



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 **Minor Variance**

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.:	HM/A-22:391	SUBJECT PROPERTY:	547-549 Main St. E., Hamilton
ZONE:	"E/S-1594" (Multiple Dwellings, Lodges and Clubs ETC)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended 09-157

APPLICANTS: Owner: Tyler Pearson c/o Malleum Real Estate Partners IV LP & Malleum Core Partners I LP & Malleum Core Partners I GP
Agent: Michael Barton c/o MB1 Development Consulting Inc.

The following variances are requested:

Lands to be Severed

1. A minimum Lot area of 200m² shall be permitted for a proposed multiple dwelling, instead of the minimum 450m² lot area required.
2. A minimum lot width of 9.5m shall be permitted for a proposed multiple dwelling, instead of the minimum 10m lot width required pursuant to Amending By-law 09-157.
3. To permit zero (0) on site parking, instead of the minimum 1 space per Class A dwelling unit required for a multiple dwelling.

Lands to be Retained

1. An easterly side yard width of 0.0m shall be permitted instead of the minimum 1.2m side yard width required.
2. A westerly side yard width of 0.0m shall be permitted instead of the minimum required 0.3m side yard depth required.
3. The existing 7.343m front yard depth shall be permitted, instead of a front yard of a depth 11-5 of at least one one-hundred and twentieth part of the product obtained by multiplying the height of the

building or structure by its width, but no such front yard shall have a depth of less than 3.0 metres and need not have a depth of more than 7.5 metres.

4. The existing floor area and resulting ratio instead of the minimum requirement of No building or structure in an "E" District shall have a gross floor area greater than the area within the district of the lot on which it is situate, multiplied by the floor area ratio factor of 1.7.
5. A minimum parking requirement of 15 parking spaces, to be shared between the lands to be severed and the lands to be retained shall be permitted instead of the minimum 1 parking space per unit requirement.

PURPOSE & EFFECT: To facilitate Severance application HM/B-22:126 at the lands known municipally as 547-549 Main Street E;

Notes:

1. Details regarding proposed multiple dwelling on the lands to be severed not provided, as such further variances may be required at such a time that a full zoning review can be completed.
2. Details regarding existing floor area not provided, variance #3 for the lands to be retained written as requested by the applicant.
3. Details regarding the number of units within the existing multiple dwelling not provided, as such required parking could not be determined. Details regarding parking space design not provided, as such Variance #5 for the lands to be retained written as requested by applicant.

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, February 2, 2023
TIME:	2:00 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
- 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.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-22:391, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer 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.



Subject Lands

DATED: January 17, 2023

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.

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.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by 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.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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.

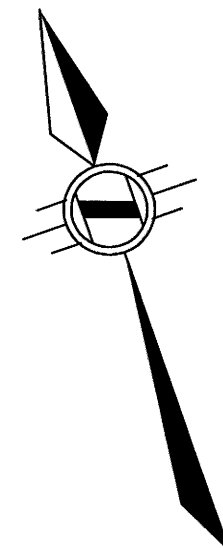
WENTWORTH STREET

SANFORD AVENUE

TOPOGRAPHIC SURVEY
PLAN OF
LOTS 42 AND 43
REGISTERED PLAN 27
IN THE
CITY OF HAMILTON

SCALE 1:200 METRIC

S.D. McLAREN, O.L.S. - 2013



MAIN STREET EAST

(ESTABLISHED BY PLAN No. 27)
(CONSOLIDATING BY-LAW (1979) - R - 79 - 109)
P.I.N. 17201 - 0167 (LT)

LEGEND:

- DENOTES MONUMENT SET
- MONUMENT FOUND
- IR IRON BAR
- SB STANDARD IRON BAR
- RB ROUND IRON BAR
- CC CUT CROSS
- Md MEASURED
- 824 A.T. McLAREN, O.L.S.
- 1213 J.D. PETERS, O.L.S.
- MWP MACKAY MACKAY & PETERS
- OU ORIGIN UNKNOWN
- CB CATCH BASIN
- MP MANHOLE
- WV HYDRO POLE
- PH WATER VALVE
- DS FIRE HYDRANT
- DS DOOR SILL

BENCHMARK NOTE:

ELEVATIONS ARE GEODETIC AND ARE REFERRED TO CITY OF HAMILTON BENCHMARK #4-20.
HOUSE #600 MAIN STREET EAST AT SOUTHWEST CORNER OF INTERSECTION OF GLADSTONE AVENUE.
ELEVATION = 91.534m

IMPERIAL NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN FEET AND CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048

BEARING NOTE:

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE NORTHERLY LIMIT OF MAIN STREET EAST AS SHOWN ON PLAN 62R-5037 AS BEING N70°36'00"W.

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 24th DAY OF APRIL, 2013

DATE

S.D. McLAREN, O.L.S.



A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS

69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn J.B.

Checked D.C.

Scale 1:200

Dwg.No. 33973

**Planning Justification Report
547 – 549 Main Street East, Hamilton**

Prepared for:

**The City of Hamilton
June 2022**

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1. Introduction and Overview

1.1 *Qualifications and Expertise*

I (Michael Barton) am a Registered Professional Planner (RPP) and full member of the Ontario Professional Planners Institute (OPPI). I am the President and Founder of MB1 Development Consulting Inc. (“MB1”) and a highly qualified land use planning and real estate development professional with extensive and diverse experience in all aspects of commercial and residential real estate development. I have practiced land use planning for over 20 years in communities across Ontario and Canada. I have been qualified as an expert in land use planning by the Ontario Land Tribunal (formerly Local Planning Appeal Tribunal (LPAT) and Ontario Municipal Board (OMB)), as well as the Toronto Local Appeal Body (TLAB).

1.2 *Retainer*

I have been retained by the Owner of 547 – 549 Main Street East in the City of Hamilton. These properties have merged on title to form the “Subject Property”. I have prepared this Planning Justification Report in support of the proposed consent to sever the Subject Property to create one new lot (the “conveyed lands”) with the existing structures remaining on the “retained lands”.

1.3 *Background*

The Subject Property is composed of 547 and 549 Main Street East, which have merged on title, and includes a three-family dwelling (547 Main Street East) and multiple dwelling (5439 Main Street East). There is also a rear surface parking area that is accessed from the laneway running along the rear of the Subject Property. The proposal includes consent to sever the vacant portion of 549 Main Street East to create one new lot (the “conveyed lands”). The conveyed lands are intended to be used for construction of a new multiple dwelling while the existing three-family dwelling and multiple dwelling will be maintained on the retained lands. No changes are proposed to the built form or land use character of these lands. In addition to the consent, a minor variance application has been submitted to facilitate the proposed lot creation and reflect the existing built form conditions on the severed and retained lands.

1.4 *Summary of Land Use Planning Opinion*

It is my opinion that the proposed consent application will result in a land use pattern and built form that is appropriate and compatible with surrounding community, and:

- Satisfies the criteria under section 51(24) of the Planning Act;
- Is consistent with the applicable policies of the Provincial Policy Statement, 2020;
- Conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe; and
- Conforms to the Urban Hamilton Official Plan, including policies related to land division.

It is also my opinion that the requested minor variances:

- Are consistent with the Provincial Policy Statement, 2020;
- Conform to the Growth Plan;
- Maintain the general purpose and intent of Urban Hamilton Official Plan;
- Maintain the general purpose and intent of Zoning By-Law 05-200;
- Are minor in nature; and
- Are desirable for the appropriate development and use of the Subject Property.

1.5 Recommendations

Based on my land use planning analysis and opinion outlined in this Planning Justification Report, it is my recommendation that the City of Hamilton approve the requested consent and minor variance applications for the Subject Property.

2. Existing Conditions and Context

2.1 Site Location and Existing Conditions

The Subject Property is located on the north side of Main Street East between Sanford Avenue South and Wentworth Street South, as illustrated in **Figure 1**. The property has frontage of 32.3 metres (106 feet) on Main Street East and lot area of 1,357 m² (14,606.61 ft²). The Subject Property is currently occupied by a two-storey triplex (547 Main Street East) and a 9-unit multiple dwelling (549 Main Street East), for a total of 12 dwelling units. The street view of these structures is illustrated in **Figure 2**. There is an existing surface parking area in the rear yard that is striped for 11 parking spaces, as well as a detached garage for four vehicles, which are accessed from the rear laneway behind the Subject Property (**Figure 3**). The aerial view included in **Figure 4** illustrates the existing site and building configuration.

