



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.:	HM/B-22:45	SUBJECT PROPERTY:	647 RYMAL ROAD W, HAMILTON
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APPLICANTS: Agent A.J. Clarke & Associates – S. Fraser
Owner Usman Javed Bajwa

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:	19.84 m [±]	39.35 m [±]	827.5 m ^{2±}
RETAINED LANDS:	41.1 m [±]	22.86 m [±]	939.4 m ^{2±}

Associated Planning Act File(s): Minor Variance Application HM/A-22:177

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, June 23, 2022
TIME:	1:20 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:

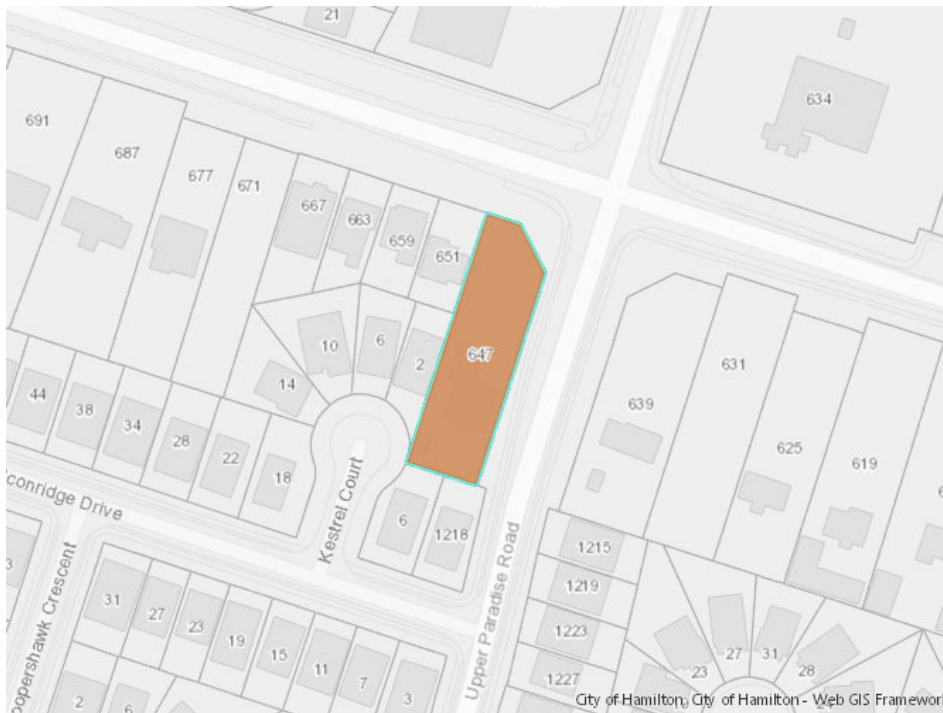
- Visit www.hamilton.ca/committeeofadjustment
- Email Committee of Adjustment staff at cofa@hamilton.ca

- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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.



DATED: June 7, 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, and may include posting electronic versions.

HM/B-22:45

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.



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

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

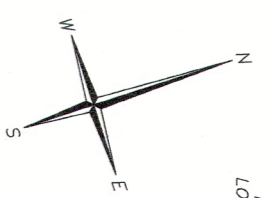
Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. **Interested members of the public must register by noon the day before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



BLOCK 70
P.L.N. 17565-0980

P.L.N. 17565-0998 (ROAD ALLOWANCE BETWEEN THE TOWNSHIPS OF BARTON AND GLANFORD)

RYMAL ROAD
(ALSO KNOWN AS THE KINGS HIGHWAY/No 53)

NORTHEAST CORNER
LOT 64 PLAN 62M-747

PART 1
PLAN 62R-8057

LOT

PART 1
LANDS TO BE SEVERED
AREA = 827.54m²

CONCESSION

PART 2
PLAN 62R-7866

PLAN 62M - 747

LOT 64
P.L.N. 16907-0101

LOT 5
P.L.N. 16907-0099

EXISTING 'C' - URBAN PROTECTED RESIDENTIAL, ETC.

