



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: HM/B-22:16

SUBJECT PROPERTY: 23 West Ave., Hamilton

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 GSP Group - S.Hastings
Owner Jianneng Lin

PURPOSE OF APPLICATION: To permit the conveyance of a vacant parcel of land for residential purposes and to retain a parcel of land containing an existing dwelling (to remain) for residential purposes.

Severed lands:

12.192m[±] x 30.48m[±] and an area of 371m^{2±}

Retained lands:

12.192m[±] x 30.48m[±] and an area of 371m^{2±}

**This application will be heard in conjunction with
Minor Variance Application HM/A-22:52**

The Committee of Adjustment will hear this application on:

DATE: Thursday, April 28th, 2022

TIME: 2:15 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: April 12, 2022

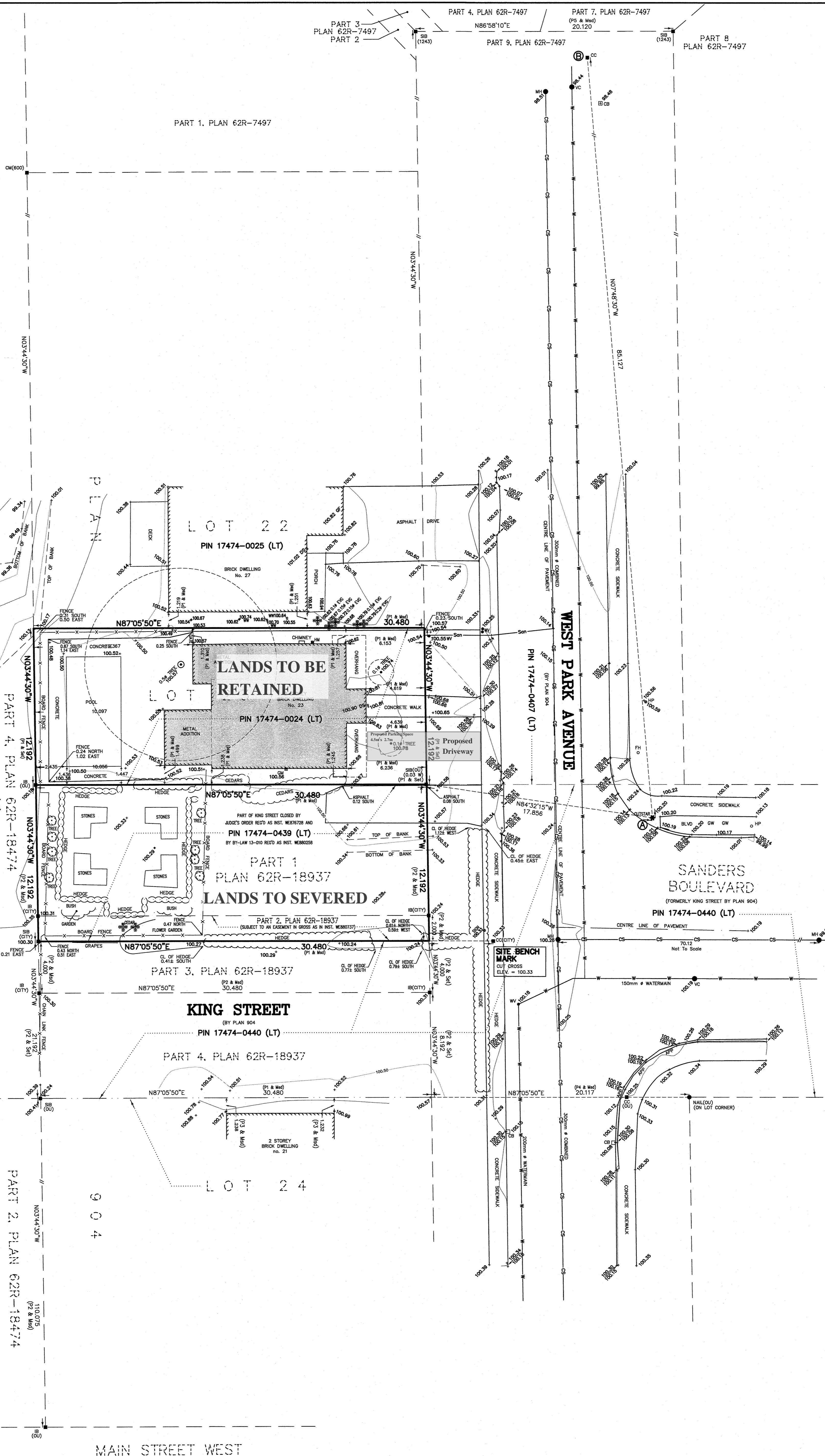
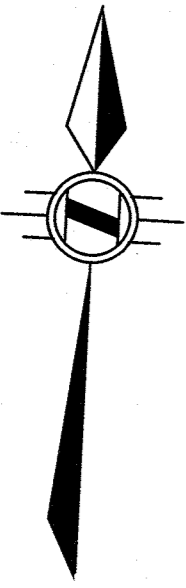
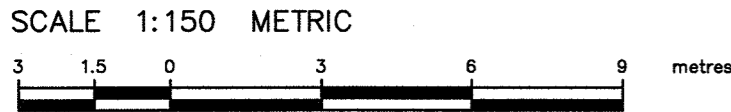
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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.

