



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-22:73	SUBJECT PROPERTY:	70-72 TOM STREET, HAMILTON
-------------------------	-------------------	--------------------------	-----------------------------------

APPLICANTS: Owner: Roya Dieba
Agent: EcoVue Consulting Services c/o Ashlyn Kennedy

PURPOSE & EFFECT: To enable the conveyance of parcel of land containing one half of a semi-detached dwelling and to retain a parcel of land containing one half of a semi-detached dwelling.

	Frontage	Depth	Area
SEVERED LANDS:	6.97 m [±]	15.85 m [±]	77.65 m ^{2±}
RETAINED LANDS:	7.78 m [±]	16.95 m [±]	64.10 m ^{2±}

Associated Planning Act File(s): N/A

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, August 25, 2022
TIME:	2:55 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	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

HM/B-22:73

- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- 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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



DATED: August 9, 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..

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

HM/B-22:73

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.




URBAN PROTECTED
RESIDENTIAL

SUBJECT
PROPERTY
±242.50m²

KEY MAP
1/2,500

LEGEND

-  EXISTING PARCEL
-  EXISTING STRUCTURES
-  EXISTING DRIVEWAY
-  EXISTING SIDEWALK (1.45m)
-  EXISTING WALKWAY (TO BE REMOVED)
-  LANDS TO BE RETAINED
-  LANDS TO BE SEVERED

NOTES:

1. Property Boundaries are approximate

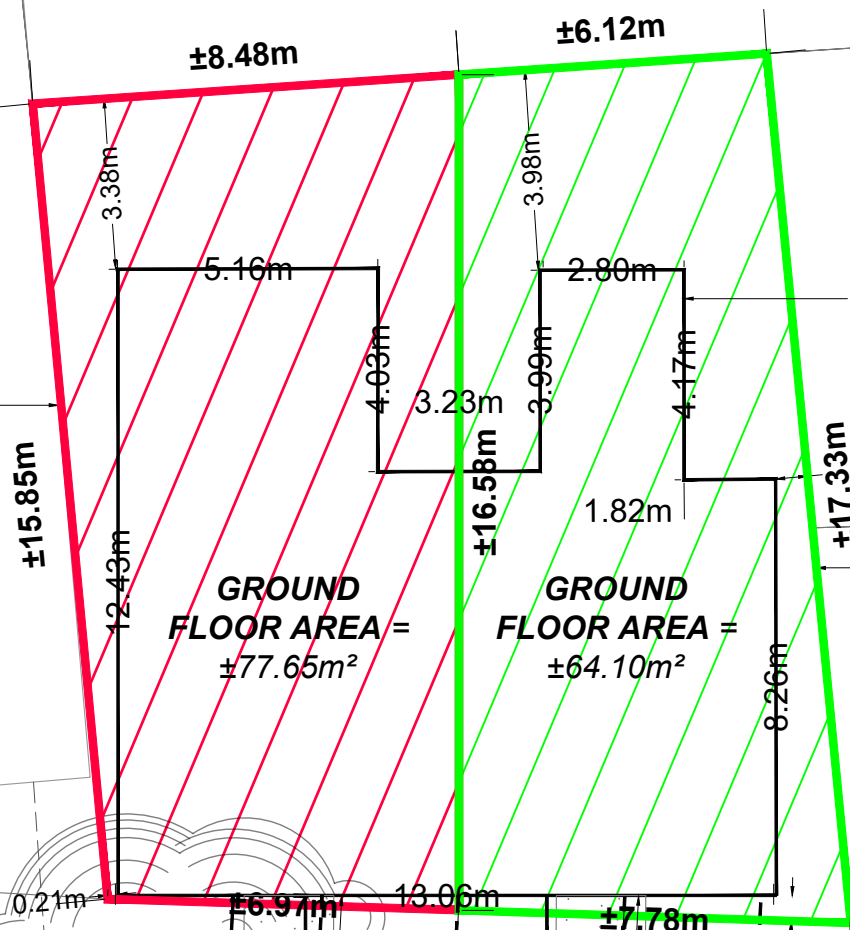
 EcoVue Consulting Services Inc.
 311 George St. N., Suite 200
 Peterborough ON K9J 3H3
 Tel: 705-876-8340 Fax: 705-742-8343
 www.ecovueconsulting.com

DRAWN BY: TB	PROJECT No.: 21-2145
APPROVED BY:	HORIZ. SCALE: 1:150
REVISION DATE: JUNE 10, 2021	PLOT DATE: JUNE 10, 2021

TOM STREET SEVERANCE
 RON AND ROYA DIEBA
 70 & 72 TOM STREET
 PART OF LOT 19, CONCESSION 2
 GEOG. TWP. OF BARTON
 CITY OF HAMILTON

LANDS TO BE
SEVERED
±125.00m²

URBAN PROTECTED
RESIDENTIAL



EXISTING RESIDENCE
(TO BE SPLIT)

LANDS TO BE
RETAINED
±117.50m²

URBAN PROTECTED
RESIDENTIAL

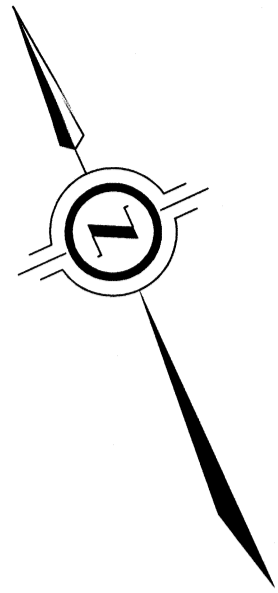
PROPOSED WALKWAY
LOCATION

PROPOSED
DRIVEWAY
LOCATION

TOM STREET
RIGHT-OF-WAY
(20.00m)

EXISTING TREE





SURVEYOR'S REAL PROPERTY REPORT
 ILLUSTRATING TOPOGRAPHY ON
**PART 1 - PLAN OF SURVEY OF
 PART OF LOT 1, BLOCK 4
 REGISTERED PLAN 42**
 CITY OF HAMILTON
 REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
 SCALE 1 : 200



J.D. BARNES LIMITED
 © COPYRIGHT

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

PART 2 - SURVEY REPORT

- DESCRIPTION
PART OF LOT 1, BLOCK 4, REGISTERED PLAN 42
- REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY
NONE
- ZONING COMPLIANCE
COMPLIANCE WITH ONTARIO BUILDING CODE SETBACK REQUIREMENTS ARE NOT VERIFIED BY THIS SURVEY.
- ADDITIONAL REMARKS
PLAN PREPARED FOR RON DIEBA

NOTES

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

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999690.

FOR BEARING COMPARISONS, A ROTATION OF 2'09"20" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON P1, P2, P3, P4 AND P6.

INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 17, NAD83 (CSRS) (2010.0).
 COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF O.REG 216/10.

POINT ID	EASTING	NORTHING
ORP (A)	590 342.75	4 790 994.33
ORP (B)	590 361.36	4 791 004.73

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

THE RESULTANT TIE BETWEEN ORP (A) AND ORP (B) IS 21.32 N60°4'705"E

ELEVATION NOTE

ELEVATIONS SHOWN ON THIS PLAN ARE RELATED TO GEODETIC DATUM AND ARE DERIVED FROM THE ONTARIO MINISTRY OF NATURAL RESOURCES AND FORESTRY BENCHMARK No. 0011922U401 HAVING A PUBLISHED ELEVATION OF 110.299 METERS ADB BENCHMARK No. 07720100049 HAVING A PUBLISHED ELEVATION OF 85.227 METERS

LOCAL BENCHMARK

CUT-CROSS ON TOM STREET APPROXIMATELY 31 METERS FROM SOUTH-WESTERN CORNER OF THE SUBJECT BOUNDARY
 ELEVATION=107.41m

LOCAL BENCHMARK

- HJB DENOTES HYDRO JUNCTION BOX
- + G METER DENOTES GAS METER
- HP DENOTES HYDRO POLE

BEFORE DIGGING, UNDERGROUND SERVICES SHOULD BE LOCATED ON SITE BY THE RESPECTIVE AGENCIES.

