



Hamilton

**COMMITTEE OF ADJUSTMENT**

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)

**NOTICE OF PUBLIC HEARING**  
**Minor Variance**

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**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.:** HM/A-22:27

**APPLICANTS:** Agent 2840146 Ontario Inc. (J. Greene)  
Owner Simranjeet Mann

**SUBJECT PROPERTY:** Municipal address **58 St. Matthews Ave., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended

**ZONING:** "D" (Urban Protected Residential - 1 & 2 Family Dwellings, etc.) district

**PROPOSAL:** To permit the severance of the lands as per Consent Application HM/B-22:09 in order to create two (2) residential lots as well as to permit the existing single family dwelling on the retained lot and to recognize its current location, notwithstanding that;

Retained Lot (58 St. Matthews Avenue)

1. A minimum front yard depth of 1.7m shall be permitted instead of the minimum 6.0m front yard depth required.
2. A minimum southerly side yard width of 0.6m shall be permitted to the main dwelling and 0.3m to the bump-out instead of the minimum 1.2m side yard width required.
3. A minimum northerly side yard width of 0.0m shall be permitted instead of the minimum 1.2m side yard width required.
4. A minimum lot width of 6.0m shall be permitted instead of the minimum 12.0m lot width required.
5. A minimum lot area of 174.0m<sup>2</sup> shall be permitted instead of the minimum 360.0m<sup>2</sup> lot area required.
6. A minimum of 0.0% of the gross area of the front yard shall be permitted to be maintained as landscaped area instead of the minimum 50.0% landscaped area required.
7. An eave or gutter shall be permitted to be located entirely within the southerly side yard and therefore may be located as close as 0.0m to the southerly side lot line whereas the zoning By-law permits an eave or gutter to encroach a maximum of one-half of its width, or 1.0 metre, whichever is the lesser.
8. A roofed-over unenclosed porch including the stairs shall be permitted to be located as close as 0.0m from the front lot line instead of the minimum 1.5m setback required.

9. An uncovered porch shall be permitted to be located as close as 0.0m to the southerly side lot line instead of the minimum 0.5m setback required.

Severed lot (56 St. Matthews):

10. A minimum front yard depth of 1.9m shall be permitted instead of the minimum 6.0m front yard depth required.

11. A minimum northerly side yard width of 0.6m shall be permitted instead of the minimum 1.2m side yard width required.

12. A minimum southerly side yard width of 0.3m shall be permitted instead of the minimum 1.2m side yard width required.

13. A minimum lot width of 6.1m shall be permitted instead of the minimum 12.0m lot width required.

14. A minimum lot area of 176.0m<sup>2</sup> shall be permitted instead of the minimum 360.0m<sup>2</sup> lot area required.

15. A minimum of 0.0% of the gross area of the front yard shall be permitted to be maintained as landscaped area instead of the minimum 50.0% landscaped area required.

16. An eave or gutter shall be permitted to be located entirely within a side yard and therefore may be located as close as 0.0m to a side lot line whereas the zoning By-law permits an eave or gutter to encroach a maximum of one-half of its width, or 1.0 metre, whichever is the lesser.

17. A roofed-over unenclosed porch including the stairs shall be permitted to be located as close as 0.0m from the front lot line instead of the minimum 1.5m setback required.

Note: No elevation plans were provided to confirm the heights of both the existing dwelling and the proposed dwelling. Therefore, further variances may be required.

The applicant shall ensure that the variance requested to the southerly side yard of the retained lot is correct; otherwise, further variances shall be required.

The applicant shall ensure that an eave or gutter maintains a setback of 1.5m from the front lot line; otherwise, further variances shall be required.

The zoning By-law requires a minimum of two (2) parking spaces for each Class A dwelling unit, for the first 8 habitable rooms in the dwelling unit plus 0.5 parking space for each additional habitable room. Please note that no floor plans were provided to confirm the total number of habitable rooms for the proposed dwelling on the severed lot in order to determine the minimum number of required parking spaces. Therefore, further variances may be required.

