



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: SC/B-22:01

SUBJECT PROPERTY: 46 Southmeadow Crescent, Stoney Creek

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):

Agent A.J. Clarke & Associates
Owner Nikola Njegovan

PURPOSE OF APPLICATION:

To permit the conveyance of a vacant parcel of land and to retain two parcels of vacant land for residential purposes as shown on the attached sketch.

Severed lands (Part 2):

12.50m[±] x 35.04m[±] and an area of 437.89m² ±

Retained lands (Part 1):

14.39m[±] x 35.83m[±] and an area of 516.40m² ±

Retained lands (Part 3):

12.50m[±] x 35.05m[±] and an area of 437.89m² ±

The Committee of Adjustment will hear this application on:

DATE: Thursday, February 17th, 2022

TIME: 2:35 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

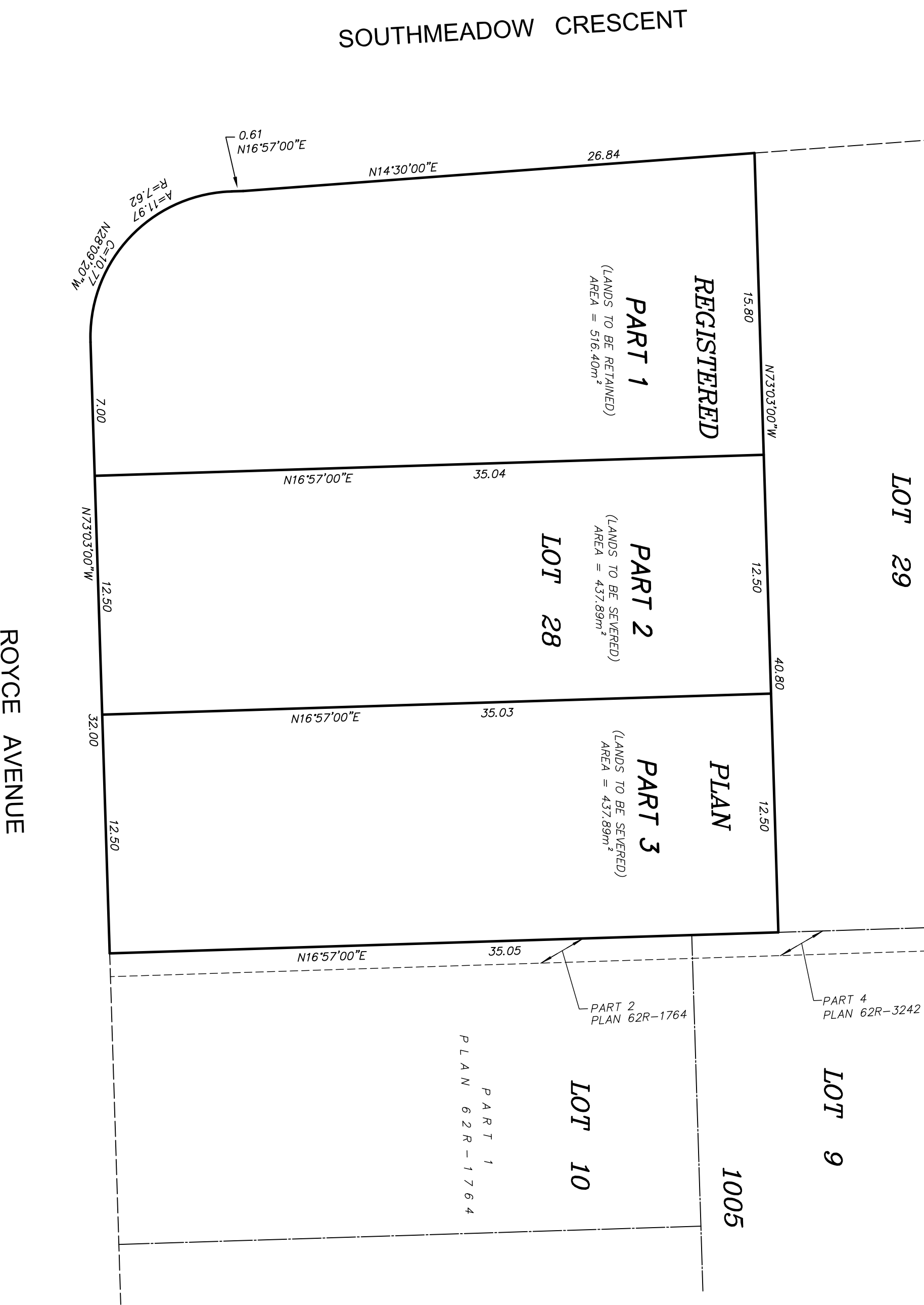
For more information on this matter, including access to drawings illustrating this request:

- 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: February 1st, 2022

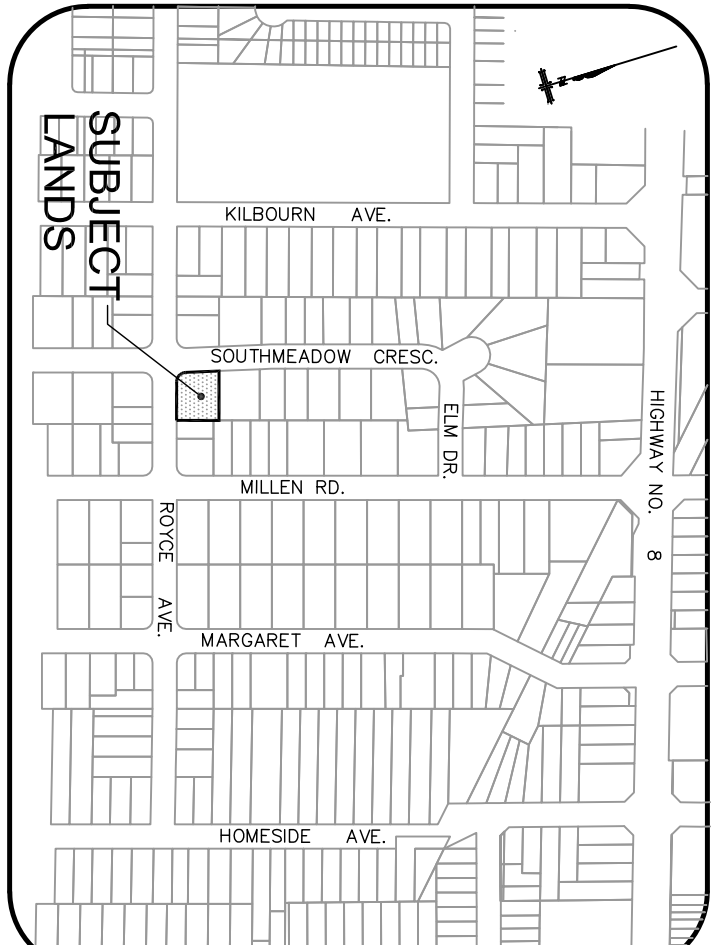
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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.



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PROJECT No. 218311P



THE ABOVE NOTED LANDS ARE
LOT 28
REGISTERED PLAN NO. 1005

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

NOTE:
THE BOUNDARIES AND MEASUREMENTS SHOWN ON THIS SKETCH
ARE APPROXIMATE AND ARE COMPILED FROM PLANS ON FILE IN
OUR OFFICE AND IS NOT BASED ON A FIELD SURVEY.

THIS SKETCH IS NOT VALID UNLESS IT IS
AN EMBOSSED ORIGINAL COPY OR CERTIFIED
DIGITAL COPY ISSUED BY THE SURVEYOR

THIS SKETCH IS PREPARED TO ACCOMPANY AN APPLICATION
TO THE LAND DIVISION COMMITTEE REQUESTING A GRANT
OF SEVERANCE AND IS NOT INTENDED FOR REGISTRATION.

