



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-22:52

**APPLICANTS:** Agent GSP – S. Hastings  
Owner Jianneng Lin

**SUBJECT PROPERTY:** Municipal address **23 West Park Ave., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended 95-02 & 95-033

**ZONING:** “C/S-1335 and C/S-1335a (Urban Protected Residential, etc.)  
district

**PROPOSAL:** To permit a lot to be retained containing an existing single family dwelling and to permit a lot to be conveyed for a future single family dwelling in order to facilitate Consent File No. HM/B-22:16 notwithstanding that:

Variations Required for the lands to be Retained:

1. A maximum floor area ratio of 1.03 shall be permitted instead of the maximum 0.45 floor area ratio permitted.
2. A minimum front yard depth of 4.6m shall be recognized instead of the minimum required front yard depth of 6.0m.
3. Eaves and gutters shall be permitted to project not more than 0.7m into the required side yards (being 1.2m) so that the eaves and gutters may be as close as 0.5m to a side lot line instead of the requirement that eaves and gutter may project into a required side yard (being 1.2m) not more than one-half of its width (being 0.6m).
4. No parking spaces shall be required instead of the parking requirement that two 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.
5. A swimming pool pump located within the required southerly side yard shall be permitted to be 0.0m from the southerly side lot line instead of the requirement that swimming pool pumps are permitted within a required side yard provided such equipment has a minimum setback of 0.6 metres from the side lot line.

**NOTE:**

- i) The variations are necessary to facilitate Consent Application File No. HM/B-22:16.
- ii) Pursuant to Variance # 4 above, the Agent has confirmed that the existing single family dwelling contains 8 habitable rooms.

- iii) No variances are required for the lands to be severed as the lot width and lot area comply.

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

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**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](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)

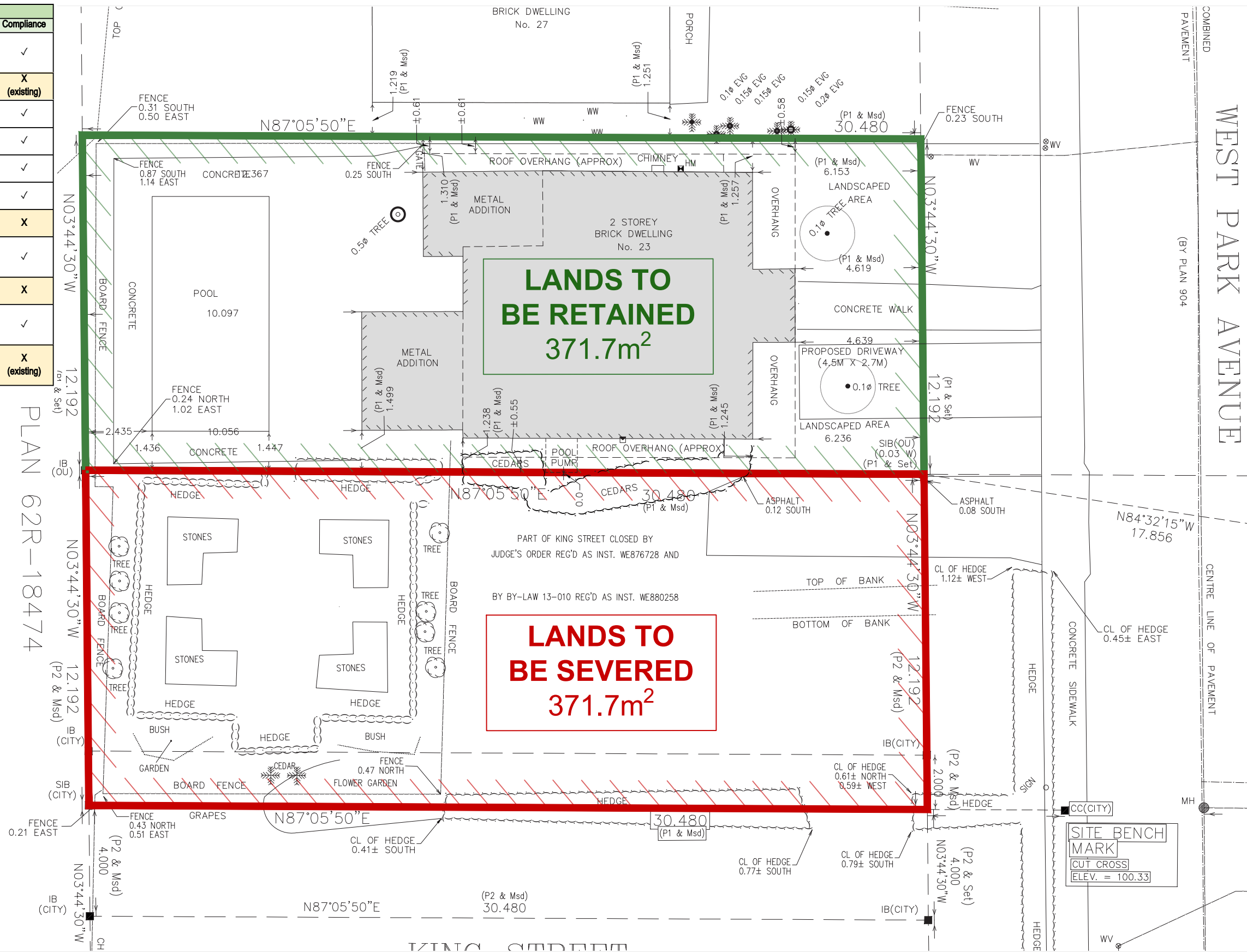
DATED: April 12th, 2022.