Based on the City's GIS mapping, it appears that the alley way providing the access to the rear parking spaces is publicly assumed. Please note that if the alley is not publicly assumed additional variances shall be required.

An Encroachment Agreement and a Maintenance Easement shall be required which shall be entered into and registered on title for both the lot upon which the concrete steps is encroaching onto and the subject lot.

An Encroachment Agreement with the Public Works Department may be required for the portion of the front porch steps shown to encroach on the Road Allowance.

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

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**DATE:** Thursday, March 3rd, 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](http://www.hamilton.ca/committeeofadjustment)  
for viewing purposes only

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## **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](http://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](mailto:cofa@hamilton.ca)

DATED: February 15th, 2022.

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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.***

MUNICIPAL NO. 58, ST. MATTHEWS AVENUE, HAMILTON

**PART 2 (SURVEY REPORT)**

1. REGISTERED BY-LAWS, EASEMENTS AND/OR RIGHT OF WAYS: NONE
2. ADDITIONAL COMMENTS: NOTE THE LOCATION OF FENCES ALONG THE NORTHERLY, AND SOUTHERLY LIMITS OF THE SUBJECT PROPERTY. NOTE THE LOCATION OF CONCRETE RETAINING WALL ALONG THE EASTERLY LIMIT OF THE SUBJECT PROPERTY. NOTE THE LOCATION OF OVERHEAD TELEPHONE WIRES ALONG THE EASTERLY LIMIT OF THE SUBJECT PROPERTY.
3. THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS.

THIS REPORT WAS PREPARED FOR **FKK PROPERTY HOLDINGS INC** AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR ITS USE BY OTHER PARTIES.

**SURVEYOR'S REAL PROPERTY REPORT  
PART 1 – PLAN OF SURVEY OF  
PARTS OF LOTS 36 AND 37  
REGISTERED PLAN 154  
CITY OF HAMILTON**

SCALE 1:150



KAD LANKA SURVEYING INC. O.L.S. ©

**METRIC**

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

**LEGEND**

- DENOTES MONUMENT SET
- DENOTES MONUMENT FOUND
- SIB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- RIB DENOTES ROUND IRON BAR
- CC DENOTES CUT CROSS
- PL DENOTES REGISTERED PLAN 154
- PL1 DENOTES PLAN OF SURVEY BY A. T. MCLAREN O.L.S., DATED JANUARY 26th, 1979.
- PL2 DENOTES PLAN 62R-12667
- D1 DENOTES INSTRUMENT No. AB118672
- D2 DENOTES INSTRUMENT No. VM2940
- (ORP) DENOTES OBSERVED REFERENCE POINT
- (824) DENOTES A.T. McLAREN O.L.S.
- (1135) DENOTES L.G. WOODS O.L.S.
- (OU) DENOTES ORIGIN UNKNOWN
- (IS) DENOTES CORNER SET BY INTERSECTION METHOD
- CRW DENOTES CONCRETE RETAINING WALL
- CLF DENOTES CHAIN LINK FENCE
- CLBF DENOTES CENTRELINE OF BOARD FENCE
- HP DENOTES HYDRO POLE
- TP DENOTES TELEPHONE POLE
- H— DENOTES OVERHEAD WIRE
- T— DENOTES TELEPHONE WIRE
- x— DENOTES FENCE

ALL BUILDING TIES ARE TO THE FACE OF THE WALL UNLESS NOTED OTHERWISE.

**BEARING NOTE**

BEARINGS SHOWN HEREON ARE GRID BEARINGS AND ARE DERIVED FROM OBSERVED REFERENCE POINTS (ORP's) 1 AND 2 BY LEICA SMARTNET (RTK) OBSERVATIONS UTM ZONE 17 NORTH, NAD83 (CSRS)

FOR BEARING COMPARISONS, A ROTATION BEARING OF 00°25'10" COUNTER-CLOCKWISE APPLIED FOR BEARINGS ON PL TO CONVERT TO UTM GRID BEARINGS.

