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.: GL/A-21:427

APPLICANTS: Owner Cachet Developments (Binbrook) Inc.

Agent A.J. Clarke & Associates c/o S. Fraser

SUBJECT PROPERTY: Municipal address 3105 Fletcher Rd., Glanbrook

ZONING BY-LAW: Zoning By-law Glanbrook Zoning By-law No. 464 and

Hamilton Zoning By-law No. 05-200, as Amended by 16-168 as approved by OMB File No. PL150224 (Glanbrook 464) and 16-169 as approved by OMB File No. PL150224 (Hamilton

05-200)

ZONING: "H-R4-295", "H-RM2-296", "H-RM3-297", "H-RM3-298", "H-

C3-299", "A1", "P1", "P5" and "I2, 477, H16"district Residential "R4" zone; Residential Multiple "RM2" zone; Residential Multiple "RM3" zone; General Commercial "C3" zone;

Agricultural (A1) zone; Neighbourhood Park (P1) zone; Conservation/Hazard Lands (P5) zone and Community

Institutional (I2) zone

PROPOSAL: To permit the construction of a single detached dwelling on each of

the lots zoned "H-R4-295" pursuant to Draft Plan of Subdivision File

No. 25T-201405 notwithstanding that:

1. A minimum 0.6m side yard shall be provided on the garage side and minimum 1.2m side yard shall be provided on the non-garage side. Where a minimum side yard that is less than 1.2m abuts another side yard, a maximum 0.6m wide maintenance easement shall be registered over the adjacent side yard for maintenance purposes only instead of the requirement that a minimum 1.2m side yard shall be provided on the garage side and a minimum 0.6m side yard on non-garage side, subject to a maintenance easement registered on title for any minimum side yard that is less than 1.2m, with said maintenance easement permitting encroachment for maintenance purposes only for no more than 0.6m into the side yard with a side yard setback less than 1.2m and that a 0.6m side yard setback shall not be permitted adjacent to any side lot line less than 1.2m.

NOTE:

- i) The variance was written as requested by the applicant.
- ii) The "H" (Holding) provision shall be removed prior to development of the lots.
- iii) Draft Plan of Subdivision File No. 25T-201405 shall be registered.

GL/A-21: 427 Page 2

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

DATE: Thursday, January 20th, 2022

TIME: 4:15 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 <u>www.hamilton.ca/committeeofadjustment</u>
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at <u>cofa@hamilton.ca</u>

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.

DRAFT PLAN OF ATTACHMENT 1 SUBDIVISION PART OF LOT 5, BLOCK 4, CONCESSION 4 GEOGRAPHIC TOWNSHIP OF BINBROOK NOW IN THE CITY OF HAMILTON 25T-2014-05 OPEN SPACE RES DENTAL ZAC-14-028 UHOPA-14-014 April 29, 2016 BINBROOK ROAD स्याद् * Block (n Block 36 Road Widening COMMERCIAL 0.36 ha RESIDENTIAL 120 1.16 ha AGRICULTURAL Block 34 Medium Density Block 1 Townhouses 20 to 29 units x min. 6.00 · Residential. , 10 10 1.58 ha Street C PARK 28.0 1 905 ADDITIONAL INFORMATION REQUIRED UNDER SECTIONS (17) OF THE PLANNING ACT, R.S.O., 1990

