



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-22:58

APPLICANTS: Agent Urban Solutions - M. Johnston
Owner 5000933 Ontario Inc. - A. DiCenzo

SUBJECT PROPERTY: Municipal address **339 - 347 Fifty Rd., Stoney Creek**

ZONING BY-LAW: Zoning By-law 3692-92, as Amended 13-130

ZONING: "RM3-49", "RM2-37", "RM2-38" (Multiple Residential - Three, Multiple Residential - Two) district

PROPOSAL: To facilitate the development of seventy-nine (79) residential dwelling units composed of townhouse and back to back townhouse dwellings, notwithstanding that:

1. The zoning provisions of the "RM3-49" Zone be applied to the entire subject site, whereas the "RM2-37" and "RM2-38" site-specific zones currently apply to blocks within the subject lands as required by Section 3.3 of the By-law.
2. A minimum front yard of 3.0 metres shall be permitted instead of the minimum required front yard of 7.5 metres.
3. A minimum rear yard of 2.0 metres shall be permitted instead of the minimum required rear yard of 6.0 metres.
4. A maximum density of 50 units per hectare shall be permitted instead of the maximum 40 units per hectare permitted.
5. A maximum building height of 14 metres shall be permitted, instead of the maximum 11 metres permitted.
6. No privacy area shall be required instead of the requirement that a privacy area with a minimum depth of 4.5 metres shall be provided.
7. A landscape strip with a minimum width of 1.80 metres shall be permitted abutting a street, instead of the minimum 4.5 metre landscape strip required.
8. A visitor parking ratio of 0.29 spaces per unit shall be provided instead of the required visitor parking ratio for maisonette and townhouse dwelling units of 0.5 spaces per unit.
9. Where the required minimum number of parking spaces is four or more, no parking spaces shall be closer than 1.5 metres to any lot line, instead of the requirement that a parking space shall be 3.0 metres to any lot line.

10. Where there is a group of three or more parking spaces, no parking space shall be provided closer than 1.5 metres to a dwelling unit, instead of the requirement that no parking shall be provided closer than 3.0 metres to a dwelling unit for three or more parking spaces.

NOTES:

1. Please note that variances have been written exactly as requested by the applicant. Please be advised, the lands may be subject to a Site Plan Control Application. As of today's date, a Site Plan Application has not been submitted.

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

DATE: Thursday, April 7th, 2022
TIME: 3:35 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: March 22nd, 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.

FOOTHILLS OF WINONA - Phases 2 and 3

APPROVAL CERTIFICATE

APPROVED UNDER SECTION 51 OF THE PLANNING ACT, R.S.O. 1990, c.p. 13, AS AMENDED, BY THE GENERAL MANAGER OF PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT OF THE CITY OF HAMILTON UNDER THE AUTHORITY OF BY-LAW 07-323.

THIS 30TH DAY OF AUGUST, 2017

Sergio Manchia
GENERAL MANAGER, PLANNING AND ECONOMIC DEVELOPMENT
CITY OF HAMILTON

PLAN 62M-1241

I CERTIFY THAT THIS PLAN 62M-1241 IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF WENTWORTH (62) AT 13:52 O'CLOCK ON THE 14th DAY OF SEPT. 2017 AND ENTERED IN THE REGISTER FOR PROPERTY IDENTIFIER(S)

17368-0652 (LT)
AND REQUIRED CONSENTS ARE REGISTERED AS PLAN DOCUMENT No. WE1234815

"CLANGANER"
REPRESENTATIVE FOR LAND REGISTRAR

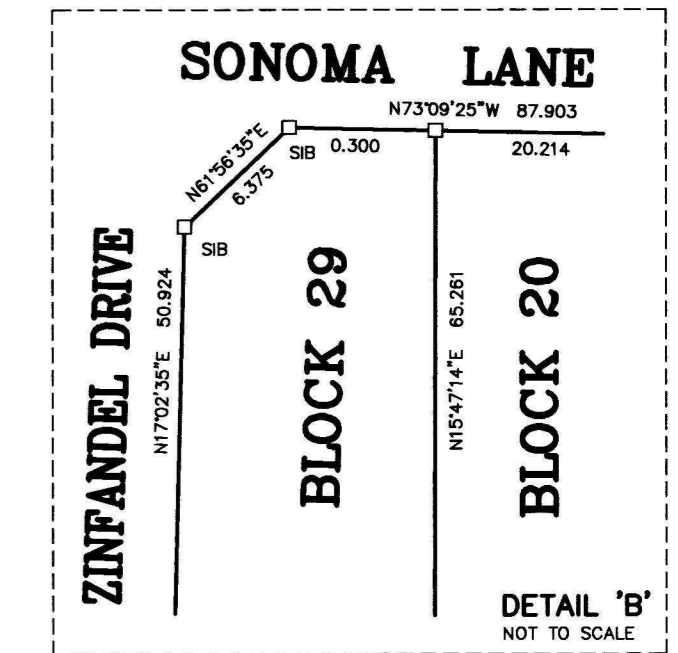
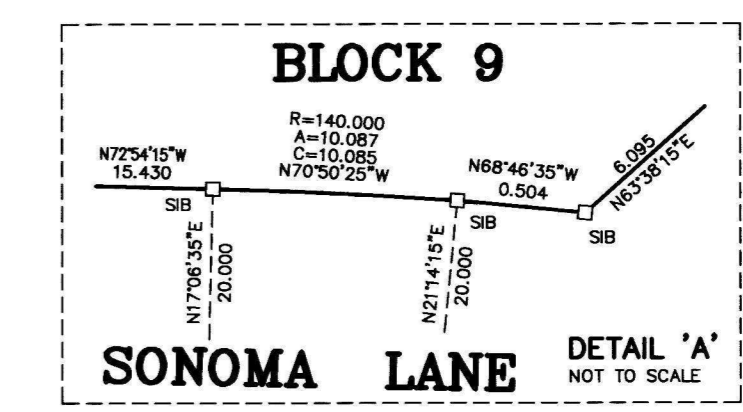
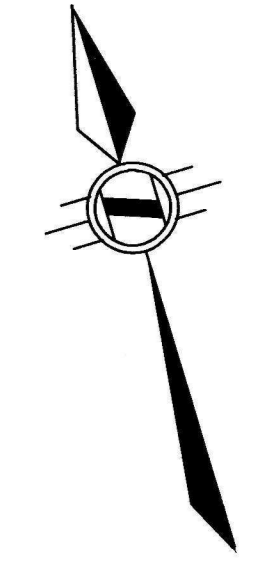
THIS PLAN COMPRISES PART OF PIN 17368-0652(LT)