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THAT LOCAL BENCHMARKS HAVE NOT BEEN ALTERED OR DISTURBED AND THAT THE RELATIVE ELEVATIONS AGREE WITH THE INFORMATION SHOWN ON THIS PLAN.

PRIMARY CONTOURS ARE AT 1.00m INTERVALS.
 SECONDARY CONTOURS ARE AT 0.25m INTERVALS.

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON THE 21st DAY OF MARCH, 2022.

MARCH 24, 2022

DATE

R.S. QUERUBIN
 ONTARIO LAND SURVEYOR

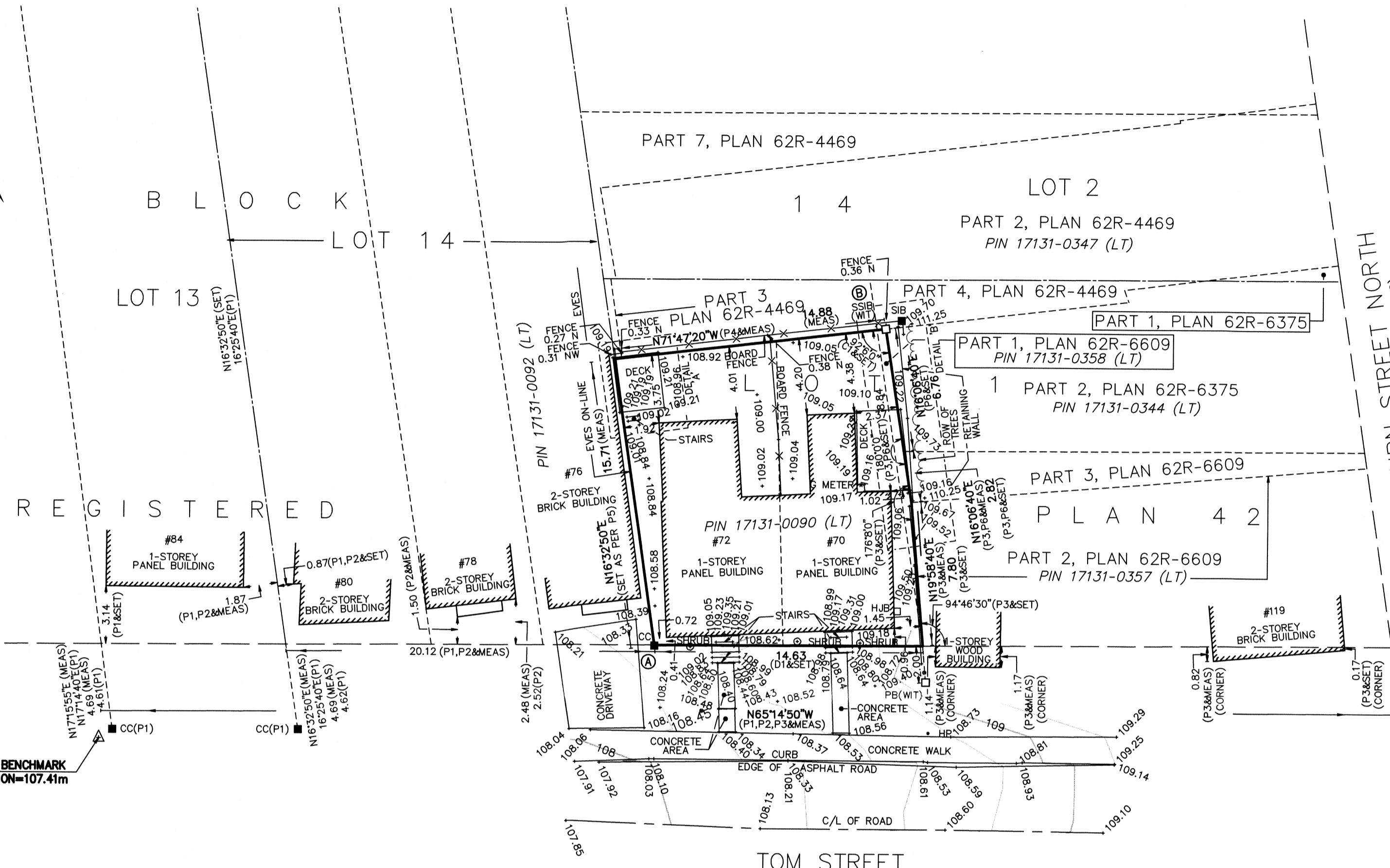
**ASSOCIATION OF ONTARIO
 LAND SURVEYORS
 PLAN SUBMISSION FORM
 2187173**

THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY
 ISSUED BY THE SURVEYOR in accordance with Regulation 1026, Section 29(3).

J.D. BARNES LIMITED SURVEYING MAPPING GIS
 LAND INFORMATION SPECIALISTS
 401 WHEELABRATOR WAY, SUITE A, MILTON, ON L9T 3C1
 T: (905) 875-9955 F: (905) 875-9956 www.jdbarnes.com

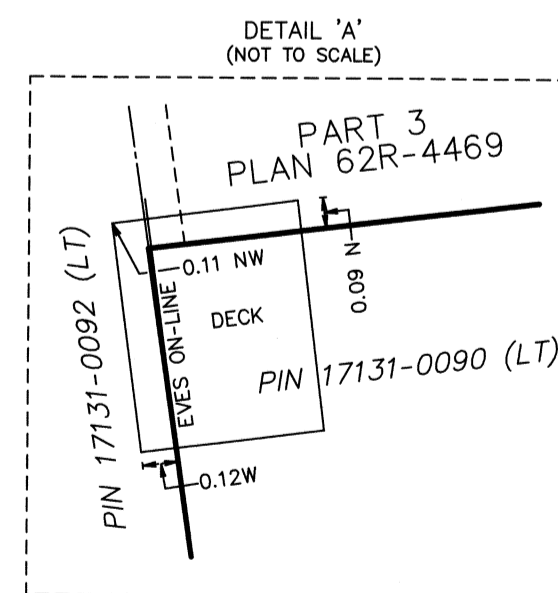
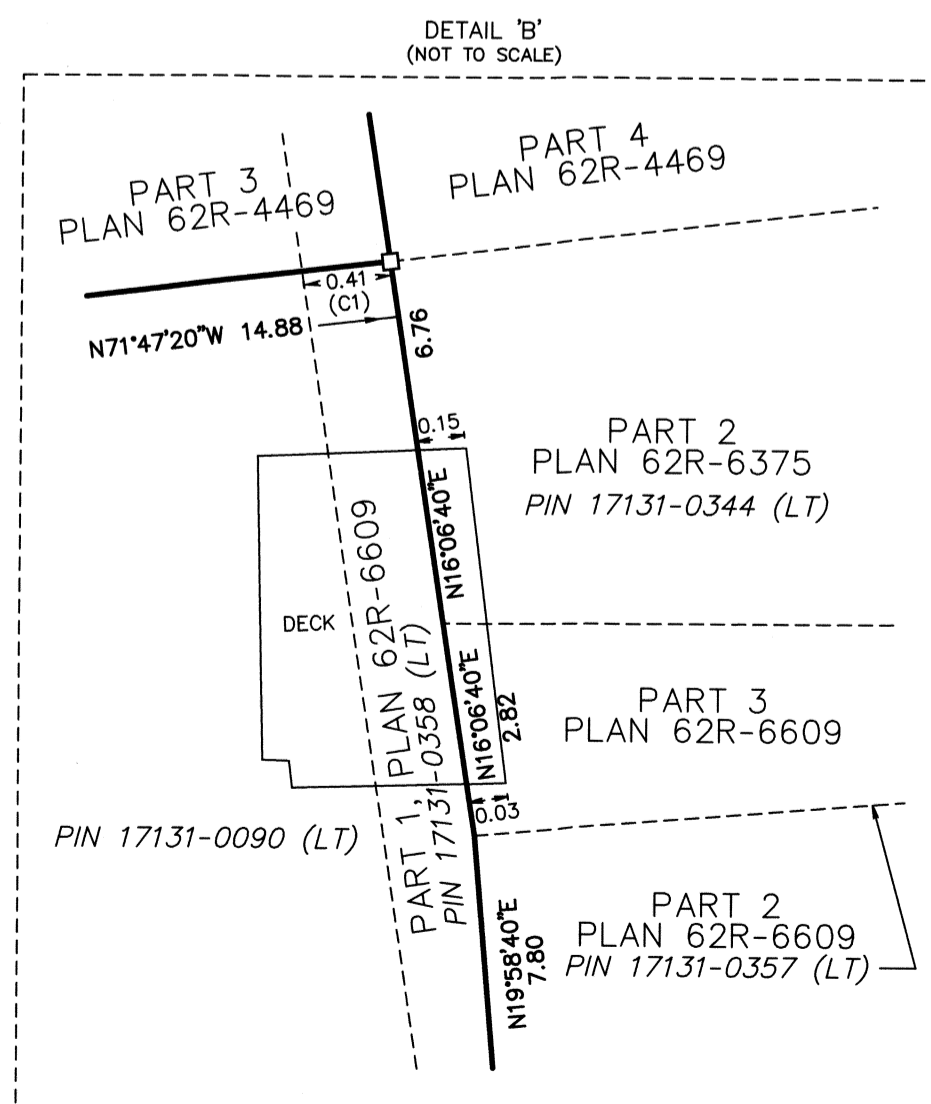
DRAWN BY: SG	CHECKED BY: RSQ	REFERENCE NO.: 22-30-826-00-A
FILE: G:\22-30-826\00\Drawing\22-30-826-00-A.dgn		DATED: MARCH 28, 2022