TOPOGRAPHIC SURVEY
 OF PART OF
KING STREET
 CLOSED BY JUDGE'S ORDER REG'D AS INST. WE87628 AND
 BY BY-LAW 13-010 REG'D AS INST. WE880258
REGISTERED PLAN 904
 AND ALL OF
LOT 23
PLAN 904
 IN THE
CITY OF HAMILTON
 SCALE 1:150 METRIC
R.A. McLAREN, O.L.S. - 2021

PART 3, PLAN 62R-7497
 PART 2
 N86°58'10"E
 PART 4, PLAN 62R-7497
 PART 9, PLAN 62R-7497
 PART 7, PLAN 62R-7497
 (P5 & M6)
 20.120
 PART 8
 PLAN 62R-7497

PART 1, PLAN 62R-7497



- LEGEND:**
- DENOTES MONUMENT SET
 - MONUMENT FOUND
 - IRON BAR
 - PLASTIC BAR
 - CC CUT CROSS
 - SIB STANDARD IRON BAR
 - S3B SHORT STANDARD IRON BAR
 - 600 S.W. WOODS, O.L.S.
 - 824 A.T. McLAREN, O.L.S.
 - 812 A.J. CLARK, O.L.S.
 - 1243 E. BARRON, O.L.S.
 - CITY CITY OF HAMILTON
 - OU ORIGIN UNKNOWN
 - M62 MEASURED
 - P1 PLAN BY A.T. McLAREN, O.L.S. DATED JUNE 01, 2010 FILE 33188
 - P2 PLAN 62R-18937
 - P3 PLAN BY S.W. WOODS, O.L.S. DATED SEPTEMBER 30, 1995 FILE A-1352
 - P4 PLAN 804
 - P5 PLAN 62R-7497
 - HP HYDRO POLE
 - GM GUY WIRE
 - HM HYDRO METER
 - OS GAS METER
 - DS DOOR SILL
 - CF GARAGE FLOOR
 - VC VALVE CHAMBER
 - WV WATER VALVE
 - PH FIRE HYDRANT
 - ME MANHOLE
 - CB CATCH BASIN
 - EVZ ENVIROZEN
 - Ø DIAMETER
 - // NOT TO SCALE

BEARING NOTE:
 BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

NOTE:
 DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99968212

INTEGRATION DATA

POINT ID	NORTHING	EASTING
CRP @	4790296.830	586710.470
CRP @	4790181.143	586698.902

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

BENCHMARK:
 MONUMENT 001985U034
 RESIDENCE NO. 85 LOWER HORNING MOUNTAIN ROAD, AT NORTH SIDE OF WHITNEY AVENUE, TABLET IN NORTH CONCRETE FOUNDATION WALL, 1.5 M BELOW LOW ROOF, 30 CM FROM NORTHWEST CORNER, 61 CM BELOW BRICK, SLIGHTLY ABOVE ROAD LEVEL.
 ELEVATION: 102.899 metres CGVD-1928-1978

NOTE:
 UNDERGROUND SERVICE AND UTILITY LOCATIONS WERE LOCATED BY CITY OF HAMILTON DRAWING NO. W-224 SEWERS
 UNDERGROUND SERVICE AND UTILITY LOCATIONS MUST BE VERIFIED PRIOR TO CONSTRUCTION
 INVERTS MUST BE VERIFIED PRIOR TO CONSTRUCTION

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 REGULATIONS MADE UNDER THEM
 2. THE SURVEY WAS COMPLETED ON THE 28TH DAY OF OCT, 2021
 NEWBERG 19, 2021
 DATE
 R. A. McLAREN, O.L.S.

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A.T. McLaren Limited
 LEGAL AND ENGINEERING SURVEYS
 69 JOHN STREET SOUTH, SUITE 230
 HAMILTON, ONTARIO, L9N 2B9
 PHONE (905) 527-8559 FAX (905) 527-0032

Drawn: JH
 Checked: RBM
 Date: 11/15/21
 Scale: 1:150
 Dep. No.: 36792



February 11, 2022

File No: 21298

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

Attn: Ms. Jamila Sheffield
Secretary-Treasurer

**Re: Consent to Sever Application and Minor Variance Application
23 West Park Avenue**

On behalf of our client, the landowner of 23 West Park Avenue, GSP Group is pleased to submit a consent to sever application and a minor variance application for the property known municipally as 23 West Park Avenue (the “subject lands”), which are legally described as:

Part of King Street closed by Judge’s Order Registered Instrument WE876728 and by By-law 13-010 Registered as Instrument WE880258 and all of Lot 23 of Plan 904 in the City of Hamilton.