ALL OF BLOCKS 1 TO 33, INCLUSIVE, AND ALL OF SONOMA LANE, FOOTHILLS LANE, SAUVIGNON CRESCENT, PINO CRESCENT AND ZINFANDEL DRIVE ARE SUBJECT TO AN EASEMENT AS IN WE24816

PLAN OF SUBDIVISION
OF PART OF
LOTS 3 AND 4
CONCESSION 1
GEOGRAPHIC
TOWNSHIP OF SALTLEET
IN THE
CITY OF HAMILTON

SCALE 1:1000 METRIC

S.D. McLAREN, O.L.S. - 2017



OWNER'S CERTIFICATE:

THIS IS TO CERTIFY THAT:
1. BLOCKS 1 TO 4, BOTH INCLUSIVE, BLOCKS 6 TO 30, BOTH INCLUSIVE, THE STREETS, NAMELY SONOMA LANE, FOOTHILLS LANE, SAUVIGNON CRESCENT, PINO CRESCENT AND ZINFANDEL DRIVE, THE STREET WIDENING, NAMELY BLOCK 31 AND THE RESERVES, NAMELY BLOCKS 5, 32 AND 33 HAVE BEEN LAID OUT IN ACCORDANCE WITH OUR INSTRUCTIONS.

2. THE STREETS AND STREET WIDENING ARE HEREBY DEDICATED TO CITY OF HAMILTON AS PUBLIC HIGHWAYS.

OWNER'S NAME: 1800815 ONTARIO INC.

JULY 28, 2017
DATE
Anthony C. Dicenzo
I HAVE THE AUTHORITY TO BIND THE CORPORATION

JULY 28, 2017
DATE
Sergio Manchia
I HAVE THE AUTHORITY TO BIND THE CORPORATION

BEARING NOTE:

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (1997.0)

NOTE:
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99974227

INTEGRATION DATA

COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O.R.C. 216/10			
POINT ID	NORTHING	EASTING	
ORP A	4764984.386	610466.395	
ORP B	4763361.289	610466.395	
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.			

- LEGEND:**
- MONUMENT SET
 - MONUMENT FOUND
 - IB IRON BAR
 - IB# ROUND IRON BAR
 - IP IRON PIPE
 - IP# STANDARD IRON BAR
 - SSB SHORT STANDARD IRON BAR
 - 800 S.W. WOODS, O.L.S.
 - 824 H.B. ASHURETTI, O.L.S.
 - 717 J.J. KEMWAY, O.L.S.
 - 824 A.T. McLAREN, O.L.S.
 - 1213 J.D. PETERS, O.L.S.
 - 1497 J.P. NOUMENS, O.L.S.
 - 80 BARKH CRUICK SURVEYING LTD.
 - JOB J.D. BARNES LIMITED
 - CU ORIGIN UNKNOWN
 - MEASURED PLAN 62R-19938

NOTE: ALL SET BARS ARE IB'S UNLESS OTHERWISE NOTED.

