URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT

June 8, 2022

146-16

Via Email

Members of Planning Committee & Council
c/o
Lisa Kelsey (Chamberlain), Dipl.M.A.
Legislative Coordinator

City of Hamilton
Office of the City Clerk
71 Main Street West, 1st Floor
Hamilton, ON L8P 4Y5

Dear Members of Planning Committee & Council,

RE: REQUEST FOR A MOTION – JUNE 14, 2022 PLANNING COMMITTEE
MINOR VARIANCE APPLICATION
ROXBOROUGH PARK SUBDIVISION (62M-1278) – (UHOPA-22-011)

As you may recall, UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions), has been retained to act as the authorized planning consultant for Roxborough Park Inc., owner of the subject property. On December 15, 2021 the site-specific Zoning By-law 21-243 was passed by Council to facilitate the development of the Roxborough Park Subdivision located on the lands municipally known as 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 13, 14, 16, 18, 20, 22 and 24 Hayes Avenue, in the City of Hamilton. The site specific zoning was necessary to ensure the zoning limits established by the Draft Plan of Subdivision reflect the redlined internal block boundaries contained in the revised Draft Plan of Subdivision. Additionally, Zoning By-law 21-243 permitted an increase in height on Block 6 of the Plan of Subdivision and added multiple dwellings as a permitted use. On March 1, 2022, an Official Plan Amendment application was submitted to the City to increase the maximum permitted density on the subject lands from 165 units per hectare to 254 units per hectare. A positive recommendation report for the Official Plan Amendment is tentatively scheduled for the July 5th Planning Committee.

At this time, relief from the provisions of the site specific Zoning By-law applicable to the subject lands is required to bring the zoning into conformity with the proposed Official Plan Amendment. The variances are specifically regarding an increase in the maximum permitted density and maximum permitted height for the subject lands in order to facilitate the proposed multiple dwellings on Block 6 of the Roxborough Park Subdivision. Accordingly, a Minor Variance application must be submitted to bring the zoning into conformity with the Official Plan.

The requested relief from the Zoning By-law is aligned with the new Urban Hamilton Official Plan policies which remove the evaluation of residential density caps on a site-by-site basis for all designations, as adopted by Council on the June 8, 2022 Council Meeting. Further, the required

Minor Variance represents a housekeeping amendment as the existing Holding provision will remain in place and it requires the completion of an Urban Design Report, Visual Impact Study, Shadow Impact Study and Noise Impact Study, all to the satisfaction of the Chief Planner. As such, the requested Minor Variance is minor in nature and satisfies the balance of the four tests of outlined in Section 45 of the *Planning Act*.

Subsection 45(1.3) of the Planning Act stipulates that no person shall apply for a minor variance from the provisions of the by-law in respect of the land before the second anniversary of the day on which the by-law was amended. In this case, the corresponding date would be December 15, 2023. However, Subsection 45(1.4) grants exception to Subsection 45(1.3) if Council or the delegated authority has declared by resolution that such an application is permitted.

In order to pursue the development of the revised concept plan, an exemption from Subsection 45(1.3) of the *Planning Act* is required from Council. In keeping with our consultation with Councillor Merulla and as per Subsection 45(1.4) of the *Planning Act* on behalf of Roxborough Park Inc., we respectfully request council pass a motion allowing the owner to file a variance within 2-years of the passing of Zoning By-law 21-243 despite Subsection 45(1.3).

Regards,
UrbanSolutions

Matt Johnston, MCIP, RPP
Principal

Scott Beedie, BURPl
Planner

cc: Mayor Fred Eisenberger, City of Hamilton
Councillor Sam Merulla, Ward 4, City of Hamilton
Planning Committee Chair Brenda Johnson, City of Hamilton
Councillor Maria Pearson, Ward 10, City of Hamilton
Mr. Steve Robichaud, Chief Planner, City of Hamilton
Ms. Shannon McKie, Manager of Zoning & Committee of Adjustment, City of Hamilton
Mr. David Horwood, Roxborough Park Inc.
Mr. Patrick Harrington, Aird & Berlis LLP