



City Hall, 5<sup>th</sup> 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](mailto:cofa@hamilton.ca)

# Application for Consent/Land Severance

**SUBJECT PROPERTY:** 61 Upper Mount Albion Rd., Stoney Creek

- 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

**This application will be heard in conjunction with  
Minor Variance Application SC/A-21:448**

The Committee of Adjustment will hear this application on:

**DATE:** Thursday, February 3rd , 2022

**TIME:** 2:00 p.m.

**PLACE:** Via video link or call in (see attached sheet for details)

To be streamed at  
[www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)  
for viewing purposes only

**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.



NOTES:

1. THIS PLAN MUST BE READ IN CONJUNCTION WITH THE APPROVED LOT GRADING PLAN.
2. LOT DIMENSIONS ARE AS SHOWN ON REGISTERED PLAN 62M-1250 AND HAVE NOT BEEN VERIFIED BY SURVEY. PROPOSED BUILDING POSITIONED BY CALCULATION, NOT BY ACTUAL SURVEY.
3. THE POSITION OF ALL POLE LINES, CONDUITS, WATER MAINS, SEWERS AND OTHER UNDERGROUND AND OVERHEAD UTILITIES AND STRUCTURES IS NOT NECESSARILY SHOWN ON THIS PLAN, AND WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED. BEFORE STARTING WORK, THE CONTRACTOR SHALL INFORM HIMSELF OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES, AND SHALL ASSUME ALL LIABILITY FOR DAMAGE TO THEM.
4. ELEVATIONS SHOWN HEREON ARE IN ACCORDANCE WITH THE LOT GRADING PLAN FOR REGISTERED PLAN 62M-1250 AND ARE PROPOSED.

300.00  
300.00

• T.F. DENOTES TOP OF FINISHED FLOOR  
• U.S.F. DENOTES UNDERSIDE OF FOOTINGS  
• B.F. DENOTES BASEMENT FLOOR  
• F.F. DENOTES FINISHED FLOOR  
• TBR DENOTES TO BE REMOVED  
• HP DENOTES HYDRO POLE  
• H DENOTES FIRE HYDRANT  
• WV DENOTES WATER VALVE  
• E DENOTES OVERHEAD ELECTRICAL WIRE  
• G DENOTES GAS PIPELINE  
• SAN MH DENOTES SANITARY MANHOLE

□ CB DENOTES CATCHBASIN  
○ MH DENOTES MANHOLE

PLAN

PREPARED FOR BUILDING  
PERMIT APPLICATION  
SCALE 1 : 250

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES  
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048  
CAUTION: THIS IS NOT A PLAN OF SURVEY AND SHALL NOT  
BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

CITY OF HAMILTON

REGISTERED PLAN

62M-1250

LOT 29

LOT 30

LOT 31

PART 1 NOTE:

LOT AREA = 962.9 sq.m.  
HOUSE AREA = 199.9 sq.m.  
COVERAGE = 20.8% (40% Max)  
T.F. TO GARAGE FLOOR = 0.20  
T.F. TO U.S.F. = 2.77  
(8' 4" FOUNDATION)

PART 2 NOTE:

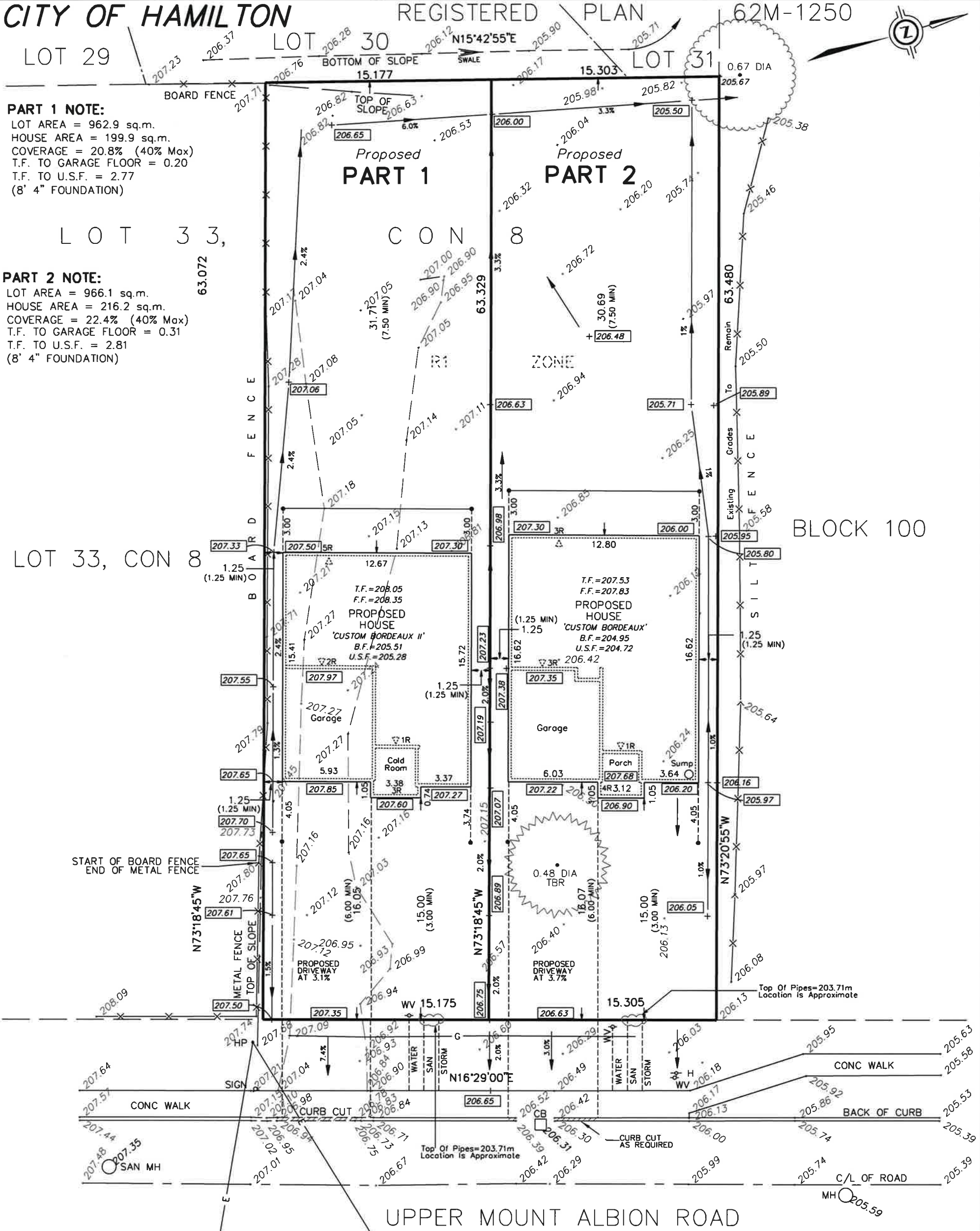
LOT AREA = 966.1 sq.m.  
HOUSE AREA = 216.2 sq.m.  
COVERAGE = 22.4% (40% Max)  
T.F. TO GARAGE FLOOR = 0.31  
T.F. TO U.S.F. = 2.81  
(8' 4" FOUNDATION)

LOT 33,

CON 8

LOT 33, CON 8

BLOCK 100



THIS PLAN WAS PREPARED FOR  
LOSANI HOMES  
AND THE UNDERSIGNED ACCEPTS NO  
RESPONSIBILITY FOR USE BY OTHER  
PARTIES.

*Kerry F. Hillis*

KERRY F. HILLIS  
ONTARIO LAND SURVEYOR

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BSR&D  
ONTARIO LAND SURVEYORS  
URBAN & RURAL PLANNERS  
A wholly owned subsidiary of J.D. Barnes Ltd. G1S

RPA DRAWN  
CY CHECKED

DATED:  
OCT 7, 2021

Ref. No.

257 WOODLAWN ROAD WEST #101, GUELPH, ON N1H 8J1  
T: (519) 822-4031 F: (519) 822-1220 www.jdbarnes.com

17-14-593-09 BPA 2

REVISIONS

NO.	DATE	BY	DESCRIPTION
1.	OCT 1/21	RA	Move Houses To 15m From Streetline
2.	OCT 7/21	RA	General Revisions





Hamilton

**Committee of Adjustment**

City Hall, 5<sup>th</sup> Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto: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)	<div></div>	
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 Hamilton	Lot 33	Concession 8	Former Township Saltfleet
Registered Plan N°.	Lot(s)	Reference Plan N°. 62R-18987	Part(s) 3
Municipal Address 61 Upper Mount Albion Road, City of Hamilton			Assessment Roll N°. 251800385091400

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:

\_\_\_\_\_

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**:

Frontage (m) 15.305	Depth (m) ± 63.48	Area (m <sup>2</sup> or ha) ± 966.1
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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: Existing dwelling (to be demolished)

Proposed: Residential

Type of access: (check appropriate box)

- ☐ provincial highway  
☐ municipal road, seasonally maintained  
☒ municipal road, maintained all year
- ☐ right of way  
☐ other public road

Type of water supply proposed: (check appropriate box)

- ☒ publicly owned and operated piped water system  
☐ privately owned and operated individual well
- ☐ lake or other water body  
☐ other means (specify) \_\_\_\_\_

Type of sewage disposal proposed: (check appropriate box)

- ☒ publicly owned and operated sanitary sewage system  
☐ privately owned and operated individual septic system  
☐ other means (specify) \_\_\_\_\_

4.2 Description of land intended to be **Retained**:

Frontage (m) 15.175	Depth (m) ± 63.329	Area (m <sup>2</sup> or ha) ±962.9
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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:

<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Industrial	<input type="checkbox"/> Commercial
<input type="checkbox"/> Agriculture (includes a farm dwelling)	<input type="checkbox"/> Agricultural-Related	<input type="checkbox"/> Vacant
<input type="checkbox"/> Other (specify) _____		

Building(s) or Structure(s):

Existing: Residential dwelling (to be demolished)

Proposed: To be determined

Type of access: (check appropriate box)

<input type="checkbox"/> provincial highway	<input type="checkbox"/> right of way
<input type="checkbox"/> municipal road, seasonally maintained	<input type="checkbox"/> other public road
<input checked="" type="checkbox"/> municipal road, maintained all year	

Type of water supply proposed: (check appropriate box)

<input checked="" type="checkbox"/> publicly owned and operated piped water system	<input type="checkbox"/> lake or other water body
<input type="checkbox"/> privately owned and operated individual well	<input type="checkbox"/> other means (specify) _____

Type of sewage disposal proposed: (check appropriate box)

<input checked="" type="checkbox"/> publicly owned and operated sanitary sewage system
<input type="checkbox"/> privately owned and operated individual septic system
<input type="checkbox"/> other means (specify) _____

4.3 Other Services: (check if the service is available)

<input checked="" type="checkbox"/> electricity	<input checked="" type="checkbox"/> telephone	<input type="checkbox"/> school bussing	<input checked="" type="checkbox"/> garbage collection
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**5 CURRENT LAND USE**

5.1 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): N/A

Urban Hamilton Official Plan designation (if applicable): Neighbourhoods

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

Please refer to attached application covering letter.

5.2 What is the existing zoning of the subject land? R1 - Single Residential One

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

5.3 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	

A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
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?  
 Information from owner.
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.  
 Is the previous use inventory attached?  
☐ Yes ☐ No

## 7 PROVINCIAL POLICY

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)
- ☒ Yes ☐ No

Please refer to attached application covering letter.

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

Please refer to attached application covering letter.

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

Please refer to attached application covering letter.

- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)  
☒ Yes ☐ No

Please refer to attached application covering letter.

- e) Are the subject lands subject to the Niagara Escarpment Plan?  
☐ Yes ☒ No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?

- ☐ Yes ☐ No  
(Provide Explanation)

- f) Are the subject lands subject to the Parkway Belt West Plan?  
☐ Yes ☒ No

If yes, is the proposal in conformity with the Parkway Belt West Plan?

- ☐ Yes ☐ No (Provide Explanation)

- g) Are the subject lands subject to the Greenbelt Plan?  
☐ Yes ☒ No

If yes, does this application conform with the Greenbelt Plan?

- ☐ Yes ☐ No (Provide Explanation)

## 8 HISTORY OF THE SUBJECT LAND

- 8.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?  
☒ Yes ☐ No ☐ Unknown

If YES, and known, indicate the appropriate application file number and the decision made on the application.

**SC/B-18:132 (approved)**

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

**Yes - No change to original application.**

- 8.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land? ☐ Yes ☒ No

If YES, and if known, provide for each parcel severed, the date of transfer, the name of



the transferee and the land use.

8.4 How long has the applicant owned the subject land?

<4 years

8.5 Does the applicant own any other land in the City? ☒ Yes ☐ No

If YES, describe the lands in "11 - Other Information" or attach a separate page.

Losani Homes owns various land throughout the City.