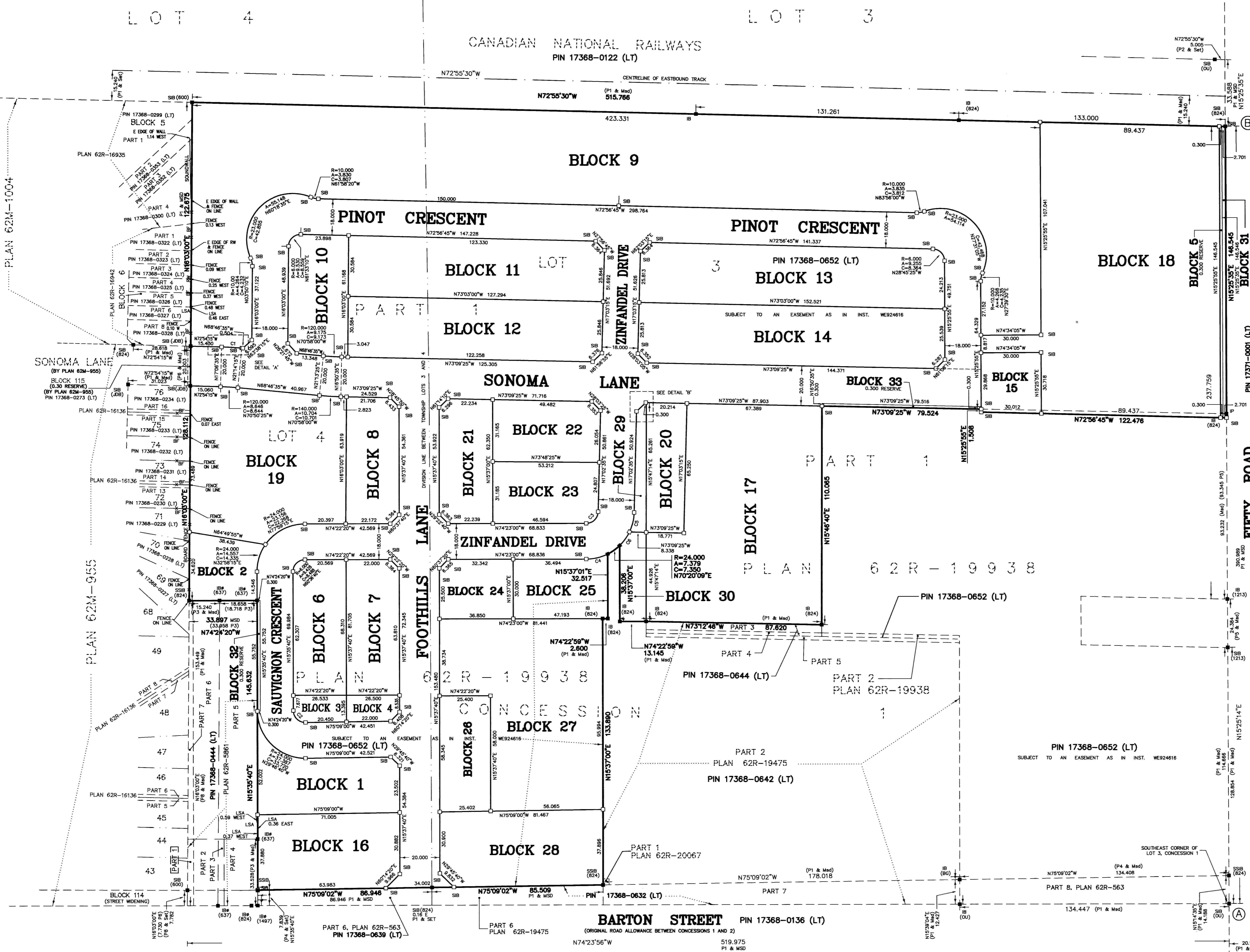
METRIC NOTE
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 14th DAY OF JULY, 2017

JULY 28, 2017
DATE
S. Dan McLaren
S. DAN McLAREN, O.L.S.

A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS
69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn RMB Checked LD Scale 1:1000 Dwg.No. 34156-1A3

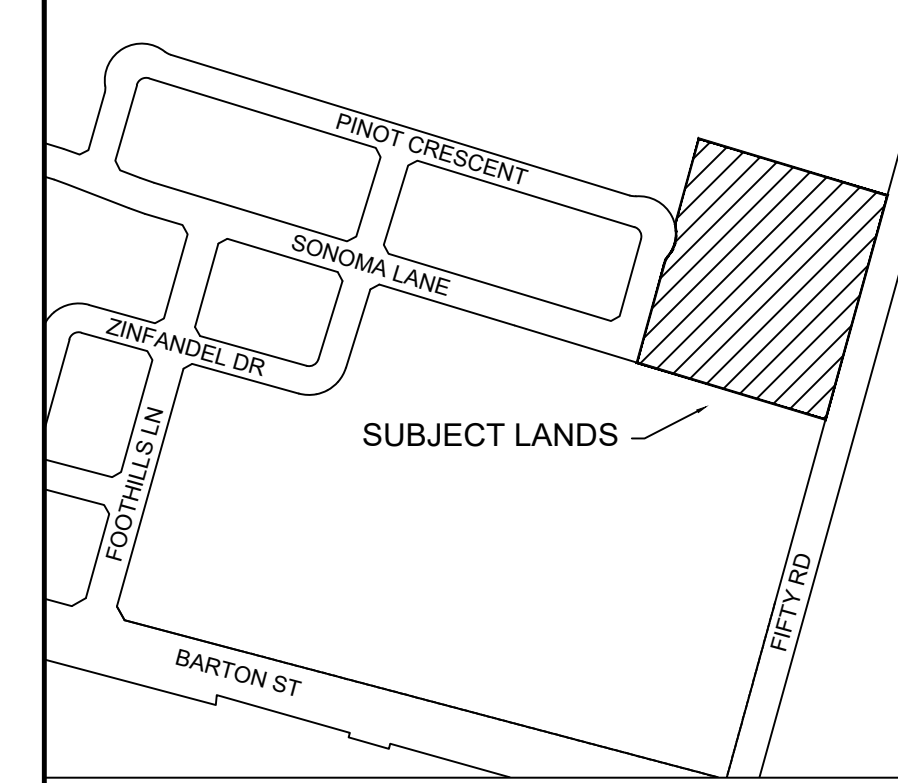


CURVE DATA

BLOCK	RADIUS	ARC	CHORD	BEARING
C1	9	140.000	10.087	N70°50'25\"
C2	3	22.570	0.448	N29°46'40\"
C3	23	6.000	9.275	N61°19'50\"
C4	25	24.000	11.089	N87°37'10\"
C5	29	24.000	10.132	N29°08'20\"
C6	30	24.000	8.501	N51°22'50\"



