

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-21:79 | SUBJECT PROPERTY: | 727 RYMAL ROAD E, HAMILTON |
|-------------------------|-------------------|--------------------------|-----------------------------------|

APPLICANTS: Owner: Manpreet Khera, Harkamal Saini & Parvinder Saini
Agent: GSP Group Inc. c/o Joseph M. Liberatore

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

| | Frontage | Depth | Area |
|------------------------|----------------------|----------------------|--------------------------------------|
| SEVERED LANDS: | 12.00 m [±] | 27.42 m [±] | 374.92 m ² [±] |
| RETAINED LANDS: | 12.57 m [±] | 27.42 m [±] | 364.95 m ² [±] |
| RETAINED LANDS: | 54.40 m [±] | 27.34 m [±] | 1,356.09 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, February 2, 2023 |
| TIME: | 3:15 p.m. |
| PLACE: | Via video link or call in (see attached sheet for details) |
| | To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment |

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

HM/B-21:79

- Visit www.hamilton.ca/committeeofadjustment
- Email Committee of Adjustment staff at cofa@hamilton.ca
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/B-21:79, 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.



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.

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

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

PARTICIPATION PROCEDURES

Written Submissions

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

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

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

Oral Submissions During the Virtual Meeting

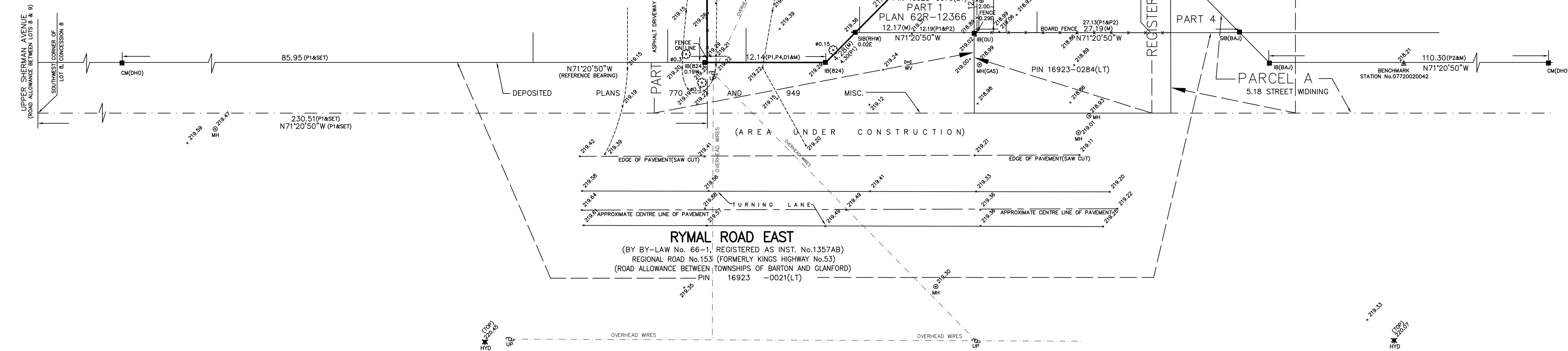
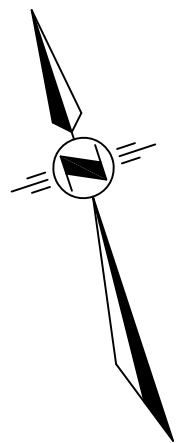
Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. **Interested members of the public must register by noon the day before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

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

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

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

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



SURVEYOR'S REAL PROPERTY REPORT
PART 1) PLAN OF SURVEY AND TOPOGRAPHIC DETAIL OF
PART OF LOT 8, CONCESSION 8
(GEOGRAPHIC TOWNSHIP OF BARTON)
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON WENTWORTH
SCALE 1:250

VLADIMIR DOSEN SURVEYING, O.L.S.

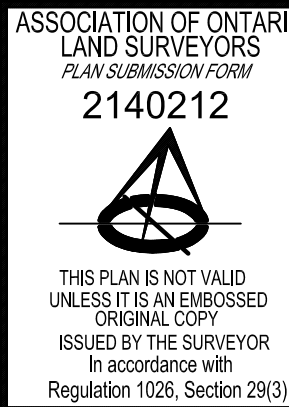
NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS
PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION
OF VLADIMIR DOSEN, O.L.S.

METRIC

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

NOTES AND LEGEND

- D DENOTES SURVEY MONUMENT PLANTED
- DENOTES SURVEY MONUMENT FOUND
- SIB DENOTES STANDARD IRON BAR
- IB DENOTES IRON PIPE
- CM DENOTES CONCRETE MONUMENT
- SSIB DENOTES SHORT STANDARD IRON BAR
- IP DENOTES IRON PIPE
- PK DENOTES PK WALL
- M DENOTES MEASURED
- WIT DENOTES WITNESS
- C DENOTES CALCULATED
- PIPE DENOTES PVE PIPE #0.1
- CB DENOTES CATCH BASIN
- HYD DENOTES FIRE HYDRANT
- MH DENOTES MANHOLE
- MH(SAN) DENOTES MANHOLE(SANITARY)
- MH(STM) DENOTES MANHOLE(STORM)
- MH(GAS) DENOTES MANHOLE(GAS)
- SIGN DENOTES SIGN POLE
- UB DENOTES UTILITY BOX
- UP DENOTES UTILITY POLE
- LS DENOTES LAMP STANDARD
- WV DENOTES WATER VALVE
- P1 DENOTES PLAN 62R-12366
- P2 DENOTES PLAN 62R-18956
- P3 DENOTES PLAN 62R-10423
- P4 DENOTES EXP. PLAN 770 MISC.(P-1944-23)
- D1 DENOTES INST. No. CD376653
- D2 DENOTES INST. No. A81309
- OU DENOTES ORIGIN UNKNOWN
- CLF DENOTES CHAIN LINK FENCE
- RHHW DENOTES REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
- 824 DENOTES A. T. McLAREN, O.L.S.
- MMP DENOTES MACKY, MACKY AND PETERS LTD., O.L.S.
- BAJ DENOTES B. A. JACOBS SURVEYING LTD., O.L.S.
- 220.00 DENOTES SPOT ELEVATION
- N/S/E/W DENOTES NORTH/SOUTH/EAST/WEST
- DENOTES DIAMETER
- ⊙ DENOTES TREE



BEARINGS ARE ASTRONOMIC AND ARE
DERIVED FROM THE NORTH
LIMIT OF RYDAL ROAD EAST
AS SHOWN ON PLAN 62R-12366
HAVING A BEARING OF N71°20'50"W

BENCHMARK:

ELEVATIONS ARE GEODETIC AND ARE DERIVED FROM
COSINE BENCHMARK STATION No. 07720020042
HAVING AN ELEVATION OF 218.213 METRES.

THIS REPORT WAS PREPARED FOR
MANPREET KHERA, HARKAMAL SAINI AND PARVINDER SAINI
AND THE UNDERSIGNED ACCEPTS NO
RESPONSIBILITY FOR USE BY
OTHER PARTIES.

PART 2) SURVEY REPORT

DESCRIPTION OF LAND: PIN 16923-0025(LT)
PART OF LOT 8, CONCESSION 8

REGISTERED EASEMENTS AND/OR RIGHT OF WAYS:
NO EASEMENTS OR RIGHT OF WAYS ARE REGISTERED

BOUNDARY FEATURES:
LOCATION OF FENCES ARE AS SHOWN
COMPLIANCE WITH MUNICIPAL ZONING BY-LAWS:
THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING
BY-LAWS.

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE SURVEYS ACT, THE SURVEYORS ACT AND THE
REGULATIONS MADE UNDER THEM.
 - THE SURVEY WAS COMPLETED ON THE 26th DAY OF SEPTEMBER, 2020

DATE: OCTOBER 13, 2020

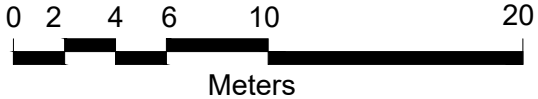
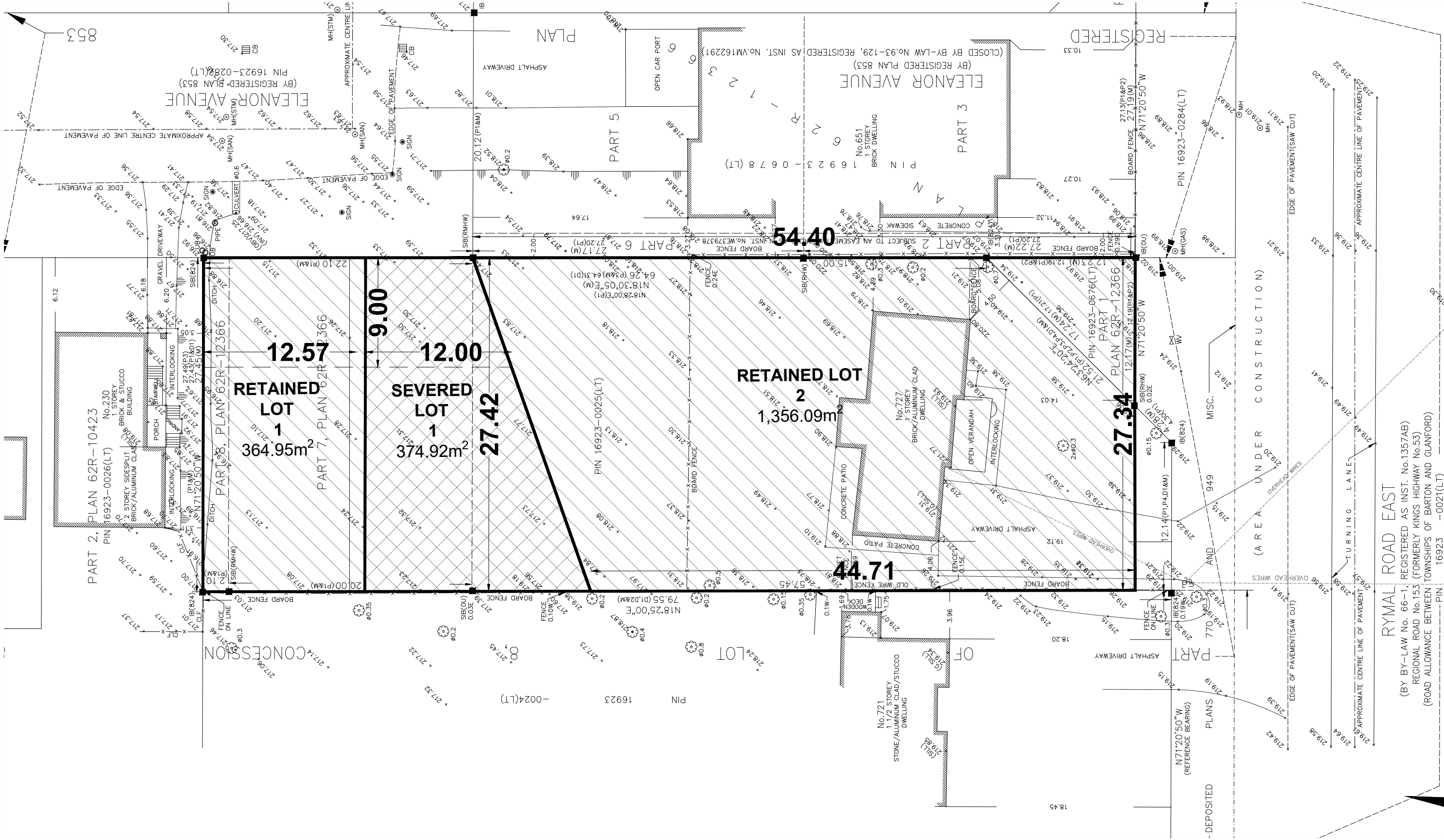
V. Dosen
VLADIMIR DOSEN, B.Sc.
ONTARIO LAND SURVEYOR

VLADIMIR DOSEN SURVEYING

ONTARIO LAND SURVEYORS
555 DAVISVILLE AVENUE
TORONTO, ONTARIO M4S 1J2
PHONE (416) 466-0440 EMAIL: vladdosen@rogers.com

| | |
|--------------------------|------------------|
| JOB No: 20454 | FIELD BY: NADA |
| FILE No: 20-134 | DRAWN BY: NATHAN |
| CAD FILE: 727 RYDAL ROAD | CHECKED BY: NADA |

CONSENT SKETCH
 727 RYMAL ROAD EAST, HAMILTON



NOTE: This sketch has been prepared based on a Survey Plan prepared by Vladimir Dosen Surveying dated October 13, 2020. All measurements in METRIC, unless otherwise noted.