36.00 m WIDE
10.86 N22°21'45"W
9.00
19.84
16.93 N27°2'35"W

39.35±

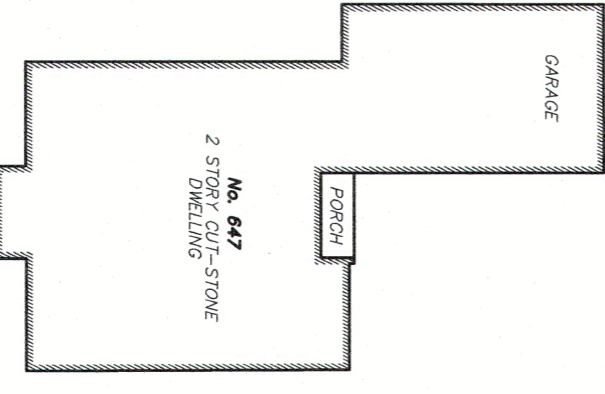
N17°55'55"E

80.45

41.10±

22.86±
N22°21'45"W

EXISTING 'B' - SUBURBAN AGRICULTURE AND RESIDENTIAL ZONING



PART 2
LANDS TO BE RETAINED
AREA = 939.44m²

GEOGRAPHIC TOWNSHIP

KESTREL COURT
P.L.N. 16907-0074
(ESTABLISHED BY PLAN 62M-747)

PART 2

PLAN 62R-12388

UPPER PARADISE

(ESTABLISHED BY BY-LAW No. N93-135 INST. 158532)
P.L.N. 16907-0103

PART 1
PLAN 62R-12388

OF GLANFORD

22.86

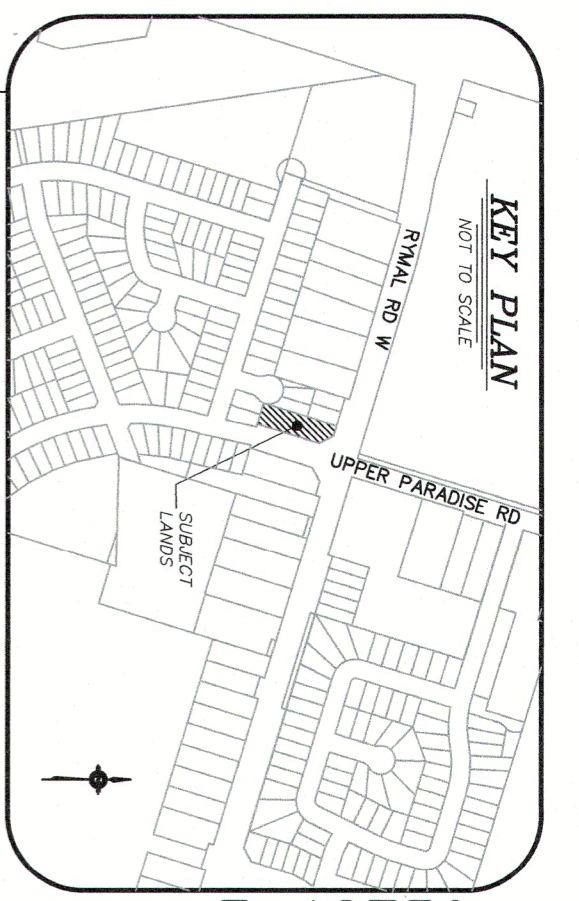
P.L.N. 16907-0073
LOT 4

PLAN 62M - 747

P.L.N. 16907-0072
LOT 3

N22°21'45"W

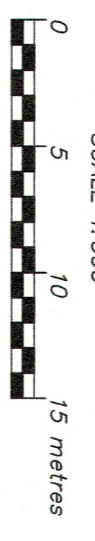
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KEY PLAN
NOT TO SCALE