STANDARD CONDOMINIUM DEVELOPMENT STATISTICS		
Zone: RM3-49		
Item	Required	Proposed
No. Units	N/A	79 Units
Min. Lot Area	4,000 m ²	15,715.69 m ²
Min. Lot Frontage	8.5 m	81.20 m
Min. Front Yard (Pinot Cres.)	7.5 m	3.20 m
Min. Side Yard	3.0 m	6.30 m (Interior Side Yard) 3.95 m (To a Daylight Triangle) 5.71 m (Sonoma Lane)
Min. Rear Yard (Fifty Road)	6.0 m	2.0 m
Min. Building Separation	12m, except 2.0 m between end walls and 9.0 m between an end wall and a rear wall	17.20 m & 2.40 m between end walls
Max. Building Height	11.0 m	13.13 m
Max. Lot Coverage	35%	26.02%
Landscaped Area	35%	37.89%
Max. Density	40 UPH	50.27 UPH
Min. Privacy Area	4.5 m depth	0 m
Landscaping Strip		
Abutting Pinot Crescent	4.5 m	3.20 m
Abutting curved portion of Pinot Crescent	4.5 m	3.38 m
Abutting Fifty Road	4.5 m	1.80 m
Abutting Sonoma Lane	4.5 m	2.15 m
Parking Spaces		
Resident Parking	2 spaces per unit = 158 spaces	158 spaces
Visitor Parking	0.5 visitor spaces per unit = 40 spaces	0.29 visitor spaces per unit = 23 spaces
Barrier Free Parking	N/A	2 spaces



MINOR VARIANCE SKETCH

BLOCKS 9 & 18
REGISTERED PLAN 62M-1241
FORMERLY THE CITY OF STONEY CREEK
NOW IN THE CITY OF HAMILTON

SCALE METRES 1:300
0 5 10 20 30

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

- LEGEND:
- Subject Lands
 - Proposed Buildings
 - Proposed Garage
 - Proposed 2nd & 3rd Floor Extension
 - Proposed Entrance

NO.	DATE	BY	DESCRIPTION
DRAWING ISSUE RECORD			
NOT FOR CONSTRUCTION			
STAMP			
APPROVALS			

DESIGN BY: S. MCKAY CHECKED BY: M. JOHNSTON
DRAWN BY: L. DRENNAN DATE: OCTOBER 26, 2021

NO.	DATE	BY	DESCRIPTION
DRAWING ISSUE RECORD			
NOT FOR CONSTRUCTION			
STAMP			
APPROVALS			

DESIGN BY: S. MCKAY CHECKED BY: M. JOHNSTON
DRAWN BY: L. DRENNAN DATE: OCTOBER 26, 2021

URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT

3 STUDEBAKER PLACE, SUITE 1
HAMILTON, ON L8L 0C8
905-546-1087 - urbancore.info

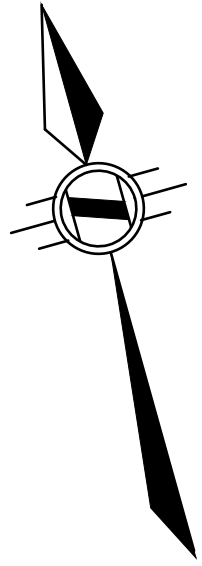
OWNER: 5000933 ONTARIO INC.

PROJECT: **FOOTHILLS OF WINONA**

347 FIFTY ROAD
FORMERLY CITY OF STONEY CREEK
NOW IN THE CITY OF HAMILTON

FILE NUMBER: 246-17 SHEET NUMBER: 1

PLAN OF SURVEY
OF PART OF
LOT 3
CONCESSION 1
GEOGRAPHIC
TOWNSHIP OF SALT FLEET
AND PART OF
BLOCKS 15 & 18
AND PART OF
PINOT CRESCENT
REGISTERED PLAN 62M-1241
IN THE
CITY OF HAMILTON