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 30th DAY OF JULY, 2021

03, AUGUST, 2021  
DATE

*Vineetha Rathnayake*  
VINEETHA RATHNAYAKE  
ONTARIO LAND SURVEYOR



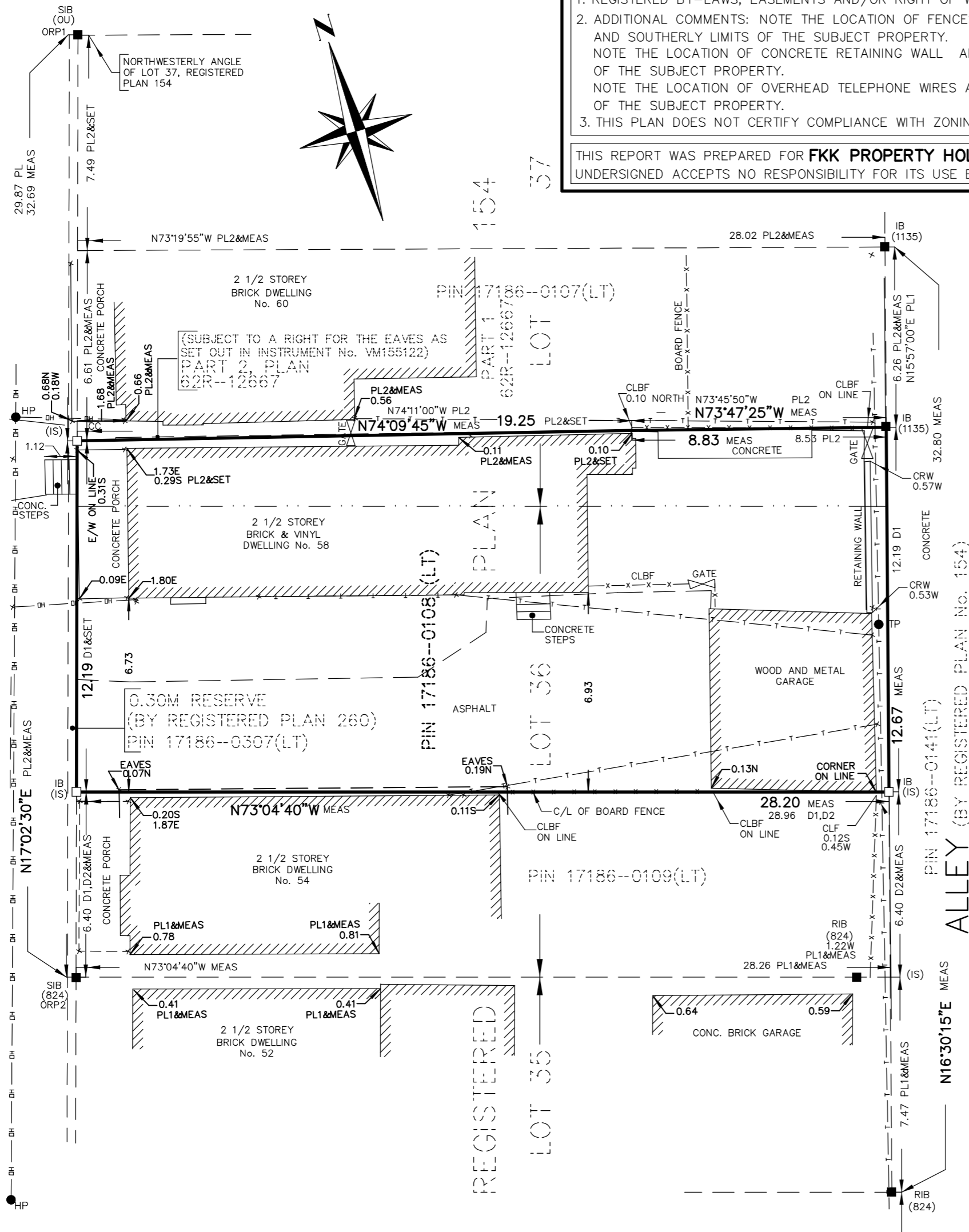
**KAD LANKA SURVEYING INC.**

34, EZRA CRESCENT  
BRAMPTON, ON, L7A 5A6  
PHONE: 905-493-4523  
Email: info@kadlankasurveying.ca