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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.***

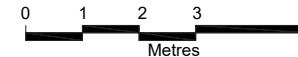
ZONING COMPLIANCE CHART - Urban Protected Residential, etc. "C" District - Hamilton By-law No. 6593					
Section	Regulation	Severed Lot	Retained Lot	Compliance	
By-law No. 6593 Section 9 (1) i)	Permitted Residential Uses	Single family dwelling	Single family dwelling	Single family dwelling	✓
Section 9 (3) i)	Min. Front Yard	6.0m	n/a	4.6m	X (existing)
Section 9 (3) ii)	Min. Side Yard	1.2m	n/a	1.238m	✓
Section 9 (3) iii)	Min. Rear Yard	7.5m	n/a	10.056m	✓
Section 9 (4)	Min. Lot Width	12.0m	12.192m	12.192m	✓
Section 9 (4)	Min. Lot Area	360m <sup>2</sup>	±371m <sup>2</sup>	±371m <sup>2</sup>	✓
Section 18 4(v) a)	Pool Pump Location	Min. setback of 0.6 metres from the side lot line	n/a	0m	X
Section 18 14(i)	Front Yard Landscaped Area	Not less than 50% of Front Yard Landscaped Area	n/a	Front Yard: 56.4m <sup>2</sup> Landscaped Area: 36.3m <sup>2</sup> 64% Landscaped Area	✓
Section 8A Table 1	2 parking spaces for the first 8 habitable room	(7 habitable rooms) 2 spaces required	n/a	0 spaces	X
By-law No. 95-02 (a)	Max Height	2 storeys / 9 metres	n/a	Existing 2 storeys	✓
(b)	Max GFA	MAX FAR 0.45	n/a	Lot Area = 371m <sup>2</sup> 371m <sup>2</sup> x 0.45 = 166.95 Dwelling GFA = 380.1m <sup>2</sup>	X (existing)



# SEVERANCE SKETCH

## 23 WEST PARK AVENUE, HAMILTON

-  LANDS TO BE SEVERED (371.7m<sup>2</sup>)
-  LANDS TO BE RETAINED (371.7m<sup>2</sup>)



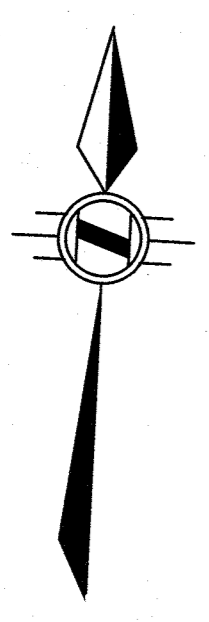
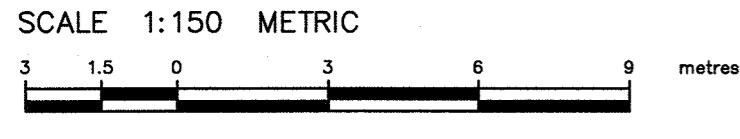
NOTE: LINEWORK BASED ON SURVEY PLAN FOR PART OF KING STREET REIGSTERED PLAN 904 AND ALL OF LOT 23 PLAN 904 IN THE CITY OF HAMILTON  
SOURCE: A.T. McLAREN LIMITED (NOVEMBER 2021)