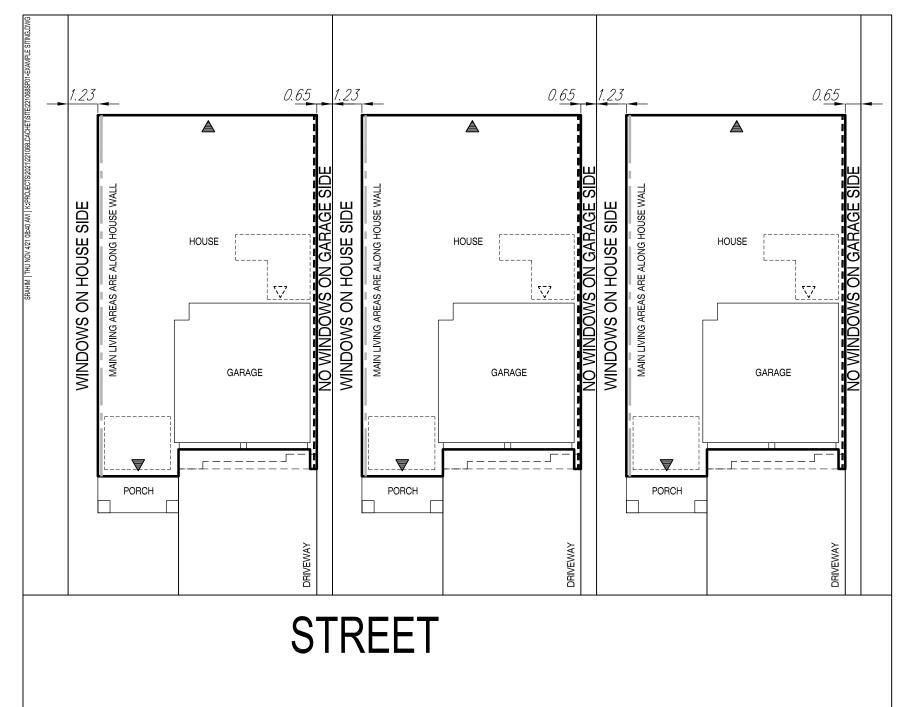
191 at each of the region o FUTURE Street D 20. SCHOOL ŝ Block 5
Detached Residential
9 to 14 to 15 x Ma. 10.0m 2.43 ha Š Block 7 Townhouses og .y Block 45 Ò, Street E Ą. Street E SCHEDULE OF LAND USE ⋖ Block 8

Block 8

Detached Residential
5 to 6 units x Min. 10.0m Block 18 Detached Residential Street ď Binck 3B 3-6, 8-10, 12-16, 18-31 PARK . 2, 7, 11 17 Block 9
Detached Residential
5 to 8 units x Min. 10.0m Block 19 Detached Residential 7 to 10 units xMin. 10.0m ď 0.60 ha CHE PLACE DEVELOPMENT BLOCK TOWNSHIP IN 326 Street G Street | 1235 Block 20 Detached Residential 15 to 23 units x Min. 10.0m Block 10 Detached Residential Щ. Block 21 150.2 Detached Residential 11 to 18 units x Min. 10 0m DEVELOPMENT Block 12 Detached Residential Block 46 0.3m Reserve AGRICULTURAL ; FUTURE, DEVELOPME Street J 101 Street N ŝ Block 14 Block 14 Block 14 Block 14 Block 14 Block 16 Blo PFSLUFNT Block 13 Detached Residential 19.5 ex Streets Block 23 Detached Residential 7 to 11 mits x Min 100m Block 43 0.3m Reserve Block 15 Detached Residential 9 to 14 units x Min. 10.0m 137.3 Block 22 Detached Resider 7 to 11 units xMin. 10 Street Street Street P Block 16 Detached Residential Street M Block 35 Block 33 Future Development 3 to 4 units x Min. 10.0m 0.22 ha Block 27
Detached Residential Medium Density Residential Existing House 19 to 35 units 0.72 ha Block 47 0.3m Reserve Str.eet B Block 41 Road Widening 0,03 ha .. Block 29 ..
Detached Residential
8 to 13 units x Min. 10.0s ğ , Future Development NO 2 Block 30 Detached Residential 9 to 13 units x Min. 10.0m 2 units x Min. 10.0a Stormwater Management Facility 38.0 0.07 ha Street Q Block 42 0.3m Reserve 1.62 ha Block 31 Detached Residential 21 to 31 units x Min. 10.0m 4 å å PLANNER'S CERTIFICATE HYDRO EASEMENT B. 54 Bepte OWNER'S AUTHORIZATION AGRICL TURAL S we take and a resource of a season when the season is the season when the season is the season is the season in th SURVEYOR'S CERTIFICATE to describe property for a second second of the second sec Salfit

WSP ANN MARKET GROUP





ZONING STANDARD AS PER ZONE SITE SPECIFIC BY-LAW-xx TO AMEND ZONING BY-LAW NO. 464

ZONE = R4-295

FRONT YARD = 4.5m TO MAIN HOUSE WALL = 6.0m TO GARAGE WALL

REAR YARD = 7.5m TO MAIN WALL

SIDE YARD = 0.6m GARAGE SIDE WALL = 1,2m HOUSE SIDE WALL

THE REASON WE ASK FOR THIS MINOR VARIANCE IS TO ALLOW WINDOWS IN MAIN LIVING HEADQUARTERS OF THESE HOMES.