The purpose of the proposed severance is to create a new residential building lot by equally dividing the subject lands. A new single-detached dwelling is proposed to eventually be built on the severed lot.

Subject Lands

The subject lands are located in Hamilton’s Ainslie Wood North neighbourhood, west of McMaster University, north of Main Street West, and east of the Hydro Corridor.

The subject lands consist of an over-sized residential lot that was created in 2013 through the amalgamation of an existing residential lot with an unassumed portion of the King Street right-of-way (later renamed Sanders Boulevard).

A judge's order was issued and registered on title on January 4, 2013 as Instrument Number WE876728 to close the unassumed portion of King Street, which was established by the West Park Survey, Registered Plan 904 (see **Figure 1**).

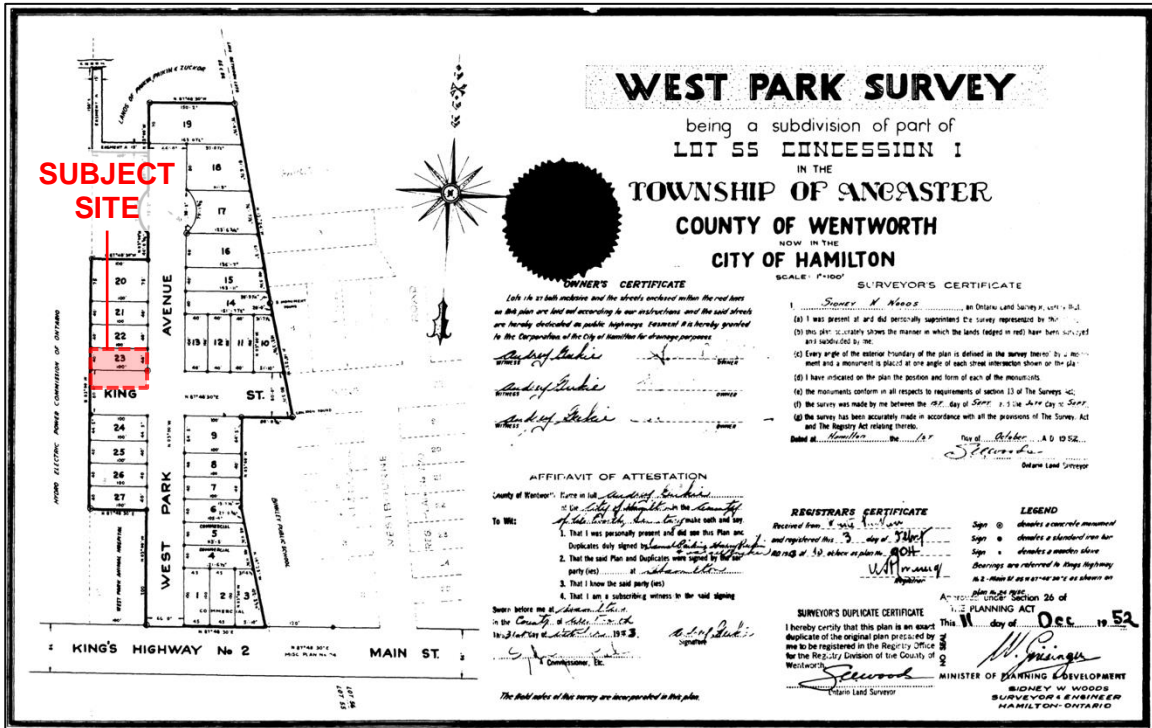


Figure 1: West Park Survey (Plan 904), dated Dec. 11, 1952. Note the original size of Lot 23 prior to the closing of the adjacent right-of-way and subsequent merger with Lot 23.

Once the right-of-way was closed, a portion of King Street (in particular: Part 1 and Part 2 of Plan 62R-18937, see **Figure 2**) was subsequently sold and merged with 23 West Park Avenue on January 23, 2013. Through this process the subject lands came to be double the area of the original Lot 23 on Plan 904. As a result of this merger, the subject lands currently have a frontage onto West Park Avenue of 24.384 metres, double the original 12.192 metres indicated on Plan 904.

The northern portion of the subject lands contains a two-storey brick dwelling which is proposed to be retained. The southern portion of the subject lands contains a landscaped area and a driveway. In order to facilitate the proposed severance, the driveway currently serving the existing dwelling is proposed to be relocated north to the retained lot and positioned in front of the existing dwelling.