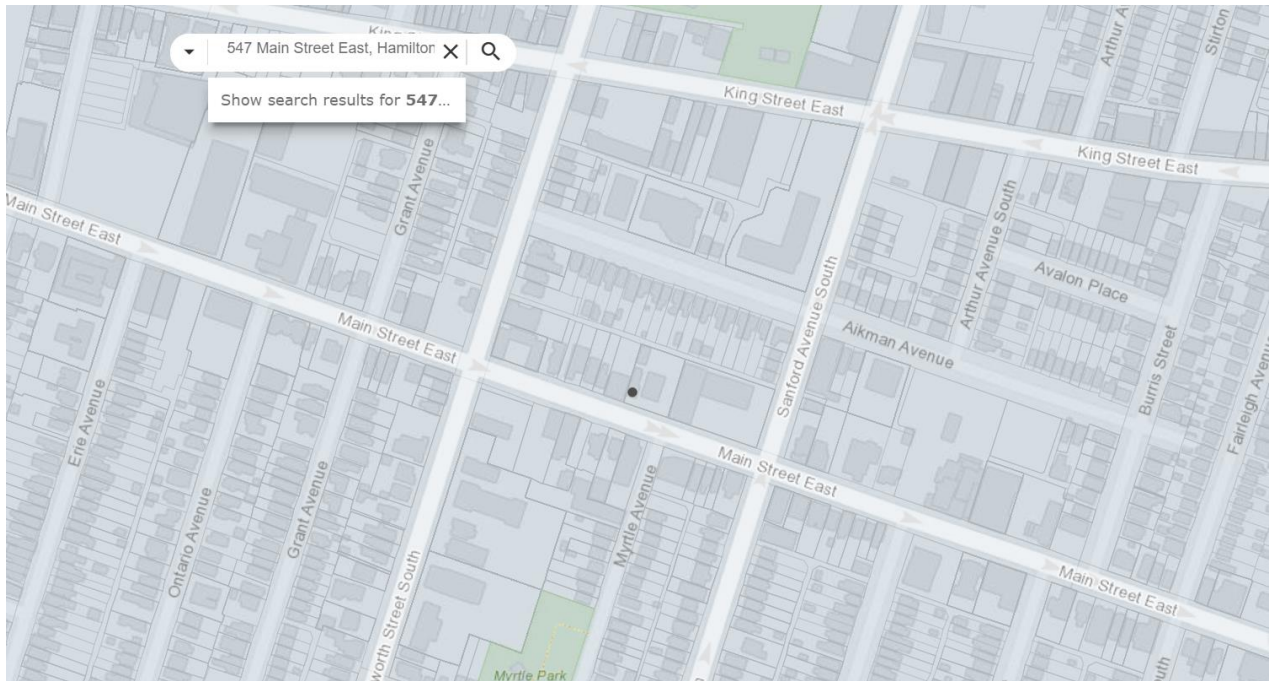


Figure 1 – Site Location

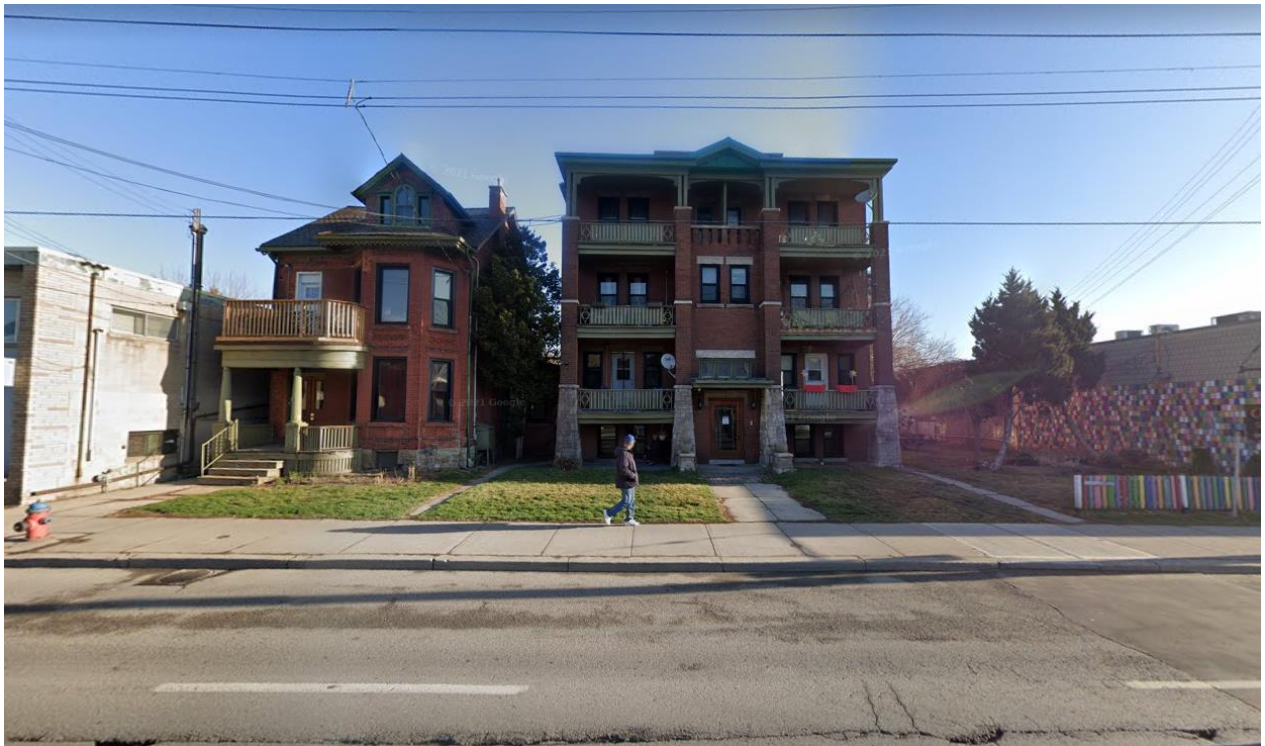


Figure 2 – Street View of Subject Property (from Main Street East)