SKETCH FOR CONSENT TO SEVER
647 RYMAL ROAD WEST

CITY OF HAMILTON



THE ABOVE NOTED LAND ARE:
PART OF LOT 1
CONCESSION 1
GEOGRAPHIC TOWNSHIP OF GLANFORD

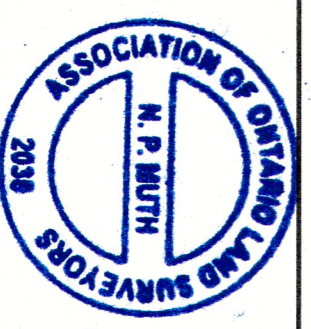
METRIC:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTE:
THIS SKETCH IS COMPILED FROM PLANS AND RECORDS ON FILE IN THIS OFFICE AND IS NOT BASED ON AN ACTUAL FIELD SURVEY.

THIS SKETCH IS PREPARED TO ACCOMPANY AN APPLICATION TO THE COMMITTEE OF ADJUSTMENT REQUESTING A GRANT OF SEVERANCE AND IS NOT INTENDED FOR REGISTRATION.

CAUTION:
THIS IS NOT A PLAN OF SUBDIVISION AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES.

APRIL 25, 2022
DATE



A. J. Clarke and Associates Ltd.
SURVEYORS • PLANNERS • ENGINEERS
25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO, L8P 1H1
TEL. 905-528-8761 FAX 905-528-2289
email: ajc@ajclarke.com

DRAWN BY: MW
CHECKED BY: DS
PROJECT No. 228023D
INDEX No. E-18736



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*	(same as applicant)	
Registered Owners(s)	Usman Javed Bajwa	
Applicant(s)**	same as owner	
Agent or Solicitor	A.J. Clarke and Associates Ltd. c/o Stephen Fraser	

*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 Pt Lt 1	Concession 1	Former Township Glanford
Registered Plan N°.	Lot(s)	Reference Plan N°. 62R7866, 62R8057, 6	Part(s) 2, 1, 6
Municipal Address 647 Rymal Road West, Hamilton ON, L9B 2N9			Assessment Roll N°. 251808110109150

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:

N/A

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)
+/- 19.84 m	+/- 39.35 m	+/- 827.5 sq m

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 Dwelling

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)	Depth (m)	Area (m ² or ha)
+ - 41.1 m	+ - 22.86 m	+ - 939.4 sq m

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: Single Detached Dwelling

Proposed: None

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)

4.3 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): Neighbourhoods (UHOP)

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

See attached Cover Letter.

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? Existing Zoning is "B - Suburban Residential". Subject lands not covered by a Minister's Zoning Order.

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"/>	N/a
A land fill	<input type="checkbox"/>	N/A
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	N/A
A provincially significant wetland	<input type="checkbox"/>	N/A
A provincially significant wetland within 120 metres	<input type="checkbox"/>	N/A
A flood plain	<input type="checkbox"/>	N/A
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	Commercial to the north (+/-30m)
An active railway line	<input type="checkbox"/>	N/A
A municipal or federal airport	<input type="checkbox"/>	N/A

*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 N/A
- 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?
- 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?
 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
- b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)
- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)
- 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
- 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)
- 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)
- 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.

N/A

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.

N/A

8.4 How long has the applicant owned the subject land?

Unknown

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.

N/A

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 N/A

Status N/A

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

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):
---------------	------------------------------

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):
---------------	------------------------------

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

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.

See attached Cover Letter.

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.

March 29, 2022 _____
Date


Signature of Owner



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

April 26, 2022

Attn: Ms. Jamila Sheffield
Secretary Treasurer, Committee of Adjustment (email: Jamila.Sheffield@hamilton.ca)

**Re: 647 Rymal Road West, Hamilton
Minor Variance and Severance Application Submission**

Dear Ms. Sheffield:

A.J. Clarke and Associates Ltd. has been retained by Usman Javed Bajwa for the purposes of submitting the enclosed Minor Variance and Severance (Consent) Applications for the subject lands, municipally known as 647 Rymal Road West, in the City of Hamilton. Below is a summary of the materials submitted to your attention:

- One (1) electronic copy of the required filled and signed Severance (Consent) Application Form;
- One (1) electronic copy of the required filled and signed Minor Variance Application Form;
- One (1) electronic copy of the PIN Ownership Information;
- One (1) cheque in the amount of \$2,985.00 representing the required Severance Application fee;
- One (1) cheque in the amount of \$3,465.00 representing the required Minor Variance Application fee;
- One (1) electronic copy of the Severance Sketch.