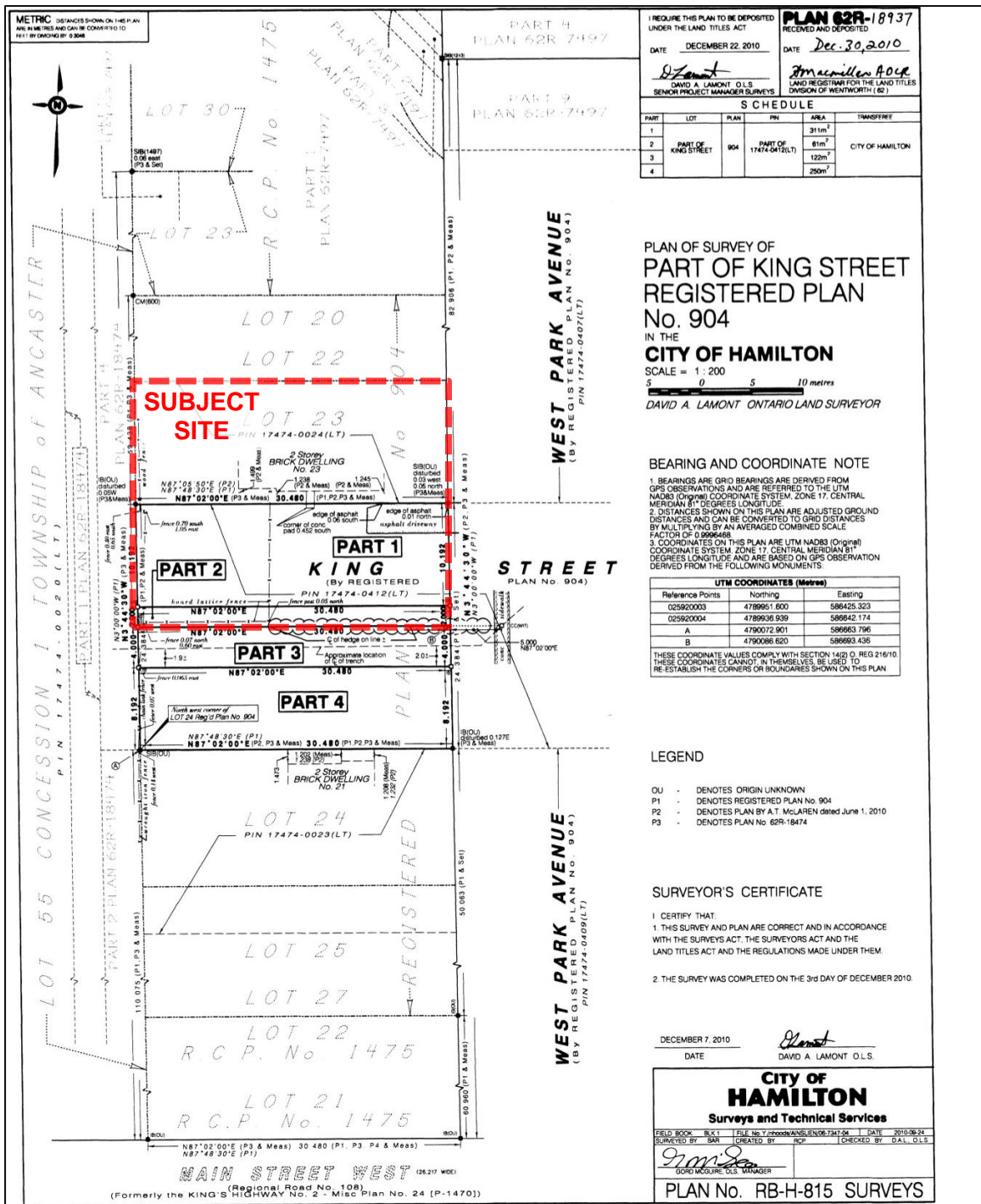


Figure 2: Plan 62R-18937, dated Dec. 7, 2010. The unassumed portion of King Street was closed on Dec. 18th, 2012. Part 1 and Part 2 of Plan 62R-18937 were subsequently sold and merged with 23 West Park Avenue. There is an easement over Part 2 in favour of the City of Hamilton regarding the construction, maintenance and operation of watermain, storm, and sanitary sewer systems.

Surrounding Land Uses

The immediate surrounding land uses include:

North: Single-detached dwellings
East: Single-detached dwellings
South: Single-detached dwellings
West: Hydro-corridor

The surrounding lands are generally characterized by single-detached dwellings, with commercial uses located further to the south along Main Street West. Based on the surrounding community context, the proposal to construct a single-detached dwelling on the severed lot is contextually appropriate and in keeping with the existing neighbourhood character.

