



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
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.: SC/A-22:03

APPLICANTS: Agent A.J. Clarke & Associates
Owner Nikola Njegovan

SUBJECT PROPERTY: Municipal address **46 Southmeadow Crescent,
Stoney Creek**

ZONING BY-LAW: Zoning By-law 3692-92, as Amended

ZONING: "R2" (Single Residential) district

PROPOSAL: To permit the creation of three (3) new lots in accordance with land severance application No. SC/B-22:01 notwithstanding that:

Part 1:

1. A lot frontage of 14.0m shall be provided instead of the minimum 16.0m lot frontage required for a corner lot.

Parts 2 & 3:

1. A lot frontage of 12.5m shall be provided instead of the minimum 15.0m lot frontage required for interior lots.
2. A lot area of 437.0m² shall be provided instead of the minimum 460.0m² lot area required for interior lots.

NOTES:

All future development shall conform to the requirements of the R2 zone contained within Stoney Creek Zoning By-law 3692-92. Details of any future development have not been provided at this time.

These variances are necessary to facilitate land severance application SC/B-22:01.

The owner/applicant shall ensure that the lot frontage indicated for the corner lot (Part 1) has been determined in accordance with the definition of Lot Frontage as provided in Stoney Creek Zoning By-law 3692-92.

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

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

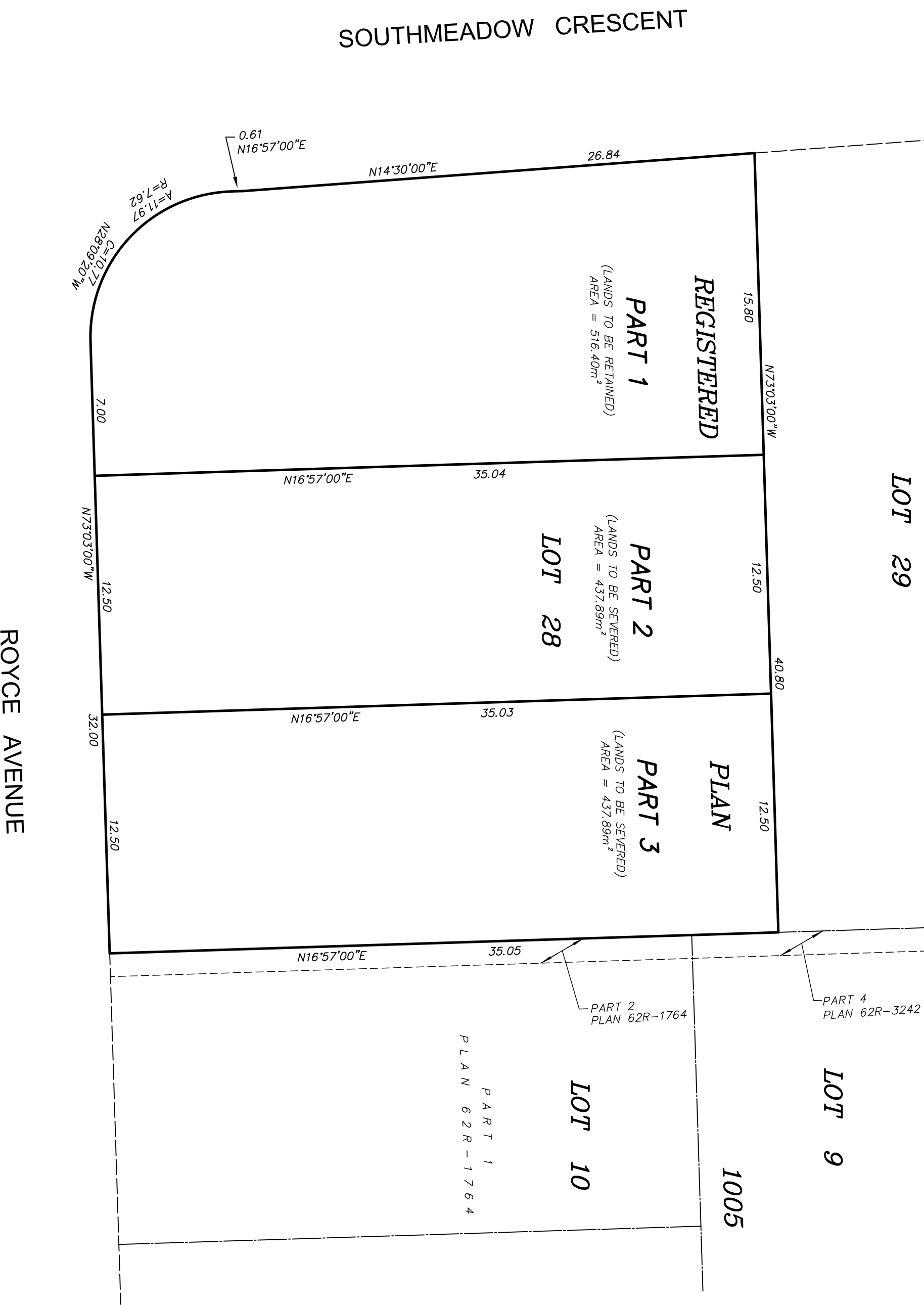
For more information on this matter, including access to drawings illustrating this request:

- 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.

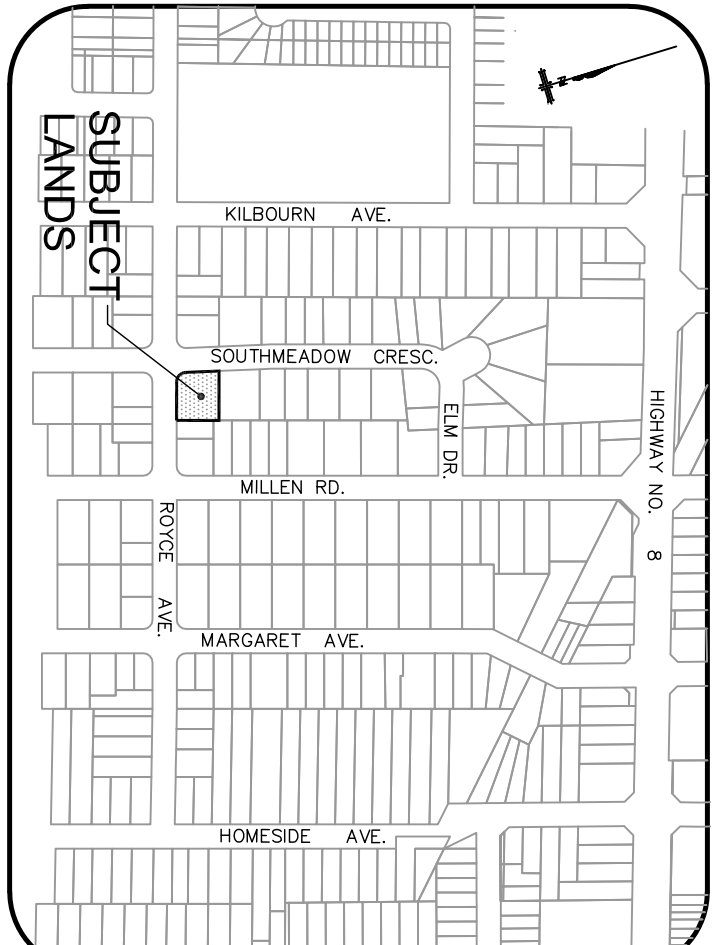
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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=516.40m²
 PART 2 (PROPOSED SEVERANCE) AREA=437.89m²
 PART 3 (PROPOSED SEVERANCE) AREA=437.76m²

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

AJ
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
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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 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

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

NAME	MAILING ADDRESS

Note: Unless otherwise requested all communications will be sent to the agent, if

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

4. Nature and extent of relief applied for:

Please see Cover Letter.

Secondary Dwelling Unit Reconstruction of Existing Dwelling

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

Please see Cover Letter.

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

46 Southmeadow Crescent, Stoney Creek
Registered Plan No.: 1005
Lot 28

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
Agricultural Vacant Other

Other _____

8.1 If Industrial or Commercial, specify use N/A

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

13. Date of acquisition of subject lands:
Unknown.
-
14. Date of construction of all buildings and structures on subject lands:
Unknown.
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Single family.
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Single family.
17. Length of time the existing uses of the subject property have continued:
Unknown.
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|-------------------------------------|-----------|-------------------------------------|
| Water | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Sanitary Sewer | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Storm Sewers | <input checked="" type="checkbox"/> | | |
19. Present Official Plan/Secondary Plan provisions applying to the land:
"Neighbourhoods" designation, and Western Development Area SP.
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Zoning By-law 3692-92. "R2 - Single Residential - Two" Zone.
21. Has the owner previously applied for relief in respect of the subject property?
Yes No
If the answer is yes, describe briefly.

N/A
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
Yes No
23. Additional Information

Concurrently submitted.
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



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