IF THE HOUSE IS SITED AT 1.2m ON GARAGE WALL AND 0.6m ON HOUSE SIDE, WE WILL LOSE THE POTENTIAL OF WINDOWS ON THE MAIN SIDE OF THE HOUSE. THIS RESULTS IN PUTTING WINDOWS IN AREAS OF THE HOME THAT ARE NOT USED AS MUCH...



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. Please send all communications to both Agent and Owner.

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:
t) 1:	pproved By-Law No. 16-168 zones the Detached Residential blocks on approved Draft Plan f Subdivision 25T-2014-05 as H-R4-295, which requires a Minimum Side Yard of 1.2 m on the garage side and 0.6 m on the non-garage side. We are requesting relief from the byaw in order to permit a minimum Side Yard of 0.6 m on the garage side and 1.2 m on the con-garage side.
	Secondary Dwelling Unit Reconstruction of Existing Dwelling
5.	Why it is not possible to comply with the provisions of the By-law?
Pl	ease see attached cover letter.
6. 310	Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number): 5 Fletcher Road, Binbrook
PT OVE	LT 5 BLK 4 CON 4 BINBROOK, BEING PARTS 1,2,3 62R20456; S/T EASM'T IN GROSS ER PART 2 62R20456 AS IN BN7298
App 7.	PREVIOUS USE OF PROPERTY
	Residential Commercial
	Agricultural Vacant Other
	Other
8.1	If industrial or Commercial and if
8.2	If industrial or Commercial, specify use Has the grading of the subject land been changed by adding earth or other material, i.e.
	nas filling occurred?
0.0	Yes O No O Unknown O
8.3	Has a gas station been located on the subject land or adjacent lands at any time? Yes O No O Unknown O
8.4	Has there been petroleum or other fuel stored on the subject land or adjacent lands? Yes O No O Unknown
8.5	Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
	Yes O No O 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 O No O Unknown O
8.7	Have the lands or adjacent lands ever been used as a weapon firing range?
8.8	Yes O No O Unknown O
0.0	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 O No O Unknown O
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 O No O Unknown

8.10	uses of the site of	n to believe the subject land may have been contaminated by former adjacent sites? No		
8.11	What information of	lid you use to determine the answers to 8.1 to 8.10 above?		
	ase 1 Environmen	tal Site Assessment Report by EXP, dated September 9, 2021.		
		saled September 9, 2021.		
8.12	previous use inven	property is industrial or commercial or if YES to any of 8.2 to 8.10, a tory showing all former uses of the subject land, or if appropriate, the subject land, is needed. N/A		
	Is the previous use	inventory attached? Yes No		
9.	ACKNOWI EDGE	MENT OF ALLE		
Э.	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 16, 2	021		
	Date	Signature Property Owner(s)		
		Print Name of Owner(s) Inc. (Ramsey Shaheen		
10.	Dimensions of land	s affected:		
	Frontage	+/- 345 m		
	Depth	+/- 924 m		
	Area	89.8 acres		
	Width of street	See attached approved draft plan of subdivision		
11.	Particulars of all bui ground floor area, of Existing:_ N/A	dings and structures on or proposed for the subject lands: (Specify pross floor area, number of stories, width, length, height, etc.)		
S A A	pproximate grour	Owellings floor area = 1,600 to 3,000 square feet d floor area = 135 to 155 square metres height of buildings are as per the approved zoning (H-R4-295).		
12.	Location of all building distance from side, a	ngs and structures on or proposed for the subject lands; (Specify ear and front lot lines)		
	Existing:			
	N/A			
ı	Proposed:			
	Please refer to Ontario Municipa	zone H-R4-295 within zoning by-law 16-168, approved by the laborat.		