Consent Application

The proposal is to sever the subject lands into two (2) equally-sized lots in order to develop a single-detached dwelling on the severed lot. As a result of the severance, the retained lot will return to the original size and shape of Lot 23 in Plan 904 (see **Figure 1**). The severed lot will consist of the additional lands that were formerly part of the King Street right-of-way. Upon successful completion of the severance application, both lots will have a frontage onto West Park Avenue of 12.192 metres and a depth of 30.48 metres. Both lots will match the original dimensions of the former Lot 23 in Plan 204 as well as will meet the minimum lot width and lot area requirements of the applicable zoning by-law.

Provincial Policy Statement, 2020

All land use decisions are to be consistent with the Provincial Policy Statement, including applications for consent to sever.

Policy 1.1.1 of the Provincial Policy Statement (PPS) states that “Healthy, liveable and safe communities are sustained by:

- “a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable

housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;”

- “e) promoting the integration of land use planning, growth management, *transit-supportive* development, *intensification* and *infrastructure* planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;”
- “h) promoting development and land use patterns that conserve biodiversity;”

The proposed severance is consistent with the above PPS policies because it will result in a more efficient development and land use pattern that will sustain the financial well-being of the Province and the City of Hamilton over the long term (policy a); accommodate more housing options (policy b); promote a cost-effective development pattern that will minimize land consumption and servicing costs (policy e); and promote a development pattern that will conserve biodiversity (policy h).

Policy 1.1.3.1 of the PPS states that *settlement areas* (which includes by definition built-up areas) shall be the focus of growth and development. The proposed severance is consistent with this policy as the subject site is located in Hamilton’s Built-up Area as identified on Appendix G—Boundaries Map of the UHOP. Policy 1.1.3.2 states that within *settlement areas*, land use patterns “shall be based on densities and a mix of uses which:

- “a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; [...]”

Consistent with the above policies, the proposed severance represents an efficient use of land and resources (policy a); that will optimize the use of existing infrastructure and public service facilities (policy b).

Based on the above analysis, the proposed severance to facilitate residential intensification within Hamilton’s Built-Up Area is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020

Schedule 3 of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) indicates that Hamilton is forecasted to grow to 820,000 people by 2051.

Most recently, in November 2021, Hamilton City Council voted against expanding Hamilton's urban boundary; and therefore, the City is required by the Province to accommodate a net growth of 236,000 people by 2051 within the City's current urban boundary.

Furthermore, Section 2.2.1 of the Growth Plan, Managing Growth, provides that the vast majority of growth will be directed to settlement areas that:

- i. have a *delineated built boundary*;
- ii. have existing or planned *municipal water and wastewater systems*;
and
- iii. can support the achievement of *complete communities*.

In conformity with the above policy, the subject site is located in Hamilton's delineated built-up area as identified on Appendix G—Boundaries Map of the UHOP (policy i); has access to existing municipal water and wastewater services (policy ii); and is located in a well-established residential neighbourhood that can support the achievement of a complete community (policy iii).

Furthermore, Policy 2.2.1.2.c.iv of the Growth Plan states that growth within settlement areas will be focused in "areas with existing or planned *public service facilities*". The Ainslie Wood North neighbourhood satisfies this policy as it features numerous public services facilities, including local schools, parks, as well as major public institutions such as McMaster University, and McMaster Children's Hospital.

Based on the above analysis, the proposed severance would result in the efficient use of land in an area targeted for growth and is therefore in conformity with the Growth Plan. The proposal is also consistent with the recent direction of Hamilton City Council to accommodate all future growth to 2051 within the existing urban boundary.

Urban Hamilton Official Plan

The Urban Hamilton Official Plan (UHOP) provides policy guidance for lot creation in Vol. 1, Chapter F, Section 1.14.3.1, which states that “Consents for new lot creation, for both the severed and retained lands, for residential uses in the Neighbourhoods designation shown on Map E-1 – Urban Land Use Designation, shall be permitted provided the following conditions are met:

- 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.”

A planning response to each of these policies is provided next:

“a) The lots comply with the policies of this Plan, including secondary plans, where one exists;”

The subject lands are designated Neighbourhoods on Schedule E Urban Structure and Schedule E-1 Urban Land Use Designations. The Neighbourhoods designation permits a wide variety of residential uses and forms, including single-detached dwellings.

The subject lands are also part of the Ainslie Wood Westdale Secondary Plan and are designated “Low Density Residential 2” on Map B.6.2-1 Ainslie Wood Westdale Secondary Plan - Land Use Plan.

As per Policy 6.2.5.4 a) i), single-detached dwellings are a permitted use within the “Low Density Residential 2” designation and indeed “shall be the primary form of housing in most of these areas, especially in the interior of neighbourhoods.”

As per Policy 6.2.5.4 a) ii), “Low Density Residential 2” densities shall generally be from 10 – 29 units per gross hectare. Accordingly, the severance represents a proposed density of 26.8 units per gross hectare (2 units / 0.0745 hectares).