Scale 1:300 | October 18, 2021 | Project No.: 21161 | Drawn By: JML





SHAPING GREAT COMMUNITIES

December 15, 2022

File No. 21161

Jamila Sheffield
Secretary-Treasurer
City of Hamilton
Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, ON
L8P 4Y5

Dear Ms. Sheffield:

**RE: 727 RYMAL ROAD EAST, HAMILTON
CONSENT APPLICATION – HM/B-21:79**

On behalf of the Owners, GSP Group is pleased to submit a request to bring forward the above-referenced Application for Consent, tabled by the Committee of Adjustment on July 28, 2022. The application will facilitate the creation of 3 lots to allow for the future construction of two (2) new single detached dwellings on the property currently municipally known as 727 Rymal Road East ("the Site").

As you may recall, back in July 2022, City staff advised that an amendment to the Eleanor Neighbourhood Plan was required to remove the road notation shown on the land subject to the consent application. Also, the landowner to the north expressed concerns with removing the road from the Neighbourhood Plan. Councillor Jackson attended the Committee of Adjustment hearing and offered to meet with the owners of the Site and the objecting landowner. The adjacent landowner to the west (721 Rymal Road East) provided a letter supporting a proposed Neighbourhood Plan Amendment as they do not want a road or cul-de-sac bulb located on their lands (attached as **Appendix A**).

On November 4, 2022, prior to submission of the Neighbourhood Plan Amendment application to the City, the Ministry of Municipal Affairs and Housing made a final decision on Urban Hamilton Official Plan Amendment No. 167 (UHOPA 167). The Province's decision effectively removed the need for consent applications to conform to Neighbourhood Plans. The Provincial decision states that the City's Neighbourhood Plans no longer reflect municipal or Provincial policy (attached as **Appendix B**).

The Eaglewood Drive extension, that was contemplated in the 1973 Neighbourhood Plan, is no longer relevant to the subject application for consent. A Neighbourhood Plan Amendment is no longer required, as confirmed by Sustainable Communities Section staff on November 7, 2022 (attached as **Appendix C**).

PLANNING | URBAN DESIGN | LANDSCAPE ARCHITECTURE

72 Victoria Street South, Suite 201, Kitchener, ON N2G 4Y9 519 569 8883
162 Locke Street South, Suite 200, Hamilton, ON L8P 4A9 905 572 7477
gspgroup.ca

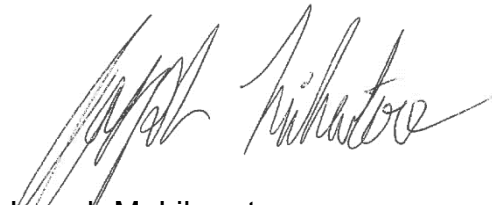
Based on the foregoing, and the planning justification materials provided to the City on June 2, 2022 (attached as **Appendix D**), we request that the application be brought forward to the next available Committee of Adjustment meeting in 2023. Also, please find attached:

1. One (1) copy of the updated Consent Sketch (January 27, 2022 Submission Version).

Should you have any question, or require any additional information, please contact me by phone at 226-243-7433 or by email at jliberatore@gspgroup.ca.

Yours truly

GSP Group Inc.

A handwritten signature in black ink, appearing to read 'J. Liberatore', is written over a faint, larger signature.

Joseph M. Liberatore,
CNU-A, BURPI., Dip. GIS & Pl.
Planner

cc. *Client*
Melanie Pham, Senior Planner – City of Hamilton

Appendices: *APPENDIX A – Signed Letter from Owner of 721 Rymal Road East*
APPENDIX B – UHOPA 167 MMAH Decision – Policy Extract
APPENDIX C – UHOPA 167 Interpretation from Sustainable Communities Staff
APPENDIX D – Revised June 1, 2022 Submission Cover Letter Planning Brief

APPENDIX A

Patti Shanks
721 Rymal Road East
Hamilton ON
L8W 1B5

September 27, 2022

To Whom it May Concern at the City of Hamilton:

RE: Proposed Eleanor Neighbourhood Plan Amendment – Removal of Road Notation
(Eaglewood Drive Extension) from 721 and 727 Rymal Road East

The purpose of this letter is to inform the City of Hamilton staff and Council that I do not wish to have a municipal road constructed in the rear portion of my property, as currently shown on the Eleanor Neighbourhood Plan (1973) or as possibly revised to show a future cul-de-sac.

I have been advised that my immediate neighbour at 727 Rymal Rd East intends to apply to amend the Eleanor Neighbourhood Plan to remove the road notation on their property. I support the removal of the road from both 721 Rymal Road East and 727 Rymal Road East. I hereby authorize the owners of 727 Rymal Road East and their planning consultants, GSP Group Inc. to include my property in the proposed Neighbourhood Plan Amendment.

Yours sincerely,



Patti Shanks
Registered Owner
721 Rymal Road East

DECISION

With respect to the City of Hamilton Official Plan Amendment No. 167 Subsection 17(34) of the *Planning Act*

I hereby approve Official Plan Amendment No. 167 to the Urban Hamilton Official Plan, as adopted by the City of Hamilton by By-law 22-145, subject to the following modifications, with additions to text in **bold underline** and deletions to text in **~~bold strikethrough~~**:

Volume 1 – Text Modifications

1. The first sentence of policy A.1.2 in Section 4.1 of Official Plan Amendment No. 167, Appendix A – Volume 1: Chapter A – Introduction is modified so that it reads:

By 2051, the City is expected to grow to achieve a **minimum** population of **at least** 820,000 and **at least** 360,000 jobs...

2. Policy A.1.4 in Section 4.1 of Official Plan Amendment No. 167, Appendix A – Volume 1: Chapter A – Introduction is modified so that it reads:

The Official Plan plays a major role in setting a framework of actions that will lead to the sustainable, healthy future envisioned by Our Future Hamilton and the City's Strategic Plan. The framework of the Official Plan is centred on the following principles:

- compact and healthy urban communities that provide opportunities to live, work, play, and learn;
- a strong rural community **~~protected by firm urban boundaries~~**;

3. The last bullet in policy A.1.6 in Section 4.1 of Official Plan Amendment No. 167, Appendix A – Volume 1: Chapter A – Introduction is modified so that it reads:

Other Initiatives – The City has developed a Corporate Energy and Sustainability Policy, a Community Climate Change Action Plan, and developed Corporate Goals and Areas of Focus for Climate Mitigation and Adaptation to provide a comprehensive, coordinated and multidisciplinary approach to climate change mitigation and adaptation. These plans will **~~require, where possible,~~** incentivize and encourage environmental sustainability including reducing GHG emissions and improving climate resiliency.

4. Policy A.2.3 in Section 4.1 of Official Plan Amendment No. 167, Appendix A – Volume 1: Chapter A – Introduction is modified so that it reads:

Growth Management – Provincial

The Province of Ontario's A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (Growth Plan), as amended, sets out a vision to 2051 for how and how much growth should occur in the Greater Golden Horseshoe (GGH). This area is expected to grow by **a minimum of** 4.6 million people by 2051 with Hamilton projecting to take a **minimum** 5.1% share of the GGH growth.

5. Policy A.2.3.4.2 in Section 4.1 of Official Plan Amendment No. 167, Appendix A – Volume 1: Chapter A – Introduction is modified so that it reads:

The minimum density target for greenfield areas shall be established through a future Amendment to this Plan as part of this municipal comprehensive review. Greenfield areas shall be planned to achieve an overall minimum density of 60 people and jobs per hectare. The greenfield density target shall be measured over the entirety of Hamilton's greenfield area, excluding natural heritage features designated in this Plan, right-of-way for electrical transmission

depicting the proposed building in profile to the height of the top of the escarpment located nearest to the development site, to the satisfaction of the City.

35. [New] Policy E.5.2.7.1 of the Urban Hamilton Official Plan, Volume 1: Chapter E – Urban Systems and Designations is modified as shown below and policies E.2.1 b) to E.2.1 e) are renumbered accordingly:

The following provisions apply to all **land use designations, as specified: lands designated Employment Area – Industrial Land, Employment Area – Business Park, Employment Area – Airport Employment Growth District, and Employment Area – Shipping and Navigation on Schedule E-1 – Urban Land Use Designations (OPA 35):**

36. Policy E.5.2.7.1 b) in Section 4.1.4 of Official Plan Amendment No. 167, Appendix D – Volume 1: Chapter E – Urban Systems and Designations is modified so that it reads:

b) *Sensitive land uses* ~~within the Neighbourhoods, Institutional or Commercial and Mixed Use designations~~ shall be protected from the potential adverse impacts of ~~heavy industrial uses~~ *major facilities* ~~within the lands designated Employment Area~~, and ~~industrial uses~~ *major facilities* shall be protected from *sensitive land uses* as follows:

- i) The City shall ~~have regard for~~ **follow** provincial guidelines concerning land use compatibility between industrial facilities and *sensitive land uses*. *Major facilities, and sensitive land uses, major retail uses and major office uses* shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety, to ensure the long-term viability of *major facilities* in accordance with provincial guidelines, standards and procedures.
- ii) Where avoidance of impacts is not possible, in accordance with Policy E.5.2.7.1 b) i), the City shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent *sensitive land uses, major retail uses and major office uses* are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:
 1. there is an identified need for the proposed use;
 2. alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;
 3. adverse effects to the proposed sensitive land use are minimized and mitigated; and,
 4. potential impacts to industrial, manufacturing or other uses are minimized and mitigated.

37. [New] Policy F.1.2.7 of the Urban Hamilton Official Plan, Volume 1: Chapter F – Implementation is modified as shown below:

Neighbourhood plans ~~are were~~ policies adopted by council resolution and do not form part of the Official Plan, ~~Any proposal for development or redevelopment must conform to the designations, and policies in the Neighbourhood Plan. and no longer reflect either municipal or provincial policy.~~

38. [New] Policy F.1.2.8 of the Urban Hamilton Official Plan, Volume 1: Chapter F – Implementation is deleted as shown below and policy F.1.2.9 is renumbered accordingly:

~~Any amendment to the Neighbourhood Plan must be evaluated using the provisions of Policies F.1.1.3 and F.1.1.4 and shall require a formal Council decision to enact the amendment.~~

39. [New] Policy F.1.14.3.1 of the Urban Hamilton Official Plan, Volume 1: Chapter F – Implementation is modified as shown below:

Consents for new lot creation, for both the severed and retained lands, for residential uses in the Neighbourhoods designation shown on Map E-1 – Urban Land Use Designation, shall be permitted provided the following conditions are met:

- a) The lots comply with the policies of this Plan, including secondary plans, where one exists;
- ~~b) The lots comply with existing Neighbourhood Plans;~~
- ~~c)b)~~ The lots are in conformity with the Zoning By-law or a minor variance is approved;
- ~~d)c)~~ The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
- ~~e)d)~~ The lots are fully serviced by municipal water and wastewater systems; and,
- ~~f)e)~~ The lots have frontage on a public road.

40. [New] A definition of Agricultural impact assessment is added to the Urban Hamilton Official Plan, Volume 1: Chapter G – Glossary as shown below:

Agricultural impact assessment: A study that evaluates the potential impacts of non-agricultural development on agricultural operations and the Agricultural System and recommends ways to avoid or, if avoidance is not possible, minimize and mitigate adverse impacts (Greenbelt Plan, 2017).

41. [New] A definition of Major facilities is added to the Urban Hamilton Official Plan, Volume 1: Chapter G – Glossary as shown below:

Major facilities: Means facilities which may require separation from sensitive land uses, including but not limited to airports, manufacturing uses, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.

