



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Consent/Land Severance

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.:	FL/B-21:44	SUBJECT PROPERTY:	198 VICTORIA ST, FLAMBOROUGH
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APPLICANTS: Agent IBI Group
Owner Jorasingh Purewal

PURPOSE & EFFECT: To permit the conveyance of a parcel of land and to retain a parcel of land for residential purposes.

	Frontage	Depth	Area
SEVERED LANDS (Lot 2):	22 m [±]	31.14 m [±]	685.10 m ^{2±}
RETAINED LANDS:	26.57 m [±]	31.89 m [±]	1,124.47 m ^{2±}

Associated Planning Act File(s): This application will be heard in conjunction with Severance Application FL/B-22:43 & Minor Variance Application FL/A-21:204

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, May 26, 2022
TIME:	3:10 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at cofa@hamilton.ca or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



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PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comments can also be placed in the drop box which is located at the back of the 1st Floor of City Hall, 71 Main Street West. All comments received by noon two business days before the meeting will be forwarded to the Committee members.

Comments are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeefadjustment

Oral Submissions During the Virtual Meeting

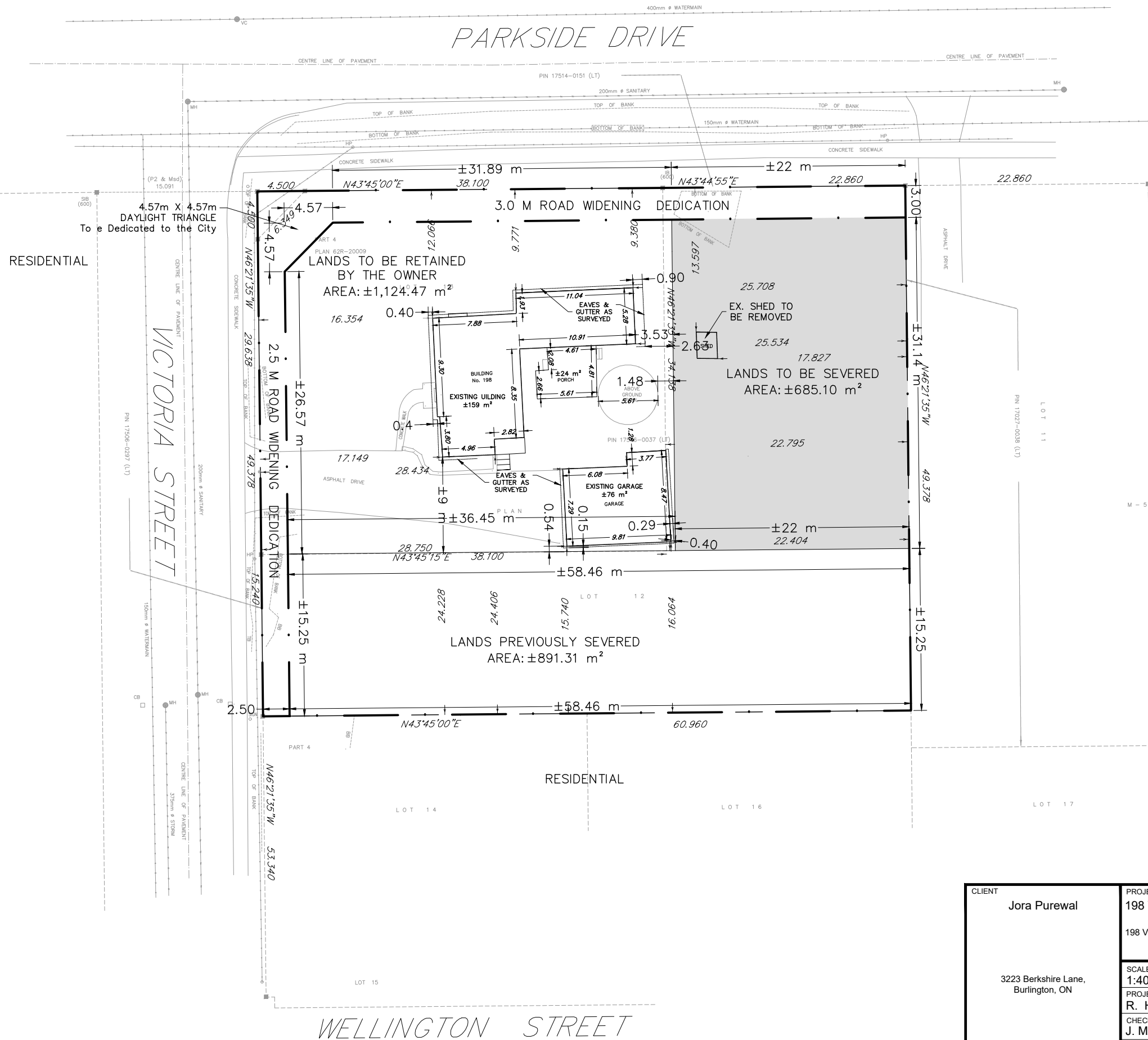
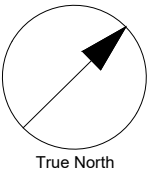
Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. **Interested members of the public must register by noon the day before the hearing.**