PLOTTED: 3/28/22



- LEGEND**
- DENOTES SURVEY MONUMENT FOUND
 - DENOTES SURVEY MONUMENT SET
 - SSIB DENOTES SHORT STANDARD IRON BAR
 - CC DENOTES CUT CROSS
 - PB DENOTES PLASTIC BAR
 - P1 DENOTES SURVEYOR'S REAL PROPERTY REPORT PREPARED BY B.A. JACOBS SURVEYING, O.L.S., DATED JULY 16, 2015 (REFERENCE: 15S23)
 - P2 DENOTES SURVEYOR'S REAL PROPERTY REPORT PREPARED BY B.A. JACOBS SURVEYING, O.L.S., DATED OCTOBER 28, 2021 (REFERENCE: 21s58)
 - P3 DENOTES PLAN 62R-6609
 - P4 DENOTES PLAN 62R-4469
 - P5 DENOTES REGISTERED PLAN 42
 - P6 DENOTES PLAN 62R-6375
 - D1 DENOTES INSTRUMENT No. NS188735
 - C1 DENOTES CALCULATED FROM P4 AND P6
 - MEAS DENOTES MEASURED
- N=NORTH / S=SOUTH / E=EAST / W=WEST

ALL BUILDING TIES ARE TAKEN TO CONCRETE FOUNDATION.
 ALL SET PB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF O.REG. 525/91.





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.:
----------------------------	-----------------------------------	-----------------	-----------

1 APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Purchaser*			Phone:
			E-mail:
Registered Owners(s)			
Applicant(s)**			
Agent or Solicitor			Phone:
			E-mail:

*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	Lot	Concession	Former Township
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address			Assessment Roll N°.

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:

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:

3.3 If a lot addition, identify the lands to which the parcel will be added:

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)

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: _____

Proposed: _____

Existing structures to be removed: _____

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)

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: _____

Proposed: _____

Existing structures to be removed: _____

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): _____

Urban Hamilton Official Plan designation (if applicable): _____

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

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? _____

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

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

*Complete MDS Data Sheet if applicable

6 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agriculture Vacant Other (specify)

6.1 If Industrial or Commercial, specify use _____

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

- Yes No Unknown

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

- Yes No Unknown

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

- Yes No Unknown

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

- Yes No Unknown

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

- Yes No Unknown

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

- Yes No Unknown

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

- Yes No Unknown

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

- Yes No Unknown

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

8 HISTORY OF THE SUBJECT LAND

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

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

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

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

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

8.4 How long has the applicant owned the subject land?

8.5 Does the applicant own any other land in the City? Yes No
If YES, describe the lands in "11 - Other Information" or attach a separate page.

9 OTHER APPLICATIONS

9.1 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval? Yes No Unknown

If YES, and if known, specify file number and status of the application.

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 _____ Status _____

10 RURAL APPLICATIONS

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

<input type="checkbox"/> Agricultural	<input type="checkbox"/> Rural	<input type="checkbox"/> Specialty Crop
<input type="checkbox"/> Mineral Aggregate Resource Extraction	<input type="checkbox"/> Open Space	<input type="checkbox"/> Utilities
<input type="checkbox"/> 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.

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.

Date

Signature of Owner 



311 George St. N. Suite 200
Peterborough, ON K9J 3H3
T 705.876.8340 | F 705.742.8343
www.ecovueconsulting.com

Planning Justification Report

Application for Consent
70 and 72 Tom Street, City of Hamilton

Prepared for: Ron Dieba and Roya Dieba

EcoVue Reference No.: 21-2271

Date: July 11, 2022

311 George St. N. Suite 200
Peterborough, ON K9J 3H3

T 705.876.8340 | F 705.742.8343

www.ecovueconsulting.com



Table of Contents

1.0	BACKGROUND	1
1.1	DESCRIPTION OF PROPOSAL AND EXISTING CONDITIONS.....	1
2.0	POLICY CONSIDERATION	4
2.1	PLANNING ACT	4
2.2	PROVINCIAL POLICY STATEMENT (2020).....	8
2.2.1	<i>Settlement Areas</i>	9
2.2.2	<i>Infrastructure and Public Service Facilities – Sewage, Water and Stormwater</i>	9
2.2.3	<i>Wise Use and Management of Resources – Natural Heritage</i>	9
2.2.4	<i>Natural and Human-Made Hazards</i>	10
2.3	GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE (2020).....	10
3.0	LOCAL PLANNING DOCUMENTS.....	11
3.1	CITY OF HAMILTON OFFICIAL PLAN.....	12
3.1.1	<i>Strathcona Secondary Plan</i>	15
3.2	CITY OF HAMILTON ZONING BY-LAW NO. 6593.....	18
3.2.1	<i>Lot Frontage</i>	18
3.2.2	<i>Lot Area</i>	19
3.2.3	<i>Front Yard, Rear Yard and Side Yard Depth</i>	19
3.2.4	<i>Parking Requirements</i>	20
3.3	SUMMARY OF POLICY CONSIDERATIONS	22
4.0	SUMMARY.....	22



Table of Figures

Figure 1 - Site Location	2
Figure 2 - Consent Sketch	3
Figure 3 - City of Hamilton Official Plan Schedule 'E-1'	14
Figure 4 – Strathcona Secondary Plan	17
Figure 5 – City of Hamilton Zoning By-law.....	26



1.0 BACKGROUND

This Report is being submitted on behalf of our client, Ron and Roya Dieba in support of an application for Consent at the above-noted property. The subject property is located in the northwest portion of the City of Hamilton, in the Strathcona neighbourhood, at 70 and 72 Tom Street. (**Figure 1 – Site Location**).

This report will examine the application in the context of the relevant land use planning policies.

1.1 Description of Proposal and Existing Conditions

The applicants, owns a parcel of land located at 70 and 72 Tom Street in the City of Hamilton. The property is approximately 242.50 square metres with approximately 15.21 metres (49.91 feet) of frontage on Tom Street, which runs in an east-west direction between Breadalbane Street and Dundurn Street. The subject lands are located approximately 200 metres south of York Street and 450 metres north of King Street in the Strathcona neighbourhood.

The property currently contains a duplex dwelling; the units are adjacent to each other, with a common wall, and separate entrances. Currently, there is no off-street parking spaces on the property. As such, residents of the two units utilize available street parking.

The applicant is proposing to separate each unit at 70 and 72 Tom Street to create two separate, semi-detached units (on separate properties) with a shared “party” wall. In order to facilitate the separation of the lots, an application for Consent is being submitted to the City of Hamilton. The proposed lots are as follows:

- “Severed Lands” – located at 72 Tom Street. The severed lands are proposed to be 125.00 square metres (0.03 acres), with 6.97 metres (22.87 feet) of frontage on Tom Street;
- “Retained Lands” – located at 70 Tom Street. The retained lands are proposed to be 117.50 square metres (0.03 acres) with 7.78 metres (25.52 feet) of frontage on Tom Street.