42. [New] A definition of Office parks is added to the Urban Hamilton Official Plan, Volume 1: Chapter G – Glossary as shown below:

Office parks: Employment areas or areas where there are significant concentrations of offices with high employment densities.

43. [New] A definition of Prime agricultural area is added to the Urban Hamilton Official Plan, Volume 1: Chapter G – Glossary as shown below:

Prime agricultural area: An area where prime agricultural lands predominate. This includes areas of prime agricultural lands and associated Canada Land Inventory Class 4 through 7 lands and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas are to be identified by the Ontario Ministry of Agriculture, Food and Rural Affairs using guidelines developed by the Province as amended from time to time (Greenbelt Plan, 2017).

44. [New] A definition of Prime agricultural land is added to the Urban Hamilton Official Plan, Volume 1: Chapter G – Glossary as shown below:

Prime agricultural land: Specialty crop areas and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, in this order of priority for protection (PPS, 2020).

45. [New] A definition of Rail facilities is added to the Urban Hamilton Official Plan, Volume 1: Chapter G – Glossary as shown below:

Rail facilities: means rail corridors, rail sidings, train stations, inter-modal facilities, rail yards and associated uses, including designated lands for future rail facilities.

Volume 2 – Text Modifications

74. [New] Policy 2.8.6.1 g) is deleted from the Urban Hamilton Official Plan, Volume 2: Chapter B-2 – Ancaster Secondary Plans as shown below:

~~g) The overall density for the Ancaster Community Node shall be 50 people and jobs per hectare.~~

Volume 2 – Modifications to Schedules and Appendices

75. [New] Map B.2.8-1: Ancaster Wilson Street Secondary Plan Land Use Plan of the Urban Hamilton Official Plan, Volume 2 is modified by redesignating 15 Lorne Avenue, as shown on Appendix D attached hereto, from “Low Density Residential 1” to “Mixed-Use Medium Density.”
76. [New] Map B.6.2-1: Ainslie Wood Westdale Secondary Plan Land Use Plan of the Urban Hamilton Official Plan, Volume 2 is modified by redesignating 128 Tope Crescent, as shown on Appendix B attached hereto, from “Employment Area – Industrial Lands” to “Low Density Residential 3.”

Volume 3 – Text Modifications

77. Policy 4.0 is added to site-specific policy UFN-5 in Section 4.3.2 of Official Plan Amendment No. 167, Appendix A – Volume 3: Chapter C – Urban Site Specific Policies as shown below:

4.0 Through future development of the subject lands, if potential adverse impacts on any nearby agricultural operations are identified and cannot be avoided, they will be minimized and mitigated to the extent feasible.

Dated at Toronto this 4th day of November, 2022



Hannah Evans, Assistant Deputy Minister
Municipal Services Division
Ministry of Municipal Affairs and Housing

Joseph Liberatore

Subject: RE: Neighbourhood Plan Amendment 2017 Example

From: Pham, Melanie <Melanie.Pham@hamilton.ca>

Sent: November 7, 2022 12:17 PM

To: Nancy Frieday <nfrieday@gspgroup.ca>

Cc: Joseph Liberatore <jliberatore@gspgroup.ca>; Vrooman, Tim <Tim.Vrooman@hamilton.ca>

Subject: RE: Neighbourhood Plan Amendment 2017 Example

Caution! This message was sent from outside your organization.

[Allow sender](#) | [Block sender](#)

Hi Nancy, thank you for your email.

That is correct, I have the same understanding with regards to the Provincial decision on UHOPA 167.

Regards, Melanie

Melanie Pham, MCIP, RPP (She/Her)

Senior Project Manager, Sustainable Communities Section

Planning and Economic Development Department

71 Main Street West, 4th Floor, Hamilton, L8P 4Y5

T: (905) 546-2424 ext. 6685



From: Nancy Frieday <nfrieday@gspgroup.ca>

Sent: Monday, November 7, 2022 10:32 AM

To: Pham, Melanie <Melanie.Pham@hamilton.ca>

Cc: Joseph Liberatore <jliberatore@gspgroup.ca>

Subject: Re: Neighbourhood Plan Amendment 2017 Example

Importance: High

Hi Melanie,

Given the provincial decision on UHOPA 167, deleting reference to and conformity to Neighbourhood Plans, I assume we no longer need to prepare an application to amend the Eleanor Neighbourhood Plan. Can you please confirm.

Take care,

Nancy

Nancy Frieday, M.Sc. (Pl.), MCIP, RPP

Senior Planner

GSP Group Inc.

289-778-1431

365 336 3300 (Cell)

nfrieday@gspgroup.ca



June 2, 2022

File No. 21161

Jamila Sheffield
Secretary-Treasurer
City of Hamilton
Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, ON
L8P 4Y5

Dear Ms. Sheffield:

**RE: 727 RYMAL ROAD EAST, HAMILTON
CONSENT APPLICATION – HM/B-21:79**

GSP Group is pleased to resubmit on behalf of the owner, a request to re-add the Tabled updated application for Consent for the creation of 3 lots through a severance to allow the future construction of two (2) new single detached dwelling units on the property currently municipally known as 727 Rymal Road East.

This request provided herein is in response to the approved motion to table the application at the March 3, 2022 Committee of Adjustment Meeting. At that Meeting, an updated application for Consent was considered, which was revised in consideration of several concerns that were raised in comments previously provided by both the public and City staff at the October 7, 2021 Committee of Adjustment Meeting.

For reference, a copy of the Cover Letter Planning Brief from the Revised January 27, 2022 submission has been provided, attached as **APPENDIX A**. In addition, attached to this Letter in **APPENDIX B** is a copy of the Comments Extract from the March 3, 2022 Committee of Adjustment Meeting that include the departmental, agency and public comments received as part of the initial submission.

Provided in the following section of this Brief is discussion on the manner that these concerns were reviewed and addressed/responded to from the revised January 27, 2022 submission of Consent application HM/B-21:79 that was considered by Committee at the March 3, 2022 Meeting.

ELEANOR NEIGHBOURHOOD PLAN

Eaglewood Drive Road Extension

As noted in the Staff and Public Comments, the Eleanor Neighbourhood Plan had indicated a future right-of-way through the Site that was intended to be an extension of Eaglewood Drive to connect into the Losani Homes Sherman Oaks subdivision to the northwest and also a road connection to Upper Sherman Avenue through the commercial plaza site at 695 and 675 Rymal Road East.

As at the time of the initial submission the status of the road extension was unknown, review of adjacent applications that have either been approved or are in the process of gaining approval was undertaken and the findings provided to both Planning Staff and Growth Management Staff to receive direction on the status of the conceptual road extension. This is depicted on the Composite Plan, attached to this Brief as **APPENDIX C** which shows the road extensions contemplated in the Eleanor Neighbourhood Plan overlayed with:

- Files **DA-10-079, SPA-14-118 and HM/B-09:32** at 695 & 675 Rymal Rd E: Approved and constructed commercial development at the intersection of Upper Sherman Avenue and Rymal Road East, which overlaps with one of the road extensions historically contemplated in the Eleanor Neighbourhood Plan.
- Files **UHOPA-21-012 & ZAC-21-026** at 705 & 713 Rymal Rd E: in process medium density residential development for 41 block townhouse units, which overlaps with a significant portion of the Eaglewood Drive road extension contemplated in the Eleanor Neighbourhood Plan.
- File **25T-201105** – Sherman Oaks Subdivision: Approved residential subdivision with a reserve block that was initially intended to be a future road extension contemplated in the Eleanor Neighbourhood Plan and is now under review with Draft approved Consent Applications (HM/B-21:09 and HM/B-21:10) to facilitate future single family homes.

Following discussion and review, it was confirmed by the City's Growth Management Section per correspondence (attached hereto as **APPENDIX D**) dated January 25, 2022 that the Eaglewood Drive extension will not move forward and that a revision to the Eleanor Neighbourhood Plan happen after the lotting is finalized.

CONTEXTUAL APPLICATION HISTORY

It should be noted that the Committee of Adjustment has approved, both in the past and recently, Consent Applications **HM/B-09:32, HM/B-21:09 and HM/B-21:10**, all of which compromise the completion of the Eleanor Extension as initially contemplated in the 1973 Eleanor Neighbourhood Plan. While HM/B-21:09 and HM/B-21:10 are being handled internally within the City's Planning and Economic Development Department through an update with Growth Management staff as it relates to the original Sherman Oaks Subdivision, **HM/B-09:32 was approved by Committee in 2009.**

Committee's 2009 Decision of Consent application HM/B-09:32 for approval (attached as **APPENDIX E**) removed the requirement for the development to reserve and convey lands to the City to account for the road extensions noted in the Neighbourhood Plan, despite the request from City staff that it be added as conditions (attached as **APPENDIX F**). As an alternative, the conditions were added as notes to be captured through future planning applications on the Site (attached as **APPENDIX G**).

Following the Final Approval of the Consent, the Planning and Economic Development Department has also issued Site Plan approval and building permits for files DA-10-079 and SPA-14-118, which facilitated the creation of the multi-tenanted commercial development to the west of the Site. This development has resulted in the road extension being blocked, by approving and constructed a building within the proposed extension in the Eleanor Neighbourhood Plan with no road conveyances having been provided.

As a result of decisions made in the past by both the City and Committee of Adjustment, the road (if constructed), would essentially become a dead-end road with a turn-around bulb. It is anticipated that this would likely have significant impact on the developability of several properties in the area including the subject lands, the Townhouse lands (705 & 713 Rymal Road East) and even the neighbouring lands at 230 Eleanor Avenue.

URBAN HAMILTON OFFICIAL PLAN CONFORMITY

Furthermore, implementation of the road extension from Neighbourhood Plan in accordance with the previous Section of this Letter would not conform to the Urban Hamilton Official Plan (UHOP), specifically as it relates to **Volume 1, Chapter C Policy 4.5.2. f) vii**), which states:

“Local roads ending in cul-de-sacs shall generally be discouraged, except under the following criteria:

- 1. where the topography, natural features, wetlands, watercourses, existing development, etc. prevent the construction of a through street;*
- 2. where the road extension would have to cross a railway right-of-way or any other utility corridor;*
- 3. where it has been determined by the City that public street connectivity is not essential to the street circulation network or the underground services and utility grid network of the adjacent area; or,*
- 4. where the local road network is arranged such that connections for pedestrians and cyclists are direct and continuous.”*

Per **UHOP Policy C.4.5.2 f) vii) 1.**, the road extension (as contemplated in the Neighbourhood Plan and blocked by existing development, resulting in a cul-de-sac) is proposed in a location that appears to be relatively flat with no natural features as identified in the UHOP or wetlands as identified by Hamilton Conservation Authority regulatory mapping. The only hindrance is existing development (i.e. the multi-tenanted commercial development) which was approved by both the Committee of Adjustment and City of Hamilton Planning and Economic Development Department after the establishment of the Eleanor Neighbourhood Plan.

Per **UHOP Policy C.4.5.2 f) vii) 2.**, the road (as contemplated in the Neighbourhood Plan and blocked by existing development, resulting in a cul-de-sac) is proposed in a location that does not cross a railway right-of-way any other utility grid network of the adjacent area.

Per **UHOP Policy C.4.5.2 f) vii) 3.**, the road (as contemplated in the Neighbourhood Plan and blocked by existing development, resulting in a cul-de-sac) has been identified as unnecessary by the City of Hamilton Planning and Economic Development Department in consideration of the approved, constructed and proposed developments in the impacted area.

Per **UHOP Policy C.4.5.2 f) vii) 4.**, the road (as contemplated in the Neighbourhood Plan and blocked by existing development, resulting in a cul-de-sac) is not part of a local road network that is arranged for direct and contiguous pedestrian and cycling connects. This is further demonstrated through the rural road cross section that exists currently along Eleanor Avenue, which does not include any sidewalks that can provide a direct and contiguous pedestrian connection.