Figure 3 – Existing Surface Parking Area at Rear of Subject Property

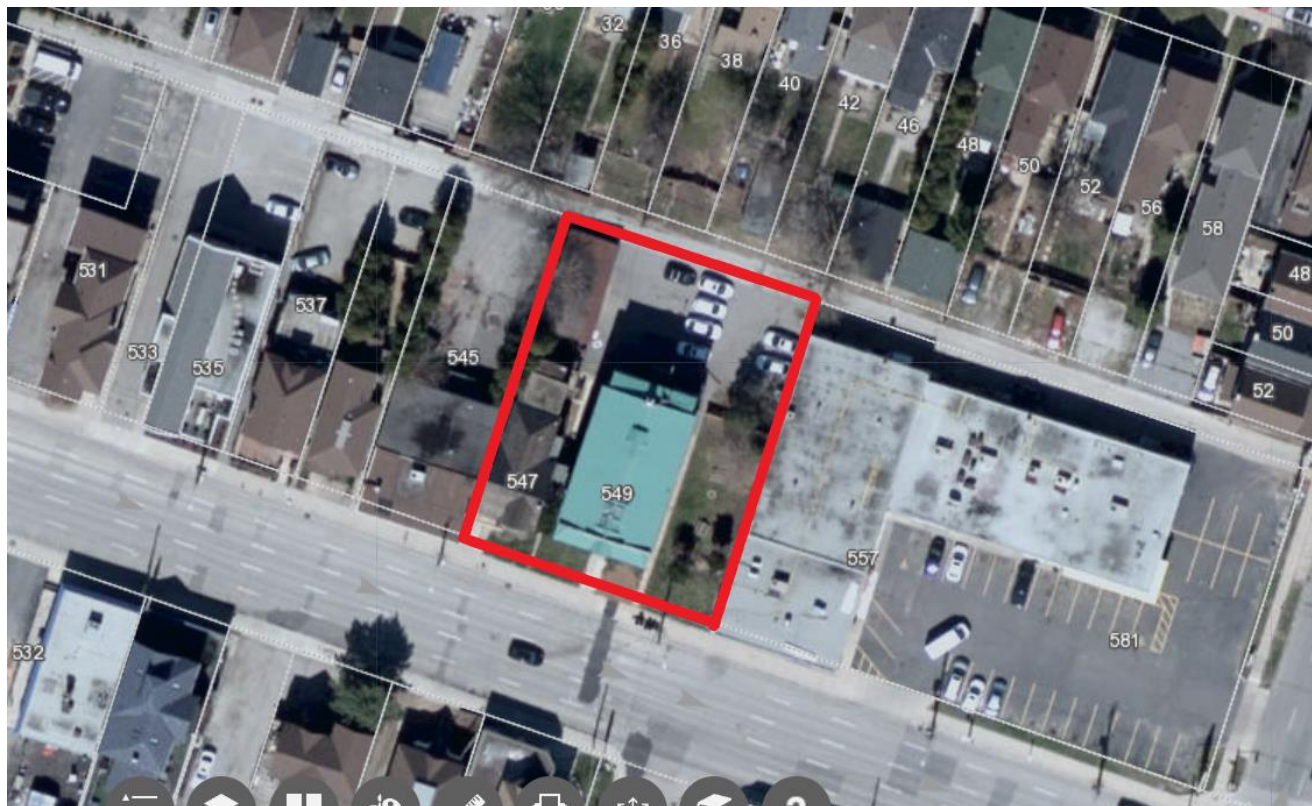


Figure 4 – Aerial View of Subject Property and Surrounding Area

2.2 Surrounding Uses and Built Form

The subject property is surrounded by the following uses:

- To the north: Single detached dwellings backing onto the rear laneway (**Figure 5**);
- To the south: Low rise commercial, mixed use and residential buildings on south side of Main Street East (**Figure 6**);
- To the east: 1-storey commercial plaza (**Figure 7**); and
- To the west: Mixed use and commercial buildings (**Figure 8**).

Main Street East provides convenient and regular transit service in immediate proximity to the Subject Property.



Figure 5 – Single Detached Dwellings to North of Subject Property (Backing onto Rear Laneway)



Figure 6 – Commercial, Mixed Use and Residential Buildings to South of Subject Property



Figure 7 – Commercial Plaza to East of Subject Property

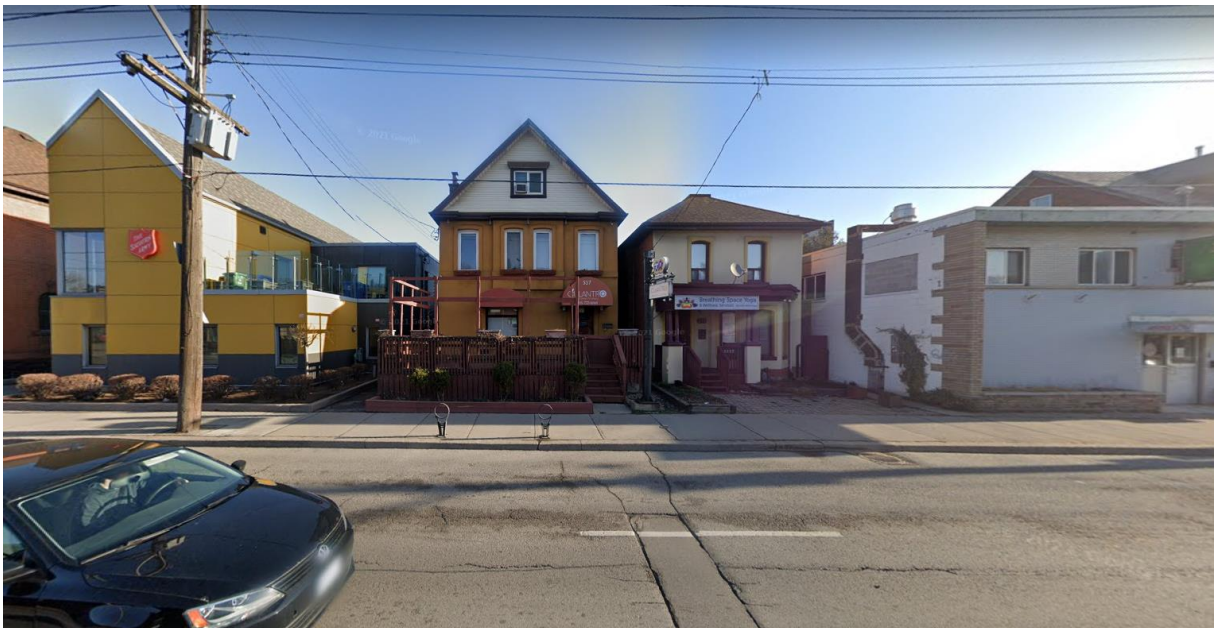


Figure 8 – Mixed Use and Commercial Buildings to West of Subject Property

2.3 Neighbourhood Lot Pattern

Figure 9 illustrates the existing lot pattern in the neighbourhood surrounding the Subject Property. It is clear that the Subject Property is considerably greater in area and frontage and the majority of surrounding properties.

- The residential lots to the north (backing onto the rear laneway) are in the order of 7.5 metres (24.7 feet) wide and 330 m² (3,550 ft²) in area.
- 545 Main Street East is approximately 15 metres wide, or effectively equal to merging of two residential lots that back onto the rear laneway to the north;
- 541 Main Street is approximately 8 metres wide and 330 m² in area, similar to the lots backing onto the rear laneway to the north.

On this basis, there is variability in lot frontage and area throughout the community. Moreover, many of the existing dwellings and other structures in the surrounding area have also been constructed up to or in close proximity to front and side lot lines.

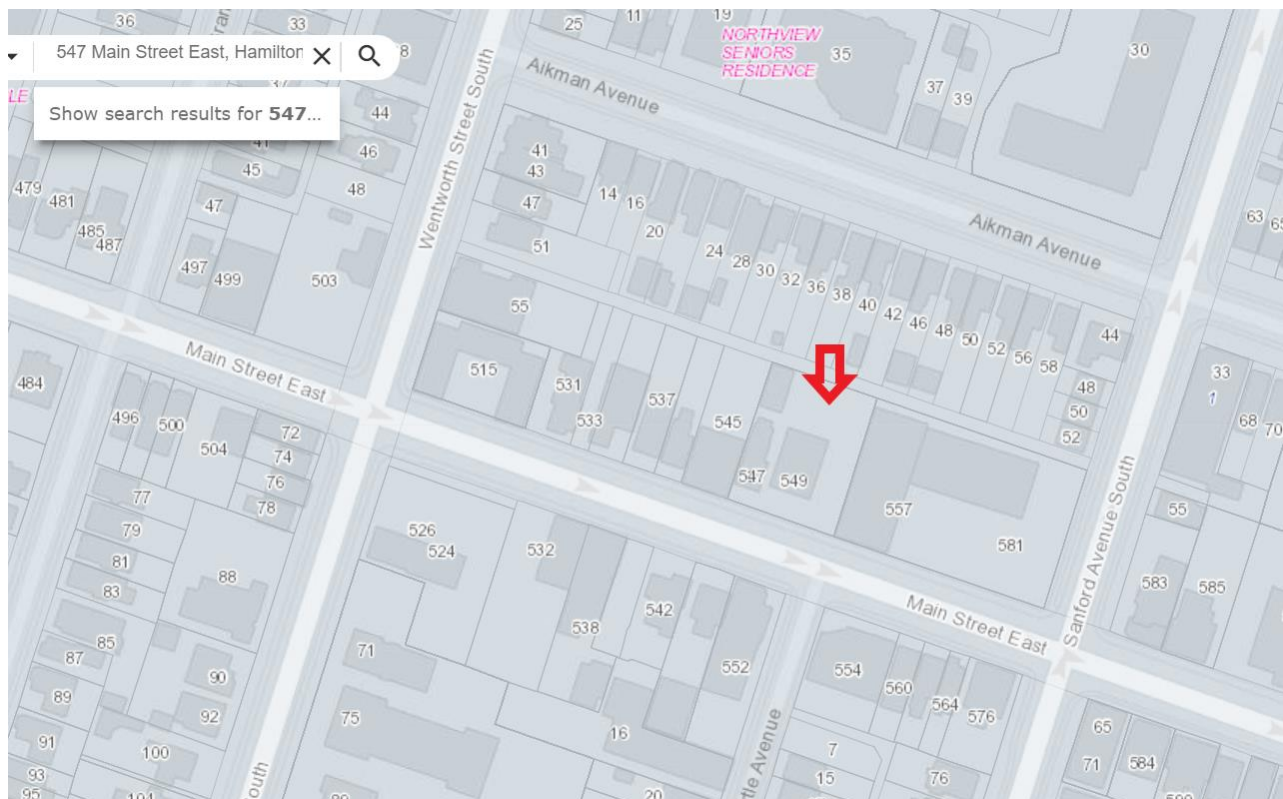


Figure 9 – Existing Neighbourhood Lot Pattern

2.4 Existing Land Use Designations

2.3.1 Urban Hamilton Official Plan

The Subject Property is designated “Neighbourhoods” and Main Street East is designated as a “Primary Corridor” on Schedule E (Urban Structure) of the Urban Hamilton Official Plan (UHOP). The Subject Property is

also designated “Neighbourhoods” on Schedule E-1 (Urban Land Use Designations). Finally, Main Street East is designated as a “Major Arterial” across the frontage of the Subject Property.