A depiction of the proposed Consent can be found in **Figure 2 – Consent Sketch**.

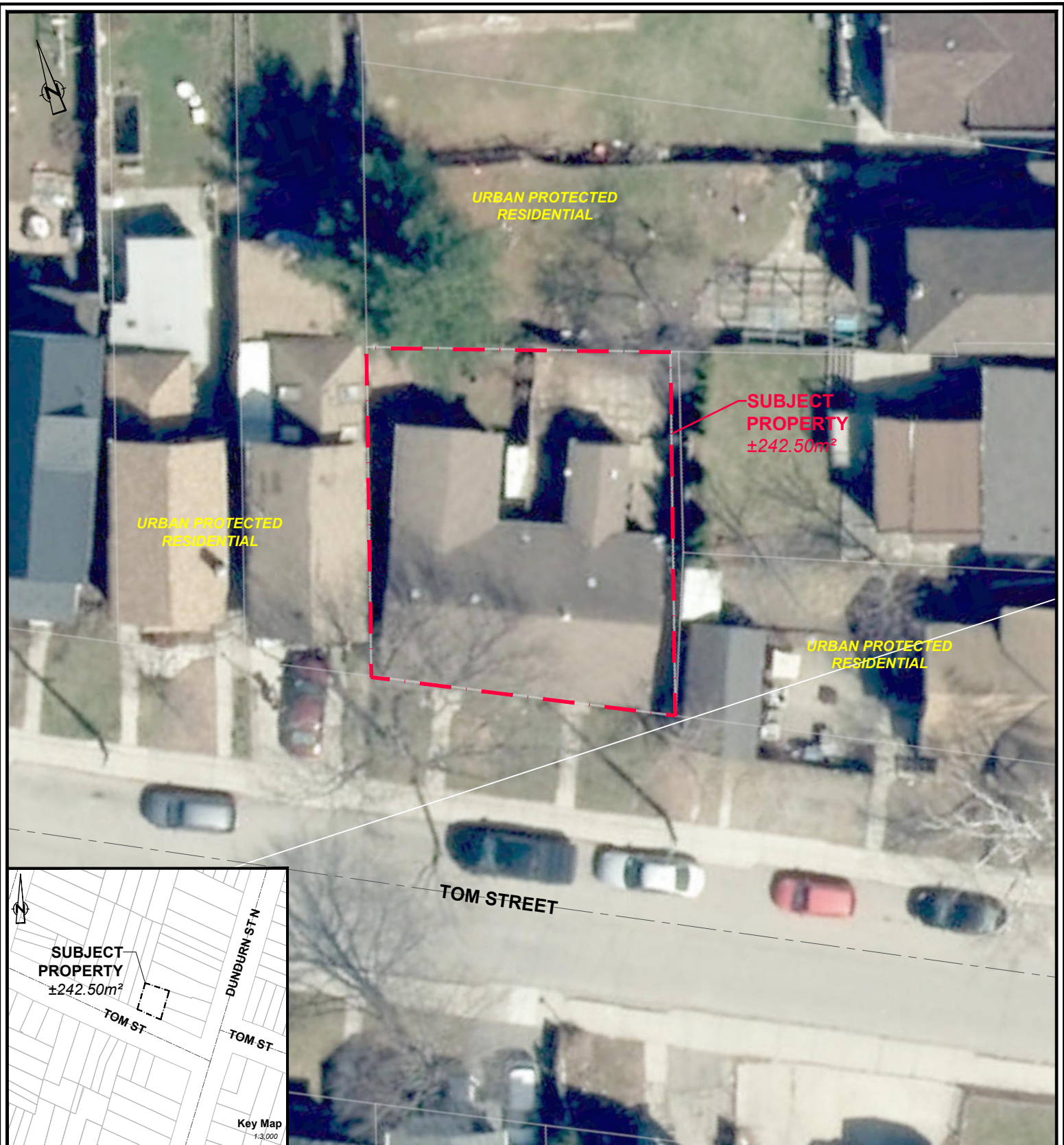


FIGURE 1 - SITE LOCATION



www.ecovueconsulting.com

PROJECT NO: 21-2271

DATE: JUNE 22, 2022

HORIZ. SCALE: 1:250

TOM STREET SEVERANCE
 RON & ROYA DIEBA
 70 & 72 TOM STREET
 PART OF LOT 19, CONCESSION 2
 GEOG. TWP. OF BARTON
 CITY OF HAMILTON



URBAN PROTECTED RESIDENTIAL

SUBJECT PROPERTY
±242.50m²

KEY MAP
1/2,500

LEGEND

- EXISTING PARCEL
- EXISTING STRUCTURES
- EXISTING DRIVEWAY
- EXISTING SIDEWALK (1.45m)
- EXISTING WALKWAY (TO BE REMOVED)
- LANDS TO BE RETAINED
- LANDS TO BE SEVERED

NOTES:

1. Property Boundaries are approximate

ECOVUE consulting services inc. EcoVue Consulting Services Inc.
 311 George St. N., Suite 200
 Peterborough ON K9J 3H3
 Tel: 705-876-8340 Fax: 705-742-8343
 www.ecovueconsulting.com

DRAWN BY: TB	PROJECT No.: 21-2145
APPROVED BY:	HORIZ. SCALE: 1:150
REVISION DATE: JUNE 10, 2021	PLOT DATE: JUNE 10, 2021

TOM STREET SEVERANCE
 RON AND ROYA DIEBA
 70 & 72 TOM STREET
 PART OF LOT 19, CONCESSION 2
 GEOG. TWP. OF BARTON
 CITY OF HAMILTON

CONSENT SKETCH

CS1

LANDS TO BE SEVERED
±125.00m²

EXISTING RESIDENCE
(TO BE SPLIT)

LANDS TO BE RETAINED
±117.50m²

PROPOSED WALKWAY
LOCATION

PROPOSED DRIVEWAY
LOCATION

TOM STREET
RIGHT-OF-WAY
(20.00m)

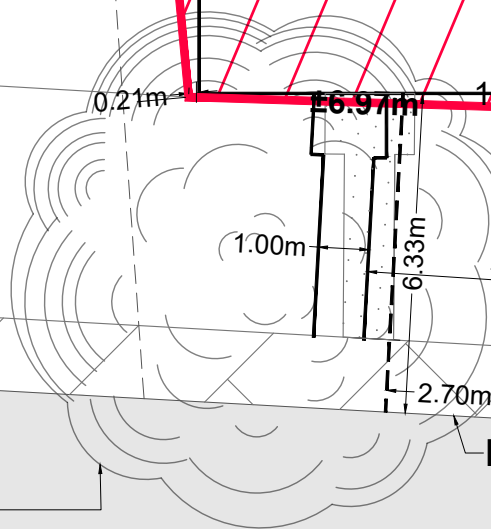
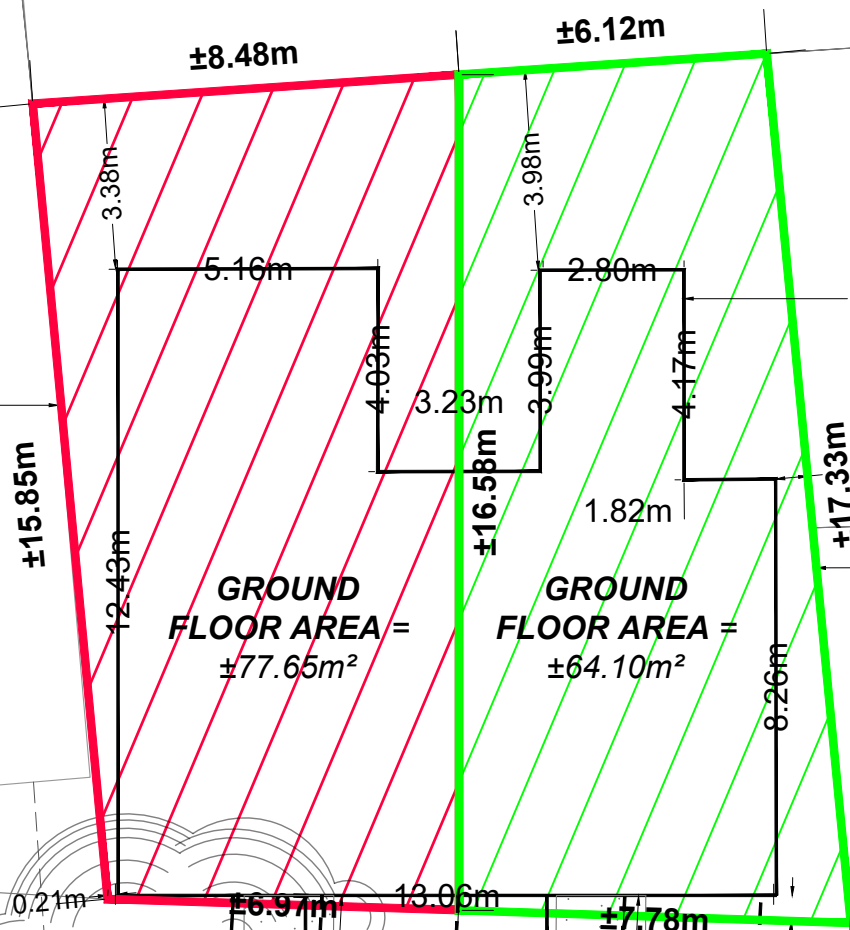
EXISTING TREE