Scale 1:150 | February 22, 2022 | Project No.: 21298 | Drawn By: MN



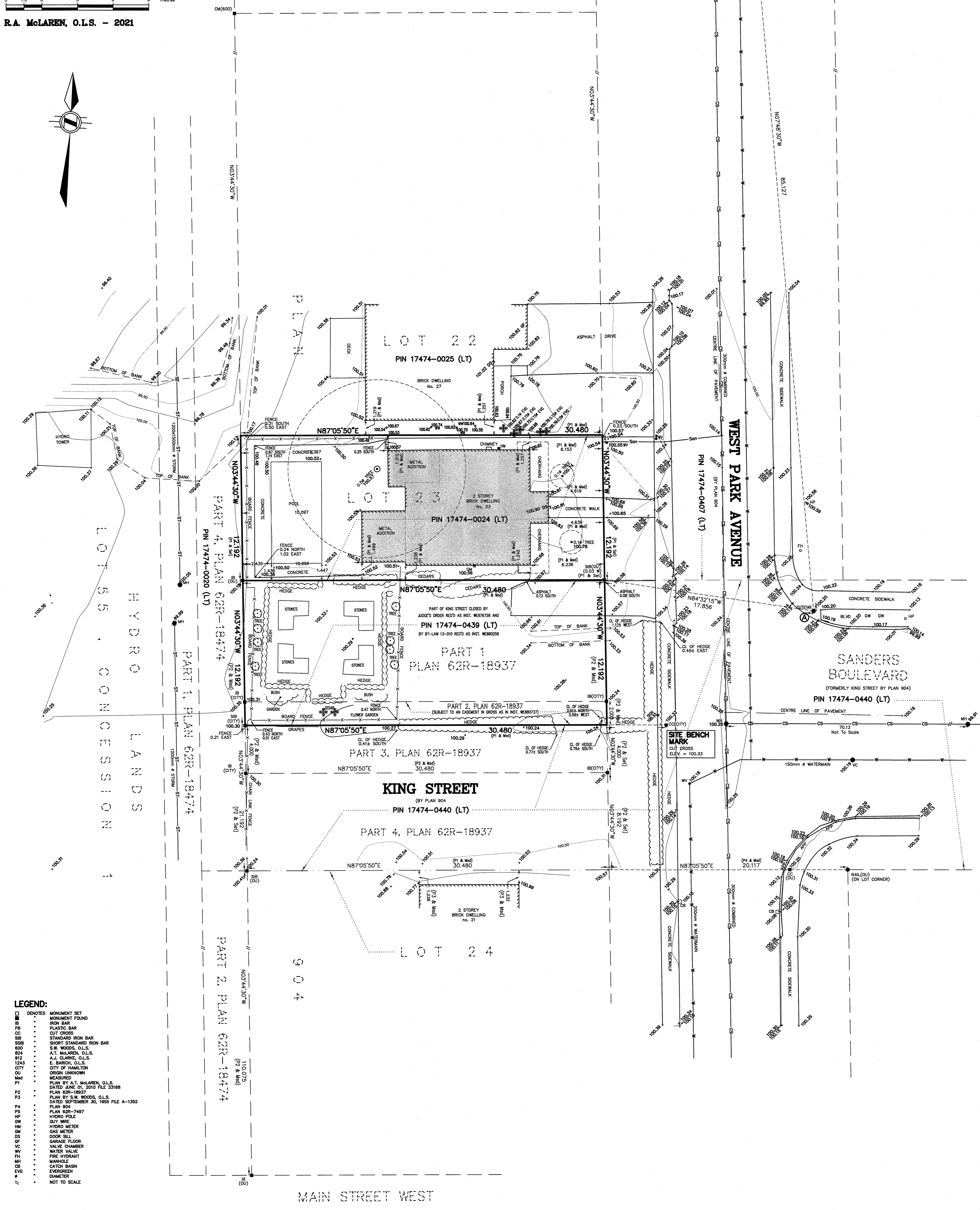


**TOPOGRAPHIC SURVEY**  
 OF PART OF  
**KING STREET**  
 CLOSED BY JUDGE'S ORDER REG'D AS INST. WE876728 AND  
 BY BY-LAW 13-010 REG'D AS INST. WE880258  
**REGISTERED PLAN 904**  
 AND ALL OF  
**LOT 23**  
**PLAN 904**  
 IN THE  
**CITY OF HAMILTON**  
 SCALE 1:150 METRIC  
 R.A. McLAREN, O.L.S. - 2021



PART 3, PLAN 62R-7497  
 PART 2  
 N86°58'10"E  
 PART 4, PLAN 62R-7497  
 PART 7, PLAN 62R-7497  
 (P5 & M4)  
 20.120  
 PART 9, PLAN 62R-7497  
 PART 8  
 PLAN 62R-7497

PART 1, PLAN 62R-7497



- LEGEND:**
- DENOTES MONUMENT SET
  - MONUMENT FOUND
  - BB IRON BARS
  - FB PLASTIC BAR
  - CC CUT CROSS
  - SIB STANDARD IRON BAR
  - SSB SHORT STANDARD IRON BAR
  - 600 S.W. WOODS, O.L.S.
  - 824 A.T. McLAREN, O.L.S.
  - 812 A.J. CLARKE, O.L.S.
  - 1243 E. BARCH, O.L.S.
  - OU CITY OF HAMILTON
  - Md ORIGIN UNKNOWN
  - MEASURED
  - P1 PLAN BY A.T. McLAREN, O.L.S.  
DATED JUNE 01, 2010 FILE 33168  
PLAN 62R-18937
  - P2 PLAN BY S.W. WOODS, O.L.S.  
DATED SEPTEMBER 30, 1995 FILE A-1352
  - P4 PLAN 904
  - P5 PLAN 62R-7497
  - HP HYDRO POLE
  - GM CITY WIRE
  - HM HYDRO METER
  - DS DOOR SILL
  - CF GARAGE FLOOR
  - VC VALVE CHAMBER
  - WV WATER VALVE
  - PH FIRE HYDRANT
  - ME MANHOLE
  - CB CATCH BASIN
  - EV EVERGREEN
  - DI 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
ORP @	4780026.830	586710.470
ORP @	4780181.143	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, 81 CM BELOW  
 BRICK, SLIGHTLY ABOVE ROAD LEVEL.  
 ELEVATION: 102.899 metres CVD-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  
 DATE: NOVEMBER 19, 2021  
 R. A. McLAREN, O.L.S.

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 REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN  
 PART WITHOUT THE WRITTEN PERMISSION OF R.A. McLAREN, O.L.S.

**A.T. McLaren Limited**  
 LEGAL AND ENGINEERING SURVEYS  
 69 JOHN STREET SOUTH, SUITE 230  
 HAMILTON, ONTARIO, L9N 2B8  
 PHONE (905) 527-8559 FAX (905) 527-0032

Drawn	Checked	Scale
JB	RBM	1:150
Cred	DW	Dwg.No. 36792



February 11, 2022

File No: 21298

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

**Attn:** Ms. Jamila Sheffield  
Secretary-Treasurer

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

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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.