13.	Date of acquisition of subject lands: November 15, 2021					
14.	Date of construction of all buildings and structures on subject lands: Construction anticipated to commence in 2023.					
15.						
16.	Existing uses of abutting properties (single family, duplex, retail, factory etc.): Existing properties to the north, south east and west are agricultural.					
17.	Length of time the existing uses of the subject property have continued: The subject property has always been agricultural.					
18.	Municipal services available: (check the appropriate space or spaces) Water Connected Connected Storm Sewers					
19.	Present Official Plan/Secondary Plan provisions applying to the land: Official Plan designation - Neighbourhoods Binbrook Village Secondary Plan designation - Low Density Residential 2e					
20.	Present Restricted Area By-law (Zoning By-law) provisions applying to the land: Approved By-Law No. 16-168 zones the Detached Residential blocks on approved Draft Plan of Subdivision 25T-2014-05 as H-R4-295, which requires a Minimum Side Yard of 1.2 m on the garage side and 0.6 m on the non-garage side, which we are requesting relief from to permit a Minimum Side Yard of 0.6 m on the garage side and 1.2 m on the non-garage side.					
21.	Has the owner previously applied for relief in respect of the subject property? Yes No 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 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 Supreyor.					



A. J. Clarke and Associates Ltd.
SURVEYORS · PLANNERS · ENGINEERS

City of Hamilton Committee of Adjustment 71 Main Street West, 5th Floor Hamilton, ON L8P 4Y5 November 24, 2021

Attn: Jamila Sheffield, Secretary-Treasurer

Delivered via e-mail: Jamila.Sheffield@hamilton.ca

Re: 3105 Fletcher Road, Hamilton (Binbrook) – Minor Variance Application

Dear Madam:

A. J. Clarke and Associates Ltd. has been retained by the owners of 3105 Fletcher Road for the purposes of submitting the enclosed Minor Variance Application. Below is a summary of the materials submitted to your attention:

- One (1) electronic copy of the completed and signed Minor Variance Application form;
- One (1) cheque in the amount of \$3,320 representing the required application fee;
- One (1) electronic copy of the Draft Plan of Subdivision;
- One (1) electronic copy of the intended Architectural Plans used by the owner/applicant in other projects.

The lands that are subject to the requested Minor Variance are designated "Neighbourhoods" on Schedule E-1 of the Urban Hamilton Official Plan, "Low Density Residential 2e" as per the Binbrook Village Secondary Plan, and are zoned "H-R4-295; Holding - Residential" Zone in the Township of Glanbrook Zoning By-law 464. Additionally, By-laws 16-167, 16-168, and 16-169 were previously approved by the Ontario Municipal Board (OMB) under Case Number: PL150224. The existing "H-R4-295" zone contains the following provision:

(e) Minimum Side Yard

i. 1.2 m on the garage side and 0.6 m on non-garage side, subject to a maintenance easement registered on title for any minimum side yard that is less that 1.2 m, with said maintenance easement permitting encroachment for maintenance purposes only for no more than 0.6m into the side yard with a side yard setback less than 1.2m. A 0.6 m side yard setback shall not be permitted adjacent to any side lot line less than 1.2 m.



Typically, single-detached residential zones in the City of Hamilton allow for flexibility with respect to the orientation of the 0.6 m and 1.2 m side yard (refer to By-law No's 04-173, 05-349 and 07-196 as examples), whereas the existing "H-R4-295" zone prohibits the typical side yard orientation of 1.2m on the non-garage side and 0.6 m on the garage side. A 0.6 m side yard is prohibitive to windows, therefore if the 0.6 m side yard were applied to the non-garage side of the dwelling, the result would be no windows within the main living spaces of the dwelling. This severely compromises the building floor plans, as demonstrated in the concurrently submitted architectural plans.

Minor Variance

The intent of the application is to permit a Minor Variance to the existing Minimum Side Yard provision of the "H-R4-295" zone for the subject lands. The required variances are as follows:

- 1. To permit the 0.6 metre side yard setback within the "H-R4-295" zone to be on the garage-side instead of the non-garage side of the dwelling, subject to a maintenance easement being registered on title.
- 2. To permit the 1.2m metre side yard setback to be on the non-garage side instead of the garage-side of the dwelling.

This minor variance application is made under the authority of Section 45(1) of the Planning Act. Accordingly, a Minor Variance must meet the requisite four tests as described in Section 45 (1) of the Act. The tests and professional planning opinion are outlined below:

1. Do the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan.

The proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan as the subject site is designated "Neighbourhoods", which permits residential development. Further, the subject site is also designated "Low Density Residential 2e" as per the Binbrook Village Secondary Plan, which permits a range and mix of residential housing types, including single-detached dwellings.