SCALE 1:500 METRIC

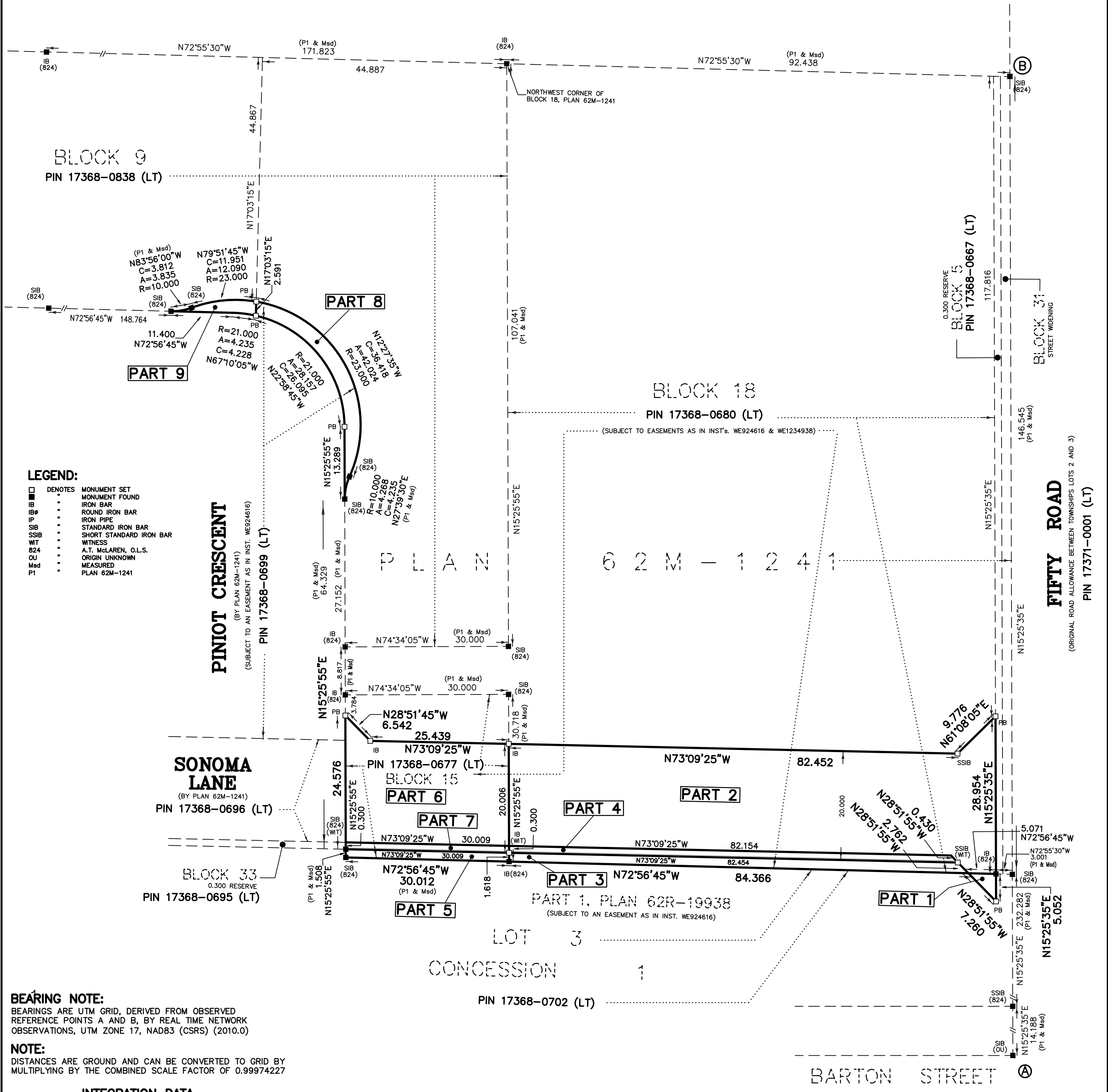


S.D. McLAREN, O.L.S. - 2021

SCHEDULE			
PART	LOT/BLOCK	CON/PLAN	PIN
1	PART OF LOT 3	CONCESSION 1	PART OF PIN 17368-0702 (LT)
2	PART OF BLOCK 18	PLAN 62M-1241	PART OF PIN 17368-0680 (LT)
3			
4	PART OF BLOCK 15	PLAN 62M-1241	PART OF PIN 17368-0677 (LT)
5			
6			
7	PART OF PINOT CRESCENT	PLAN 62M-1241	PART OF PIN 17368-0699 (LT)
8			
9			

PLAN 62 R-
RECEIVED AND DEPOSITED
Date _____
REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (No. 62)
I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.
Date JANUARY 29, 2021
S. DAN McLAREN, O.L.S.

PARTS 1 TO 9, INCLUSIVE, ARE SUBJECT TO AN EASEMENT AS IN WE924616
PARTS 2 TO 7, INCLUSIVE, ARE SUBJECT TO AN EASEMENT AS IN WE1234938