URBAN PROTECTED RESIDENTIAL

URBAN PROTECTED RESIDENTIAL

GROUND FLOOR AREA =
±77.65m²

GROUND FLOOR AREA =
±64.10m²





2.0 POLICY CONSIDERATION

Land use policies and regulations affecting the subject lands include the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe at the provincial level. At the municipal level, the City of Hamilton Official Plan and the City of Hamilton Zoning By-law 6593 affect the subject lands. In this section of the report, the proposed consent is reviewed in the context of the policies and provisions contained in these documents.

2.1 Planning Act

Section 53(12) of the *Planning Act*, R.S.O, 1990, as amended (Planning Act) states that the approval authority for a consent shall have regard for Section 51(24), which indicates that “*in considering a [consent], consideration should be had, among other matters, to the health, safety, convenience and accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality*” in which the consent is located.

The proposed severances will be located on a municipally-maintained road and is intended to separate the existing residential units. Furthermore, as detailed throughout this report, the proposed severed and retained lots have regard for overall good planning.

In addition to the matters noted above, 51(24) further elaborates that consideration should be given to the following specific items (excerpts Section 51(24) in *italics*):

- (i) *The effect of development of the proposed development on matters of provincial interest as referred to in Section 2 of the Act:*

Section 2 of the *Planning Act* provides a list of “matters of provincial interest”. These matters are discussed in the table below:

Table 1 – Proposal Compliance with Matters of Provincial Interest

Matters of Provincial Interest	Response
(a) the protection of ecological systems, including natural areas,	There are no ecological features or functions on the subject lands or in close proximity.



features and functions;	
(b) the protection of the agricultural resources of the Province;	The proposed severances will be located within a settlement area and are not in close proximity to agricultural uses.
(c) the conservation and management of natural resources and the mineral resource base;	The subject lands do not contain natural or mineral resources.
(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;	The subject lands do not have archaeological potential.
(e) the supply, efficient use and conservation of energy and water;	The proposed lots have two (2) existing residential units which will be separated into 2 individual lots through the subject consent application. The existing dwellings comply with building code and no new development is proposed. Additionally, the subject lands are located in an area with existing energy and municipal water availability.
(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;	Both the proposed lots have access to communications, a publicly maintained road, municipal water servicing, and municipal waste management methods.
(g) the minimization of waste;	No new development is proposed and it is anticipated that the existing residential dwellings will not produce a large quantity of waste. It is further understood that minimization of waste is under the purview of municipal waste reduction strategies.
(h) the orderly development of safe and healthy communities;	The proposed severance represents orderly development within the community. The proposed severance will take place within a settlement area and intends to separate the existing residential uses. The existing residential uses conform to the character of the surrounding community. Furthermore, the lands do not have man-made or natural hazards.
(h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;	It is understood that the existing residences already comply with the building code which includes accessibility requirements. Furthermore, the proposed severed and retained lots are located on a municipally maintained road.
(i) the adequate provision and distribution of educational, health, social, cultural and recreational	The proposed development is in proximity to a number of educational, health, social, cultural and recreational facilities which include Tom Street Park to the west, Hamilton Military

facilities;	Museum and Dundurn Castle to the north, Victoria Park to the east, Strathcona Elementary School to the southeast and various commercial uses to the south along King Street West.
(j) the adequate provision of a full range of housing, including affordable housing;	The proposed development will separate the existing residential dwellings and will retain existing residential uses. Although the proposed development does not provide additional housing, it retains the existing residential uses and thereby maintains the existing housing inventory.
(k) the adequate provision of employment opportunities;	N/A
(l) the protection of the financial and economic well-being of the Province and its municipalities;	N/A
(m) the co-ordination of planning activities of public bodies;	N/A
(n) the resolution of planning conflicts involving public and private interests;	N/A
(o) the protection of public health and safety;	There are no natural or man-made hazards on the subject lands. Access to the subject lands is available via a municipally maintained road. Furthermore, it is understood that the existing dwellings comply with the building code requirements regarding fire protection and any other health and safety matters.
(p) the appropriate location of growth and development;	The proposed lots are located within a settlement area with residential development in the surrounding area. The lands have existing municipal infrastructure for sewage and water, and will not result in impacts to natural resources. As such, the property is an appropriate location for growth and development.
(q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;	The proposed development is within 30 metres from Dundurn Street North which has numerous Transit bus stops with. Additionally, the surrounding area consists of sidewalks which can safely accommodate pedestrian traffic.
(r) the promotion of built form that, (i) is well-designed, (ii) encourages a sense of place, and (iii) provides for public spaces that are of high quality, safe, accessible,	The proposed development will separate the existing residential uses and will have access to nearby amenities, local parks, and a municipally-maintained road.



attractive and vibrant;	
(s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.	The existing residential units are already subject to energy efficiency requirements under the Building Code which ensure minimal impacts to climate change emissions.

(ii) Whether the proposed [consent] is premature or in the public interest:

The proposed severance is not premature and is in the public interest. Furthermore, this report demonstrates that the proposed development is in public interest from a policy perspective.

(iii) Whether the [consent] conforms to the official plan and adjacent plans of subdivision;

As noted herein, the proposal conforms to the City of Hamilton Official Plan.

(iv) The suitability of the land for the purposes for which it is to be subdivided;

The subject lands currently accommodate the existing residential dwellings units.

(v) The number, width, location and proposed grades and elevations of highways, and the adequacy of them;

The subject property is located on Tom Street, which is a local road that can accommodate the severed/retained lands. Given that the uses are existing and that no new development is proposed, it is our opinion that Tom Street can safely accommodate the proposed development.

(vi) The dimensions and shapes of the proposed lots;

The dimension and shape of the proposed severed and retained lots are consistent with nearby lot configurations and meet applicable zoning provisions, as detailed in Section 2.4.2 of this report.

(vii) The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it, and the restrictions, if any, on adjoining land;

There are no restrictions on the subject lands that will impact the proposed development.



(viii) Conservation of natural resources and flood control;

The subject lands do not contain any natural resources or flood hazards.

(ix) The adequacy of utilities and municipal services;

Utilities and municipal services are currently available to the existing units and will not require expansion.

(x) The adequacy of school sites;

The proposed development separates the existing residential dwellings and does not result in an increase in the number of households. Additionally, the subject lands are located within 1 kilometre of an elementary school.

(xi) The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

No conveyance of land for public purposes is anticipated for the subject application.

(xii) The interrelationship between the design of the proposed plan of [consent] and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41(2) of the Act;

The proposed development will not be subject to site plan control.

Given the above, it is our opinion that the application is consistent with the provisions included in Section 51(24) of the *Planning Act*.

2.2 Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides a policy framework for land use within the Province of Ontario. It is the responsibility of the local planning authority, in this case, the City of Hamilton, to



uphold the policies of the PPS pertaining to land use planning and development. In particular, the planning authorities must ensure that their decisions are consistent with key provincial interests.