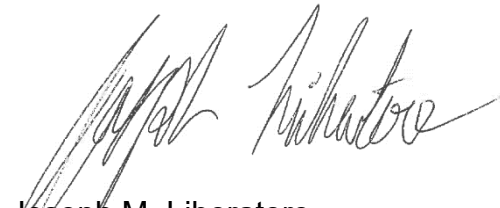
On the basis of the rationale provided herein in support of the Updated Consent application, the following information has been provided:

1. One (1) copy of the updated Consent Sketch (January 27, 2022 Submission Version).

Should you have any question, or require any additional information, please contact me by phone at 226-243-7433 or by email at jliberatore@gspgroup.ca.

Yours truly

GSP Group Inc.



Joseph M. Liberatore,
CNU-A, BURPI., Dip. GIS & Pl.
Planner

cc. *Client*
Melanie Pham, Senior Planner – City of Hamilton

Appendices: APPENDIX A – Revised January 27, 2022 Submission Cover Letter Planning Brief
APPENDIX B – March 3, 2022 Committee of Adjustment Meeting Comments Extract
APPENDIX C – Composite Plan
APPENDIX D – January 25, 2022 Growth Management Correspondence
APPENDIX E – HM/B-09:32 – Committee Approved Consent Decision
APPENDIX F – HM/B-09:32 – Committee of Adjustment Meeting Minutes
APPENDIX G – HM/B-09:32 – Committee of Adjustment Consolidated Comments Report



January 27, 2022

File No. 21161

Jamila Sheffield
Secretary-Treasurer
City of Hamilton
Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, ON
L8P 4Y5

Dear Ms. Sheffield:

**RE: 727 RYMAL ROAD EAST, HAMILTON
CONSENT APPLICATION – HM/B-21:79**

GSP Group is pleased to resubmit on behalf of the owner, an updated application for Consent for the creation of 3 lots through a severance to allow the future construction of 2 new single detached dwelling units on the property currently municipally known as 727 Rymal Road East.

The resubmission provided herein is in response to several concerns that were raised in comments provided by both the public and City staff at the October 7, 2021 Committee of Adjustment Meeting. Accordingly, the revisions to the design include:

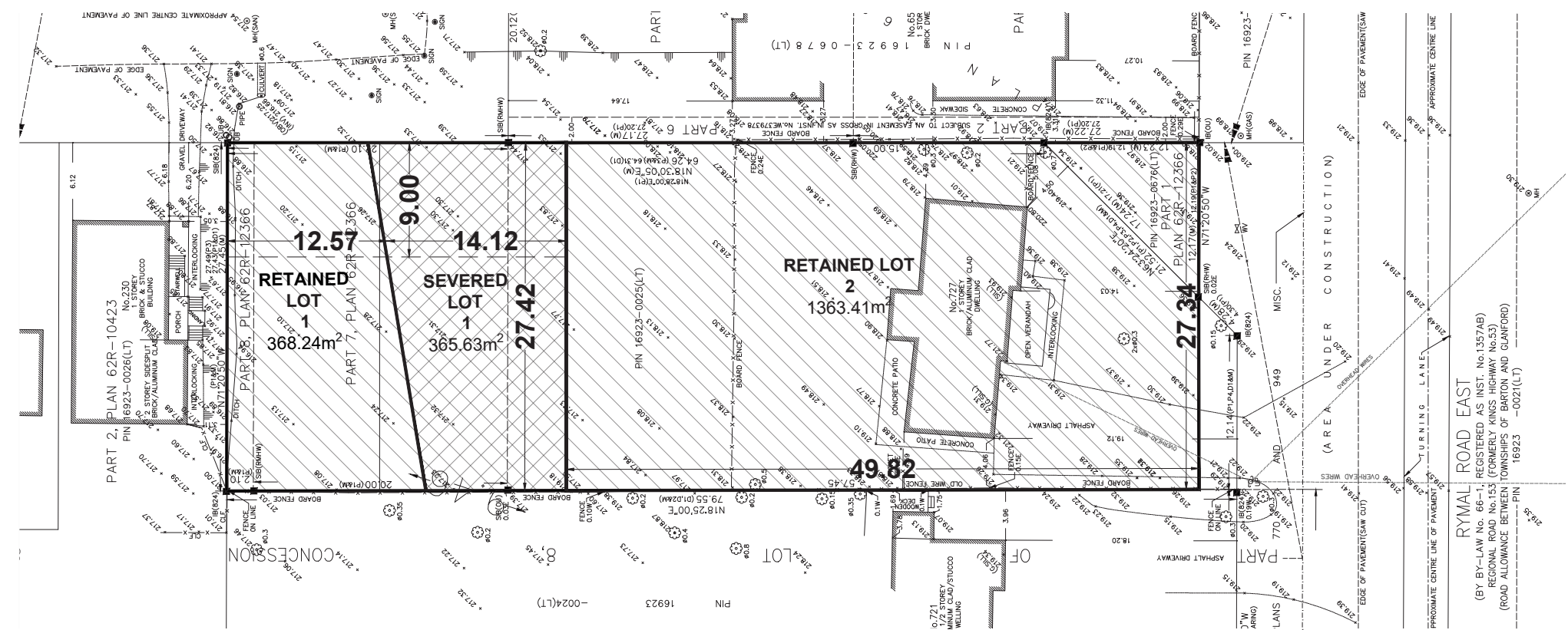
- the realignment of the proposed lot line between Retained Lot 1 and Severed Lot 1; and,
- the shifting of the proposed lot line between Severed Lot 1 and Retained Lot 2.

The above noted changes, illustrated on **Figure 1**, have been incorporated with a collaborative effort from the project team in tandem with City of Hamilton Planning Staff to ensure concerns noted in the comments have been addressed. The concerns generally were with regard to:

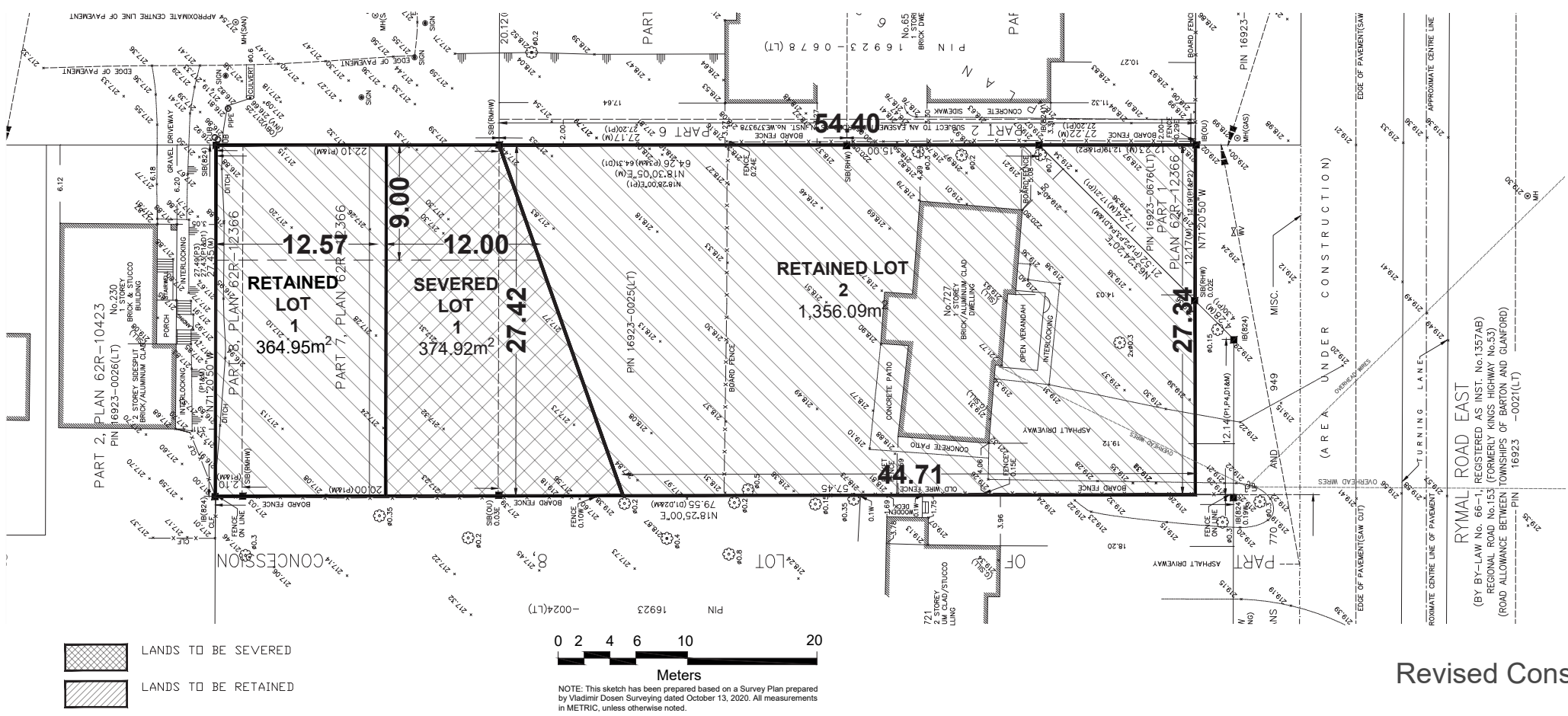
1. Streetscape compatibility with the proposed lots in contrast to the surrounding lot pattern of the neighbourhood;
2. The alignment of the side lot line with the front lot line on Severed Lot 1; and,
3. The status of the Eaglewood Drive Extension initially contemplated in the Eleanor Neighbourhood Plan.



Attached to this Letter in **Appendix A** is a copy of the Comments Extract from the October 7, 2021 Committee of Adjustment Meeting that include the departmental, agency and public comments received as part of the initial submission. Provided in the following section of this Brief is discussion on the manner that these concerns were reviewed and addressed/responded to with this revised submission of Consent application HM/B-21:79.

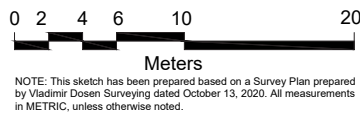
Original Submission



Revised Submission



 LANDS TO BE SEVERED
 LANDS TO BE RETAINED



Revised Consent Sketch

Revised Lotting

The Site is currently zoned “C” (Urban Protected Residential, Etc.) District in Hamilton Zoning By-law 6593, where single family dwellings are permitted. No modifications to the Zoning By-law are required in order to permit the requested consent for the 3 buildable lots to construct 2 new single family dwellings. The table below summarizes the required lot size requirements in contrast to the initial proposed Consent Sketch and the revised proposed Consent Sketch submitted herein:

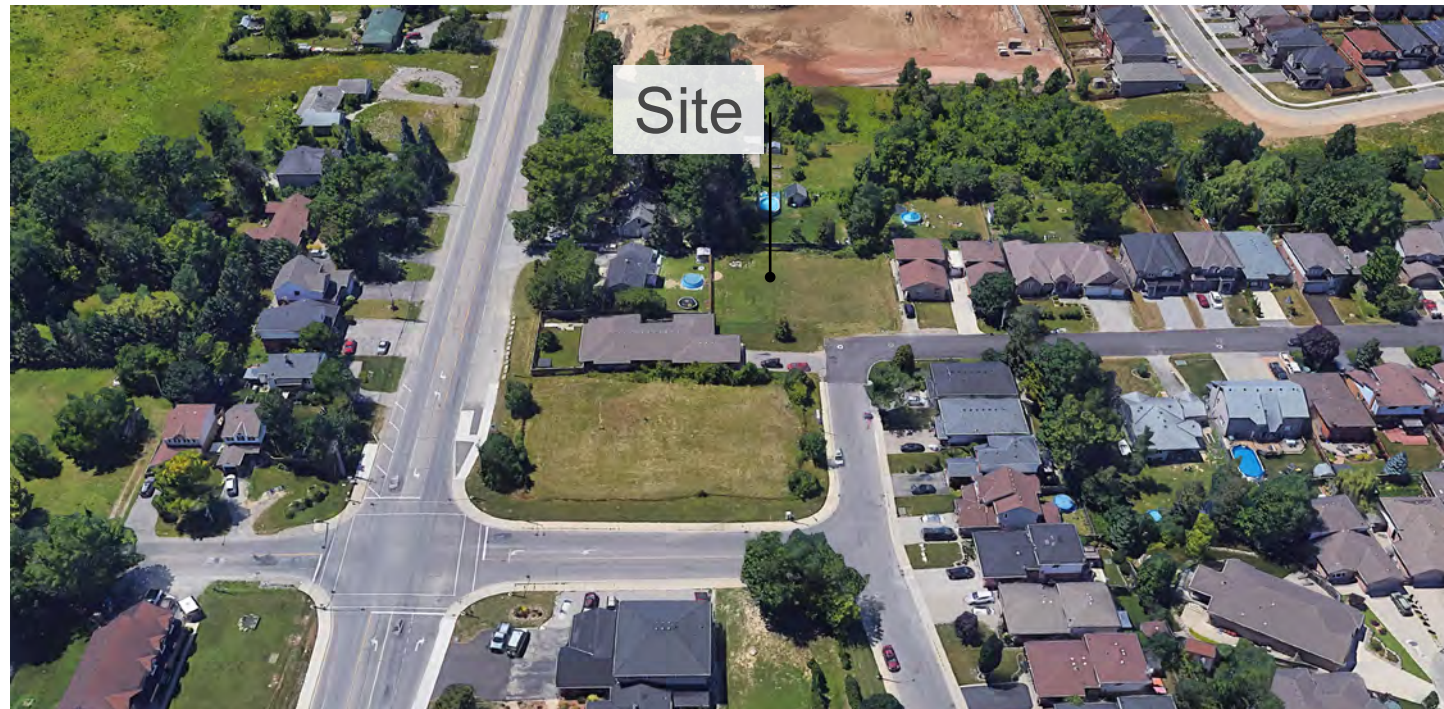
| “C” District Regulations | | | | | |
|--------------------------|--|---------------------|------------------------|------------------------|------------------|
| Lot | Regulation | Required | Initial Design | Revised Design | Conforms? ✓/✗ |
| Retained Lot 1 | Minimum Lot Width (measured 9m back from front lot line) | 12.0m | 12.57m | 12.57m | ✓ |
| | Minimum Lot Area | 360.0m ² | 368.24m ² | 364.95m ² | ✓ |
| Retained Lot 2 | Minimum Lot Width (measured 9m back from front lot line) | 12.0m | 27.34m | 27.34m | ✓ |
| | Minimum Lot Area | 360.0m ² | 1,363.41m ² | 1,356.09m ² | ✓ |
| Severed Lot 1 | Minimum Lot Width (measured 9m back from front lot line) | 12.0m | 14.12m | 12.00m | ✓ |
| | Minimum Lot Area | 360.0m ² | 365.63m ² | 374.92m ² | ✓ |

Streetscape Compatibility

With respect to Streetscape concerns, a detailed analysis was undertaken to identify a lotting configuration that could enable a building envelope (the portion of a lot that can facilitate a new building within the applicable setbacks) which matches the existing streetscape. The analysis incorporated detailed mapping from the Consent Sketch with relevant setbacks from the C District zone. These setbacks were applied to a conceptual massing of a single family home in accordance with the by-law requirements in a 3D Model to identify the proper alignment with other buildings along the Eaglewood Drive and Eleanor Avenue streetscapes.

This analysis was conducted from multiple perspectives, including a Neighbourhood View (**Figure 2**), an Eaglewood Drive View (**Figure 3**) and an Eleanor Avenue View (**Figure 4**). Each of these respective Views was then depicted further by 4 snapshots, as follows:

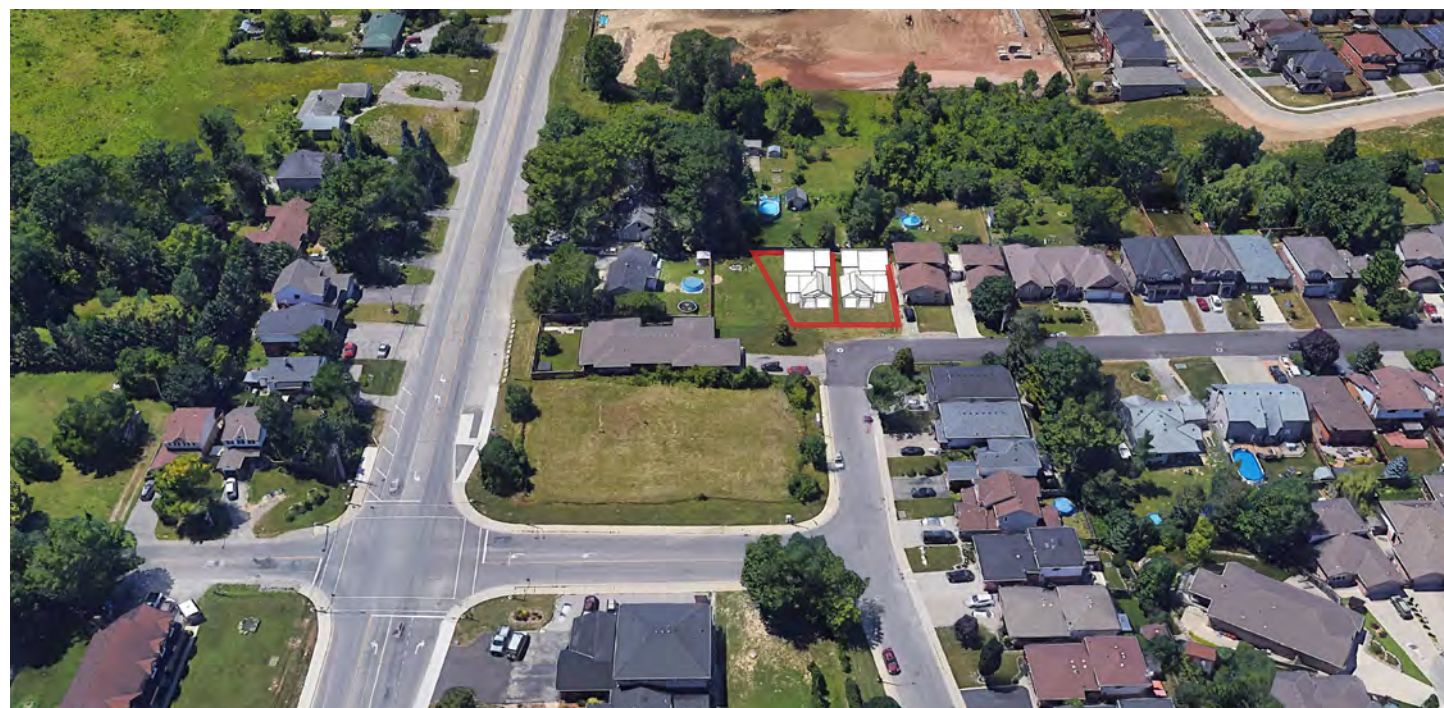
1. Existing View: The Site as it presently exists today.
2. Conceptual View with Lot Lines: The Site as it presently exists today with the proposed future lot lines shown.
3. Conceptual View with Lot Lines & Builds: The Site conceptually developed with the proposed future lot lines and conceptual preliminary building massings shown.
4. Post Construction View: The Site with only the conceptual preliminary building massings shown.



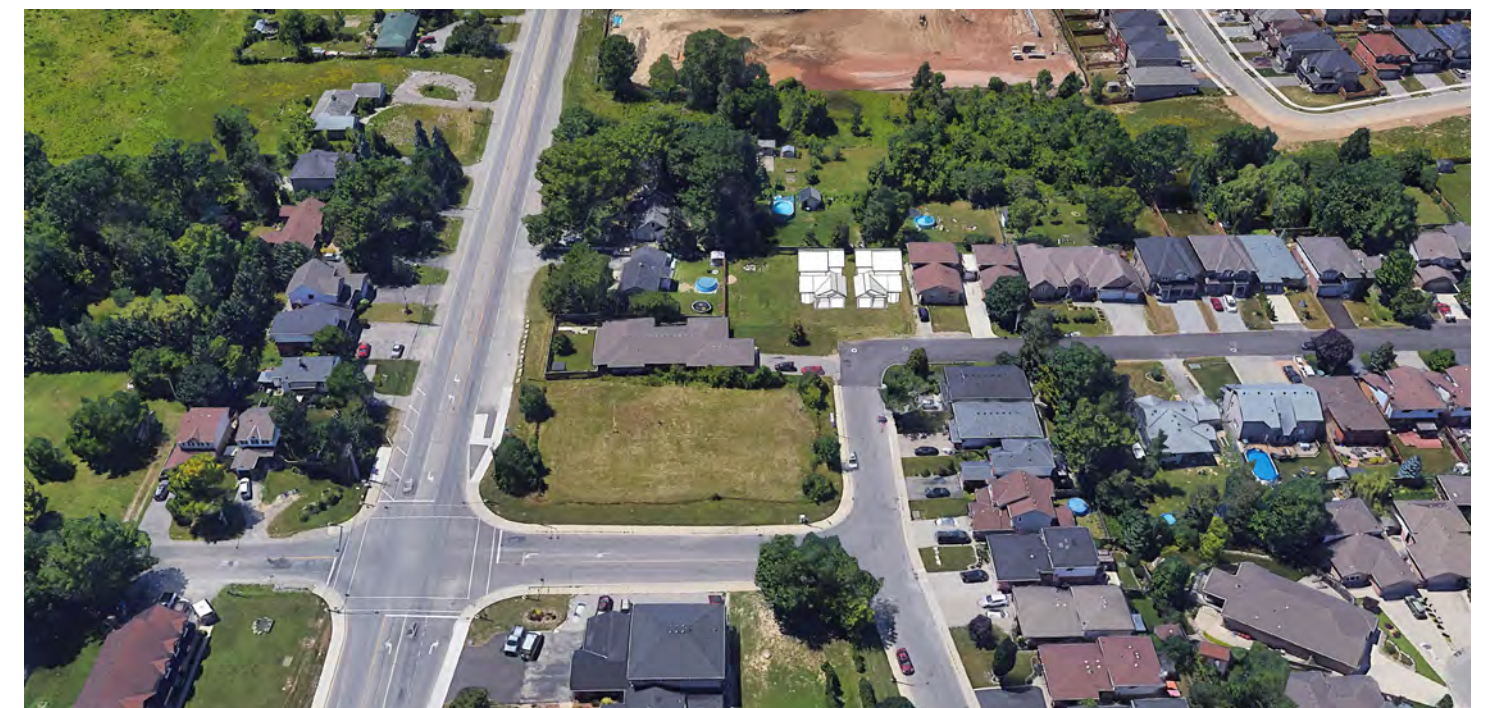
EXISTING VIEW



CONCEPTUAL VIEW WITH LOT LINES



CONCEPTUAL VIEW WITH LOT LINES & BUILDINGS



POST CONSTRUCTION VIEW



EXISTING VIEW



CONCEPTUAL VIEW WITH LOT LINES



CONCEPTUAL VIEW WITH LOT LINES & BUILDINGS



POST CONSTRUCTION VIEW



EXISTING VIEW



CONCEPTUAL VIEW WITH LOT LINES



CONCEPTUAL VIEW WITH LOT LINES & BUILDINGS



POST CONSTRUCTION VIEW

The findings of the analysis identified that despite an angled lot line between Severed Lot 1 and Retained Lot 2, the lotting configuration can allow for dwellings to be constructed in a manner that is compatible with the existing streetscape and match the existing C District zone, similarly to many surrounding dwellings along Eleanor Avenue. Additionally, the updated lot configuration also continues a lotting pattern that is established within the surrounding area and further shown north of the Site along the west side of Eleanor Avenue.

Severed Lot 1 Street Interface

With respect to the interface that Severed Lot 1 had previously been shown, a 4m portion of the front yard had been located immediately adjacent to the front yard of the adjacent property at 651 Eaglewood Drive. This lotting circumstance was concerning as it was noted to have created an inconsistent streetscape per comments received from City Staff; as such, the interface of this lot has been revised in collaboration with Planning Staff from ongoing discussions to no longer interface 651 Eaglewood Drive. **Figure 1** identifies the new lot line as angled from the southeast corner of Severed Lot 1 toward the southwest corner of Severed Lot 1.