CONSENT SCHEDULE:

PART 1 (REMAINING LANDS OF APPLICANT)	AREA=516.40m ²
PART 2 (PROPOSED SEVERANCE)	AREA=437.89m ²
PART 3 (PROPOSED SEVERANCE)	AREA=437.76m ²

CAUTION:
THIS IS NOT A PLAN OF SUBDIVISION AND SHALL NOT BE
USED FOR TRANSACTION OR MORTGAGE PURPOSES.

DEC. 8, 2021
DATE

NICHOLAS P. MUTH
ONTARIO LAND SURVEYOR

AC

A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO, L8P 1H1
TEL. 905-528-8761 FAX 905-528-2289
email: ajc@ajclarke.com



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 Stoney Creek	Lot	Concession	Former Township
Registered Plan N°. 1005	Lot(s) 28	Reference Plan N°.	Part(s)
Municipal Address 46 Southmeadow Crescent			Assessment Roll N°.

- 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:

N/A

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) +- 12.50 (Part 2)	Depth (m) +- 35.04 (Part 2)	Area (m ² or ha) +- 437.89 (Part 2)
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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: One single detached dwelling

Proposed: One single detached dwelling (per lot).

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 sanitary system

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: One single detached dwelling

Proposed: One single detached dwelling (per lot).

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 |
|---|---|---|--|

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" designation.

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

Please see Cover Letter.

5.2 What is the existing zoning of the subject land?

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? Zoning By-law 3692-92. "R2 - Single Residential - Two" Zone.

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.

		Within 500 Metres
--	--	--------------------------

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 N/A
- 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?
Online mapping. Site Survey. Previous Owner Information.
- 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

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

Please see Cover Letter.

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

Please see Cover 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

Western Development Area Secondary Plan

Please see Cover 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)

"Urban Area" Designation.

Please see Cover Letter.

- 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)

"Niagara Escarpment Plan Area" Map 109. Please see Cover Letter.

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

the transferee and the land use.

N/A

8.4 How long has the applicant owned the subject land?

Unknown.

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.

N/A

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.

N/A

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 _____ Status _____

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)

<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)
--	-------------------------

b) Lands to be Retained:

Frontage (m): (from Section 4.2)	Area (m ² 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 ² 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 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)
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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 ² or ha):
---------------	------------------------------

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.

Please see Cover 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.



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

December 15, 2021

Attn: Ms. Jamila Sheffield
Secretary Treasurer, Committee of Adjustment (email: Jamila.Sheffield@hamilton.ca)

**Re: 46 Southmeadow Crescent
Minor Variance and Severance Application Submission**

Dear Ms. Sheffield:

A.J Clarke and Associates Ltd. has been retained by Nikola Njegovan for the purposes of submitting the enclosed Minor Variance and Severance (Consent) Applications for the subject lands, municipally known as 46 Southmeadow Crescent, in the City of Stoney Creek.

The purpose of this analysis is in support the concurrently submitted Minor Variance and Severance (Consent) Applications for the subject lands. The proposed development is to facilitate a severance to create three (3) separate residential lots. Following the proposed severance, one (1) single detached dwelling is proposed to be constructed on each lot.

The subject lands are located at the northeast corner of the intersection of Southmeadow Crescent and Royce Avenue. The subject lands are currently occupied by one (1) single detached dwelling.

The below table details the various lot frontages, depth, and areas, following the proposed severance.

	Part 1	Part 2	Part 3
Lot Frontage	+/- 14.39m	+/- 12.50m	+/- 12.50m
Lot Depth	+/- 35.83m	+/- 35.04m	+/- 35.05m
Lot Area	+/- 516.40m	+/- 437.89m	+/- 437.89m

The surrounding area consists largely of residential uses, with various institutional uses, and various commercial uses located along Highway 8. The residential uses are concentrated around the subject site, consisting mainly of single detached dwellings. The institutional uses (places of worship, schools, etc.) are predominately located west and north of the subject site (South Meadow Elementary School to the west, and Polish Full Gospel Church to the north). The commercial uses are primarily located north of the subject lands along the Highway 8 stretch.