DRAWN BY: V.R.	CHECKED BY: V.R.	CAD NUMBER: 2021-087-SRPR	JOB NUMBER: 2021-087
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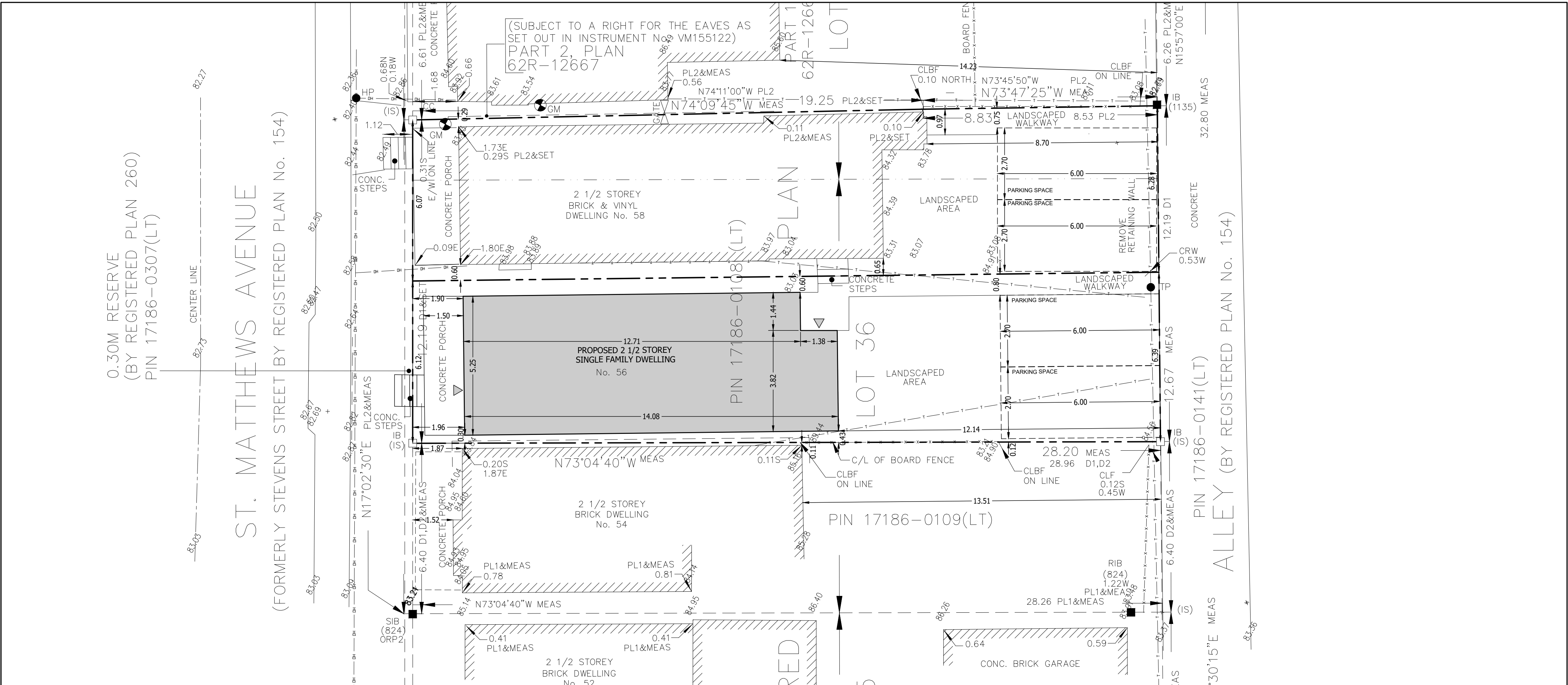
ST. MATTHEWS AVENUE  
(FORMERLY STEVENS STREET BY REGISTERED PLAN No. 154)



ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SUBMISSION FORM  
2168108



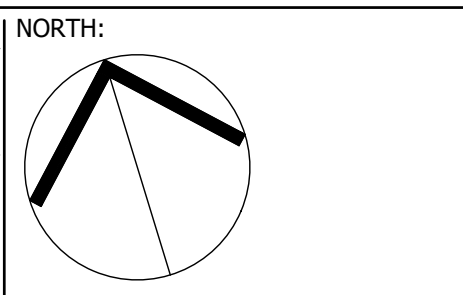
THIS PLAN IS NOT VALID  
UNLESS IT IS AN EMBOSSED  
ORIGINAL COPY  
ISSUED BY THE SURVEYOR.  
In accordance with  
Regulation 1026, Section 29(3).



**1 SITE PLAN**  
Scale: 1:100

THIS PLAN IS BASED ON THE SRPR PREPARED BY KAD LANKA SURVEYING INC. ONTARIO LAND SURVEYORS SIGNED BY VINEETHA RATHNAYAKE AND DATED ON JULY 30, 2021

ALL CONSULTANTS AND CONTRACTORS SHALL CHECK ALL DIMENSIONS ON SITE AND REPORT ANY DISCREPANCIES TO FIRST STEP DESIGN.



THIS DRAWING IS COPYRIGHTED INSTRUMENT OF SERVICE AND IT REMAINS THE PROPERTY OF FIRST STEP DESIGN. USE AND REPRODUCTION OF THIS DRAWING IS ALLOWED ONLY WITH THE WRITTEN CONSENT OF FIRST STEP DESIGN.

THE DRAWING IS NOT ISSUED FOR BUILDING PERMIT UNLESS IT IS STAMPED AND SIGNED AND THE DATED REVISION FIELD STATES: ISSUED FOR BUILDING PERMIT.

DO NOT SCALE DRAWING.

**LEGEND:**  
 = EXIT FROM DWELLING  
 = EXISTING GRADE



PROJECT ADDRESS:  
NEW LOT SOUTH OF 58 ST. MATTHEWS AVE. HAMILTON, ON

**2 SITE STATISTICS**  
City of Hamilton Zoning By-law 6593

TO CREATE NEW LOT AT #56

TO CREATE NEW LOT AT #58, WITH EXISTING SINGLE FAMILY DWELLING

PROPERTY TO THE SOUTH - #54 AS COMPARISON

	"D" URBAN PROTECTED RESIDENTIAL - ONE AND TWO FAMILY DWELLINGS	
	PERMITTED	PROPOSED
LOT AREA	360.0 m2	176.28 m2
LOT WIDTH	12.0 m	6.12 m
SETBACKS		
FRONT (WEST) YARD	6.0 m	1.90 m
NORTH SIDE YARD	1.2 m	0.60 m
SOUTH SIDE YARD	1.2 m	0.30 m
REAR YARD	7.5 m	12.13 m
AREA OF FRONT YARD		11.83 m2
AREA OF FRONT YARD SOFTSCAPING	50%	8.39 m2 (29.08% SOFTSCAPING)
MAX. HEIGHT	11.0 OR 14.0 m	11.0 m 2 1/2 STOREYS, ALLOWS 1.2m SETBACK FROM SIDE PROPERTY LINE
BUILDING HEIGHT TO BE CALCULATED TO DETERMINE A MINIMUM SIDE YARD REQUIREMENT, SHALL MEAN THE VERTICAL DISTANCE BETWEEN THE LOWEST FINISHED GRADE ELEVATION ALONG THE LOT LINE RELATED TO SUCH REQUIRED YARD AT THAT POINT CLOSEST TO THE BUILDING AND THE HORIZONTAL EXTENSION OF THE UPPERMOST POINT OF THE BUILDING.		
REQUIRED PARKING	2 SPACES	2 SPACES
BUILDING COVERAGE	78.86 m2 / 44.74% OF LOT - PORCH NOT INCLUDED	
LANDSCAPED AREA:	56.31 m2 / 31.94% OF LOT	
TOTAL FLOOR AREA:	78.86 m2 x 2.5 STOREYS = 197.15m2	