2.3.2 City of Hamilton Zoning By-Law 05-200

As illustrated in **Figure 10**, the Subject Property is zoned “Multiple Dwellings, Lodges, Clubs, etc. (E/S-1594)” under former City of Hamilton Zoning By-Law 6593. This designation permits a number of residential and institutional uses, including three family dwellings and multiple dwellings. This designation also applies to the single detached dwellings to the north of the Subject Property. However, the neighbouring properties on Main Street East are zoned “Neighbourhood Commercial (C2)” under City of Hamilton Zoning By-Law 05-200.

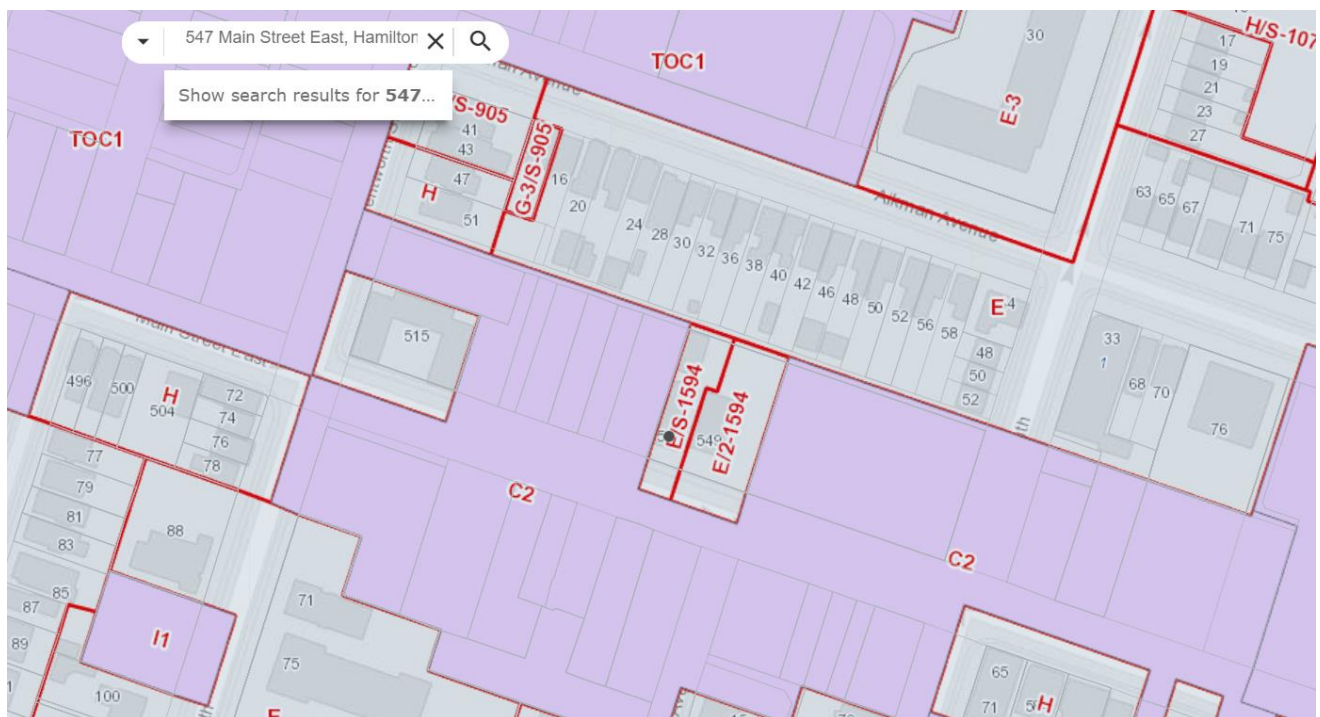


Figure 12 – Zoning By-Law Designation on Subject Property

3. Development Proposal

3.1 Proposal Details

The proposal for the Subject Property involves an application to sever the vacant portion of 549 Main Street East (the “conveyed lands”) from the balance of the Subject Property (the “retained lands”), resulting in the creation of one new lot. The intent is to facilitate construction of a new multiple dwelling on the conveyed lands while maintaining the existing structures on the retained lands. The existing surface parking area will be

maintained for shared use by the retained and conveyed lands, in addition to the 4-car garage remaining on the retained lands. The proposed severance is shown conceptually in **Figures 13 and 14**.

The proposed lot is consistent in width, depth and area with the residential lots to the north backing onto the rear laneway and compatible with the existing lot dimensions along Main Street East in the vicinity of the Subject Property. The Subject Property represents a merger under the Planning Act of previously separately registered properties. The proposed consent will establish a separate parcel for construction of a new multiple dwelling while retaining the existing structures on the retained lands in their current form and function. Moreover, there is existing transit service, as well as sidewalks and surface and on-street parking in close proximity to the Subject Property that will facilitate transit and active modes of transportation.