INTEGRATION DATA

POINT ID	NORTHING	EASTING
ORP (A)	4784984.366	610466.395
ORP (B)	4785361.289	610466.395

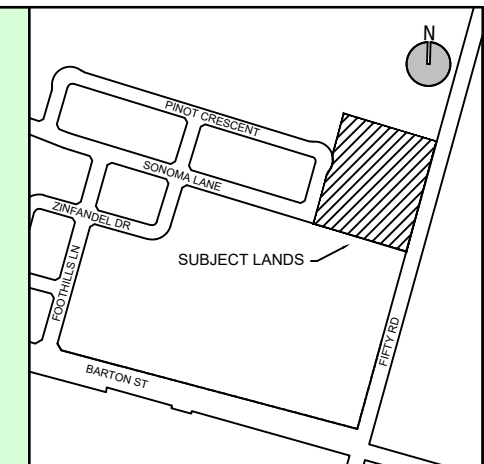
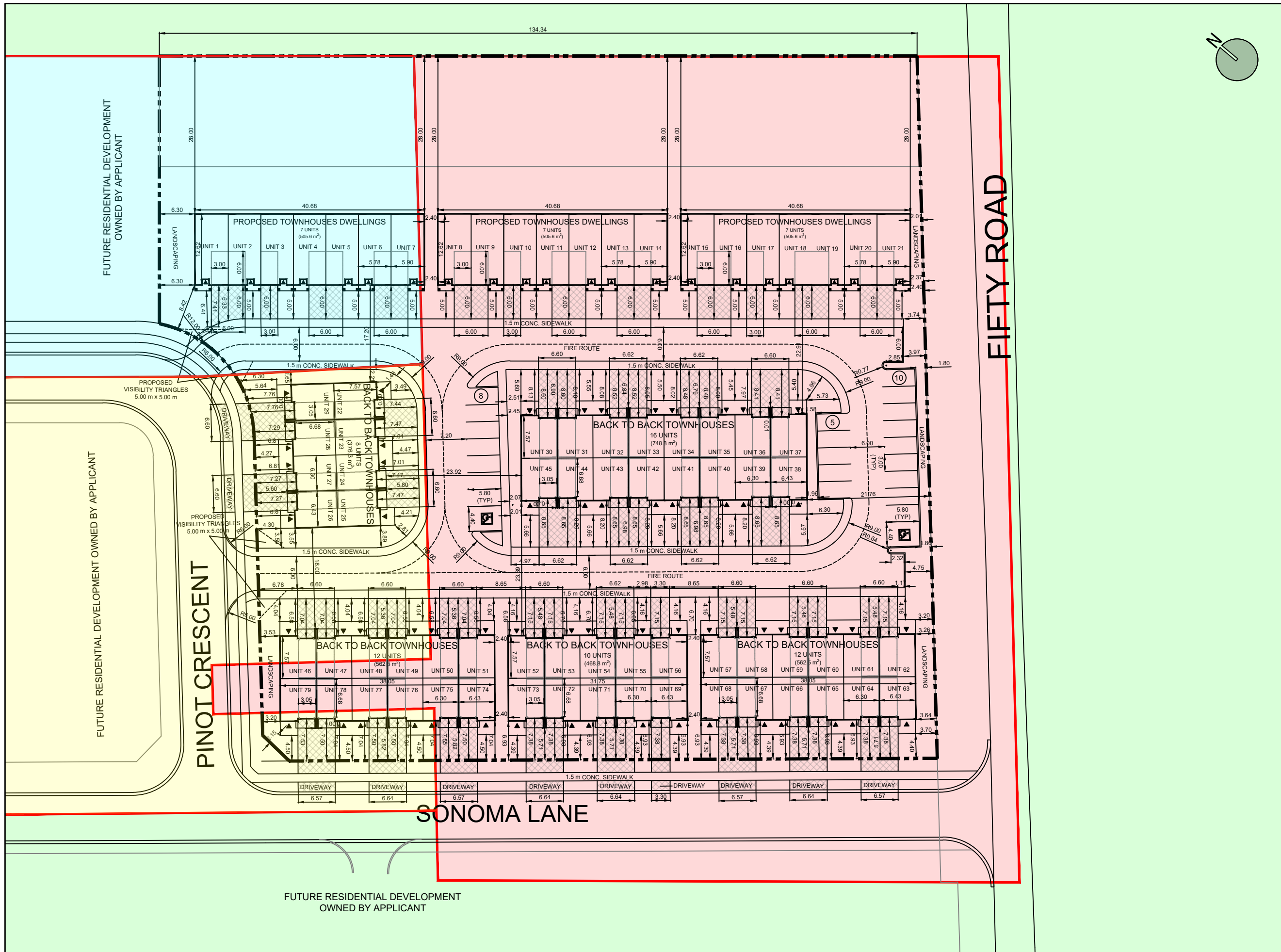
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

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

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 LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 28th DAY OF JANUARY, 2021.
JANUARY 29, 2021
DATE
S. DAN McLAREN, O.L.S.

A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS
69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn JB Checked RBM Scale 1:500 Dwg.No. 34156-R1



KEY MAP - N.T.S.
 SCALE: 1:600 METRES
 0 10 20 30 METRES

LEGEND:

- SUBJECT LANDS
- RM2-37 ZONE
- RM2-38 ZONE
- RM3-49 ZONE
- AS ZONE

NOT FOR CONSTRUCTION
 ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:
 ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: L. DRENNAN	CHECKED BY: S. MCKAY
DRAWN BY: L. DRENNAN	DATE: JANUARY 25, 2022



URBAN SOLUTIONS
 PLANNING & LAND DEVELOPMENT

3 STUDEBAKER PLACE, UNIT 1
 HAMILTON, ON L8L 0C8
 905-546-1087 - urbancore.info

PROJECT:
 339 & 347 FIFTY ROAD
 CITY OF HAMILTON

CLIENT:
 5000933 ONTARIO INC.

TITLE:
 ZONING SKETCH

U/C FILE NUMBER: 246-17	SHEET NUMBER: 1
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February 7, 2022

246-17

Via Delivered & Email

Jamila Sheffield
Secretary Treasurer, Committee of Adjustment

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

Dear Ms. Sheffield,

**RE: Minor Variance Application
339 & 347 Fifty Road, City of Hamilton**

On behalf of the owner, 5000933 Ontario Inc., we are pleased to submit this Minor Variance application for the lands municipally known as 339 & 347 Fifty Road, Stoney Creek in the City of Hamilton.

The subject property is designated as “Neighbourhoods” in the Urban Hamilton Official Plan and “Low Density Residential 3, Area Specific Policy – Area I” in the Fruitland-Winona Secondary Plan. The lands are currently zoned Multiple Residential “RM2-37” & “RM2-38” Zone and Multiple Residential “RM3-49” Zone in the City of Stoney Creek Zoning By-law No. 3692-92. The subject lands are currently vacant and are Block Nos. 9, 15 and 18 on Registered Plan No. 62M-1241.

A Formal Consultation application was submitted on August 4, 2021 and a subsequent Development Review Team Meeting was held on September 22, 2021 (FC-21-128). The proposal entails a total of 79 residential dwelling units contained in 21 townhouse units and 58 back-to-back townhouse units. Each unit is proposed to have one driveway and one garage parking space, providing a total of 158 residential parking spaces. In addition, there are 23 visitor parking spaces proposed including two barrier free spaces.

For the purposes of evaluating this Minor Variance application against the Zoning By-law; as per the RM3-49 Zone, Pinot Crescent is deemed to be the front line, Fifty Road is deemed to be the rear lot line, Sonoma Lane is deemed the flankage yard and every other lot line is deemed as the interior side yard.