	"D" URBAN PROTECTED RESIDENTIAL - ONE AND TWO FAMILY DWELLINGS	
	PERMITTED	EXISTING
LOT AREA	360 m2	174.13 m2
LOT WIDTH	12 m	6.07 m
SETBACKS		
FRONT (WEST) YARD	6.0 m	1.73 m EXISTING TO REMAIN
NORTH SIDE YARD	1.2 m	0.10 m, EXISTING TO REMAIN
SOUTH SIDE YARD	1.2 m	0.60 m
REAR YARD	7.5 m	8.70 m, EXISTING TO REMAIN
REQUIRED PARKING	2 SPACES	2 SPACES

	"D" URBAN PROTECTED RESIDENTIAL - ONE AND TWO FAMILY DWELLINGS	
	PERMITTED	EXISTING
LOT AREA	360 m2	181.18 m2
LOT WIDTH	12 m	6.40 m
SETBACKS		
FRONT (WEST) YARD	6.0 m	1.52 m
NORTH SIDE YARD	1.2 m	0.11 m
SOUTH SIDE YARD	1.2 m	0.73 m
REAR YARD	7.5 m	13.51 m

NO.	DATE	DESCRIPTION
7		
6		
5		
4	2021 - 12 - 20	ISSUED FOR REVIEW
3	2021 - 11 - 25	ISSUED FOR REVIEW
2	2021 - 11 - 22	ISSUED FOR REVIEW
1	2021 - 11 - 04	ISSUED FOR REVIEW

DRAWING TITLE:	
SITE PLAN	
PROJECT NUMBER:	2151
DRAWN BY:	CM
DATE:	NOVEMBER 2021
SCALE:	1:100
DRAWING NUMBER:	<b>A-1.0</b>



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 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.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

N/A
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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:

see attached

- Second Dwelling Unit       Reconstruction of Existing Dwelling

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

By-law provisions in this zone (D) do not match the existing character, lot sizes and built form of the area.

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**):

Part of Lot 36 and 37, Registered Plan 154  
58 St. Matthews Ave, Hamilton

7. PREVIOUS USE OF PROPERTY

Residential       Industrial       Commercial

Agricultural       Vacant

Other \_\_\_\_\_

8.1 If Industrial or Commercial, specify use \_\_\_\_\_

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

8.8 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

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       No       Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes  No  Unknown

8.11 What information did you use to determine the answers to 8.1 to 8.10 above?

owner knowledge


8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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

**9. 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.

Jan 25/22  
Date

  
Signature Property Owner(s)  
Jeff Greene  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 12.19 m  
Depth 28.2 m  
Area 350.41  
Width of street 17 m

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: \_

see attached site plan

Proposed

see attached site plan

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:

see attached site plan

Proposed:

see attached site plan



13. Date of acquisition of subject lands:  
August 2021
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.):  
duplex
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
single family / duplex
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 yes Connected yes  
Sanitary Sewer yes Connected yes  
Storm Sewers yes
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Neighbourhoods
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
"D" - URBAN PROTECTED RESIDENTIAL
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)  
 Yes  No  
If yes, please provide the file number:
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?  
 Yes  No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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 (please include separate sheet if needed)  
consent application submitted concurrently
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 Surveyor.

2840146 Ontario Inc.  
33 Fenton Way  
Brampton, ON L6P 0P4

January 25, 2022

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

Attn: Jamila Sheffield, Secretary Treasurer

**Re: APPLICATIONS FOR CONSENT TO SEVER AND MINOR VARIANCE  
58 ST. MATTHEWS AVE, HAMILTON  
2840146 ONTARIO INC.**

On behalf of the property owners, we are pleased to submit applications for consent to sever and minor variance for the existing double lot at 58 St. Matthews Avenue.