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 Application submitted concurrently

Status Ongoing

10 RURAL APPLICATIONS

10.1 Rural Hamilton Official Plan Designation(s)

- ☐ Agricultural ☐ Rural ☐ Specialty Crop  
☐ Mineral Aggregate Resource Extraction ☐ Open Space ☐ Utilities  
☐ Rural Settlement Area (specify) \_\_\_\_\_

Settlement Area

Designation

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm operation.

10.2 Type of Application (select type and complete appropriate sections)

- ☐ Agricultural Severance or Lot Addition  
☐ Agricultural Related Severance or Lot Addition  
☐ Rural Resource-based Commercial Severance or Lot Addition  
☐ Rural Institutional Severance or Lot Addition  
☐ Rural Settlement Area Severance or Lot Addition
- (Complete Section 10.3)
- ☐ Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)
- ☐ Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

10.3 Description of Lands

a) Lands to be Severed:

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> or ha): (from in Section 4.1)
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Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

b) Lands to be Retained:

Frontage (m): (from Section 4.2)	Area (m <sup>2</sup> or ha): (from Section 4.2)
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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 <sup>2</sup> or ha):
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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 <sup>2</sup> or ha):
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Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

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

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> or ha): (from Section 4.1)
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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 <sup>2</sup> or ha): (from Section 4.2)
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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 <sup>2</sup> or ha):
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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 <sup>2</sup> 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 <sup>2</sup> or ha): (from Section 4.2)
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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.

Please refer to attached application covering letter.

## 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.

2021-12-07

Date



Signature of Owner

December 16, 2021

Committee of Adjustment  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, Ontario, L8P 4Y5

**RE: Consent and Minor Variance Application – 61 Upper Mount Albion Road, Stoney Creek  
OUR FILE 14196BJ**

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On behalf of our client, 2324780 Ontario Inc., we are pleased to submit applications to the Committee of Adjustment for a Consent and Minor Variance for the property located at 61 Upper Mount Albion Road, Stoney Creek, herein referred to as the “subject lands”. The subject lands are legally described as Part of Lot 33, Concession 8, Geographic Township of Saltfleet, in the City of Hamilton.

The subject lands currently contain an existing single detached dwelling and accessory garage. A demolition permit was recently issued (Permit No. 21 138350 00 DP) for the removal of the existing dwelling and accessory garage. The purpose of the applications is to facilitate the creation of one new lot, and the development of two single detached dwellings.

**Consent Application**

The proposal is to sever the subject lands into two lots and develop two single-detached residential dwellings, one on the retained parcel (Part 1) and one on the severed parcel (Part 2). The proposed severed and retained lots will maintain frontage onto a public road (Upper Mountain Albion Road), and have full municipal water and wastewater system connections.

The Urban Hamilton Official Plan (UHOP) provides policies for lot creation. Section 1.14.3.1 states that for new residential lots within the Neighbourhoods designation, the following conditions must be met:

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

The subject lands are designated 'Neighbourhoods' in the Urban Hamilton Official Plan (UHOP) and are identified as 'Low Density Residential 1' in the Trinity West Secondary Plan. The Neighbourhoods designation intends to provide for a range of ground-related housing options, including single-detached dwellings. The Trinity West Secondary Plan designates the lands as Low Density Residential 1 and permits only single-detached dwellings. The proposed consent will facilitate the severance and creation of a new residential parcel, which is a permitted use in the Neighbourhoods and Low Density Residential 1 designation. The severed and retained residential lots will provide for the development of two single-detached dwellings and contribute to intensification in the built up area of the City.

The proposed retained and severed parcel generally comply with the provisions of the zoning by-law. A minor variance application is required to permit the proposed lot frontage. The retained parcel (Part 1) is proposed to have a lot area of 962.9 square metres and 15.175 metres of frontage on Upper Mount Albion Road. The severed parcel (Part 2) is proposed to have an area of 966.1 square metres and 15.305 metres of frontage on Upper Mount Albion Road. The requested reduction in lot frontage for the retained lot (Part 1) and the severed lot (Part 2) is compatible with the general character and scale of other residential lots in the surrounding area. Various residential lot frontages on Upper Mount Albion Road range from 14.5 meters to 30 metres. The lots are proposed to be fully serviced by existing municipal water and sanitary services.

The proposed consent application satisfies the lot creation requirements in Section 1.14.3.1 of the UHOP.

The lands were subject to a previous severance application (SC/B-18:132), which was approved in December, 2018. The conditions of the severance were not satisfied within one year of the decision and the severance lapsed. The previous Staff Report with conditions is attached for reference.