To facilitate the proposed development a Minor Variance is required to vary the following by-law deficiencies:

- **Variance No. 1:** The zoning provisions of the RM3-49 zone be applied to the entire subject site whereas RM2-37 and RM2-38 site specific zones currently apply to blocks within the subject lands as required by section 3.3 of the By-law.
- **Variance No. 2:** A minimum front yard setback of 3.0 metres be permitted instead of 7.5 metres as required by Section 6.10.3(c).

- **Variance No. 3:** A minimum rear yard setback of 2.0 metres be permitted whereas 6.0 metres is required by provision (f) of the RM3-49 zone as it applies to standard condominium regulations.
- **Variance No. 4:** A maximum density of 50 units per hectare be permitted whereas 40 units per hectare is required by Section 6.10.3(i).
- **Variance No. 5:** A maximum building height of 14 metres be permitted whereas 11 metres is required by Section 6.10.3(j).
- **Variance No. 6:** No privacy area shall be required whereas a privacy area with a minimum depth of 4.5 metres is required by 6.10.3 (l).
- **Variance No. 7:** A landscape strip having a minimum width of 1.80 metres shall be provided abutting a street whereas a 4.5 metre landscape strip is required by 6.10.3 (m 4.)
- **Variance No. 8:** A visitor parking ratio of 0.29 spaces per unit shall be provided whereas the required visitor parking ratio for maisonette and townhouse dwelling units is 0.5 spaces per unit as per Section 6.10.5(a 1.).
- **Variance No. 9:** Where the required minimum number of parking spaces is four or more no parking space shall be closer than 1.5 metres to any lot line, whereas a parking space shall be 3.0 metres to any lot line as per 6.10.5(d).
- **Variance No. 10:** Where there is a grouping of three or more parking spaces, no parking space shall be provided closer than 1.5 metres to a dwelling unit whereas no parking shall be provided closer than 3.0 metres to a dwelling unit for three or more parking spaces as per 6.10.5(e).

To assist in the evaluation of this application, please refer to the enclosed sketch. Justification for the proposed variances has been provided below in accordance with Section 45 of the Planning Act:

1. Is the proposed minor variance in keeping with the general purpose and intent of the Urban Hamilton Official Plan?

The subject lands are identified on Schedule E-1 – Urban Land Use Designations as being within the Neighbourhoods designation of the Urban Hamilton Official Plan. As outlined in Section E.2.4.1.4 of the UHOP, residential intensification shall be encouraged throughout the entire built-up area with compatible integration to the surrounding area while achieving a range of dwelling types and tenures. Furthermore, Section E.2.4.2.2 - Residential Intensification in the Neighbourhoods Designation, directs that residential intensification shall ensure compatibility with existing and future uses of the surrounding area, that transitions in height and density to adjacent residential buildings be considered, and that streetscape patterns be enhanced.

The subject lands are further identified as Low Density Residential 3, Area Specific Policy – Area I” in the Fruitland-Winona Secondary Plan. Chapter B, Section 7.4.2.6 of the Stoney Creek Secondary Plan, notes that developments must provide a compact urban form, with higher densities located closer to arterial roads that may serve as future transit corridors. The subject lands are located adjacent to the Major Gateway and Future Multi-Modal Transportation Hub as per Maps B.7.4-1 and B.7.4-3 of the Fruitland-Winona Secondary Plan. The requested variances meet the general purpose and intent of both the Urban Hamilton Official Plan and the Fruitland-Winona Secondary Plan through the provision of residential intensification close to larger transportation areas while maintaining compatibility between the existing surrounding built forms. Therefore, the requested variances meet the general purpose and intent of the Official Plan.

2. Is the proposed minor variance in keeping with the general purpose and intent of the Zoning By-law?

The subject lands are located within the Multiple Residential “RM3-49” Zone, Multiple Residential “RM2-37” and “RM2-38” Zone in the City of Stoney Creek Zoning By-law No. 3692-92.

The “RM2-37 & -38” Zones do not permit maisonettes whereas the “RM3” Zones does. The intent of Variance No. 1 is for the varied RM3-49 zone regulations to apply to the entire development site. This ensures consistency of built form and regulations while recognizing changes to the previously proposed lot boundaries. This is consistent with the Zoning By-law as this will facilitate a comprehensive development as proposed. Variance Nos. 2 and 3 are requesting a front yard setback of 3.0 metres instead of 7.5 metres and a rear yard setback of 2.0 metres instead of 6.0 metres. The intent of these regulations is to provide sufficient yard space in the front of a dwelling for a driveway and landscaped space and sufficient space in within the rear yard for privacy and amenity space. As Pinot Crescent is considered the front yard for this development and Fifty Road is considered the rear yard, the proposed variance to the front and rear yard setbacks are in relation to the side yard interface of the proposed built form in reality. As the proposed variances to the required front and rear yard setbacks represent a typical flankage side yard setback, the variances can be considered technical in nature.

