sanitary sewer services and provide connections to required municipal services.

f) The lots have frontage on a public road

The proposed lots along Springbrook Avenue would have frontage on a public road. Following the required land merger of Part 4 with City-owned land and the removal of the 0.3 metre reserve as discussed in Section 3.0 – Proposed Development of this report, all the lots would have frontage on a public road.

5.4.5 Meadowlands Neighbourhood IV Secondary Plan

As indicated, the Subject Lands are designated “Low Density Residential 2b” on Meadowlands Neighbourhood IV Secondary Plan. Policy 2.6.1.3(b) provides that Development within the Meadowlands Neighbourhood IV is intended to provide a mix and diversity of housing opportunities in terms of lot size, unit size, style and tenure that are suitable for different age levels, income groups, lifestyles, and household structures. Policy 2.6.1.4 (a) provides that in the Low Density Residential 2b designation:

- i) *the density shall be approximately 1 to 30 units per net residential hectare;*
- ii) *predominantly single detached dwellings, duplex and semi-detached dwellings shall be permitted; and,*
- iii) *generally located at the interior of residential neighbourhoods adjacent to local and/or collector roads.*

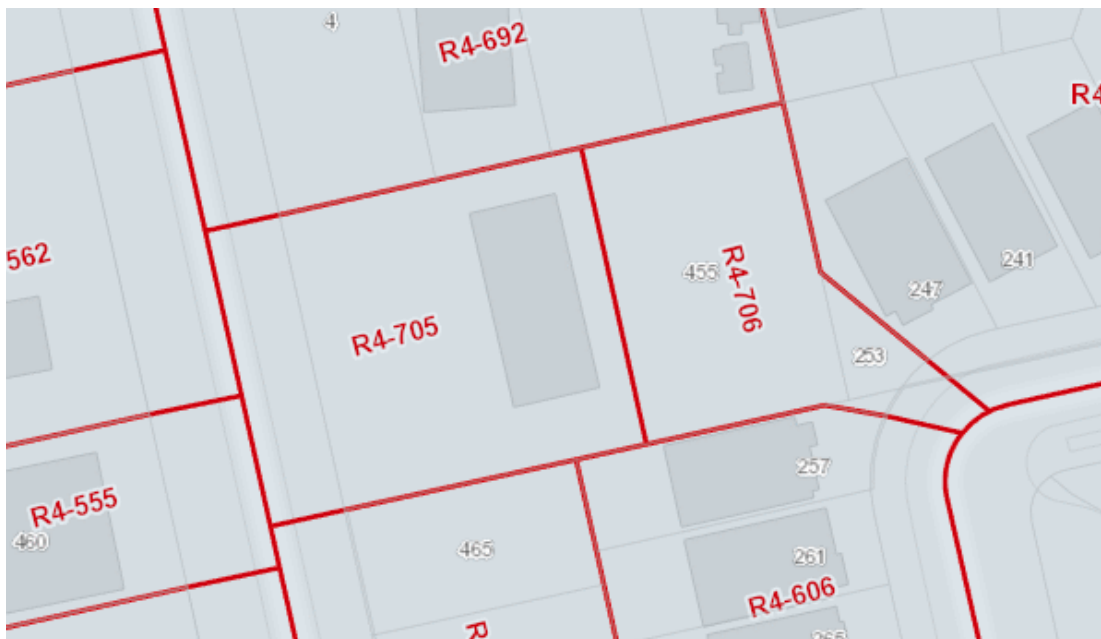
Analysis:

The Applications would facilitate the development of single-detached dwellings with a density of 17.6 units per hectare ($4 / [0.21764 \text{ m}^2 \text{ (Subject Lands)} + 0.00971 \text{ m}^2 \text{ (City-owned Lands)}]$). The Applications are considered to be in conformity with the Meadowlands Neighbourhood IV Secondary Plan.

5.5 Zoning By-law

Town of Ancaster Zoning By-law 87-57 zones the Subject Lands “Residential (R4-705) – Site-Specific Zone” and “Residential (R4-705) – Site-Specific Zone” (as shown on Figure 3: Zoning Map). The intent of the proposed development is to create parcels for future single-detached dwellings on each lot. As per Section 12.1 of the by-law, one single detached dwelling on one lot is a permitted use.

Figure 3: Zoning Map



The R4-705 provisions apply to the proposed to front onto Springbrook Avenue. The R4-706 provisions apply to the lot proposed to front onto Fair Street. Tables 2 and 3 below provide zoning comparison tables for the proposed lots. As shown, the proposed lots comply with the provisions of the Zoning By-law.

Table 2: Zoning Comparison Table for proposed lots fronting onto Springbrook Avenue:

Regulation		Proposed		
		Part 1	Part 2	Part 3
Minimum Lot Area	400 m ²	426.1 m ²	426.1 m ²	429.5 m ²
Minimum Lot Frontage	11.8 m	11.85 m	11.85 m	11.86 m

Table 3: Zoning Comparison Table for proposed lots fronting onto Fair Street:

Regulation		Proposed
		Part 4
Minimum Lot Area	400 m ²	991.8 m ² *
Minimum Lot Frontage	12 m	12 m

* Lot area following the required merger with City-owned lands.

6.0 Summary and Conclusion

It is our opinion the proposed consent applications represent good land use planning, are in the public interest and should be approved for the following reasons:

- The Applications comply with *Planning Act* requirements, and are consistent with the PPS and conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe, and the Urban Hamilton Official Plan;
- The Applications provide an opportunity for residential growth within a designed greenfield area in and area identified as being the Meadowlands Neighbourhood IV Secondary Plan; and
- The proposed development will be compatible with the surrounding residential neighbourhood and are reflective of the general development pattern in the area.

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7.0 Appendices