The variance will provide relief from the "H-R4-295" zone by permitting a minimum side yard of 0.6m on the garage-side, and 1.2m on the non-garage-side of the dwelling, consistent with other single detached residential zones across the City of Hamilton. The current provisions require a minimum side yard of 1.2m on the garage-side, and 0.6m on the non-garage-side of the dwelling.



The side yard regulation is a zoning requirement intended to ensure that adequate separation distance between single-detached dwellings is provided, as well as ensuring proper drainage between buildings and maintenance to the side of the homeowner's dwelling. The current zoning regulation already permits the reduced side yard of 0.6m and requires a maintenance easement to be registered on title to enable the abutting homeowner to have access to maintain that portion of their home that is restricted by the reduced side yard. The only distinction in the requested Minor Variance from what already is permitted, is the side of the dwelling in which the side yard will be reduced. By having the 0.6 m side yard on the garage side and 1.2 m side yard on the non-garage side, it allows for windows to be located on the non-garage side, where the bulk of the living space is located within the dwelling, allowing for a more desirable and liveable housing product. This is consistent with other single detached residential zones across the City of Hamilton.

Based on the above, it is my professional opinion that the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan.

2. Do the proposed variances maintain the intent and purpose of the Township of Glanbrook Zoning By-law 464 (i.e., By-law 16-168 approved by the OMB)?

A change to the location of the reduced 0.6m side yard is requested to facilitate the construction of single-detached dwellings on the subject lands. The variance will provide relief from the "H-R4-295" zone by permitting a minimum side yard of 0.6m on the garage-side, and 1.2m on the non-garage-side of the dwelling.

The side yard regulation is a zoning requirement intended to ensure that adequate separation distance between single-detached dwellings is provided as well as ensuring proper drainage between buildings and maintenance to the side of the homeowner's dwelling. The current zoning regulation already permits the reduced side yard of 0.6m and requires a maintenance easement to be registered on title to enable the abutting homeowner to have access to maintain that portion of their home that is restricted by the reduced side yard. The only distinction in this requested variance, from what already is permitted, is the side of the dwelling in which the side yard will be reduced. By having the reduced side yard on the garage side, it allows for additional windows on the non-garage side of the dwelling where the bulk of the living space is located, allowing for a more desirable and liveable housing product. This is consistent with other single detached residential zones across the City of Hamilton.

The current zoning by-law is simply being modified to enable a greater number of windows on the non-garage side where the bulk of the living space is contained within the dwelling. As a result, the intent and purpose of the zoning by-law is maintained as the functionality of the lots zoned "H-R4-295" will remain the same, the only change to the current by-law is what side of the lot the reduced side yard setback is on.



3. Are the proposed variances appropriate for the development of the subject lands?

The variances requested are simply taking the existing side yard setback regulations within the "H-R4-295" zone and changing which location of the lot the 0.6m setback is on. Furthermore, the current zoning requires a maintenance easement registered on title for any minimum side yard that is less than 1.2m, with said maintenance easement permitting encroachment for maintenance purposes only. The only change to what is currently permitted in the zoning by-law is the orientation of the side yards on the lot. The variance requested will still permit access for maintenance purposes on the reduced side yard and will ensure appropriate drainage is provided by ensuring at least a 1.2m side yard setback where it abuts the 0.6m setback. The variances are therefore appropriate for the development of the subject lands. This is consistent with other single detached residential zones across the City of Hamilton.

4. Are the proposed variances minor in nature?

The reduced side yard of 0.6m is already a zoning regulation for the "H-R4-295" zone and therefore will help to establish the single-detached scale and character of this neighbourhood. There are no perceived impacts stemming from the variance to the side yard on the non-garage side of the lot, as it is in keeping with the general built form for single-detached dwellings within this neighbourhood. There are no perceived impacts on the neighbourhood stemming from the proposed change to the location of the reduced side yard setback, and it will help to provide more windows for living space on the non garage side of the dwelling. Accordingly, it is my professional planning opinion that the variances are minor in nature.

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available Committee of Adjustment hearing date. If you have any questions or require additional information, please do not hesitate to contact this office.

Yours truly,

Stephen Fraser MCIP, RPP Principal, Planner

A. J. Clarke and Associates Ltd.

Copy via email: Cachet Developments (Binbrook) Inc. Attn: Andrew Eldebs