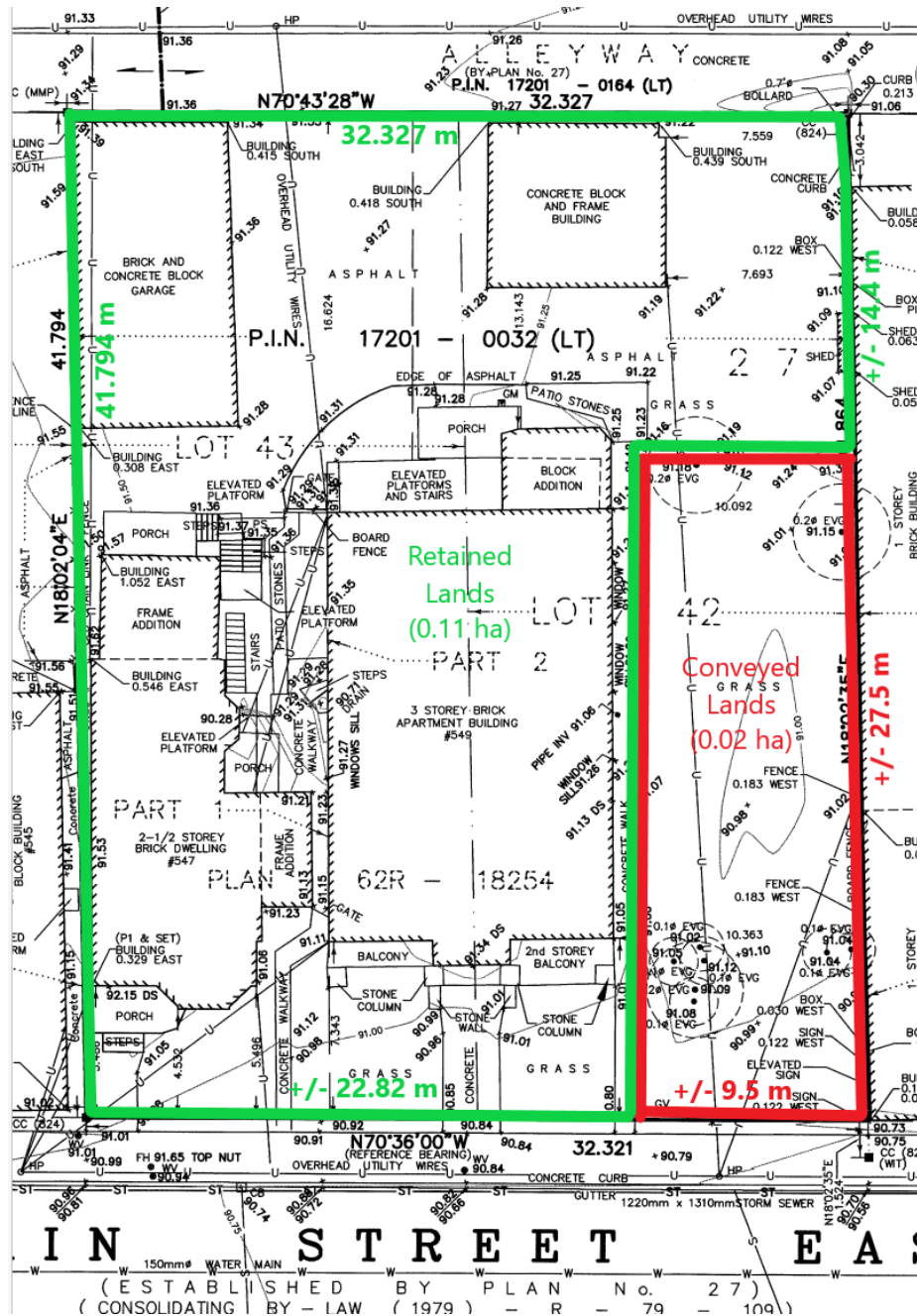




Figure 14 – Conceptual Severance Reference Plan (Aerial)

3.2 Land Use Planning Applications

An application has been submitted to the City of Hamilton for consent to sever the Subject Property to establish separate one new parcel (the “conveyed lands”) from the portion of the Subject Property known municipally as 549 Main Street East. The “retained lands” reflect the balance of 549 Main Street East and all of 547 Main Street East, which will remain merged. No changes are proposed to the structures on the retained lands and a new multiple dwelling will ultimately be constructed on the conveyed lands.

The following minor variances are requested to facilitate the proposed consent and maintain the existing built form conditions:

Conveyed lands

- To permit a Minimum Lot Width of 9.5 metres (15 metres required);

- To permit an on-site parking supply of 0 spaces (parking to be shared with retained lands).

Retained lands

- To permit a west side yard setback of 0 metres (existing);
- To permit an east side yard setback of 0 metres (to proposed property line);
- To permit the existing front yard setback of 7.343 metres to the 3-storey apartment building at 549 Main Street East;
- To permit the floor area and resulting floor area ratio of the existing structures;
- To permit a minimum parking supply of 15 spaces (11 surface parking spaces and 4 enclosed parking spaces) to be shared with conveyed lands.

4. Land Use Planning Analysis

4.1 Provincial Policy Context

4.1.1 Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 (PPS 2020) is issued under the authority of section 3 of the Planning Act and came into effect on May 1, 2020. Section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act. Comments, submissions or advice that affect a planning matter that are provided by the council of a municipality, a local board, a planning board, a minister or ministry, board, commission or agency of the government “shall be consistent with” this Provincial Policy Statement.

It is my opinion that the development proposal and Committee of Adjustment applications are consistent with the applicable policies of PPS 2020. The following policy matrix summarizes the policies of PPS 2020 that are applicable to this application and my land use planning analysis.

Policy Analysis Matrix – PPS 2020

Policy Section	Policy Analysis
Part V: Policies 1.0 Building Strong Healthy Communities 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns 1.1.1 Healthy, liveable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and	<ul style="list-style-type: none"> • The development proposal will maintain the three-dwelling unit and multiple dwelling while establishing one new lot to facilitate construction of a new multiple dwelling; • The proposed dwelling units are and will remain connected to existing municipal services already installed and available in the community; • The maintenance of the existing residential units on the retained lands with the addition of new dwelling units on the conveyed lands, in conjunction with the existing on-site parking supply, represents efficient

<p>municipalities over the long term;</p> <p>b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;</p> <p>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</p> <p>e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;</p> <p>g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;</p> <p>h) promoting development and land use patterns that conserve biodiversity</p>	<p>land use that is transit-supportive and also compatible with the existing land use and built form character of the surrounding area.</p>
<p>1.1.3 Settlement Areas</p> <p>1.1.3.1 Settlement areas shall be the focus of growth and development.</p> <p>1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</p> <ul style="list-style-type: none"> 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; c) minimize negative impacts to air quality and climate change, and promote energy efficiency; d) prepare for the impacts of a changing climate; e) support active transportation; f) are transit-supportive, where transit is planned, exists or may be developed; and g) are freight-supportive. <p>Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.</p> <p>1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.</p> <p>1.1.3.5 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for</p>	<ul style="list-style-type: none"> • The Subject Property is located within the existing Urban Area is located within the “Neighbourhoods” designation under the Urban Hamilton Official Plan; the Subject Property is also located along a Primary Corridor; • The proposal will make more efficient use of an existing property located on a primary corridor and in close proximity to existing transit service; • The proposed severance in conjunction with maintaining the existing parking supply on the conveyed and retained lands will facilitate the objectives of “Transit-Supportive” development and “Active Transportation” as defined in Section 6.0; • The proposal represents compact land use and built form character that respects the quality and character of the surrounding community, including the mix of uses, minimal building setbacks and limited on-site parking.

<p>affected areas.</p> <p>1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.</p>	
<p>1.4 Housing</p> <p>1.4.1 To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:</p> <p>a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and</p> <p>b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans. Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.</p> <p>1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:</p> <p>a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;</p> <p>b) permitting and facilitating:</p> <ol style="list-style-type: none"> 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3; <p>c) directing the development of new housing towards locations</p>	<ul style="list-style-type: none"> • The proposal will increase the range of housing options on the Subject Property and available in the community in close proximity to transit service and infrastructure supportive of active modes of transportation; • The proposed density and built form character are compatible with the surrounding community, including the building setbacks and proposed parking supply; and • The proposed built form and density is transit-supportive and will make efficient use of existing services and infrastructure.

where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
 d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;
 e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and
 f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

It is my opinion that the development proposal is consistent with PPS 2020 on the following basis:

- The proposal represents efficient and compact use of land and available municipal services in an existing mixed use community that abuts a low density residential community;
- The proposal will increase the number and range of dwelling types available in the community, in a manner that is consistent with the existing land use and built form character and also supports the existing transit service and infrastructure along Main Street East;
- The proposed lots and structures will be compatible with the existing land use and built form character of the surrounding area and on the retained lands, including setbacks and on-site parking supply; and
- The proposal supports objectives for transit and active transportation, particularly given the location of the Subject Property in close proximity to existing transit corridors and use of existing on-site parking opportunities.

4.1.2 A Place to Grow – Growth Plan for the Greater Golden Horseshoe, 2020

The Growth Plan for the Greater Golden Horseshoe 2019 was prepared and approved under the Places to Grow Act, 2005 to take effect on May 16, 2019. Amendment 1 (2020) to the Growth Plan for the Greater Golden Horseshoe 2019 was approved by the Lieutenant Governor in Council, Order in Council No 1244/2020 to take effect on August 28, 2020. As set out in Section 1.2.2 of this Plan, all decisions in respect of the exercise of any authority that affects a planning matter will conform with this Plan, subject to any legislative or regulatory provisions providing otherwise.

The following policy matrix provides an overview of the relevant policies of the Growth Plan.