The immediate surrounding land uses include:

North	Single-Detached Dwellings, Institutional, Commercial
South	Single-Detached Dwellings
West	Single-Detached Dwellings, Institutional
East	Single-Detached Dwellings

A review of the applicable planning policies has been included below.

Planning Policy Overview

Urban Hamilton Official Plan

The Urban Hamilton Official Plan is the guiding document for where and how the City of Hamilton will grow until 2031 and beyond.

The subject lands are designated 'Neighbourhoods' on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The 'Neighbourhoods' designation permits uses such as; residential dwellings, including second dwelling units, and housing with supports, open space and parks, local community facilities/services, and local commercial uses.

Chapter F Section 1.14.3 contains specific policy direction pertaining to Lot Creation within the Urban Area. Specifically, Section 1.14.3.1 indicates various conditions that must be met by a proposed severance for lands designated as "Neighbourhoods". The conditions are as follows;

- a) *The lots comply with the policies of this Plan, including secondary plans, where one exists;*
- 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 proposed severance will create lots that are consistent with the relevant policies, as well as are consistent with existing Neighbourhood Plans. Further, the lots will require a Minor Variance to address various zone regulation deficiencies, as required. The three (3) lots created via severance will generally reflect the lot pattern and similar frontages as they currently exist within the surrounding neighbourhood. Following the proposed severance, the proposed construction of three (3) single detached dwellings (one per lot), is consistent with the surrounding existing uses and character of the neighbourhood. The proposed dwellings will have access to the existing municipal infrastructure as it exists along both Southmeadow Crescent and Royce Avenue.

Additionally, the 'Neighbourhoods' designation contains specific policies in relation to 'Low Density Residential'. As such, 'Low Density Residential' uses permit single-detached, semi-detached, duplex, triplex, and street townhouse dwellings. Further, the maximum net residential density shall be 60 units



per hectare, and the maximum permitted height shall be three (3) storeys. The proposal is to construct one (1) single detached dwelling on each lot following the severance (3 total dwellings). This use is consistent with the permitted uses under the UHOP. Additionally, the proposal will have an overall density of 21.5 units per hectare (3 total units, 0.13 hectares), which is consistent with the maximum permitted density under the UHOP.

Western Development Area Secondary Plan

As per Map B.7.1-1 of the Western Development Area Secondary Plan, the subject lands are designated as “Low Density Residential 2b”. Under the “Low Density Residential 2b” designation, the permitted uses shall be single-detached, semi-detached, and duplex dwellings. Further to the above, the permitted density under this designation shall range from 1 to 29 units per net residential hectare.

The proposal is to construct one (1) single detached dwelling on each lot following the severance (3 total dwellings). This use is consistent with the permitted uses under the Western Development Area Secondary Plan. Additionally, the proposal will have an overall density of 21.5 units per hectare, which is consistent with the maximum permitted density under the Western Development Area Secondary Plan.

City of Stoney Creek Zoning By-law 3692-92

The subject lands are zoned “R2 – Single Residential – Two” as per the City of Stoney Creek Zoning By-law 3692-92. The “R2” zone permits uses such as; a single detached dwelling, uses, buildings, or structures accessory to a permitted use, and a home occupation. The zone provisions within Section 6.3.3 shall apply to the proposed development. A review of the applicable zone provisions will be included below.