2.2.1 Settlement Areas

The subject property is located within the City of Hamilton settlement area boundary and is therefore subject to Section 1.1.3 of the PPS. It is stated in this Section that *“settlement areas shall be the focus of growth and development”*. It is also stated in Section 1.1.3.2 that *“land use patterns within settlement areas shall be based on densities and a mix of land 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;”*.

This proposed consent, represents an opportunity for intensification within the settlement area boundary on a property with municipal servicing. As such, it is our opinion, that the proposed development is consistent with the settlement area policies of the PPS.

2.2.2 Infrastructure and Public Service Facilities – Sewage, Water and Stormwater

Section 1.6.6 of the PPS outlines policies in regards to sewage, water and stormwater services. According to Section 1.6.6.2, *“municipal sewage services and municipal water services are the preferred form of servicing for settlement area...”*. *Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.”*

As discussed, the subject property is located within the Hamilton settlement area boundary and is on existing municipal servicing. As such, it is our opinion the proposed consent is consistent with Section 1.6.6 of the PPS.

2.2.3 Wise Use and Management of Resources – Natural Heritage

According to Section 2.1 of the PPS, natural features and areas shall be protected for the long term, and development and site alteration shall not be permitted within significant natural areas or within habitat of endangered and threatened species. Section 2.1.4 of the PPS states that *“[d]evelopment and*



site alteration shall not be permitted in significant wetlands”. Section 2.1.5 goes on to state that [d]evelopment and site alteration shall not be permitted in significant woodlands”. Section 2.1.6 of the PPS states that “[d]evelopment and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements”. Additionally, Section 2.1.8 states “[d]evelopment and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions”.

According to the available Provincial mapping there are no natural heritage features or hydrological features on or adjacent to the subject property. Based on the above, it is our opinion that the application is consistent with Section 2.1 of the PPS.

2.2.4 Natural and Human-Made Hazards

Section 3.1 and 3.2 of the PPS addresses developments that occur within natural and human-made hazards. The subject property does not contain any natural hazards such as steep slopes or floodplain and does not contain any human-made hazards. As such the proposed consent is consistent with Section 3.1 and 3.2 of the PPS.

2.3 Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) is a Provincial growth management plan which directs the majority of development and growth to urban areas that are supported by existing infrastructure, including transit and municipal water and sewer systems. The Growth Plan is administered under the *Places to Grow Act, 2005* and is designed to inform “*decision-making regarding growth management and environmental protection in the GGH [Greater Golden Horseshoe]*”. The Plan provides policies for land use planning in the City of Hamilton to 2041.

The City of Hamilton is located within the Greater Golden Horseshoe and therefore, is subject to the Growth Plan.



According to Section 2.2.1.2(a) (Managing Growth):

“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 or;*
- iii) Are in the Greenbelt Area”*

As discussed throughout this report, the proposed severance does not propose any site alteration or additional development. The proposed severance is located on a property within the City of Hamilton settlement area and existing units are servicing with municipal sanitary and water. Therefore, the proposed consent conforms to Section 2.2.1 of the Growth Plan.

Section 2.2.1.4. states that the Growth Plan “... will support the achievement of complete communities that...provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes”.

As noted, the proposed severance will separate the existing residences and create two separate, semi-detached units (on separate properties) with a shared “party” wall. Although the proposal does not provide additional housing options, it will retain the total number of residential dwellings in the area.

Based on the above, it is our opinion that the proposed consent conforms to the policies of the Growth Plan.

3.0 LOCAL PLANNING DOCUMENTS

In addition to demonstrating consistency with Provincial planning documents, it is necessary that the proposal conform to the policies and provisions of the applicable municipal planning documents. This includes the City of Hamilton Official Plan and the City of Hamilton Zoning By-law.



3.1 City of Hamilton Official Plan

The subject lands are designated Neighbourhoods on Schedule E-1 to the City of Hamilton Official Plan (CHOP) (**Figure 3**). The Neighbourhoods designation policies can be found in Section 2.6 of Chapter E of the CHOP. According to Section 2.6.2 *“neighbourhoods shall primarily consist of residential uses and complementary facilities and services intended to serve the residents.”*

Lot creation policies for the Urban Area are outlined in Section 1.14.3 of Chapter F in the CHOP. Section 1.14.1 specially states *“consents for new lot creation, for both the severed and retained lands, for residential uses in the Neighbourhoods designations shown on Map E-1 – Urban Land Use Designation, shall be provided the following conditions are met:*

- a) the lots comply with the policies of this Plan, including secondary plans, where one exists;*

As noted herein, the proposed lots comply with the policies of the CHOP and as discussed in Section 3.1.1 of this report, the proposed development complies with the applicable policies of the Strathcona Secondary Plan of the CHOP.

- b) the lots are in conformity with the Zoning By-law or a minor variance is approved;*

As discussed in Section 3.2 of this report, the proposed development complies with all the zoning provisions of the City of Hamilton Zoning By-law.

- c) the lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages, areas, building height, coverage, mass, setbacks, privacy and overview;*

The proposed development will separate the two (2) existing dwellings located on the subject lands. The existing uses which consist of two (2) single detached dwellings are in keeping with surrounding low-density residential uses. The lot configurations resulting from the proposed severance will be consistent with the predominant lot configuration of the surrounding area. Additionally, the proposed lots will have adequate setbacks from the neighbouring lots. Furthermore, the proposed development

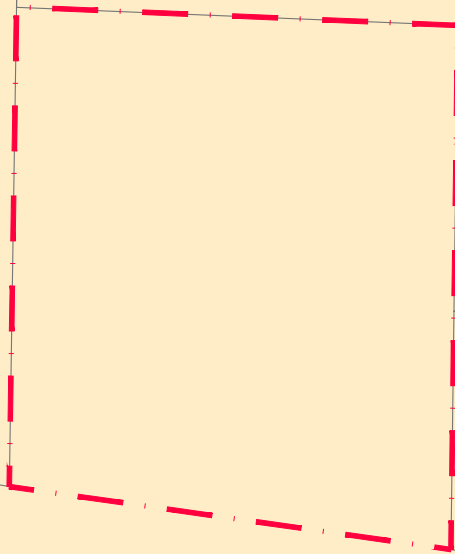


complies with all the zoning regulations of the City of Hamilton Zoning By-law which is discussed in detail in Section 3.2 of this report.

- a) the lots are fully serviced by municipal and wastewater systems and,*
- b) the lots have frontage on a public road.”*

As noted herein, the proposed development will continue to be serviced by existing municipal and wastewater systems. The subject lands have frontage on to Tom Street, which is a public road that is maintained year-round by the City. Both the proposed lots will continue to have frontage on to Tom Street.

Overall, the application for a consent conforms to the Consent policies of the CHOP.



**SUBJECT
PROPERTY**
±242.50m²

DESIGNATIONS

-  Neighbourhoods
-  Open Space
-  Institutional
-  Utility

Commercial and Mixed Use Designations

-  Downtown Mixed Use Area
-  Mixed Use - High Density
-  Mixed Use - Medium Density
-  District Commercial
-  Arterial Commercial

Employment Area Designations

-  Industrial Land
-  Business Park
-  Airport Employment Growth District
-  Shipping & Navigation

TOM STREET

**FIGURE 3 - URBAN HAMILTON OFFICIAL PLAN
SCHEDULE 'E-1' - URBAN LAND USE DESIGNATIONS**

PROJECT NO: 21-2271

DATE: JUNE 22, 2021

HORIZ. SCALE: 1:250

TOM STREET SEVERANCE

RON & ROYA DIEBA

70 & 72 TOM STREET

PART OF LOT 19, CONCESSION 2

GEOG. TWP. OF BARTON

CITY OF HAMILTON



www.ecovueconsulting.com



3.1.1 Strathcona Secondary Plan

Strathcona Secondary Plan is a Secondary Plan to the City of Hamilton Official Plan (CHOP) which provides detailed and community specific guidance to growth and change in the geographic area of Strathcona, Hamilton. Secondary plans identify more detailed land uses, densities, design requirements, and infrastructure requirements and other implementing actions appropriate for the community. These plans are intended to supplement the policy directions and land use designations found in the CHOP.