Based on the above analysis, the proposed severance conforms to the policies of the Urban Hamilton Official Plan and the Ainslie Wood Westdale Secondary Plan.

“b) The lots comply with existing Neighbourhood Plans;”

The subject lands are part of the Ainslie Wood North Neighbourhood Plan, which was adopted by Council on January 28, 1975 (see **Figure 3**). The northern portion of the subject lands is designated “Single and Double” whereas the southern portion of the subject lands is shown as part of the former King Street right-of-way. The Neighbourhood plan predates the closure of King Street in 2013 by 38 years and is therefore out of date with respect to the current lot pattern. The neighbourhood plan needs to be updated to reflect the closure of the unassumed portion of King Street and the incorporation of this portion of the subject lands as “Single and Double”.



Figure 3: Ainslie Wood North Neighbourhood Plan (Map 6907), approved by Council on January 28, 1975. The subject lands are identified as “Single and Double” as well as part of the original King Street right-of-way.

“c) The lots are in conformity with the Zoning By-law or a minor variance is approved;”

The subject lands are zoned Urban Protected Residential, etc. “C” District in Hamilton By-law No. 6593. The zoning compliance of the proposed severance is outlined in Table 1.

Table 1 Zoning Compliance of Proposed Severance

Urban Protected Residential, etc. “C” District - Hamilton By-law No. 6593					
Section	Regulation		Severed Lot	Retained Lot	Compliance
9(1) i)	Permitted Residential Uses	Single family dwelling	Single family dwelling	Single family dwelling	✓
9(2)	Max Height	2½ storeys / 11 metres	n/a	Existing 2 storeys	✓
9(3) i)	Min. Front Yard	6.0m	n/a	4.6m	✓ (existing)
9(3) ii)	Min. Side Yard	1.2m	n/a	1.238m	✓
9(3) iii)	Min. Rear Yard	7.5m	n/a	10.056m	✓
9(4)	Min. Lot Width	12.0m	12.192m	12.192m	✓
9(4)	Min. Lot Area	360m ²	±371m ²	±371m ²	✓
18A Table 1	2 parking spaces for the first 8 habitable room	2 spaces required	n/a	1 space	X
18A(7)	Min. Parking Space Size	2.7m x 6.0m	n/a	2.7m x 4.5m	X

As shown in Table 1, two minor variances to the relevant parking regulations are required to accommodate the severance:

1. To permit one (1) parking space, whereas two (2) parking spaces are required; and
2. To permit a parking stall size of 2.7m x 4.5m, whereas 2.7m x 6.0m is required.

Upon approval of these requested minor variances, both the retained and severed lot will be in conformity with the Zoning By-law No. 6593.

“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;”

Upon the successful severance of the subject lands, the retained lot will return to the same size and dimensions as it had from its creation in 1952 through the West Park Survey (see **Figure 1**) until 2013 when it was merged with a closed portion of King Street. The retained lot has thus already demonstrated its compatibility with the existing development pattern as it existed in this form for 61 years. The proposed severed lot has the same lot width (12.192m) and lot depth (30.48m) as the retained lot, which was previously established in 1952 by the West Park Survey. In this way the proposed severed lot is also in keeping with the established lot pattern of the neighbourhood.

Concerns regarding height and overlook would not be expected at this location given that the lot backs onto a hydro corridor. A new dwelling constructed on the severed lot would need to comply with the maximum height prescribed for a single-detached dwelling in the Zoning By-law.

Based on the above analysis, both the proposed retained and severed lot reflect the original lotting pattern of the West Park Survey and generally reflect the scale and character of the established pattern in the Ainslie Wood North neighbourhood.

“e) The lots are fully serviced by municipal water and wastewater systems; and,”

Both the severed and retained lots will have full municipal water and wastewater system connections.

“f) The lots have frontage on a public road.”

Both the severed and retained lots will maintain a 12.192 metre frontage onto a public road (West Park Avenue).

Conclusion

Based on the above analysis, the proposed consent application satisfies the lot creation policies of Vol. 1, Chapter F, Section 1.14.3.1 of the UHOP.

Minor Variance Application

The subject lands are zoned Urban Protected Residential, etc. “C” District in Hamilton By-law No. 6593. The zoning compliance of the proposed severance is outlined in Table 1. In order to facilitate the proposed severance, minor variances are required:

- To permit one (1) parking space, whereas two (2) are required; and
- To permit a parking stall size of 2.7m x 4.5m, whereas 2.7m x 6.0m is required.