The purpose of this analysis is in support the concurrently submitted Minor Variance and Severance (Consent) Applications for the subject lands. The proposed development is to facilitate a severance to create two (2) separate residential lots. Following the proposed severance, one (1) single detached dwelling is proposed to be constructed on the severed lot and the existing dwelling is to remain on the lands being retained.

The subject lands are located in Hamilton at the southwest corner of Rymal Road West and Upper Paradise Road. The subject lands are currently occupied by one (1) single detached dwelling.

The below table details the lot frontages, depth, and areas, following the proposed severance.

	Part 1 (Severed)	Part 2 (Retained)
Lot Frontage	+ - 19.84 m	+ - 41.10 m
Lot Depth	+ - 39.35 m	+ - 22.86 m
Lot Area	+ - 827.5 sq m	+ - 939.4 sq m



The surrounding area consists largely of residential uses, with some institutional and commercial uses located along Upper Paradise Road. The residential uses are concentrated around the subject site, consisting mainly of single detached dwellings. The institutional uses (places of worship, schools, etc.) are predominately located northeast of the subject site (Paradise Corner Children’s Centre on the northeast corner of Upper Paradise Road and Rymal Road West.). The commercial uses are located north of the subject lands fronting onto Upper Paradise Road at the northwest corner of Upper Paradise Road and Rymal Road West (a commercial plaza which includes a Subway, Convenience Store, Pizza Nova, Massage Therapist Office etc.).

The immediate surrounding land uses include:

North	Single-Detached Dwellings, Commercial, Institutional
South	Single-Detached Dwellings
West	Single-Detached Dwellings
East	Single-Detached Dwellings

A review of the applicable planning policies has been included below.

Planning Policy Overview

Urban Hamilton Official Plan

The Urban Hamilton Official Plan is the guiding document for where and how the City of Hamilton will grow until 2031 and beyond.

The subject lands are designated ‘Neighbourhoods’ on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The ‘Neighbourhoods’ designation permits uses such as; residential dwellings, including second dwelling units, and housing with supports, open space and parks, local community facilities/services, and local commercial uses.

Chapter F Section 1.14.3 contains specific policy direction pertaining to Lot Creation within the Urban Area. Specifically, Section 1.14.3.1 indicates various conditions that must be met by a proposed severance for lands designated as “Neighbourhoods”. The conditions are as follows;

- 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.*



The proposed severance will create lots that are consistent with the relevant policies, as well as are consistent with existing Neighbourhood Plans. Further, the lots will require a Minor Variance to address minor zone regulation deficiencies, as required. The two (2) lots created via severance will generally reflect the lot pattern and similar frontages as they currently exist within the surrounding neighbourhood, in particular the lands abutting to the west. Following the proposed severance, the proposed construction of one (1) single detached dwelling (on the severed lands) is consistent with the surrounding existing uses and character of the neighbourhood, including lot sizes larger than the abutting lands to the west. The proposed dwellings will have access to the existing municipal infrastructure as it exists along both Rymal Road West and Upper Paradise Road.

Additionally, the 'Neighbourhoods' designation contains specific policies in relation to 'Low Density Residential'. As such, 'Low Density Residential' uses permit single-detached, semi-detached, duplex, triplex, and street townhouse dwellings. Further, the maximum net residential density shall be 60 units per hectare, and the maximum permitted height shall be three (3) storeys. The proposal is to construct one (1) single detached dwelling on the severed lands. This use is consistent with the permitted uses under the UHOP. Additionally, the proposal will have an overall density of 11.7 units per hectare (2 total units, 0.17 hectares), which is consistent with the maximum permitted density under the UHOP.