Variance Nos. 4 and 5 relate to building height and density. The City of Hamilton and Province of Ontario are mandating more compact, dense urban forms through residential intensification policies. While the height and density proposed exceeds what is permitted in the Zoning-By-law, the applicable by-law was approved in 1994 and does not reflect the current needs and intent of the City. The intent of regulating building height is to ensure appropriate massing of buildings in relation to adjacent properties. Appropriate massing is maintained for the lands to the east and south as built form and massing is in keeping with the proposed development. In addition, as outlined in the Fruitland-Winona Secondary Plan, a net residential density of greater than 40 units per hectare and not exceeding 60 units per hectare is permitted. The density limit contained in the existing Zoning By-law is 40 units per hectare, whereas the permitted density range for the subject lands as established by the Secondary Plan is between 40 and 60 units per hectare. As such, the existing Zoning By-law and Secondary Plan are not aligned and the proposed variance to density will assist in bringing the zoning into conformity with the applicable Secondary Plan regulations. Variance Nos. 6 and 7 relate to landscaped area and privacy area on the subject lands. The requested variance meets the general intent of the Zoning By-law as the intent is to

provide the residents with sufficient amenity area and open space. For residents of the subject lands, access to amenity and open space will be maintained as there is internal and municipal sidewalks connecting to Winona Park which is approximately 400 metres from the subject lands. Thus, the development adequately maintains ample access to landscaped amenity space.

Variance No. 8 is requesting to decrease the required visitor parking ratio from 0.5 spaces per dwelling unit to 0.29 spaces per dwelling unit. The intent of the parking requirement established in the Zoning By-law is to ensure the proposed development has adequate visitor parking. As proposed, the reduction in visitor parking meets the needs of the residents without resulting in adverse impacts on the surrounding area. Variance Nos. 9 and 10 are related to setbacks to lot lines and dwellings. The intent of this regulation is to provide sufficient distance to dwellings both on the subject lands and on adjacent property lines. While Variance No. 9 is requesting a 1.80 metre setback to a lot line, this will not have any adverse impacts to the surrounding lands as this lot line abuts a municipal right-of-way. Similarly, Variance No. 10 is requesting a 1.5 metre setback to a dwelling unit. However, this setback is to the side of a dwelling which will have sufficient building materials to ensure noise and light impacts will have no adverse impacts. In addition, the majority of setbacks exceed 1.5 metres while some comply with the 3.0 metre requirement. The reduction to 1.5 metres to accommodate only the smallest pinch point.

3. Is the proposed minor variance minor in nature?

The requested minor variances maintain the Low Density & Multiple Residential use of the subject lands which is in keeping with the land uses prescribed by the Fruitland-Winona Secondary Plan. The variances will allow for a comprehensive development which efficiently utilizes the space while maintaining consistency with the balance of the approved Foothills of Winona subdivision. Given that the proposed development conforms to all other regulations of the By-law, the request can be considered to be generally consistent with the Zoning By-law and is minor in nature.

4. Is the proposed minor variance desirable for the appropriate development or use of the land, building or structure?

The proposed minor variances are desirable and appropriate as it is consistent with the planned and existing built out character of the surrounding area. As discussed above, the subject lands are within the Registered Plan No. 62M-1241, all other lands within this Foothills Plan of Subdivision have obtained Conditional or final Site Plan approval from the City. The requested minor variances will not present any undo adverse negative impacts to the surrounding area. Further, the proposed development represents a land use and development layout that is permitted in the Urban Hamilton Official Plan and Zoning By-law. Therefore, the application can be considered desirable and appropriate for the development of the land.

As such, the proposed variances satisfy the four tests outlined in Section 45(1) of the *Planning Act* as the relief requested is minor in nature, is desirable for the appropriate development of the lands, and meets the general intent and purpose of the Official Plan and Zoning By-law. This proposed development and requested minor variances if approved will provide and enhance the future growth within the Fruitland-Winona area.

In support of this request, please find enclosed:

- One (1) copy of the completed Minor Variance application form;
- One (1) copy of the Registered Plan No. 62M-1241;
- One (1) copy of the Minor Variance Sketch prepared by UrbanSolutions;
- One (1) copy of the Zoning Sketch prepared by UrbanSolutions; and,
- One (1) cheque in the amount of **\$3,465.00** made payable to the City of Hamilton.

We trust the enclosed is in order; however, please feel free to contact the undersigned with any questions.

Regards,
UrbanSolutions



Matt Johnston, MCIP, RPP
Principal



Laura Drennan, CPT
Planning Technician

cc: 5000933 Ontario Inc. (via email)
Mr. Allan Buist (via email)
Councillor Maria Pearson, Ward 10, City of Hamilton (via email)
Mr. Steve Robichaud, MCIP, RPP, Chief Planner, City of Hamilton (via email)



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	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

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 refer to enclosed cover letter.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Please refer to enclosed 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**):

399 & 347 Fifty Road
Lots 9 & 18 of Registered Plan No. 62M-1241

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?

Consultation with owner.

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.

N/A

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. 21, 2022
Date


Signature Property Owner(s)

Anthony G. DiCenzo
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage +/- 81.20 m (Pinot Crescent)
Depth +/- 134.34 m
Area +/- 15,715.69 squared metres
Width of street +/- 18 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:

Subject lands are currently vacant.

Proposed

Please refer to enclosed Minor Variance sketch.

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

Existing:

Subject lands are currently vacant.

Proposed:

Please refer to enclosed Minor Variance sketch.

13. Date of acquisition of subject lands:
Unknown
14. Date of construction of all buildings and structures on subject lands:
Buildings have not been constructed yet.
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Residential/ Vacant
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Residential, Commercial, Institutional
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 _____ Connected
Sanitary Sewer _____ Connected
Storm Sewers
19. Present Official Plan/Secondary Plan provisions applying to the land:
"Neighbourhoods" in the Urban Hamilton Official Plan & "Low Density Residential 3, Area Specific Policy - Area I" in the Fruitland - Winona Secondary Plan.
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Multiple Residential - Two "RM2-37" & "RM2-38" Zone and Multiple Residential - Three "RM3-49" Zone.
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)
Please refer to enclosed cover letter.
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.