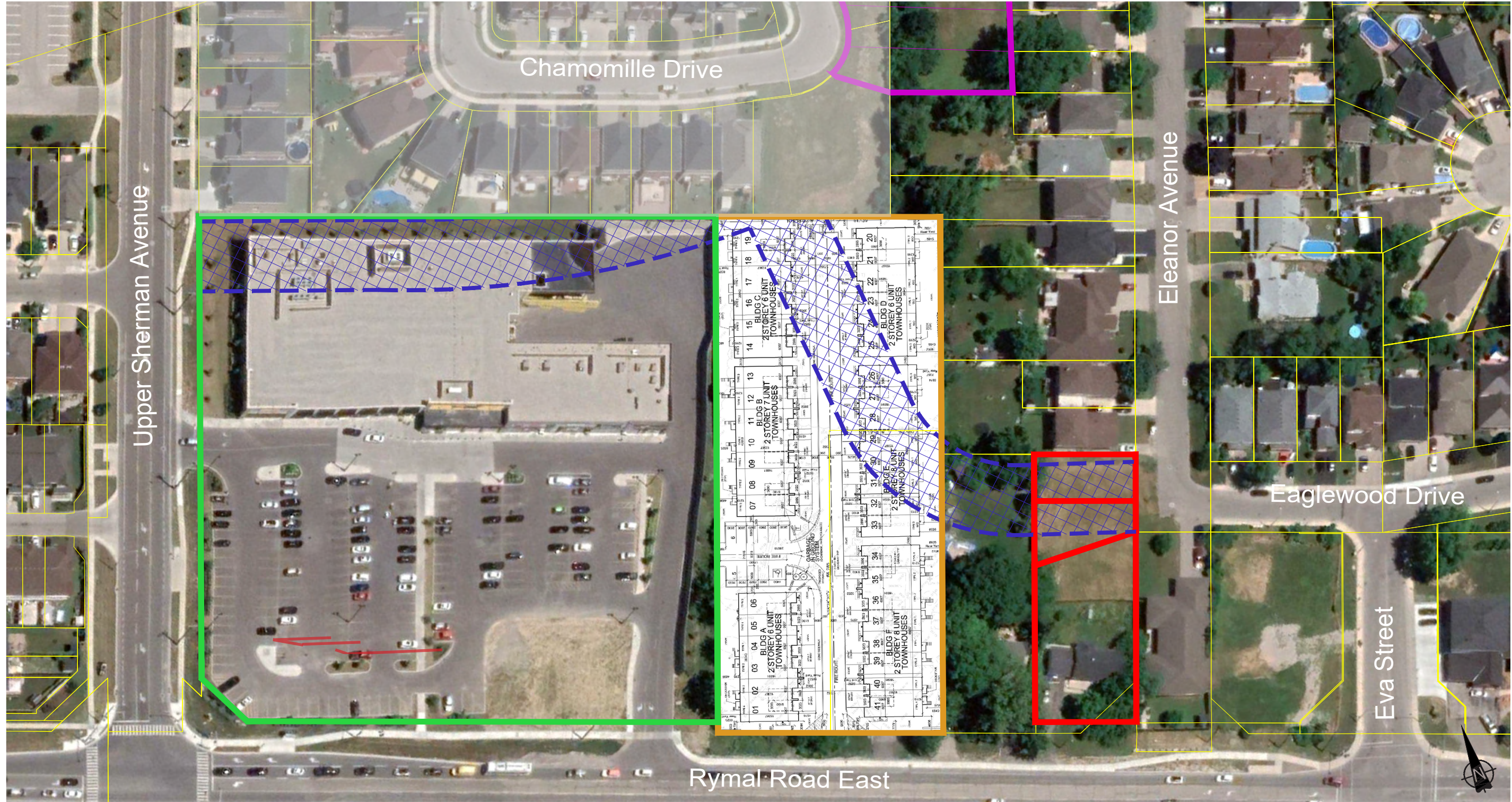
Eaglewood Drive Road Extension

As noted in the Staff and Public Comments, the Eleanor Neighbourhood Plan had indicated a future right-of-way through the Site that was intended to be an extension of Eaglewood Drive to connect into the Losani Homes Sherman Oaks subdivision to the northwest and also a road connection to Upper Sherman Avenue through the commercial plaza site at 695 and 675 Rymal Road East.

As at the time of the initial submission the status of the road extension was unknown, review of adjacent applications that have either been approved or are in the process of gaining approval was undertaken and the findings provided to both Planning Staff and Growth Management Staff to receive direction on the status of the conceptual road extension. This is depicted on the Composite Plan, attached to this Brief as **Figure 5** which shows the road extensions contemplated in the Eleanor Neighbourhood Plan overlayed with:

- Files **DA-10-079 & SPA-14-118** at 695 & 675 Rymal Rd E: Approved and constructed commercial development at the intersection of Upper Sherman Avenue and Rymal Road East, which overlaps with one of the road extensions historically contemplated in the Eleanor Neighbourhood Plan.
- Files **UHOPA-21-012 & ZAC-21-026** at 705 & 713 Rymal Rd E: in process medium density residential development for 41 block townhouse units, which overlaps with a significant portion of the Eaglewood Drive road extension contemplated in the Eleanor Neighbourhood Plan.
- File **25T-201105** – Sherman Oaks Subdivision: Approved residential subdivision with a reserve block that was initially intended to be a future road extension contemplated in the Eleanor Neighbourhood Plan and is now under review with Draft approved Consent Applications (HM/B-21:09 and HM/B-21:10) to facilitate future single family homes.

Following discussion and review, it was confirmed by the City's Growth Management Section per correspondence dated January 25, 2022 that the Eaglewood Drive extension will not move forward and that a revision to the Eleanor Neighbourhood Plan happen after the lotting is finalized.



P:\21161-Manpreet Kherra-727 Rymal Road East, Hamilton\drawings\Area Development Context Plan.dwg

COMPOSITE PLAN

727 RYMAL ROAD EAST, HAMILTON

GSP
group

- HM/B-21:79 - 727 Rymal Rd E
Consent Application (in process)
- UHOPA-21-012 & ZAC-21-026
705 & 713 Rymal Rd E
Official Plan and Zoning By-law
Amendments (in process)

- DA-10-079 & SPA-14-118
695 & 675 Rymal Rd E
Site Plan Application (Approved)
- HM/B-21:09 & HM/B-21-10
Losani Homes - Sherman Oaks
Consent Application (Conditionally
Approved)

- 25T-201105 - Sherman Oaks Subdivision
Plan of Subdivision (Approved)
- Road Extensions extracted from
Eleanor Neighbourhood Plan

Figure
5

In support of the Updated Consent application , the following information is provided:

1. A cheque in the amount of \$200.00 representing the City's 2022 recirculation fee for Consent;
2. One (1) copy of the updated Consent Sketch.

Should you have any question, or require any additional information, please contact me by phone at 226-243-7433 or by email at jliberatore@gspgroup.ca.

Yours truly

GSP Group Inc.

A handwritten signature in black ink, appearing to read 'Joseph M. Liberatore', is written over the printed name.

Joseph M. Liberatore, B.U.R.Pl., Dip. GIS & Pl.
Planner

cc. Client

APPENDIX A

October 7th, 2021

HM/B-21:79 – 727 Rymal Rd. E., Hamilton

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee grant the severance, an approval should be subject to the following condition(s):

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. That the proponent shall carry out an archaeological assessment of that portion of the property subject to soil disturbance arising from this application, including new structures, foundation, driveways, any associated landscape alterations or soil disturbance through staging, stockpiling and temporary access, in addition to any areas impacted by the installation of services, such as water and wastewater, electricity, pipelines, easements and ground-source heat pumps. The proponent shall mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries."
3. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section).
4. The Owner / Applicant must enter into and register on title of the lands, a **Consent Agreement**, to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, , stormwater management infrastructure as required and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches and culverts, relocation of any existing infrastructure (hydro poles, etc.) and any damage to municipal infrastructure during

construction (unknown costs at this time), all to the satisfaction of the Manager of Development Engineering Approvals.

5. That the owner provides a cash payment to the City for the future urbanization of the street based on the frontage of the severed portion of the property and the 'New Roads Servicing Rate" at the time of payment to the satisfaction of the Manager of Engineering Approvals Section.
6. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
7. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
8. The existing right-of-way along Rymal Road East is 30.48 metres. Approximately 3.0 metres are to be dedicated to Rymal Road East as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications, Rymal Road (Major Arterial Road) is to be 36.576 metres.

A survey conducted by an Ontario land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening

As per Formal Consultation comments, Transportation Planning will not support any new accesses onto Rymal Road East. Access to severed portions of this lot shall only be permitted onto either Eleanor Avenue or Eaglewood Drive.

Note: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Retained Lot 2) will remain as **727 Rymal Road East (Hamilton)**, the lands to be retained (Retained Lot 1) will be assigned the address of **234 Eleanor Avenue (Hamilton)**, and the lands to be conveyed (Severed Lot 1) will be assigned the address of **238 Eleanor Avenue (Hamilton)**.

HM/B-21:79 – 727 Rymal Rd. E., Hamilton**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Suburban**

The purpose of application **HM/B-21:79** is to sever a portion of the subject lands which fronts onto Rymal Road East. The applicant proposes to retain the existing single detached dwelling (“Retained Lot 2” on submitted survey sketch) and sever “Severed Lot 1” to create a new building lot for the purpose of constructing a single detached dwelling. If approved “Retained Lot 2” will be created by way of natural severance due to the creation of the severed lands. In total, two new lots will be created for the construction of two new single detached dwellings. See Table 1 below.

Table 2

| Application: HM/B-21:79 | Retained Lot #1 | Severed Lot#1 | Retained Lot #2 |
|--|---|---|---|
| Zoning Classification Zoning By- law No. 6593 | Urban Protected Residential “C” District | Urban Protected Residential “C” District | Urban Protected Residential “C” District |
| Proposed Area: | ±368.24 m ² | ±365.63 m ² | ±1363.41 m ² |
| Proposed Frontage: | ±12.57 metres | ±14.12 metres | 27.34 metres |

Urban Hamilton
Official Plan

The subject lands are designated as “Neighbourhoods” in Schedule E – Urban Structure and

designated as “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations in Volume 1 of the Urban Hamilton Official Plan (UHOP). Further, the lands are identified as ‘Single and Double’ on the Eleanor Neighbourhood Plan (Map 7505).

The proposal is defined as ‘Residential Intensification’ and must be evaluated based on the policies of Sections B.2.4.1.4 and B.2.4.2.2 (UHOP Volume 1). The creation of two irregular lots fronting onto Eleanor Avenue does meet the intent of the UHOP as the proposed lots do not respect nor maintain or enhance the streetscape and are not consistent with the established lot pattern of the neighbourhood. The applicant has failed to demonstrate how the proposed future single detached dwelling for “Severed Lot #1”

will integrate with the existing streetscape and the lands known municipally as 651 Eaglewood Drive. The proposed “Severed Lot #1” though meeting the minimum frontage requirement of 12 metres, only has 10 metres of frontage that interacts with the Eleanor Avenue right-of-way, the other 4 metres is directly abutting the front yard of 651 Eaglewood Drive.

The Eleanor Neighbourhood Plan indicates a future right-of-way which cuts through the subject lands, 721 Rymal Road East, 713 Rymal Road East, and 705 Rymal Road East. This proposal does not take this proposed right-of-way into consideration. See Image 1.

Image 1



Lot creation for ‘Residential Intensification’ in the “Neighbourhoods” designation is permitted if the lots meet the criteria of F.1.14.3.1 (UHOP Volume 1). Staff cannot support the proposed severance as it does not reflect the general scale and character of the established development pattern nor does it comply with the existing Neighbourhood Plan. In addition, this proposal does not represent timely and orderly development as it may compromise the future development of the surrounding vacant lands. It is staff’s opinion that the proposed severance is premature.

Cultural Heritage

The subject property meets two of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 2) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this severance is granted, Staff require that the Committee of Adjustment attach the following condition to the application:

Hamilton Zoning By-law No. 6593

The subject lands are zoned Urban Protected Residential “C” District which permits the use of single detached dwellings and structures accessory thereto, in accordance with the applicable provisions.