Former City of Hamilton Zoning By-law 6593

The subject lands are zoned "B - Suburban Agriculture and Residential, Etc.", in the Former City of Hamilton Zoning By-law No. 6593. The "B - Suburban Agriculture and Residential, Etc." zone permits a wide range of uses including; various residential, institutional, commercial, public and farming uses. The zone provisions within Section 8.4 shall apply to the proposed development. A review of the applicable zone provisions will be included below.

The regulations of the "B" Zone are as follows:

Regulation	Requirement
Minimum Lot Area	1,100 square metres
Minimum Lot Frontage	20.0 metres
Minimum Front Yard Depth	12.0 metres
Minimum Side Yard Width	3.0 metres
Minimum Rear Yard Depth	9.0 metres

Minor Variance

A number of variances are required to facilitate the proposed development. The variances are as follows:

Part 1 (Severed)

1. To permit a minimum lot area of 825 square metres, whereas a minimum lot area of 1,100 square metres is required.
2. To permit a minimum lot frontage/width of 19.8 metres, whereas a minimum lot frontage of 20.0 metres is required.



Part 2 (Retained)

1. To permit a minimum lot area of 935 square metres, whereas a minimum lot area of 1,100 square metres is required.
2. To permit a minimum front yard depth of 3.1 metres, whereas a minimum front yard depth of 12.0 metres is required.
3. To permit a minimum northerly side yard width of 1.5 metres, whereas a minimum side yard width of 3.0 metres is required.
4. To permit a minimum rear yard depth of 5.0 metres, whereas a minimum rear yard depth of 9.0 metres is required.

This minor variance application is made under the authority of Section 45(1) of the Planning Act. Accordingly, a minor variance must meet the requisite four tests as described in Section 45 (1) of the Act. The tests and professional opinion are outlined below:

1. Do the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan.

The proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan as the subject site is designated “Neighbourhoods”, which permits single-detached dwellings. The proposed dwelling will assist in the diversification of the available housing stock within the neighbourhood, while also maintaining a consistent streetscape and capitalizing on an opportunity for the gentle intensification of the neighbourhood.

The proposed development will feature a use that is permitted under the current Official Plan designation and will adhere to the net residential density provisions as detailed throughout Section E of the Urban Hamilton Official Plan. The proposed lots will reflect the general scale and character of the established development pattern in the surrounding area. It is my professional opinion that the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan.

2. Do the proposed variances maintain the intent and purpose of the Former City of Hamilton Zoning By-law 6593?

The required variances to Former City of Hamilton Zoning By-law 6593 are intended to facilitate a desirable built form which is compatible with the existing neighbourhood.

Lot Frontage/width

Part 1 is proposed to have a lot frontage of approximately 19.8 metres.

A variance is required to the minimum lot frontage requirement for the proposed development (from 20.0 metres to 19.8 metres on Part 1). Due to the conveyance of a daylight triangle at the corner of Rymal Road West and Upper Paradise Road, the lot frontage (or width as defined in the Bylaw) is defined as



“with reference to a lot that is a corner lot where corner rounding or daylighting has occurred shall mean the horizontal distance between the side lot lines or between a side lot line and the tangent of the side lot line, measured at a depth of 9.0 metres (29.53 feet) from and parallel to the front lot line or to the extended tangent of the front lot line to where the tangent of the front lot line intersects the tangent of the side lot line”. The accompanying severance sketch illustrates the width of the proposed severed lot.

Furthermore, the surrounding neighbourhood is characterized by dwellings which have reduced lot frontages and dwellings that face the street. Despite the reduction, there remains room for appropriate setbacks and a combination of plantings along the Rymal Road West and Upper Paradise Road frontages. The two (2) lots created via severance will generally reflect the lot pattern and similar frontages as they currently exist within the surrounding neighbourhood. Accordingly, the proposed reduction in the lot frontage/width requirement is appropriate and compatible with the existing streetscape and maintains the intent of the Zoning By-law.