Policy Matrix – A Place to Grow – Growth Plan for the Greater Golden Horseshoe, 2020

Policy Section	Policy Analysis
<p>Section 1.2.1 Guiding Principles</p> <ul style="list-style-type: none"> Support the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime. Prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability. Support a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households. Protect and enhance natural heritage, hydrologic, and landform systems, features, and functions. 	<p>The development proposal is supportive of these Guiding Principles for the following reasons:</p> <ul style="list-style-type: none"> The proposal will intensify land use while increasing the residential density and floor area in a manner that will be compatible with the existing land use and built form character in the established urban area and mixed use neighbourhood; The proposal seeks to maintain existing built form character with minimal building setbacks and on-site parking as opposed to providing new surface parking and open space characteristics; There are no natural heritage features on or adjacent to the Subject Property that will be impacted by the proposal; The proposal supports the concept of "complete communities" per the following definition from Section 6.0: <p>Complete Communities: Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts.</p>
<p>2.2 Policies for Where and How to Grow</p> <p>2.2.1 Managing Growth</p> <p>2. Forecasted growth to the horizon of this Plan will be allocated based on the following:</p> <p>a) the vast majority of growth will be directed to settlement areas that:</p> <ul style="list-style-type: none"> i. have a delineated built boundary; ii. have existing or planned municipal water and wastewater systems; and iii. can support the achievement of complete communities; <p>c) within settlement areas, growth will be focused in:</p> <ul style="list-style-type: none"> i. delineated built-up areas; ii. strategic growth areas; iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and iv. areas with existing or planned public service facilities; <p>d) development will be directed to settlement areas, except where the policies of this Plan permit otherwise;</p> <p>e) development will be generally directed away from hazardous</p>	<ul style="list-style-type: none"> The Subject Property is an appropriate location for growth and intensification due to its location in the existing urban area and in close proximity to transit corridors; The development proposal will connect to and make efficient use of existing municipal services; The proposal will facilitate "compact built form" per the following definition: <p>Compact Built Form: A land use pattern that encourages the efficient use of land, walkable neighbourhoods, mixed land uses (residential, retail, workplace, and institutional) all within one neighbourhood, proximity to transit and reduced need for infrastructure. Compact built form can include detached and semi-detached houses on small lots as well as townhouses and walk-up apartments, multi-storey commercial developments, and apartments or offices above retail. Walkable neighbourhoods can be characterized by roads laid out in a well-connected network, destinations that are easily accessible by transit and active transportation, sidewalks with minimal interruptions for vehicle access, and a pedestrian-friendly environment along roads to encourage active transportation.</p>

<p>lands; and f) the establishment of new settlement areas is prohibited.</p> <p>4. Applying the policies of this Plan will support the achievement of complete communities that:</p> <p>a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities; b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes; c) 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; d) expand convenient access to:</p> <ul style="list-style-type: none"> i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation; ii. public service facilities, co-located and integrated in community hubs; iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and iv. healthy, local, and affordable food options, including through urban agriculture; <p>e) provide for a more compact built form and a vibrant public realm, including public open spaces; f) mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and g) integrate green infrastructure and appropriate low impact development.</p>	
<p>2.2.6 Housing</p> <p>1. Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:</p> <p>a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:</p> <ul style="list-style-type: none"> i. identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents; and ii. establishing targets for affordable ownership housing and rental housing; 	<ul style="list-style-type: none"> • The development proposal will increase the range and availability of housing options in the community in a manner that is consistent and compatible with the built form and land use character. • The proposed severance will allow for separate ownership of the conveyed and retained lands and allow for construction of an additional multiple dwelling on these lands.

It is my opinion that the development proposal and Committee of Adjustment applications conform to the applicable policies of the Growth Plan for the following reasons:

- The proposal will increase population density and built form intensity of the Subject Property in a manner that is compatible with the land use and built form character of the surrounding community;
- The proposal supports the concept of “complete communities” by increasing the number of residents living on the Subject Property and in the neighbourhood in a manner that encourages use of transit and active modes of transportation, which is particularly important given the pedestrian-focus for this area;
- The existing structures are connected to existing municipal services with available allocation rather than requiring extension or upgrades of services or infrastructure; and
- The proposal will facilitate compact built form that is transit-supportive and a hallmark of complete communities.

4.2 Municipal Policy Context

4.2.1 Urban Hamilton Official Plan

The following policy matrix summarizes the relevant policies of the Urban Hamilton Official Plan.

Policy Matrix – Urban Hamilton Official Plan

Policy Section	Policy Analysis
<p>2.4 Residential Intensification</p> <p>2.4.1 General Residential Intensification Policies</p> <p>2.4.1.1 Residential intensification shall be encouraged throughout the entire built-up area, in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – Implementation.</p> <p>2.4.1.2 The City’s primary intensification areas shall be the Urban Nodes and Urban Corridors as illustrated on Schedule E – Urban Structure and as further defined in secondary plans and corridor studies for these areas, included in Volume 2.</p> <p>2.4.1.3 The residential intensification target specified in Policy A.2.3.3.4 shall generally be distributed through the built-up area as follows:</p> <p>a) The Downtown Urban Growth Centre shall be planned to accommodate approximately 20% of the intensification target.</p> <p>b) The Urban Nodes and Urban Corridors identified in Section E.2.0 - Urban Structure, excluding the Downtown Urban Growth Centre, shall be planned to accommodate approximately 40% of the residential intensification target.</p>	<ul style="list-style-type: none"> • The Subject Property is located on in an appropriate location for intensified land use and uses that rely on transit and active modes of transportation with no on-site parking. • The proposal maintains the existing land use and built form character in a manner that is also more compact and also supportive of transit and active modes of transportation.

<p>c) 40% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure.</p> <p>2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:</p> <ul style="list-style-type: none"> a) a balanced evaluation of the criteria in b) through g), as follows; b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form; c) the development's contribution to maintaining and achieving a range of dwelling types and tenures; d) the compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques; e) the development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure; f) infrastructure and transportation capacity; and, g) the ability of the development to comply with all applicable policies. 	
<p>Urban Systems and Designations (Chapter E)</p> <p>Section E.1.0 sets out goals for the urban systems and land use designations of UHOP, including the following:</p> <ul style="list-style-type: none"> a) Designate land uses to facilitate the development of a node and corridor based urban structure. b) Support and facilitate development and investment that contributes to the development of the overall urban structure. c) Develop compact, mixed use urban environments that support transit and active transportation. d) Develop complete communities where people can live, work, learn, and play. e) Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs. f) Promote and support design which enhances and respects the character of existing neighbourhoods and creates vibrant, dynamic, and liveable urban places. g) Promote and support appropriate residential intensification throughout the urban area and focused in Urban Nodes and Urban Corridors. 	<ul style="list-style-type: none"> • The proposal supports compact built form in a manner that is consistent and compatible with the existing land use and built form character of the community. • The compact built form character and limited on-site parking support and encourage use of transit and active modes of transportation, which are directly accessible. • The existing residential units on the retained will be maintained in their current form for continued use in conjunction with the proposal for the conveyed lands.

<p>h) Recognize that Hamilton's neighbourhoods are stable, not static.</p> <p>Section 2.1 further stresses that Hamilton's urban structure shall be a node and corridor structure guided by the following general principles:</p> <p>a) Nodes and corridors are the focus of reurbanization activities (i.e. population growth, private and public redevelopment, and infrastructure investment).</p> <p>b) Nodes and corridors provide focal points of activity for Hamilton's local communities and neighbourhoods.</p> <p>c) Nodes and corridors are connected to each other and are internally served by various modes of transportation, including higher order transit.</p> <p>d) Nodes and corridors provide a vibrant pedestrian environment and facilitate active transportation through careful attention to urban design.</p> <p>e) Nodes and corridors evolve with higher residential densities and mixed use developments to achieve their planned functions and support transit.</p>	
<p>3.3 Urban Design Policies</p> <p>3.3.1 Urban Design Goals</p> <p>The following goals shall apply in the urban area:</p> <p>3.3.1.1 Enhance the sense of community pride and identification by creating and maintaining unique places.</p> <p>3.3.1.2 Provide and create quality spaces in all public and private development.</p> <p>3.3.1.3 Create pedestrian oriented places that are safe, accessible, connected, and easy to navigate for people of all abilities.</p> <p>3.3.1.4 Create communities that are transit-supportive and promote active transportation.</p> <p>3.3.1.5 Ensure that new development is compatible with and enhances the character of the existing environment and locale.</p> <p>3.3.1.6 Create places that are adaptable and flexible to accommodate future demographic and environmental changes</p> <p>3.3.1.8 Promote intensification that makes appropriate and innovative use of buildings and sites and is compatible in form and function to the character of existing communities and neighbourhoods.</p>	<ul style="list-style-type: none"> • The proposal will maintain the current built form on Subject Property and provide opportunities for enhancement and/or redevelopment of the conveyed and retained lands through separate ownership. • Separating the existing detached dwelling and mixed use building allows for separate ownership and operation to make changes over time to accommodate current and future needs. • The surrounding community will experience no changes in land use or built form as a result of the proposed severance and minor variances. • The proposal is appropriate in the context of the Subject Property in a pedestrian-focus area transit-oriented corridor zone in that the result will be compact and efficient land use relying on transit and active modes of transportation. • The reduced setbacks and encroachments facilitate appropriate built form that establishes and protects the streetscape and the context of the existing structures to one another and the structures on surrounding properties.