Recommendation:

Having regard for the matters under subsection 51(24) of the *Planning Act*, staff is not satisfied that the proposed lots are suitable for the proposed use, that they represent proper and orderly development of the land, nor do they conform to the Official Plan. Staff recommends that the proposed consent, as outlined in the Notice of Hearing, be **Denied**.

If the Committee considers approval of this application, staff recommends the following condition of approval:

Condition:

That the proponent shall carry out an archaeological assessment of that portion of the property subject to soil disturbance arising from this application, including new structures, foundation, driveways, any associated landscape alterations or soil disturbance through staging, stockpiling and temporary access, in addition to any areas impacted by the installation of services, such as water and wastewater, electricity, pipelines, easements and ground-source heat pumps. The proponent shall mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the

City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries.”

Building Division:

1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
2. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.
3. The three (3) proposed lots comply with the minimum lot area and lot frontage requirements of the Zoning By-law. Severed Lot 1 and Retained Lot 1 identify lot configurations only at this time. Therefore, compliance with the “C” District provisions is required for new development.

Conditions:

1. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section).

Growth Management:

Note: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Retained Lot 2) will remain as **727 Rymal Road East (Hamilton)**, the lands to be retained (Retained Lot 1) will be assigned the address of **234 Eleanor Avenue (Hamilton)**, and the lands to be conveyed (Severed Lot 1) will be assigned the address of **238 Eleanor Avenue (Hamilton)**.

Development Engineering:

INFORMATION:

- 1) Based on the *Eleanor Neighborhood Plan*, it appears as if Eaglewood Drive is intended to extend through the subject lands, specifically through **Retained Lot 1 and Severed Lot 1** which creates a **conflict with the proposal**. If the road extension is required, then the applicant / owner will be **required to dedicate the lands for future road purposes**. We defer to the City Planning Department for the future road network requirements.
- 2) Municipal Infrastructure

The municipal services which surround the subject property are as described:

Rymal Road East

- 3) 600mmø Storm Sewer @ 0.6%
- 4) 750mmø Concrete and 400mmø Ductile Watermain
- 5) 250mmø Sanitary Sewer 2.4%

Eleanor Avenue

- 6) 200mmø Ductile Watermain
- 7) 600mmø Storm Sewer at 0.4%
- 8) 250mmø Sanitary Sewer @ 0.4%

9) Road Improvements:

A right-of-way widening is applicable to the subject property on **Rymal Road East** as per the *Urban Official Plan, Schedule C-2, Future Right-of-Way Dedications* and is described below:

Existing Right-of-Way Width

- 10) Rymal Road East – **30.5m**
- 11) Eleanor Avenue – **20.1m**

Future Right-of-Way Width

- 12) Rymal Road East – **36.576m (LAND DEDICATION IS REQUIRED)**
- 13) Eleanor Avenue – **20.1m (NO LAND DEDICATION)**

The proponent will be required to submit a deposited **R-Plan** and **Land Transfer Deed** in accordance with the City of Hamilton Road Widening Procedural Guide at the Site Plan Control application stage. **Please note that final road widening dimensions are to be determined by Transportation Planning.**

- 14) Currently, Eleanor Avenue is a urban street with a rural cross section adjacent to the subject lands.

RECOMMENDATIONS:

We recommend **denial** of the application based on the *Eleanor Neighborhood Plan*. It appears as if Eaglewood Drive is intended to extend through the subject lands, specifically through **Retained Lot 1 and Severed Lot 1** which creates a **conflict with the proposal**. We defer to the City Planning Department for the future road network requirements. However, if it is determined that the future road networks shown on the Eleanor Neighborhood Plan are not required and do not impact the proposal, then the Owner / Applicant shall submit the following, however, not limited to:

1. The Owner / Applicant must enter into and register on title of the lands, a **Consent Agreement**, to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City

policy requires one (1) street tree/lot, , stormwater management infrastructure as required and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches and culverts, relocation of any existing infrastructure (hydro poles, etc.) and any damage to municipal infrastructure during construction (unknown costs at this time), all to the satisfaction of the Manager of Development Engineering Approvals.

2. That the owner provides a cash payment to the City for the future urbanization of the street based on the frontage of the severed portion of the property and the 'New Roads Servicing Rate" at the time of payment to the satisfaction of the Manager of Engineering Approvals Section.

Transportation Planning:

1. Transportation Planning has no objection to the land severance application, provided the following conditions are met:
 - a. The existing right-of-way along Rymal Road East is 30.48 metres.
Approximately 3.0 metres are to be dedicated to Rymal Road East as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications, Rymal Road (Major Arterial Road) is to be 36.576 metres.

A survey conducted by an Ontario land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening

- b. As per Formal Consultation comments, Transportation Planning will not support any new accesses onto Rymal Road East. Access to severed portions of this lot shall only be permitted onto either Eleanor Avenue or Eaglewood Drive.

See attached for additional comments.



Stephen Clark, Urban Forest Health Technician
Hamilton City Centre, 77 James Street North, Suite 400
Hamilton, On L8R 2K3
Phone (905) 546-2424 Ext. 4219, Fax (905) 546-4473
Email – Stephen.Clark@hamilton.ca

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: September 29, 2021

To: Jamila Sheffield, Committee of Adjustment Secretary/Treasurer
Development Planning
City Hall – 71 Main Street West – 5th Floor

From: Stephen Clark, Urban Forest Health Technician

Subject: 727 Rymal Road East, Hamilton
File: HM/B-21:79

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, October 7th, 2021 regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

There are municipal tree assets on site although it is determined that no impacts are anticipated therefore no Tree Management Plan is required.

Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director.

TREE MANAGEMENT

Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades & Residential Improvements.

LANDSCAPE PLAN

No new Landscape Strips are shown on the submission and none are requested by the Forestry and Horticulture Section.

SUMMARY

- There are Municipal Tree Assets on site, although no impacts are anticipated therefore no Tree Management Plan or Landscape plan is required.
- Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director.

We encourage you to forward a complete copy of our comments to the applicant and should you or the Applicant require clarification or technical assistance, please do not hesitate to contact me at (905) 546- 2424 Ext. 7375.

Regards,

A handwritten signature in blue ink that reads "Stephen Clark". The signature is written in a cursive, flowing style.

Stephen Clark
Urban Forest Health Technician

Culic Family, Owners
230 Eleanor Ave,
Hamilton, Ontario, L8W 1C8

Committee of Adjustment
City of Hamilton, 71 Main St West, 5th Floor
Hamilton, Ontario, L8P 4Y5

Oct 4, 2021

Re: Application: HM/B-21:79

We are the owners of 230 Eleanor Ave, the property directly adjacent to the proposed new lots in question (Retained lot 1 and Severed lot 1).
We object to this application for the following reasons:

1) Re: Urban Hamilton Official Plan

This application does not comply with the existing Eleanor Neighbourhood Plan (see Figure 1 & Figure 2) as it would block the future extension of Eaglewood Drive:

-The Eleanor Neighbourhood Plan shows a planned future extension of Eaglewood Drive towards Upper Sherman Ave (extending west, crossing Eleanor Ave adjacent to our property at 230 Eleanor Ave) thereby making the corridor of vacant lands behind Eleanor Ave available for future residential development (see Figure 3 & 4). We were approached by the City of Hamilton several years ago with the Eaglewood Drive Extension Plan and we support it.

2) Re: Provincial Policy Statement 2020 and Growth Plan for the Greater Hamilton Horseshoe 2020

This application effectively decreases residential development potential:

As per the Planning Justification Brief for Application HM/B-21:79, re: Severed Lot 1 and Retained Lot 1: “these two new lots are intended to be used for future single detached dwellings that will have direct access onto Eleanor Drive (sic)”“for the construction (sic) 2 new single detached dwellings”

-This plan would block the Eaglewood Drive extension entry point

-The two proposed single detached dwellings would effectively eliminate the possibility of the redevelopment of the vacant lands behind Eleanor Ave for future **multiple single detached dwellings** (see Figure 4)

-This contradicts the goals & intent of the Provincial Policy Statement 2020 and the Growth Plan for the Greater Golden Horseshoe 2020 (ie. to increase residential development & intensification); Blocking the development of multiple future dwellings (at the expense of adding only 2 single detached dwellings) would result in a net decrease for residential development potential.

The goals of the Provincial Policy Statement 2020 and the Growth Plan for the Greater Golden Horseshoe 2020 are best served by adhering to the Eleanor Neighbourhood Plan to extend Eaglewood Drive westward toward Upper Sherman Ave, thereby making the vacant lands behind Eleanor Ave available for residential intensification (an area of suitable space for multiple single detached dwellings as illustrated in Figure 4)

Adhering to the extension of Eaglewood Drive as shown in the Eleanor Neighbourhood Plan & the subsequent residential development that would result, would be in the best interest of all the involved parties: the neighbourhood, the land owners and the City of Hamilton.

In Summary:

For the above mentioned reasons, this land severance application is not desirable. It would have a major negative impact on the future redevelopment opportunities of the surrounding area & neighbourhood.

We strongly support the Eleanor Neighbourhood Plan to extend Eaglewood Drive westward & adjacent to our property at 230 Eleanor Ave (as presented to us by the City of Hamilton)

We strongly object to Application HM/B-21:79 and we would officially appeal any decisions that are contrary to or negatively impact the future extension of Eaglewood Drive, as was established by the City of Hamilton (and presented to us by the City of Hamilton) several years ago.

Sincerely,

Nikola and Anda Culic (owners)
Sava Culic

Figure 1: Eleanor Neighbourhood Plan (Source: City of Hamilton)