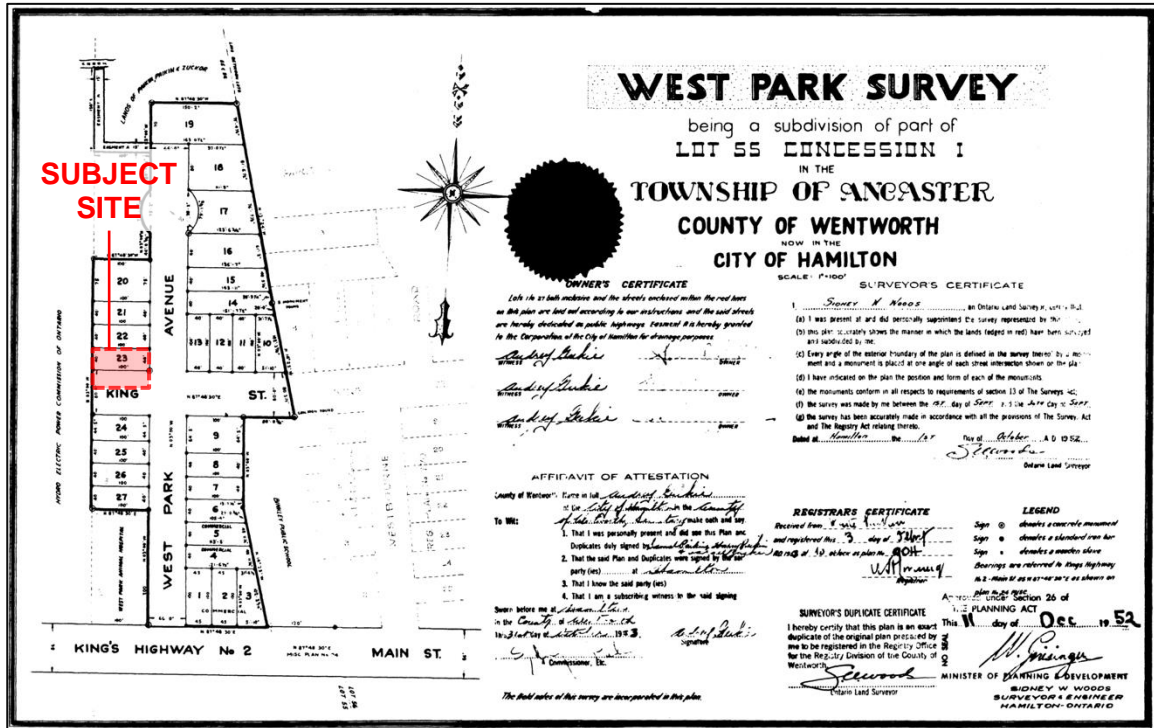
The purpose of the proposed severance is to create a new residential building lot by equally dividing the subject lands. A new single-detached dwelling is proposed to eventually be built on the severed lot.