Section 45(1) of the *Planning Act* states that the Committee of Adjustment “may authorize such minor variances from the provisions of the by-law, in respect of the land, building or structure or the use thereof” provided the following four tests are met:

- 1. Does the minor variance maintain the general intent and purpose of the Official Plan?**
- 2. Does the minor variance maintain the general intent and purpose of the Zoning By-law?**
- 3. Is the minor variance desirable and appropriate for the lands?**
- 4. Is the requested variance minor in nature?**

The analysis that follows demonstrates how the requested variances satisfy the four tests of a minor variance:

- 1. Does the requested variance maintain the general intent and purpose of the Official Plan?**

The subject lands are part of the Ainslie Wood Westdale Secondary Plan and are designated “Low Density Residential 2” on Map B.6.2-1 Ainslie Wood Westdale Secondary Plan - Land Use Plan.

The proposed minor variances will facilitate the development of the severed lot for a single-detached dwelling, which is to be the primary form of housing within the interior or neighbourhoods designated “Low Density Residential 2”.

In addition, the proposed form and density of the retained and severed lot conform to the “Low Density Residential 2” designation. Therefore, the requested minor variances related to parking would not offend the UHOP as it will enable the subject

lands to be developed in manner that conforms to the “Low Density Residential 2” designation.

Based on the foregoing analysis, the requested minor variance maintains the general intent and purpose of the UHOP, including the “Low Density Residential 2” designation in the Ainslie Wood Westdale Secondary Plan.

2. Does the requested variance maintain the general intent and purpose of the Zoning By-law?

With respect to parking requirements, it is my opinion that Hamilton’s old Zoning By-law No. 6593 is outdated. For example, within the new city-wide zoning By-law No. 05-200, only one (1) parking stall is required for each single-detached dwelling. Therefore, the proposed minor variance to permit one (1) parking stall per single-detached dwelling would implement the more modern zoning standards already being established across the City of Hamilton.

Furthermore, with the exception of the parking requirements, the proposed lots meet all of the requirements of Zoning By-law No. 6593, including the minimum required lot width and lot area.

As the minor variances will essentially recognize existing conditions and allow for the severed lands to be developed for a single-detached dwelling in conformity with the Urban Protected Residential, etc. “C” District, the proposed minor variances maintain the general intent and purpose of the Zoning By-law.

3. Is the requested variance desirable and appropriate for the lands?

The requested variances are desirable and appropriate for the lands because they would facilitate land division in a manner compatible with the existing lotting pattern, as well as enable residential intensification in a form and density that would fit harmoniously with the established built form of the Ainslie Wood North neighbourhood.

Furthermore, it is desirable for the retained lot to maintain a parking stall. However, the existing dwelling and original lot dimensions do not provide sufficient space to accommodate multiple parking stalls, nor the full required parking stall dimensions. The approval of the minor variances will permit the retained dwelling to maintain a parking stall with a reduced length. For these reasons, the requested variance is considered desirable and appropriate for the lands.

4. Is the requested variance minor in nature?

In my opinion, both of the requested variances are minor in nature.

The request to reduce the maximum number of parking stalls from two (2) to one (1) would have the effect of recognizing the physical constraints established by the existing dwelling as well as the original lot size and dimensions of the retained lot. A minimum of one (1) parking stall per single-detached dwelling is already the established parking ratio in the new city wide Zoning By-law 05-200. Furthermore, given that the subject lands are located in an area with existing public transit along Main Street West and are located approximately 900 metres west of the planned McMaster LRT Station, the subject lands are in a suitable position to utilize existing and planned public transit.

The request to permit a parking stall size of 2.7m x 4.5m, whereas 2.7m x 6.0m is required, is also, in my opinion, considered minor in nature. It is noted that the full width of the parking stall can be accommodated. The proposed length of 4.5 metres represents 75% of the length requirement of 6.0 metres. In practice, if a vehicle were to exceed a length of 4.5 metres, there is approximately 4.5 metres of “buffer” within the West Park Avenue right-of-way between the edge of the property line and the start of the sidewalk which, if necessary, could comfortably accommodate an encroachment by a vehicle longer than 4.5 metres.

In consideration of the foregoing, both of the requested minor variances are considered minor in nature.

Recommendation

The requested variance represents good land use planning as it satisfies the four tests of Section 45(1) of the Planning Act. The severance application satisfies the City’s lot creation criteria for severances contained within the UHOP. Approval of the requested variance will continue to maintain the general intent and purpose of the UHOP and Zoning By-law, is desirable for the appropriate use of the land, and is considered minor in nature. Based on the forgoing analysis, my recommendation is that the variances and severance be approved.

In support of the consent to sever and minor variance applications, please find enclosed the following:

- A cheque in the amount of \$6,450.00 made out to the “City of Hamilton” for the fee payment of a minor variance and consent to sever application;
- Two (2) copies of the completed application form for a consent to sever application;
- Two (2) copies of the completed application form for a minor variance application;
- Two (2) copies of a Topographic Survey, prepared by A. T. McLaren Ltd. and dated Nov. 19, 2021; and
- Two (2) copies of this Planning Brief, prepared by GSP Group and dated February 11, 2022.

Digital copies of all of the above files will be emailed to the Committee of Adjustment immediately following the submission of this hardcopy application.