### **Description of the Subject Site**

The subject site is located on the east side of St. Matthews Avenue, located in the Landsdale neighbourhood. The subject site is a double lot that is 350.41 square metres in area and has frontages of 12.19 metres along St. Matthews Avenue and 12.67 metres along the rear laneway. The property currently contains a 2.5 storey single-detached dwelling and a driveway that runs along the south side of the dwelling. The driveway leads to a stand-alone garage at the rear of the property. The laneway that runs along the east side of the subject site provides access to parking pads located at the rear of other properties fronting St. Matthews Ave and Cheever Street.

### **Description of the Proposal**

The proposed severance splits the existing double lot into two distinct parcels while retaining the existing dwelling at 58 St. Matthews. A new single-detached dwelling in line with the size and character of the area is proposed on the severed lands (to be addressed as 56 St. Matthews).

A minor variance application is submitted along with the severance. The minor variance application addresses the applicable "D" zoning standards, which do not reflect the lot fabric and built form characteristics that are prevalent in this area. For example, most dwellings along St. Matthews have a front yard setback of 2.0m or less; however, the "D" zoning category requires 6.0m. Also, most of the lots in the area have frontages of approximately 6.0m, whereas the Zoning By-law requires 12.0m. As a result, the requested variances are generally the same for both the retained and severed lands. No changes are proposed to the existing dwelling on

the retained lands; the requested variances will correct grandfathered standards as it relates to the existing dwelling and the variances will maintain the character of the area with respect to the proposed new dwelling.

Similar to the other lots that flank the laneway, parking for the existing dwelling and the new development would be provided at the rear of the property off of the laneway. Each lot would contain a parking pad that could accommodate up to two vehicles. The existing garage will be demolished. This new configuration will allow for improved landscaping around the parking pads in the rear yards. It is noted rear yards for both lots are generously sized and well above the By-law requirement and remain consistent with those of adjacent properties.

**Planning Justification**

The proposed severance results in lot frontages and lot areas for both the severed and retained lands that are consistent and compatible with other properties on St. Matthews Avenue and in the immediate area.

The proposed dwelling will provide a seamless integration into the existing neighbourhood as the proposed built form and setbacks are consistent and compatible with adjacent and surrounding properties. The property is a double lot where adequate side yard setbacks between both the proposed and existing dwellings can be obtained.

As mentioned previously, the current in-force Zoning By-law is not reflective of the standards in the area. The proposed dwelling will fit simply follow setbacks already prevalent in the immediate vicinity.

The following is the justification for each variance:

Variance	By-Law 6593 Standard	Requested Variance Retained	Requested Variance Severed	Justification
Front Yard Setback	6.0m	1.7m	1.9m	Proposed setbacks are consistent with setbacks in the area and even exceed existing setbacks at neighbours at 60 St. Matthews (1.35m) and at 54 St. Matthews (1.52m)
Side Yard Setback (north)	1.2m	0.1m	0.6m	The existing house on the retained lands is an existing grandfathered condition. The proposed dwelling will be located 1.2m from the existing dwelling and this is in line with and exceeds many setbacks in the area

Side Yard Setback (south)	1.2m	0.6m	0.3m	The proposed south setback for the proposed dwelling is consistent with adjacent side yard setbacks and is consistent with those in the immediate area
Lot Width	12.0m	6.07m	6.12m	The lot width is consistent and compatible with those on the street and in the immediate area. There is a mix of housing types existing on the street and in the area (including smaller lot singles and semis). There are numerous examples of 6.0m lots and smaller in the immediate area. The proposed severance results in lots that are consistent with the neighbourhood fabric.
Lot Area	360sm	174sm	176sm	The lot areas are in line with others in the area as all lot depths are generally the same.
Porch Projection	1.5m	0m	0m	This is an existing condition for most homes along St. Matthews (porches built to street line). The variance on the retained lands is an existing condition and the severed land dwelling shows a porch projection generally in line with the street and actually projects less than the immediate neighbours. The intent is to match the character of the area.
Front Yard Landscaping	50%	0%	0%	This variance is due to the porch projection above. The front yards on the street are generally covered by porches and therefore don't meet this provision. Most front yard landscaping is in the boulevard. Given the large rear yard setbacks provided, there is ample opportunity for new landscaping in the rear yards of each property, which will be an improvement over the existing hardscape conditions.