**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**).

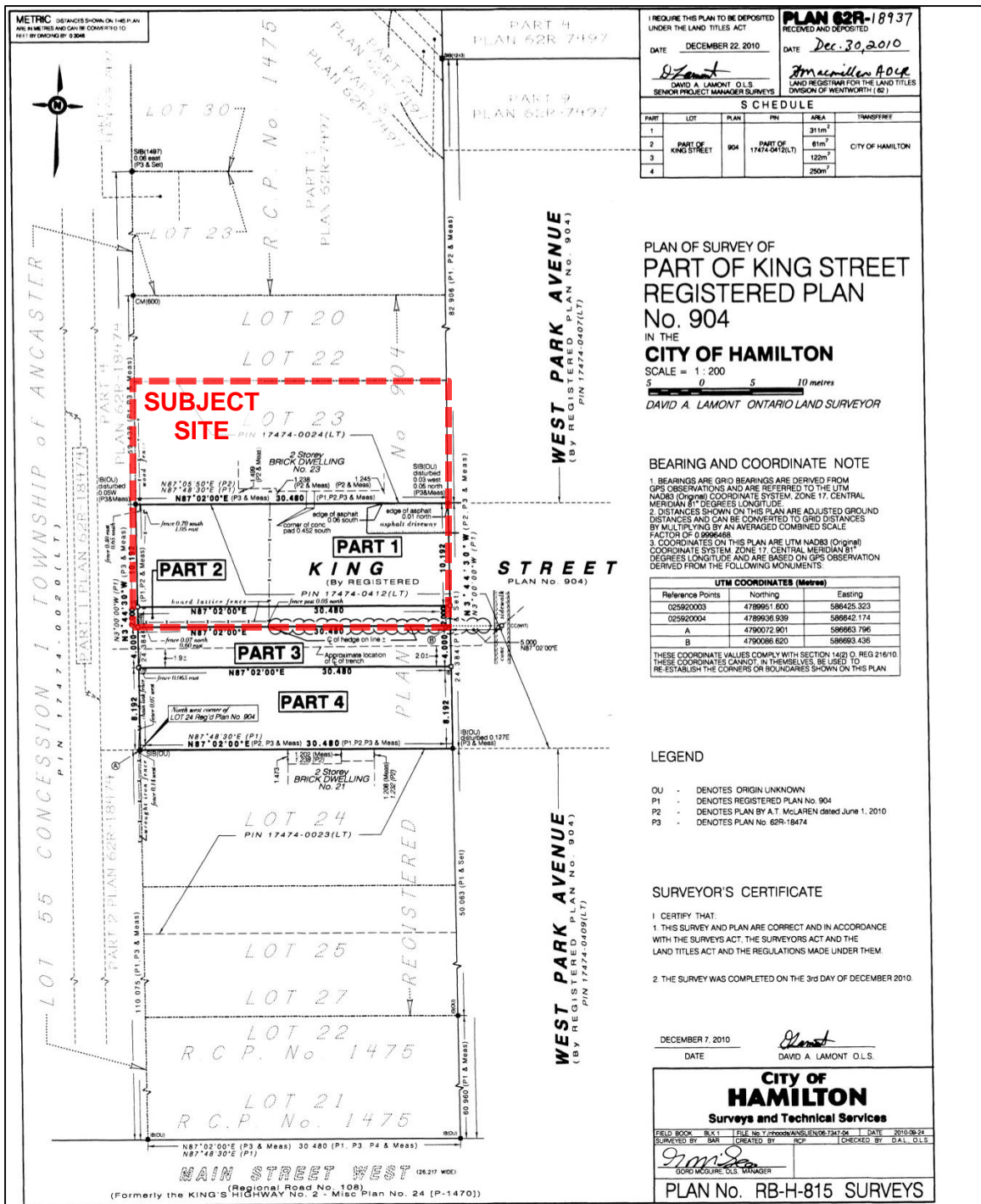


**Figure 1:** West Park Survey (Plan 904), dated Dec. 11, 1952. Note the original size of Lot 23 prior to the closing of the adjacent right-of-way and subsequent merger with Lot 23.

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. 18<sup>th</sup>, 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 <sup>2</sup>	±371m <sup>2</sup>	±371m <sup>2</sup>	✓
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](mailto:shastings@gspgroup.ca).

Yours truly

**GSP Group Inc.**



Stuart Hastings, MCIP, RPP  
Planner

cc. *Jianneng Lin*



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

<b>Registered Owners(s)</b>	
<b>Applicant(s)*</b>	
<b>Agent or Solicitor</b>	

**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:

Home Trust 2500-145 King Street West, Toronto M5H 1J8
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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:

- 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.

Second Dwelling Unit                       Reconstruction of Existing Dwelling

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

Not enough space on retained lot given existing single-family dwelling.

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**):

Municipal Address: 23 West Park Avenue  
Legal Description: 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

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's 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.

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.

February 9 2022  
Date

  
Signature Property Owner(s)

Jianneng Lin  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 12.192m

Depth 30.48m

Area ±371 sq. m

Width of street 20.1m

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: \_

2-storey single-family dwelling. See attached survey for building dimensions.

Proposed

Single-detached dwelling proposed to be built on severed lot. Building dimensions to be based on existing zoning regulations.

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

Existing:

2-storey single-family dwelling. See attached survey for setbacks.

Proposed:

Single-detached dwelling proposed to be built on severed lot. Building dimensions to be based on existing zoning regulations.

13. Date of acquisition of subject lands:  
May 27, 2021
- 
14. Date of construction of all buildings and structures on subject lands:  
Single-detached dwelling: 1950s
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Single-family
- 
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Single-family
- 
17. Length of time the existing uses of the subject property have continued:  
Since 1950s
- 
18. Municipal services available: (check the appropriate space or spaces)
- |                |                                     |           |                                     |
|----------------|-------------------------------------|-----------|-------------------------------------|
| Water          | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Sanitary Sewer | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Storm Sewers   | <input checked="" type="checkbox"/> |           |                                     |
- 
19. Present Official Plan/Secondary Plan provisions applying to the land:  
UHOP Schedule E/E-1: "Neighbourhoods" / Ainslie Wood Secondary Plan: "Low Density Residential 2"
- 
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
Urban Protected Residential, etc. "C" District - Hamilton By-law No. 6593
- 
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:  
N/A
- 
- 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?
- N/A       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)
- The objective of this application is to facilitate a Consent Application which has been 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.