The regulations of the “R2” Zone are as follows:

Regulation	Requirement
Minimum Lot Area	Interior Lot: 460 square metres Corner Lot: 505 square metres
Minimum Lot Frontage	Interior Lot: 15 metres Corner Lot: 16.5 metres

Minor Variance

A number of variances are required to facilitate the proposed development. The variances are as follows:

Part 1

1. To permit a minimum lot frontage of 14.39 metres, whereas a minimum lot frontage of 16.5 metres is required.

Parts 2 and 3

1. To permit a minimum lot area of 437.89 square metres, whereas a minimum lot area of 460 square metres is required.



2. To permit a minimum lot frontage of 12.50 metres, whereas a minimum lot frontage of 15 metres is required.

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 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 single-detached dwellings. The proposed dwellings will assist in the diversification of the available housing stock within the neighbourhood, while also capitalizing on an opportunity for the gentle intensification of the neighbourhood. This development purposes an overall density of 21.5 units per hectare inclusive of all three proposed lots, which is compliant with Section E of the Urban Hamilton Official Plan that permits a maximum residential density of 60 units per hectare.

The proposed development will feature a use that is permitted under the current Official Plan designation and will adhere to the net residential density provisions as detailed throughout Section E of the Urban Hamilton Official Plan. It is our 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 City of Stoney Creek Zoning By-law 3692-92.

The required variances to City of Stoney Creek Zoning By-law 3692-92 are intended to facilitate a desirable built form which is compatible with the existing neighbourhood.

Lot Frontage

Part 1 is proposed to have a lot frontage of 14.39 metres.

Parts 2 and 3 are proposed to have a lot frontage of 12.50 metres.

A variance is required to the minimum lot frontage requirement for the proposed development (from 16.5 metres to 14.39 metres on Part 1, and from 15 metres to 12.5 metres on Parts 2 and 3). The surrounding neighbourhood is characterized by dwellings which have reduced lot frontages and dwellings that face the street. Further, despite the reduction, there remains room for a combination of plantings along the Southmeadow Crescent and Royce Avenue frontages. The three (3) lots created via severance will generally reflect the lot pattern and similar frontages as they currently exist within the surrounding neighbourhood. Accordingly, the proposed reduction in the lot frontage requirement is appropriate and compatible with the existing streetscape and maintains the intent of the Zoning By-law.



Lot Area

Part 1 is proposed to have a lot area of 516.40 square metres.

Parts 2 and 3 are proposed to have a lot area of 437.89 square metres.

A variance is required to the minimum lot area requirement for the proposed development (from 460 square metres to 437.89 square metres on Parts 2 and 3). The surrounding neighbourhood contains a range of lot areas, with some likely below the minimum area requirement. The purpose of this reduction is to permit one single-detached dwelling on each lot. Accordingly, the intent of the Zoning By-law is maintained.

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

As noted above, the variances are intended to facilitate a desirable built form within an urban neighbourhood. As noted above, the proposed variances are consistent with the established character of the neighbourhood. The variances are therefore appropriate for the development of the subject lands.

4. Are the proposed variances minor in nature?

The proposed variances reflect the scale and character of this neighbourhood. There are no perceived impacts stemming from the variances to the lot frontage or lot area, as they are in keeping with the general built form and existing setbacks found within this neighbourhood. There are no perceived impacts on the neighbourhood stemming from the proposed development and accordingly, it is our professional planning opinion that the variances are minor in nature.

In accordance with the above criteria, variances to permit altered frontage and lot area requirements will be required to facilitate the creation of the lot as the existing building on the subject lands will be demolished in favour of the redevelopment. The lot is generally in keeping with the lot sizes and frontages in the immediate vicinity of the neighbourhood. While the proposed development does not meet the lot standards prescribed in the Zoning By-law, the proposed minor variances will provide relief from these minor zoning deficiencies.

As such, the proposed lot is appropriate for the development of the subject lands and has sufficient regard for the matters listed under Section 51 (24) of the *Planning Act*.

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 hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.



Sincerely,

Tausha Adair

Tausha Adair, B.E.S.
Planner
A.J. Clarke and Associates Ltd.

Ryan Ferrari

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

Encl.

Cc: Nikola Njegovan