3.3.2 General Policies and Principles

This subsection contains policies describing general design principles and directions that contribute to the achievement of the goals stated in Section B.3.3.1. The successful integration of new development and redevelopment of in the urban area and its integration with surrounding neighbourhoods requires the form of development to follow appropriate urban design principles. Every design direction will not apply in all situations.

3.3.2.1 The physical design of a site shall:

- a) relate to its role in the overall urban structure of the City;
- b) enhance the function of the applicable urban structure element described in Section E.2.0 – Urban Structure; and,
- c) be in accordance with the applicable policies of Chapter E – Urban Systems and Designations, secondary plans, specific design studies and other plans or studies that make specific design recommendations.

3.3.2.2 The principles in Policies B.3.3.2.3 through B.3.3.2.10 inclusive, shall apply to all development and redevelopment, where applicable.

3.3.2.3 Urban design should foster a sense of community pride and identity by:

- a) respecting existing character, development patterns, built form, and landscape;
- b) promoting quality design consistent with the locale and surrounding environment;
- c) recognizing and protecting the cultural history of the City and its communities;
- d) conserving and respecting the existing built heritage features of the City and its communities;
- e) conserving, maintaining, and enhancing the natural heritage and topographic features of the City and its communities;
- f) demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;
- g) contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;
- h) respecting prominent sites, views, and vistas in the City; and,
- i) incorporating public art installations as an integral part of

urban design.

3.3.2.6 Where it has been determined through the policies of this Plan that compatibility with the surrounding areas is desirable, new development and redevelopment should enhance the character of the existing environment by:

- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
- b) respecting the existing cultural and natural heritage features of the existing environment by re-using, adapting, and incorporating existing characteristics;
- c) allowing built form to evolve over time through additions and alterations that are in harmony with existing architectural massing and style;
- d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
- e) encouraging a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm.

3.3.2.8 Urban design should promote environmental sustainability by:

- a) achieving compact development and resulting built forms

3.3.3 Built Form

3.3.3.1 New development shall be located and organized to fit within the existing or planned context of an area as described in Chapter E – Urban Systems and Designations.

3.3.3.2 New development shall be designed to minimize impact on neighbouring buildings and public spaces by:

- a) creating transitions in scale to neighbouring buildings;
- b) ensuring adequate privacy and sunlight to neighbouring properties; and,
- c) minimizing the impacts of shadows and wind conditions.

3.3.3.3 New development shall be massed to respect existing and planned street proportions.

3.3.3.4 New development shall define the street through consistent setbacks and building elevations. Design directions for setbacks and heights are found in Chapter E – Urban Systems and Designations and in the Zoning By-law.

3.3.3.5 Built form shall create comfortable pedestrian environments by:

- a) locating principal façades and primary building

<p>entrances parallel to and as close to the street as possible;</p> <p>b) including ample glazing on ground floors to create visibility to and from the public sidewalk;</p> <p>c) including a quality landscape edge along frontages where buildings are set back from the street;</p> <p>d) locating surface parking to the sides or rear of sites or buildings, where appropriate; and,</p> <p>e) using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.</p>	
<p>Section 1.14 of Chapter F of UHOP provides policies for Division of Land.</p> <p>Section 1.14.3.1 includes the following criteria for permitting lot creation in the Urban Area and, more specifically, the Neighbourhoods Designation:</p> <p>a) The lots comply with the policies of this Plan, including secondary plans, where one exists;</p> <p>b) The lots comply with existing Neighbourhood Plans;</p> <p>c) The lots are in conformity with the Zoning By-law or a minor variance is approved;</p> <p>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;</p> <p>e) The lots are fully serviced by municipal water and wastewater systems; and</p> <p>f) The lots have frontage on a public road.</p>	<ul style="list-style-type: none"> • The requested minor variances will establish zoning conformity for lots and structures that are consistent and compatible with the existing land use and built form character of the Subject Property and surrounding community. • The proposed lots represent properties with separate municipal addresses, structures and uses, and tax roll numbers. • The lots are fully serviced and will make use of the existing servicing connections without requiring any extensions or upgrades. • The conveyed and retained lands will both have frontage on public roads.

It is my opinion that the development proposal and Committee of Adjustment applications conform to the applicable policies of the Urban Hamilton Official Plan and should be approved on the following basis:

- There will be no change in built form and land use character on the Subject Property and the proposed lot configuration is consistent and compatible with the built form character of the surrounding community;
- The proposal represents compact form and efficient land use that is appropriate for the location in immediate proximity to transit, cycling and pedestrian infrastructure;
- The Subject Property has limited on-site parking under existing conditions and this condition will be maintained, which supports the existing built form character and objectives for land use that supports transit and active modes of transportation;
- Separation of the detached dwelling and mixed use building will provide opportunity for separate ownership, redevelopment and use under current and future conditions in a manner that is compatible with the character of the area; and

- In general, the proposal conforms to the policies specifically identified in this section, including urban design and division of land.

4.2.2 City of Hamilton Zoning By-Law 05-200

As outlined in Section 1.5 of Chapter F of the Urban Hamilton Official Plan, the Zoning By-law is one of the key implementation tools to “ensure the City’s goals, objectives and policies of this Plan are realized”. This is done through regulations on permitted uses and associated performance standards, setbacks, lot areas, height, landscaping and parking requirements. The information and opinion outlined in this report demonstrate that the proposed severance and minor variances will facilitate land use and built form that conforms to the Urban Hamilton Official Plan. While minor variances are required to the parking, building setback and other regulations, these minor variances reflect existing built form conditions and will establish compact, efficient and transit-supportive built form. Given that the minor variances will facilitate appropriate land use and built form character that is consistent with the existing neighbourhood and supports objectives for transit and active modes of transportation, it is my opinion that the requested minor variances maintain the general purpose and intent of the Zoning By-Law.

4.2.3 Authority to Grant Consents (Ontario Planning Act)

Section 53(1) of the Planning Act authorizes consents to be granted if it is determined that a plan of subdivision is not required for the proper and orderly development of the municipality. Key to determining whether consent should be granted is section 53(12), which requires the approval authority to have regard to the matters under section 51(24), which are the following:

- a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- b) whether the proposed subdivision is premature or in the public interest;
- c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- d) the suitability of the land for the purposes for which it is to be subdivided;
 - d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;
- e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- f) the dimensions and shapes of the proposed lots;
- g) 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;
- h) conservation of natural resources and flood control;
- i) the adequacy of utilities and municipal services;

- j) the adequacy of school sites;
- k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- m) the interrelationship between the design of the proposed plan of subdivision 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 this Act or subsection 114 (2) of the *City of Toronto Act, 2006*.

Section 51(24)a) refers to the following matters of Provincial interest that the municipality shall have regard to:

- a) the protection of ecological systems, including natural areas, features and functions;
- b) the protection of the agricultural resources of the Province;
- c) the conservation and management of natural resources and the mineral resource base;
- d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- e) the supply, efficient use and conservation of energy and water;
- f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- g) the minimization of waste;
- h) the orderly development of safe and healthy communities;
 - (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- j) the adequate provision of a full range of housing, including affordable housing;
- k) the adequate provision of employment opportunities;
- l) the protection of the financial and economic well-being of the Province and its municipalities;
- m) the co-ordination of planning activities of public bodies;
- n) the resolution of planning conflicts involving public and private interests;
- o) the protection of public health and safety;
- p) the appropriate location of growth and development;
- q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- r) the promotion of built form that,
 - is well-designed,
 - encourages a sense of place, and

- provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.

It is my opinion that the proposed consent satisfies these matters on the following basis:

- The proposal conforms to the applicable policies of the Urban Hamilton Official Plan;
- The Subject Property is suitable for the proposed uses as the uses are existing and there will be no changes to the existing land use or built form character;
- The size and configuration of the proposed lots are consistent with the neighbourhood character and will allow the existing structures and used to be maintained on both the conveyed and retained lands;
- Existing municipal services are available and connected to the conveyed and retained lands;
- The conveyed and retained lands have direct access to a public road that also includes transit, pedestrian and cycling infrastructure;
- The existing dwelling units and commercial floor area will be maintained; and
- There are no natural heritage features that will be adversely impacted.