Lot Area

Part 1 is proposed to have a lot area of approximately 827.5 square metres.

Parts 2 is proposed to have a lot area of approximately 939.4 square metres.

A variance is required to the minimum lot area requirement for the proposed development (from 1,100.0 square metres to 825 square metres on Part 1, and to 935 square metres on Part 2). The surrounding neighbourhood contains a range of lot areas, as every abutting property is zoned Urban Protected Residential “C” District, which requires a minimum lot area of 360 square metres. The four abutting lots to the west contain existing single detached dwellings ranging in lot size from approximately 438 square metres to 494 square metres, which is almost half the size of the lots proposed through these applications. Again, since the surrounding lands are all zoned “C”, the proposed lot areas will be consistent and complimentary to the lot fabric in the immediate area. The purpose of this reduction is to permit one single-detached dwelling on each lot and the size of the lots proposed still enables adequate amenity space for the residents. Accordingly, the intent of the Zoning By-law is maintained.

Font Yard/Rear Yard

Part 2 is proposed to have a front yard depth of 3.1 metres and a rear yard depth of 5.0 metres.

A variance is required to the minimum front yard (from 12.0 metres to 3.0 metres) and rear yard (from 9.0 metres to 5.0 metres) depth requirements. These variances for the retained lands are a result of the concurrent severance application. As such, the existing east side yard will become the front yard facing Upper Paradise Road and, the existing west side yard will become the rear yard should the severance be approved. The relationship between the existing dwelling and Upper Paradise Road and the existing west side yard would remain unchanged following the proposed severance. The existing dwelling faces and fronts onto Upper Paradise Road and the way in which the property will be utilized for the retained lands will stay the same as it currently functions. The underutilized and currently vacant front yard of 647 Rymal Road West will contain a new lot and dwelling consistent with the streetscape along Rymal Road West. Therefore, the proposed reduction in front and rear yard depth is appropriate and compatible with the



existing streetscape, retains the current relationship of the existing dwelling to the abutting lands to the west and maintains the intent of the Zoning By-law.

Side Yard

Part 2 is proposed to have a side yard width of 1.5 m.

A variance is required to the minimum side yard depth requirement (from 3.0 metres to 1.5 metres) as a result of the new side lot line. A reduction in side yard width is required to facilitate the concurrent severance application in order to provide sufficient lot area for the development of a single detached dwelling on the severed lands. The proposed reduced side yard width still leaves adequate space for grading, drainage and access to the rear yard of the retained lands and is compatible with the surrounding neighbourhood. Accordingly, the intent of the Zoning By-law is maintained.

3. Are the proposed variances appropriate for the development of the subject lands?

As noted above, the variances are intended to facilitate a desirable built form within an urban neighbourhood. The proposed variances are consistent with the established character of the neighbourhood and recognize an existing situation for the lands to be retained. As such, the variances are appropriate for the development of the subject lands.

4. Are the proposed variances minor in nature?

The proposed variances to lot frontage, lot area and side yard width reflect the scale and character of this neighbourhood. There are no perceived impacts stemming from the variances, as they are in keeping with the general built form and existing setbacks found within this neighbourhood. Additionally, and as mentioned previously, the existing dwelling is to remain on the retained lands. As such, the variances to front and rear yard depths on the retained lands do not change the existing relationship between the existing dwelling and existing property lines. Therefore, there are no perceived impacts from these variances. While the proposed development does not meet the lot standards prescribed in the Zoning By-law, the proposed minor variances will provide relief from these minor zoning deficiencies. Accordingly, it is my professional planning opinion that the variances are minor in nature.

As such, the proposed lot is appropriate for the development of the subject lands and has sufficient regard for the matters listed under Section 51 (24) of the *Planning Act*.

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.



Sincerely,

Stephen Fraser, MCIP, RPP
Principal, Planner
A.J. Clarke and Associates Ltd.

Encl.

Cc via email: Ms. Rowena Parayno
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