The following outlines how the minor variances meet the four tests of the Planning Act.

1) Does it maintain the general intent of the Official Plan?

The proposal conforms to the Official Plan. The proposed severance constitutes infill development that is permitted in Neighbourhoods. The proposed dwelling is compatible with the existing character of the area. All aspects of the proposal (lot size, house type, house size, setbacks) are in line with the existing properties in the area. It also meets the housing policies of the Official Plan and will provide additional rental housing to the area. In addition, the

2840146 Ontario Inc.  
33 Fenton Way  
Brampton, ON L6P 0P4

proposed severance meets the lot creation conditions in 1.14.3.1 of the Urban Hamilton Official Plan.

2) Does it maintain the general intent of the Zoning By-law?

As previously mentioned, certain standards from By-law 6593 apply to the site and the surrounding area, however they are outdated and not in line with the character and built form of the neighbourhood. It is anticipated the zoning for this site and the broader area will be updated during the implementation of the new comprehensive By-law to better reflect the existing conditions within area. Despite the "D" zone standards, the intent of the By-law is maintained as the proposal will be consistent with the existing lots and built form character of the area.

3) Is it desirable for the appropriate development or use of the land?

This proposal is sensitive infill that makes use of an underutilized property while providing new rental housing. The proposed dwelling respects and meets the character of the area and has similar zoning standards as all surrounding properties. Most surrounding properties in this area would also not meet the By-law for these standards. Also, the dwelling will be designed to minimize any privacy concerns. It maintains the setbacks in the area and the unit at 54 St. Matthews only has one small non-primary window on its north elevation so there will be no privacy impacts. As for the existing dwelling at 58 St. Matthews, there are two bedroom windows on the south elevation. The new dwelling will be designed with a blank wall condition adjacent to these windows. The intent is for the current owners to maintain ownership of both dwellings as rentals.

4) Is it minor in nature?

Given the site and surrounding context, a new dwelling on this double lot fits the character of the area and is compatible. The requested variances are minor due to the fact that most other properties in the area would also need the same variances if they were preparing development applications.

The severance is also subject to the criteria of Section 51(24) of the Planning Act. The proposal meets this criteria as it is an infill property which makes efficient use of existing services in an urban area. The lot size and configuration is suitable for the proposed severance.

Based on the above, the proposed severance meets the criteria of the Planning Act and the resulting minor variances meet the four tests.

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Brampton, ON L6P 0P4

### **Project Benefits**

Benefits of the proposal include:

- Provision of new infill housing on an underutilized double lot
- Allows for retention of the existing dwelling at 58 St. Matthews
- Both houses (existing and proposed) provide much needed rental housing stock
- There is an opportunity for new landscaping in the rear yards of each property, which will be an improvement over the existing hardscape conditions.
- The removal of the existing driveway (where the new dwelling is proposed) will result in the removal of a curb cut and can provide an additional on-street parking space on St. Matthews Avenue.
- The relocation of the driveway and parking spaces to the rear of the property will improve the streetscape and safety of the sidewalk and will allow for new landscaping along the street.

### **Submission Materials**

Please find enclosed the following in support of the application:

- List of requested variances
- Signed Application Forms
- Site Plan, prepared by First Step Design, dated December 20, 2021;
- Severance Sketch, dated December 2021
- Plan of Survey

We look forward to working with the City on this proposal to provide much needed new infill rental housing.

Yours truly,



Jeff Greene  
Gemini Developments