5. Conclusions and Recommendations

On the basis of the land use planning analysis and opinions provided in this report, it is my opinion that:

- The development proposal and Committee of Adjustment applications are consistent with PPS 2020 and conform to the applicable policies of the Growth Plan for the Greater Golden Horseshoe;
- The proposed consent conforms to the applicable policies of the Urban Hamilton Official Plan and satisfies the specific land division policies;
- The requested minor variances maintain the general purpose and intent of the Urban Hamilton Official Plan and Zoning By-Law 05-200; and
- The requested minor variances are minor in nature and desirable for the appropriate development and use of the Subject Property.

On this basis, it is my recommendation that the applications for consent and minor variance be approved.

Regards,



Michael Barton, MCIP, RPP
President



Hamilton

Committee of Adjustment

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Email: cofa@hamilton.ca

**APPLICATION FOR CONSENT TO SEVER LAND
and VALIDATION OF TITLE
UNDER SECTION 53 & 57 OF THE *PLANNING ACT***

Please see additional information regarding how to submit an application, requirements for the required sketch and general information in the Submission Requirements and Information.

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Purchaser*	N/A		Phone:
			E-mail:
Registered Owners(s)	Tyler Pearson c/o Malleum Real Estate Partners IV LP Malleum Core Partners I LP Malleum Core Partners I G		
Applicant(s)**	Michael Barton c/o MB1 Development Consulting Inc.		
Agent or Solicitor			

*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.

** Owner's authorisation required if the applicant is not the owner or purchaser.

1.2 All correspondence should be sent to ☐ Purchaser ☐ Owner
☒ Applicant ☐ Agent/Solicitor

1.3 Sign should be sent to ☐ Purchaser ☐ Owner
☒ Applicant ☐ Agent/Solicitor

1.4 Request for digital copy of sign ☐ Yes* ☒ No

If YES, provide email address where sign is to be sent _____

1.5 All correspondence may be sent by email ☒ Yes* ☐ No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	547-549 Main Street East		
Assessment Roll Number	03023100910		
Former Municipality	Hamilton		
Lot		Concession	
Registered Plan Number	27	Lot(s)	42/43
Reference Plan Number (s)		Part(s)	

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)

- | | |
|--|--|
| <input checked="" type="checkbox"/> creation of a new lot(s) | <input type="checkbox"/> concurrent new lot(s) |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a lease |
| <input type="checkbox"/> an easement | <input type="checkbox"/> a correction of title |
| <input type="checkbox"/> validation of title (must also complete section 8) | <input type="checkbox"/> a charge |
| <input type="checkbox"/> cancellation (must also complete section 9) | |
| <input type="checkbox"/> creation of a new non-farm parcel (must also complete section 10) | |
- (i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation)

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

TBD

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

3.4 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)

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

All dimensions to be provided in metric (m, m² or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
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Identified on Sketch as:	Retained lands	Conveyed lands			
Type of Transfer	N/A				
Frontage	22.82 m	9.5 m			
Depth	41.94 m	27.5 m			
Area	0.11 ha	0.02 ha			
Existing Use	Residential	Vacant			
Proposed Use	Existing	Multiple dwelling			
Existing Buildings/ Structures	2-storey triplex/multiple dwelling	N/A			
Proposed Buildings/ Structures	Existing to remain	Multiple dwelling			
Buildings/ Structures to be Removed	N/A	N/A			

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

- ☐ provincial highway
☐ municipal road, seasonally maintained
☒ municipal road, maintained all year

- ☐ right of way
☐ other public road

b) 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)

c) 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): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

Please refer to Planning Justification Report submitted with this application

- 5.2 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 known, provide the appropriate file number and status of the application.

- 5.3 What is the existing zoning of the subject land? Multiple Dwellings, Lodges, Clubs (E/S-1594)

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number?

- 5.4 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 known, provide the appropriate file number and status of the application.

Concurrent minor variance application

- 5.5 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 * Submit Minimum Distance Separation Formulae (MDS) if applicable	<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"/>	

6 HISTORY OF THE SUBJECT LAND

6.1 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, provide the appropriate application file number and the decision made on the application.

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

6.3 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.

6.4 How long has the applicant owned the subject land?

4 years

6.5 Does the applicant own any other land in the City? ☒ Yes ☐ No

If YES, describe the lands below or attach a separate page.

7 PROVINCIAL POLICY

7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?

☒ Yes ☐ No (Provide explanation)

Please refer to Planning Justification Report submitted with this application

7.2 Is this application consistent with the Provincial Policy Statement (PPS)?

☒ Yes ☐ No (Provide explanation)

Please refer to Planning Justification Report submitted with this application

7.3 Does this application conform to the Growth Plan for the Greater Golden Horseshoe?

☒ Yes ☐ No (Provide explanation)

Please refer to Planning Justification Report submitted with this application

7.4 Are the subject lands subject to the Niagara Escarpment Plan?

☐ Yes ☐ No (Provide explanation)

N/A

7.5 Are the subject lands subject to the Parkway Belt West Plan?

☐ Yes

☐ No

(Provide explanation)

N/A

7.6 Are the subject lands subject to the Greenbelt Plan?

☐ Yes

☐ No

(Provide explanation)

N/A

7.7 Are the subject lands within an area of land designated under any other provincial plan or plans?

☐ Yes

☒ No

(Provide explanation)

8 ADDITIONAL INFORMATION - VALIDATION

8.1 Did the previous owner retain any interest in the subject land?

☐ Yes

☐ No

(Provide explanation)

8.2 Does the current owner have any interest in any abutting land?

☐ Yes

☐ No

(Provide explanation and details on plan)

8.3 Why do you consider your title may require validation? (attach additional sheets as necessary)

N/A

9 ADDITIONAL INFORMATION - CANCELLATION

9.1 Did the previous owner retain any interest in the subject land?

☐ Yes

☐ No

(Provide explanation)

9.2 Does the current owner have any interest in any abutting land?

☐ Yes

☐ No

(Provide explanation and details on plan)

9.3 Why do you require cancellation of a previous consent? (attach additional sheets as necessary)

10 ADDITIONAL INFORMATION - FARM CONSOLIDATION

10.1 Purpose of the Application (Farm Consolidation)

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate if the consolidation is for:

- ☐ Surplus Farm Dwelling Severance from an Abutting Farm Consolidation
- ☐ Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation

10.2 Location of farm consolidation property:

Municipal Address			
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

10.3 Rural Hamilton Official Plan Designation(s)

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 consolidation property.

10.4 Description of farm consolidation property:

Frontage (m):	Area (m ² or ha):
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Existing Land Use(s): _____ Proposed Land Use(s): _____

10.5 Description of abutting consolidated farm (excluding lands intended to be severed for the surplus dwelling)

Frontage (m):	Area (m ² or ha):
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Existing Land Use: _____ Proposed Land Use: _____

10.7 Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
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Front yard set back: _____

a) Date of construction:

- ☐ Prior to December 16, 2004 ☐ After December 16, 2004

b) Condition:

- ☐ Habitable ☐ Non-Habitable

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- ☒ Application Fee
- ☒ Site Sketch
- ☒ Complete Application Form
- ☒ Signatures Sheet

11.2 Validation of Title

- ☐ All information documents in Section 11.1
- ☐ Detailed history of why a Validation of Title is required
- ☐ All supporting materials indicating the contravention of the Planning Act, including PIN documents and other items deemed necessary.

11.3 Cancellation

- ☐ All information documents in Section 11.1
- ☐ Detailed history of when the previous consent took place.
- ☐ All supporting materials indicating the cancellation subject lands and any neighbouring lands owned in the same name, including PIN documents and other items deemed necessary.

11.4 Other Information Deemed Necessary

- ☒ Cover Letter/Planning Justification Report
- ☐ Minimum Distance Separation Formulae (data sheet available upon request)
- ☐ Hydrogeological Assessment
- ☐ Septic Assessment
- ☐ Archeological Assessment
- ☐ Noise Study
- ☐ Parking Study