The Strathcona Secondary Plan does not include policies related to Consents. However, other relevant policies applicable to the proposed development are discussed below.

Section 6.6.4 speaks to general policies and Section 6.6.4.1 (c) states that

[w]hen considering an application for development, the following matters shall be evaluated: i) Compatibility with adjacent land uses including matters such as shadowing, grading, overlook, noise, lighting, traffic and other nuisance effects; ii) The consideration of transition in height to adjacent and existing residential development; and, iii) The height, massing, scale and arrangement of the buildings and structures are compatible with adjacent development and are sympathetic to the character and heritage of the neighbourhood.

The proposed development will retain the existing semi-detached dwellings which are in keeping with the surrounding use and character of the neighbourhood. As detailed in Section 3.2 of this report, the existing setbacks, height and scale are appropriate and will not impact neighbouring uses.

The subject lands are within the Low Density Residential 3 Designation, according to Map B.6.6-1 of the Strathcona Land Use Plan. As such, policies in Section 6.6.5.3 (Low Density Residential 3 Designation) are applicable. Although this section does not speak to land division, it states that the residential density range shall be between 20 – 60 units per net hectare and that the maximum building height shall be 2.5 storeys. As noted herein, the proposed severance does not propose additional buildings or structures and the existing residential density of approximately 30 units per hectare will be



Application for Consent
70 & 72 Tom Street
City of Hamilton
July 11, 2022

maintained. Furthermore, the height of the existing building is 1 storey which will comply with the maximum height of 2.5 storeys.

As such, the proposed development conforms to the Strathcona Secondary Plan.



Legend

Residential Designations

-  Low Density Residential 3
-  Medium Density Residential 2
-  High Density Residential

Commercial and Mixed Use Designations

-  Mixed Use - Medium Density

Parks and Open Space Designations

-  Parkette
-  Neighbourhood Park
-  Community Park
-  General Open Space
-  Natural Open Space

Other Designations

-  Institutional
-  Utility

Other Features

-  Pedestrian Focus
-  Area or Site Specific Policy
-  Neighbourhood Node
-  Secondary Plan Boundary

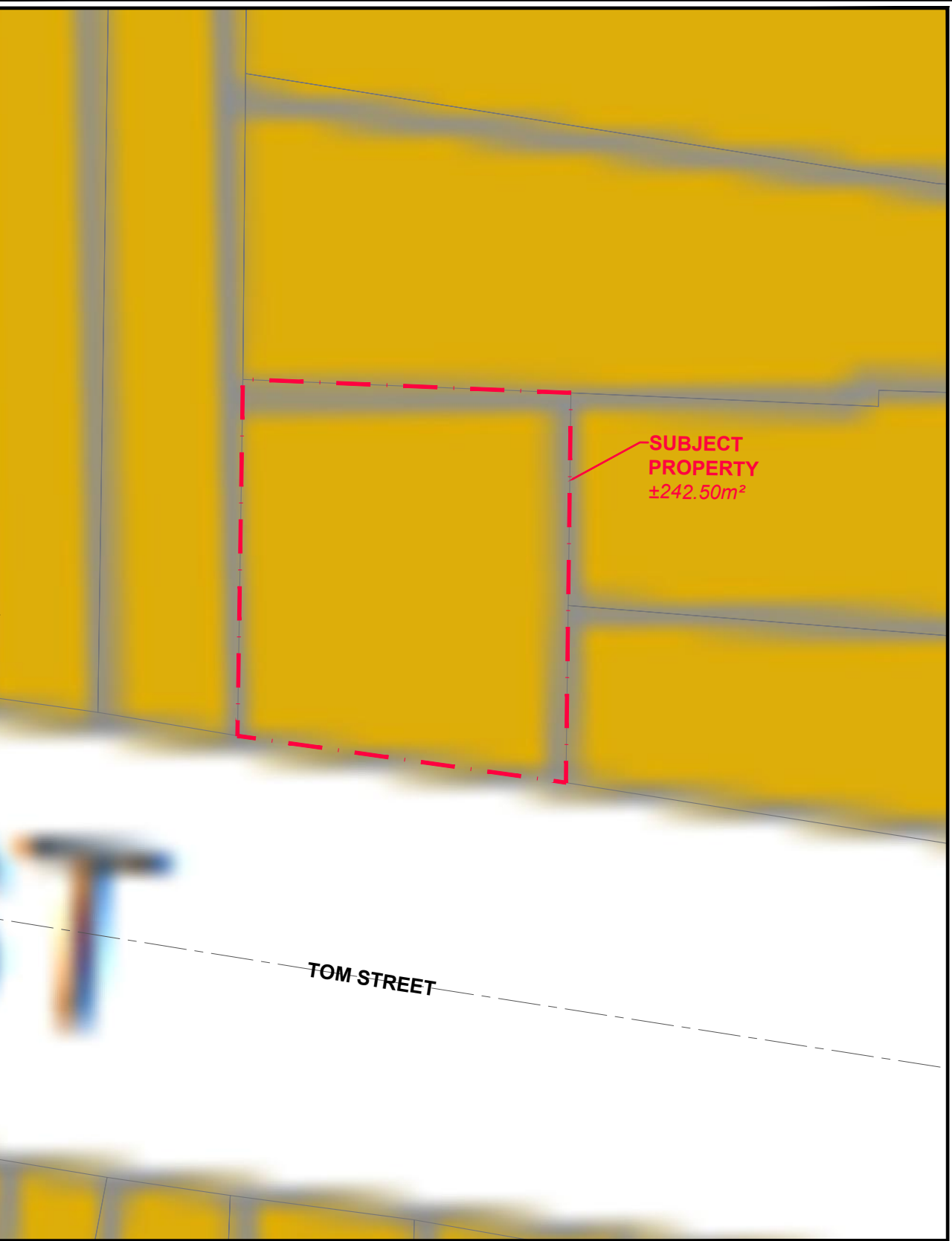


FIGURE 4 - URBAN HAMILTON OFFICIAL PLAN
Strathcona Secondary Plan Land Use Plan
 Map B.6.6-1

TOM STREET SEVERANCE
RON & ROYA DIEBA
 70 & 72 TOM STREET
 PART OF LOT 19, CONCESSION 2
 GEOG. TWP. OF BARTON
 CITY OF HAMILTON



www.ecovueconsulting.com

PROJECT NO: 21-2271
 DATE: JUNE 21, 2022
 HORIZ. SCALE: 1:250



3.2 City of Hamilton Zoning By-law No. 6593

The subject property is located in the Urban Protected Residential, One- and Two-Family Dwellings etc.) “D” District (**Figure 4**). As per section 10.1 (i), uses permitted in the permitted in "C" District are permitted in the “D” District and as such, a single-family dwelling is a permitted use.

Table 1 – Zone Provisions

Lot Regulation	“D” District	Severed Lands	Retained Lands
Lot Area (min)	360 sq.m	125.0 sq.m	117.5 sq. m
Frontage (min)	12 m	6.97 m	7.78 m
Side yard (min)	1.2 m	0 m/0.2 m	0 m/0.64 m
Rear Yard (min)	7.5 m	3.88 m	3.98 m
Front Yard (min)	6.0 m	0m	0.2 m
Height (max)	14 m	4 m	4 m
Required Parking Spaces per unit	2	1	1

It should be noted that Section 6(4) of the Zoning By-law allows for the sale of one dwelling of a pair of semi-detached dwellings with a reduced (0 m) side yard setback.

As demonstrated in the above-chart there are a number of provisions that do not meet the current zone requirements. As such, it is anticipated that a rezoning will be required as part of a condition of the consent. It is important to note that these deficiencies currently exist on the property and that there will be no new development as a result of this application. The reasons for relief from each of these provisions is as follows:

3.2.1 Lot Frontage

The proposed lot frontages for the severed and the retained lots will be 6.97 m and 7.78 m respectively which do not meet the minimum frontage requirement (12 m) of the “D” District. Given that the proposal



does not propose any future development, and that the subject property can adequately accommodate the existing structures, it is our opinion that the reduced lot frontage meets the intent of the Zoning By-law.

3.2.2 Lot Area

The required lot area within the D District is 360 square metres, while the proposed lot area for severed and retained lots are 125.0 square metres and 117.5 square metres respectively.