To register to participate by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221. The following information is required to register: Committee of Adjustment file number that you wish to speak to, the hearing date, name and address of the person wishing to speak, if they will be connecting via phone or video, and if applicable the phone number they will be using to call in. A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

All members of the public who register will be contacted by Committee Staff to confirm details of the registration prior to the Hearing and provide an overview of the public participation process.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



ISSUE	DESCRIPTION	DATE
1	REVISED AS PER CITY COMMENTS	2021 06 11
2	REVISED AS PER CITY COMMENTS	2021 06 14
3	REVISED FOR RESUBMISSION	2021 10 29
4	REVISED AS PER CITY COMMENTS	2021 11 16
5	REVISED FOR RESUBMISSION	2022 04 04

CLIENT Jora Purewal 3223 Berkshire Lane, Burlington, ON	PROJECT NAME 198 VICTORIA ST 198 VICTORIA ST, WATERDOWN, ON		PRIME CONSULTANT IBI GROUP Suite 200 - 360 James Street North Hamilton ON L8L 1H5 Canada tel 905 546 1010 fax 905 546 1011 ibigroup.com	
	SCALE: 1:400	DATE: 2021 03 01	FIGURE NAME CONSENT TO SEVER SKETCH 2	FIGURE NO. REVISION 2 4
	PROJECT MGR: R. HAIDER	DRAWN BY: M. ROJAS		
	CHECKED BY: J. MARCUS	APPROVED BY: M. CROUGH		
	PROJECT NO: 126556			

File Location: J:\126556_198VictoriaSt\7.0_Production\7.02_Conceptual_Design\17_Planning\Consent_Application\126556_Severance Lot 2 - 2022-04-04.dwg
 Last Saved: April 4, 2022, by macarena.rojas
 Plotted: Monday, April 4, 2022 3:36:30 PM by Macarena Rojas
 SCALE CHECK
 1 in 10mm



IBI GROUP
200 East Wing – 360 James Street North
Hamilton ON L8L 1H5 Canada
tel 905 546 1010
ibigroup.com

April 11, 2022

Chair and Members of Committee of Adjustment
c/o Jamila Sheffield
Secretary Treasurer, Committee of Adjustment
City of Hamilton
71 Main Street West - 5th Floor
Hamilton, Ontario
L8P 4Y5

Dear Ms. Sheffield:

**MINOR VARIANCE/ CONSENT APPLICATIONS FL/B-43, FL/B-44 & FL/A - 21:
204 -198 VICTORIA STREET, WATERDOWN**

Please accept this second resubmission for the above-noted property and applications, following the tabling of the applications at the December 9, 2021 hearing. At the hearing, planning staff provided a recommendation that the applications be tabled again to address comments on the Tree Impact Study we had prepared and submitted. After some discussion on the details of our applications, the Committee moved to accept the tabling. Since that time, we have engaged in some discussions with staff on the issues of trees road dedications. We are now ready to proceed with the applications and provide our materials accordingly, consisting of the following:

1. Revised Overall Consent Plan and Minor Variance Sketch, prepared by IBI Group, dated April 4, 2022;
2. Revised Consent to Sever Sketch 1, prepared by IBI Group, dated April 4, 2022; and,
3. Revised Consent to Sever Sketch 2, prepared by IBI Group, dated April 4, 2022

The following provides some information, rationale and analysis to support this resubmission. We re-iterate that the intent of the applications is to permit two new vacant lots while retaining one lot with the retained dwelling. There are no proposed dwelling designs for the severed lots, nor grading/servicing or landscaping works for the severed and retained lands. Given this, we respectfully submit the applications be reviewed in this manner.

Revised Consent Sketches

The resubmission package includes updated copies of the proposed consent sketches which illustrate the following:

1. Ultimate Retained Lands - Proposed to retain the existing dwelling, detached garage, etc., with a total lot area of approximately +/- 1124.47 m²
2. Proposed Lot 1 – A proposed new lot with frontage on Victoria St of +/- 15.25 m, a depth of +/- 58.46 m, and a total area of +/- 891.31 m²
3. Proposed Lot 2 – A proposed new lot with frontage on Parkside Dr of +/- 22 m, a depth of +/- 31.14 m, and a total area of +/- 685.10 m²

These proposed lots are generally consistent with the original submission and still maintain consistency and compatibility with the character of the area. We re-iterate that our proposal is

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predicated on key neighbourhood characteristics, including lot sizes and shapes along Victoria St and Parkside Dr. Decreases in area to the proposed lots result from incorporating the requested ROW dedications of 2.5 m and 3.0 m respectively along Victoria St and Parkside Dr, while also providing the requested 4.57 m x 4.57 m daylight triangle dedication from the Ultimate Retained Land at this intersection.