### **Minor Variance Application**

The requested variance is required to permit a reduction in the minimum required lot frontage to facilitate the proposed severance application. The requested minor variance is required to permit the lot frontage as follows:

- To permit a reduction in lot frontage for the retained lot (Part 1) to 15.175 metres, whereas a minimum frontage of 18 metres is required in the Single Residential One "R1" Zone.
- To permit a reduction in lot frontage for the severed lot (Part 2) to 15.305 metres, whereas a minimum frontage of 18 metres is required in the Single Residential One "R1" Zone.

Section 45(1) of the Planning Act identifies the tests for a minor variance. The following is an analysis of the tests.

### ***Meets the purpose and intent of the Official Plan***

The subject lands are designated 'Neighbourhoods' in the Urban Hamilton Official Plan (UHOP) and are identified as 'Low Density Residential 1' in the Trinity West Secondary Plan. The Neighbourhoods designation intends to provide for a range of ground-related housing options, including single-detached dwellings. The Trinity West Secondary Plan designates the lands as Low Density Residential 1 and permits only single-detached dwellings.

The proposed application will facilitate the severance and creation of a new residential parcel, which is a permitted use in the Neighbourhoods and Low Density Residential 1 designation. The severed and



retained residential lots will provide for the development of single-detached dwellings and contribute to intensification in the built up area of the City. The proposed application maintains the intent of the UHOP and Trinity West Secondary Plan.

### ***Meets the purpose and intent of the Zoning By-law***

The subject lands are zoned Single Residential One "R1" in the City of Stoney Creek Zoning By-law 3692-92 (as amended). The R1 zone permits single-detached dwellings and requires a minimum frontage of 18 metres for interior lots.

The proposed reduction in lot frontage from 18 metres to  $\pm 15$  metres will facilitate the severance of the subject lands and allow for the development of two single detached dwellings. Sufficient frontage is maintained on Upper Mount Albion Road for both the severed and retained lots and adequate separation distance will be maintained between the proposed lots and adjacent residential uses. The proposed severed and retained lots conform to all other zoning requirements of the Single Residential One "R1" Zone.

In summary, the proposed frontage for the severed and retained lots maintain the intent of the by-law, provide sufficient access along Upper Mount Albion Road, maintain separation distance between adjacent lots, and conform to all other zoning provisions for the R1 zone. Therefore, the general intent of the zoning by-law is maintained.

### ***Desirable for the appropriate development of the land***

The lands are designated and zoned for residential use. The proposed variances are desirable to permit the severance of a parcel of land and create an additional parcel of land for residential purposes and allow for minor intensification within the built boundary in an area with sufficient infrastructure and services.

### ***Minor in Nature***

The lands are zoned to permit single-detached dwellings and there is no change to the permitted uses. The requested reduction in lot frontage to 15.175 metres for the retained lot (Part 1) and 15.305 metres for the severed lot (Part 2) is compatible with the general character and scale of other residential lots in the surrounding area. Various residential lot frontages on Upper Mount Albion Road range from 14.5 meters to 30 metres. The proposed frontage maintains adequate area on a public road and provides a sufficient area to accommodate future residential uses. Sufficient separation distances between the interior side yards of adjacent lots is provided and adequate buffer space between lots is maintained. The requested frontage is considered to be compatible with the surrounding area. The variances are therefore minor in nature.

In addition to this letter and in support of our applications, please find enclosed the following:

- Completed and signed Consent Application Form;
- Completed and signed Minor Variance Application Form;
- Severance & Minor Variance Sketch, prepared by J.D. Barnes, dated October 7, 2021;
- 1 cheque in the amount of \$3,320.00 for the Minor Variance Application fee (to be delivered under separate cover);
- 1 cheque in the amount of \$2,860.00 for the Consent Application fee (to be delivered under separate cover), and;

- A copy of the previously prepared Staff Report for the conditionally approved severance, dated December 6, 2018.

We kindly ask that this application be considered at the next available Committee of Adjustment meeting. If you have any questions regarding the application, please do not hesitate to contact the undersigned.

Yours truly,

**MHBC**

A handwritten signature in black ink, appearing to read 'DAA', followed by a long horizontal line.

Dave Aston, MSc, MCIP, RPP  
Vice President / Partner

A handwritten signature in blue ink, appearing to read 'Liam Murphy'.

Liam Murphy, BES  
Planner

*cc. Marib Pirzada, Myles Smith*