Generally, lot area provisions are intended to ensure that built areas include sufficient space to accommodate the proposed building and their accessory structures while respecting the neighbouring boundaries. As noted herein, the proposed consent will not result in any development or alterations to the existing dwelling. Additionally, the subject property can adequately accommodate the building without creating an impression of massing impact.

3.2.3 Front Yard, Rear Yard and Side Yard Depth

The existing dwelling has a front yard depth of 0 metres. The proposed severance will not affect this existing non-complying setback. It is proposed that the deficient front yard will be recognized in the site-specific “D” District exception zone.

The required rear yard setback for “D” District is 7.5 metres, while proposed rear yard setbacks for the severed and the retained lots are 3.88 metres and 3.98 metres respectively. Similarly, the required side yard setback is 1.2 metres while the proposed side yard setbacks for the severed and retained are 0.2 metres and 0.64 metres respectively and 0 metres where the dwellings share a common wall. It should be noted that the proposed consent does not propose new development and that the existing structures can be accommodated on the lots without creating an impression of massing impact and impacting the neighbouring uses. Additionally, as the proposed units share a common wall, one of the side yard setbacks will be 0 metres.

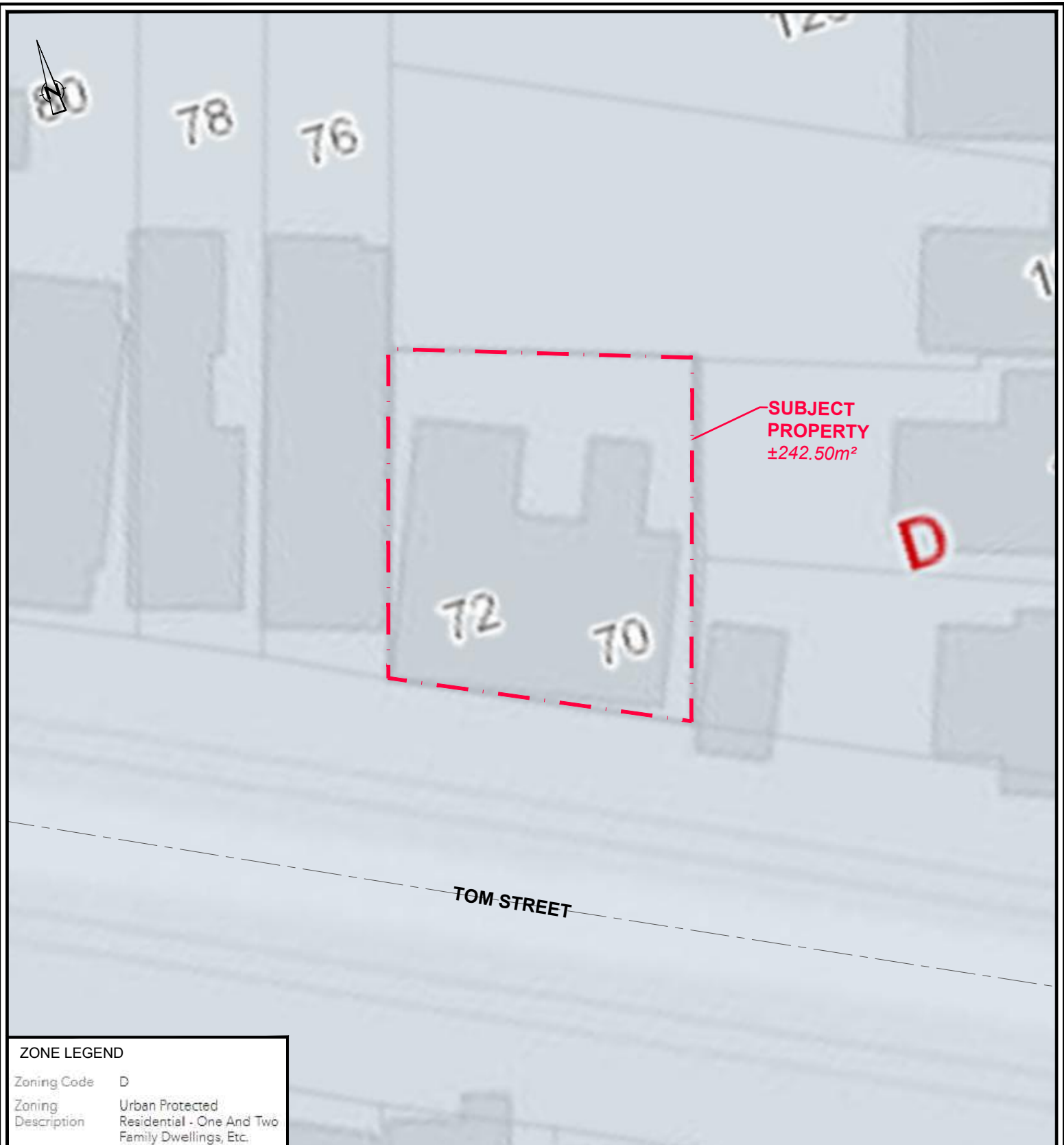


3.2.4 Parking Requirements

Section 18A(1)(a) requires two (2) parking spaces per dwelling unit. There are currently no off-street parking spaces provided on site – residents of the dwelling units are required to park on the street. The applicant is proposing to develop a driveway in the front yard for each dwelling unit in order to provide one (1) parking space per dwelling unit. This will be implemented through an Encroachment Agreement with the City of Hamilton as each spot will be located partially within the Tom Street Road allowance. It is anticipated that on-street parking will continue to be an option for additional parking.

It is our opinion that the reduced number of parking spaces per unit is appropriate as the dwellings. As noted, the property owner will improve the current parking situation. Additionally, the location of the property is close to amenities which are within walking distance from the subject lands. Furthermore, the surrounding areas offer multiple options for transit and active transportation as alternatives to private automobiles. As such, it is our opinion that the reduced number of parking spaces for the subject proposal will meet the intent of the CHZBL.

As noted herein, the proposed severance will require several site-specific provisions within a proposed “D” District Zone. It is our opinion that the proposed modified provisions maintain the intent of the City of Hamilton Zoning By-law and are appropriate for the subject lands.



ZONE LEGEND

Zoning Code	D
Zoning Description	Urban Protected Residential - One And Two Family Dwellings, Etc.

FIGURE 5 - CITY OF HAMILTON ZONING BY-LAW
INTERACTIVE ZONING PORTAL



www.ecovueconsulting.com

PROJECT NO: 21-2271

DATE: JUNE 22, 2022

HORIZ. SCALE: 1:250

TOM STREET SEVERANCE

RON & ROYA DIEBA

70 & 72 TOM STREET

PART OF LOT 19, CONCESSION 2

GEOG. TWP. OF BARTON

CITY OF HAMILTON



3.3 Summary of Policy Considerations

The proposed application is consistent with the provisions set out in the policy and regulations affecting the subject lands and is consistent with the *Planning Act, R.S.O. 1990*, the Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe, City of Hamilton Official Plan, and the City of Hamilton Zoning By-law.

4.0 SUMMARY

This planning report describes the proposed consent and provides an analysis of the proposed consent in the context of the 2020 Provincial Policy Statement, the 2020 A Place to Grow: Growth Plan for the Greater Golden Horseshoe, the City of Hamilton Official Plan and the City of Hamilton Zoning By-law.

It is the opinion of the author that:

- The proposed consent is consistent with the policies of the 2020 Provincial Policy Statement and the 2020 A Place to Grow: Growth Plan for the Greater Golden Horseshoe.
- The proposed consent conforms to the City of Hamilton Official Plan.
- The proposed consent conforms to the City of Hamilton Zoning By-law provided the amendment to recognize the zoning deficiencies are approved.
- The proposed consent represents good planning.

Respectfully Submitted,

ECOVUE CONSULTING SERVICES INC.



Application for Consent
70 & 72 Tom Street
City of Hamilton
July 11, 2022

A handwritten signature in purple ink that reads "Aditya Srinivas".

Aditya Srinivas B.Sc.
Junior Planner

A handwritten signature in blue ink that reads "J. Kent Randall".

J. Kent Randall B.E.S. MCIP RPP
Principal Planner