Revised Overall Consent Plan and Minor Variance Sketch

The resubmission package includes a revised Overall Consent Plan and Minor Variance Sketch. This is intended to show the proposal in comprehensive terms and identify required variances. It has been updated from the previous submission to match the revised lot sizes and dimensions resulting from the ROW dedications and identify required variances accordingly. This plan provides a detailed zoning review matrix consistent with the original submission and incorporating previously received Zoning staff comments. This chart confirms the following requested minor variances:

Ultimate Retained Lands

1. A minimum rear yard of 3.5 m instead of the minimum required 7.5 m (applies to the easterly dwelling footprint extent that runs parallel to Parkside Drive);
2. A minimum exterior side yard of 6.0 m instead of the minimum required 7.5 m, which is a new variance resulting from the proposed 3.0 m ROW dedication from Parkside Dr;
3. A minimum rear yard of 0.3 m and a minimum side yard of 0.4 m instead of the minimum required 1.0 m for the existing detached garage;
4. A maximum lot coverage for accessory buildings, excluding swimming pools, of 6.8% instead of the maximum 5% for the existing detached garage; and,
5. A maximum projection for eaves or gutters of 1.0 m instead of the maximum permitted 0.65 m into all required yard setbacks

Proposed Lot 1

1. A total lot area of +/- 891 m² instead of the minimum required 975 m²; and,
2. A minimum lot frontage of 15 m instead of the minimum required 22 m

Proposed Lot 2

1. A total lot area of +/- 685 m² instead of the minimum required 975 m²; and
2. A minimum lot frontage of 21.5 m instead of the minimum required 22 m

The variances identified above are intended to balance certainty in the overall outcome while providing a minor degree of flexibility in setting the final lot sizes and shapes through the reference plan process, including accommodating potential minor deviations in setbacks for the existing dwelling and detached garage

In our original submission we provided ample planning analysis to confirm that the proposed lots and requested variances complied with the Planning Act; were consistent with the Provincial Policy Statement 2020 ("PPS"); conformed to the Growth Plan 2019 ("Growth Plan"); conformed to and were within the general intent and purpose of the Urban Hamilton Official Plan ("UHOP"); conformed to or were within the general intent and purpose of Zoning By-law 90-145-Z; were minor in nature; were desirable for the appropriate development of the subject lands; and represent good land use

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planning in the public interest. This analysis and our recommendations still stand, despite the minor adjustments to lot sizes.

Additional Items for Consideration Based on Previous Staff Comments

Requirement for a Tree Protection Plan and/or Site Plan Approval

We note that the previous staff comments requested the submission of a Tree Protection Plan ("TPP") as a condition of approval. We attempted to address these comments through the submission of a Tree Impact Study ("TIS") which included theoretical maximum building footprints. This approach is still valid as it demonstrated quite clearly that most of the existing trees could be saved, and that lot creation as a stand-alone issue would have no impact on tree removals. While we were satisfied with our approach, staff did not believe it was specific enough. In our opinion, our TIS addressed the issue in sufficient detail to approve the applications. We have not revised or resubmitted this plan with this resubmission. Should our revised applications be approved, we respectfully request that there be no conditions requiring submission and clearance of a TPP attached to the decision. Further, should staff request the submission and approval of a Site Plan Control application in combination with or in lieu of a TPP as a condition of approval, that this also not be attached to the decision.

Requirement for an Archaeological Investigation

We also note that the previous staff comments requested the submission of an Archaeological Investigation as a condition of approval. We respectfully request that the standard Archaeological Advisory Note be included instead, to thus put the onus on the property Owner at time of physical development rather than on the current applicant who is only looking to create the lots. We have a related concern with the potential timing of submitting and receiving potentially multiple studies within the standard provisional consent timeline.

Requirement for Detailed Grading and Servicing Plans

Lastly, we note that previous staff comments requested that a Consent Agreement be entered into as a Condition of Approval, and that such agreement would require, amongst other things, the submission and approval of detailed grading and servicing plans. Given that there are no plans for new dwellings, and thus no accompanying grading or servicing plans, we respectfully request that these requirements not be included as a condition of approval.

2.0 CONCLUSION AND RECOMMENDATIONS

We submit that the applications as proposed represent good planning, comply with the Planning Act, are consistent with the PPS, Conform to the Growth Plan, conform to and implement the UHOP, and, with the proposed variances, conform to the Zoning By-law. The applications represent good land use planning, and therefore should be approved, and all unnecessary conditions should be waived.

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We trust that the enclosed is in order. However, should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Regards,

IBI Group

A handwritten signature in black ink, appearing to be 'Mike Crough', written in a cursive style.

Mike Crough RPP MCIP
Associate Director – Practice Lead, Planning