Should you have any questions or require any additional information, please do not hesitate to contact me at 289-778-1410 or via email at shastings@gspgroup.ca.

Yours truly

GSP Group Inc.



Stuart Hastings, MCIP, RPP
Planner

cc. *Jianneng Lin*



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

	NAME	MAILING ADDRESS
Purchaser*		
Registered Owners(s)		
Applicant(s)**		
Agent or Solicitor		

***Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application. (O. Reg. 786/21)**

**** Owner's authorisation required if the applicant is not the owner or purchaser.**

1.3 All correspondence should be sent to Purchaser Owner
 Applicant Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality Hamilton	Lot	Concession	Former Township
Registered Plan N°. 904	Lot(s) 23	Reference Plan N°.	Part(s)
Municipal Address 23 West Park Avenue			Assessment Roll N°. 251801003100920

2.2 Are there any easements or restrictive covenants affecting the subject land?

Yes No

If YES, describe the easement or covenant and its effect:

Inst. No. WE880737: 2.0m service easement in favour of City along southern boundary

3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

a) Urban Area Transfer (do not complete Section 10):

- creation of a new lot
- addition to a lot
- an easement

- Other: a charge
 a lease
 a correction of title

b) Rural Area / Rural Settlement Area Transfer (Section 10 must also 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:

Unknown

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 (lease, easement, charge etc.):**

Frontage (m)	Depth (m)	Area (m ² or ha)
12.192	30.48	±371m ²

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: None

Proposed: Single-detached dwellings

Existing structures to be removed: None

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
- privately owned and operated individual well
- lake or other water body
- other means (specify) _____

Type of sewage disposal proposed: (check appropriate box)

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

4.2 Description of land intended to be **Retained (remainder)**:

Frontage (m) 12.192	Depth (m) 30.48	Area (m ² or ha) ±371m ²
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Certificate Request for Retained Lands: Yes*

* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. **(O. Reg. 786/21)**

Existing Use of Property to be retained:

- Residential
- Agriculture (includes a farm dwelling)
- Other (specify) _____
- Industrial
- Agricultural-Related
- Commercial
- Vacant

Proposed Use of Property to be retained:

- Residential
- Agriculture (includes a farm dwelling)
- Other (specify) _____
- Industrial
- Agricultural-Related
- Commercial
- Vacant

Building(s) or Structure(s):

Existing: 2-storey single-family dwelling

Proposed: No change

Existing structures to be removed: No change

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

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

- electricity
- telephone
- school bussing
- 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): Low Density Residential 2

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

Please see attached covering letter/justification brief

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? Urban Protected Residential, etc. "C" District in Hamilton By-law No. 6593.

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

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard*	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	Restaurants/Retail (±200 metres south)
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

*Complete MDS Data Sheet if applicable

6 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agriculture Vacant Other (specify)

6.1 If Industrial or Commercial, specify use _____

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

- Yes No Unknown

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

- Yes No Unknown

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

- Yes No Unknown

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

- Yes No Unknown

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

- Yes No Unknown

6.7 Have the lands or adjacent lands ever been used as a weapons firing range?

- Yes No Unknown

6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

- Yes No Unknown

6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?

- Yes No Unknown

- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?
 Owner's Knowledge.
- 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?
 N/A Yes No

7 PROVINCIAL POLICY

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)
 Yes No
 Refer to attached covering letter/planning brief
- b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)
 Refer to attached covering letter/planning brief
- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)
 Refer to attached covering letter/planning brief
- 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
 Refer to attached covering letter/planning brief
- 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)
 N/A
- 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)
 N/A
- 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)

N/A

8 HISTORY OF THE SUBJECT LAND

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

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

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

N/A

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

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

8.4 How long has the applicant owned the subject land?

May 27, 2021

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.

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 TBD Status Consent application submitted concurrently

10 RURAL APPLICATIONS

10.1 **Rural Hamilton Official Plan Designation(s)**

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

Settlement Area

Designation

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

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

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

10.3 Description of Lands

a) Lands to be Severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from in Section 4.1)
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Existing Land Use: _____ Proposed Land Use: _____

b) Lands to be Retained:

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

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)
----------------------------------	---

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):
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Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of surplus dwelling lands intended to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: _____

d) Surplus farm dwelling date of construction:

Prior to December 16, 2004 After December 16, 2004

e) Condition of surplus farm dwelling:

Habitable Non-Habitable

f) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
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Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

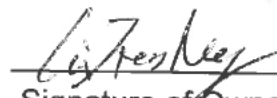
Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

The proposed severed lot was originally part of the King Street unopened road allowance (now known as Sanders Boulevard). A brief history of the lot is provided in the covering letter/planning brief. A minor variance application has been submitted concurrently with this severance application.

12 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.

February 9 2022
Date


Signature of Owner