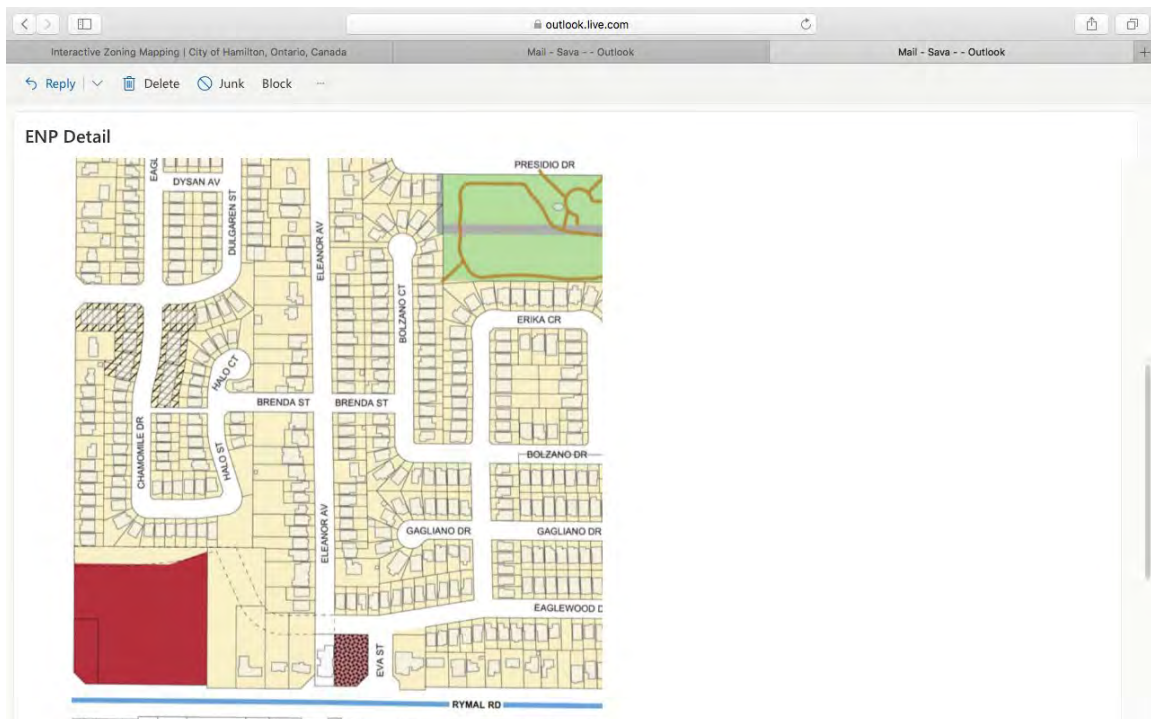
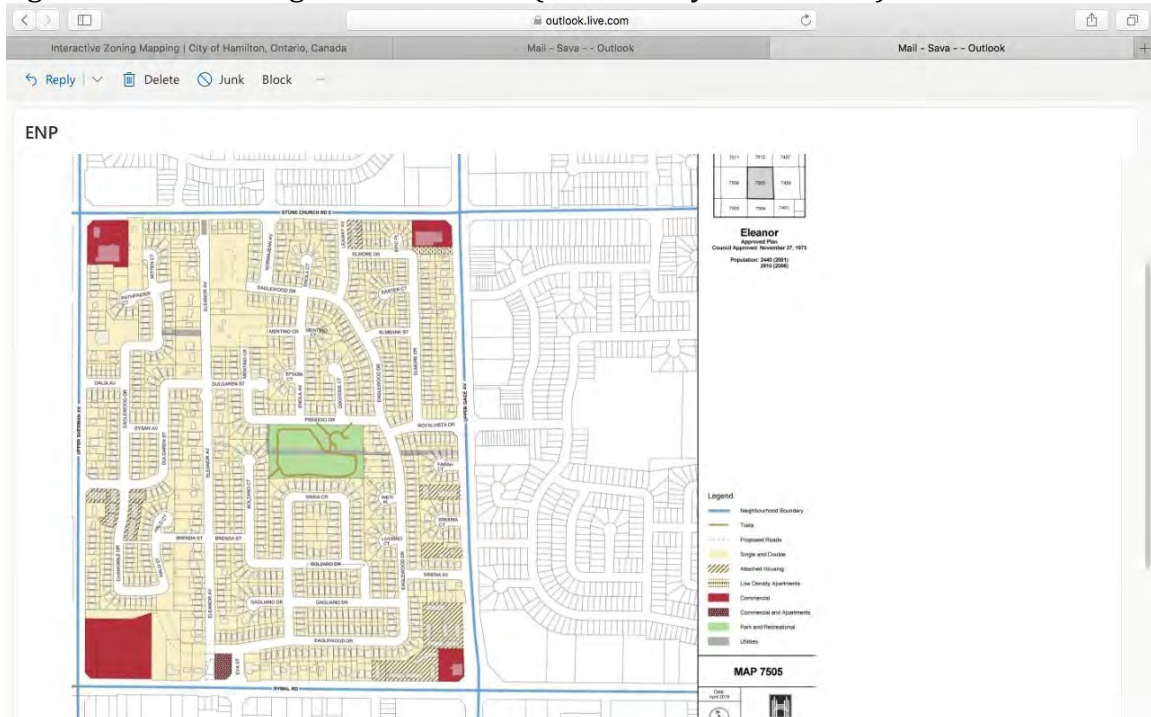


Figure 3: Eaglewood Drive, Current (Source: Google Maps)

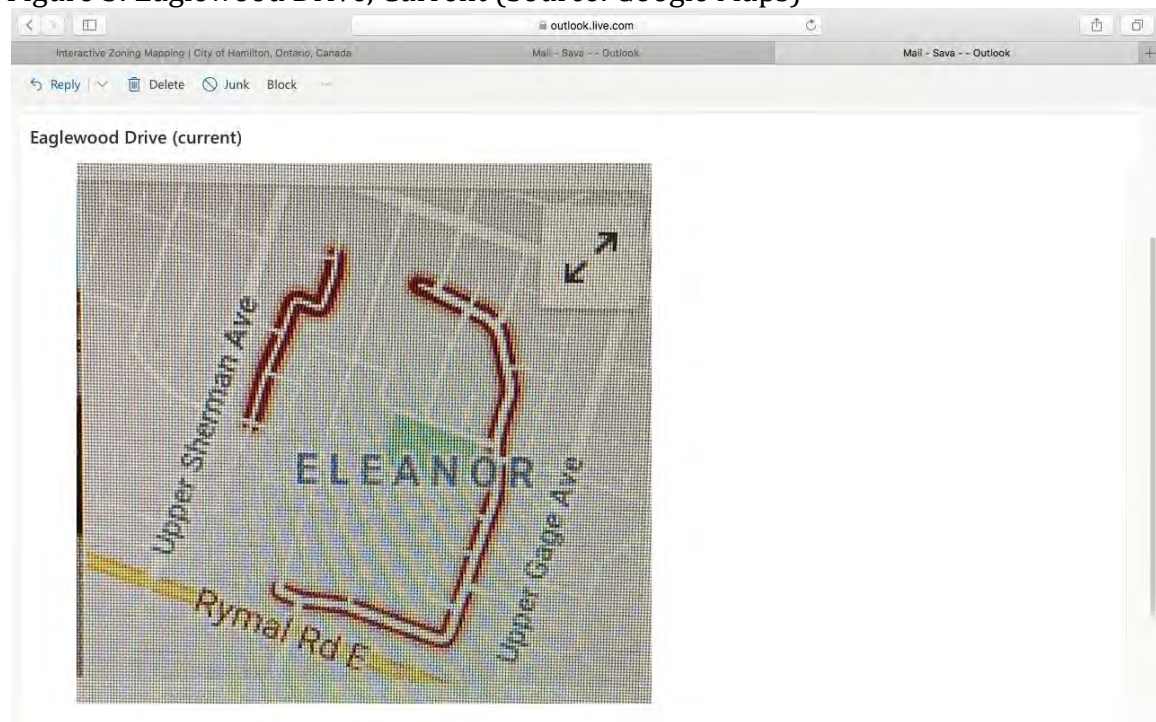
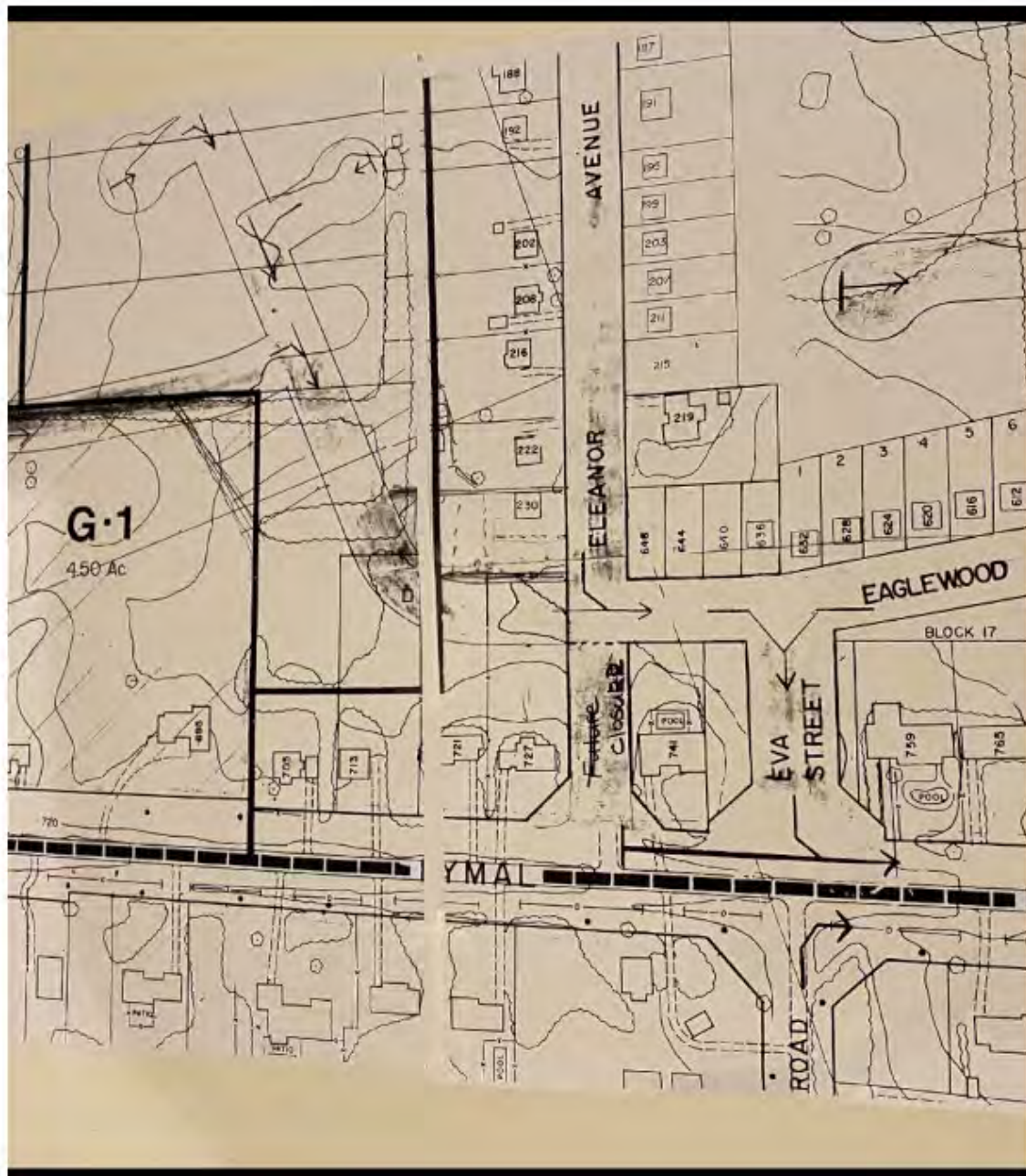
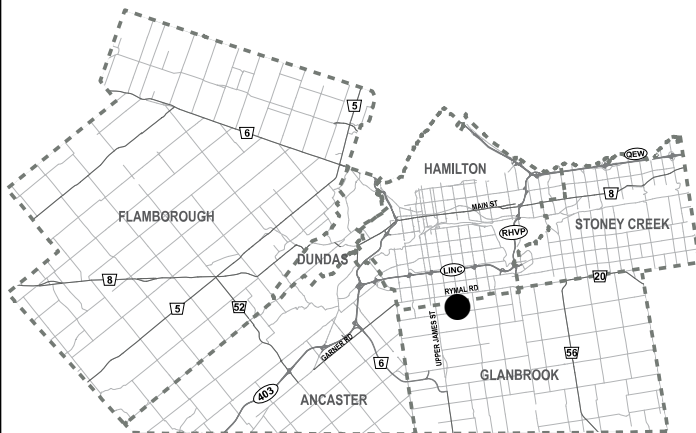


Figure 4: Eaglewood Drive, Future Development Map (Source: City of Hamilton)





● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

727 Rydal Road East, Hamilton (Ward 8)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-21:79

Date:

September 23, 2021

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-21:79 – 727 Rymal Rd. E., Hamilton

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee grant the severance, an approval should be subject to the following condition(s):

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. The existing right-of-way at the subject property is approximately 30 metres. Approximately 3 metres are to be dedicated to the right-of-way on Rymal Road East, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Rymal Road East is to be 36.576 metres from Glancaster Road to Upper Centennial Parkway to the satisfaction of Transportation Planning (tplanning@hamilton.ca).
 - i. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening.
5. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section)
6. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section).
7. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the lot width, lot area, location of any existing structure(s), parking and landscaping, conform to the requirements of the Zoning By-Law or

alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section)

8. The Owner / Applicant must enter into and register on title of the lands, a **Consent Agreement**, to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure as required and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches and culverts, relocation of any existing infrastructure (hydro poles, etc.) and any damage to municipal infrastructure during construction (unknown costs at this time), all to the satisfaction of the Manager of Development Engineering Approvals.
9. That the Owner/Applicant submits a cash payment for the future urbanization of the street based on the City's "New Roads Servicing Rates" at the time of payment, all to the satisfaction of the Manager of Development Engineering Approvals.
10. That the proponent shall carry out an Archaeological Assessment for the severed portion of the property (Severed Lot 1 and Retained Lot 1). The proponent shall mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries.

Growth Management:

Note: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Retained Lot 2) will remain as **727 Rymal Road East (Hamilton)** and the lands to be retained (Retained Lot 1) will be assigned the address of **234 Eleanor Avenue (Hamilton)** and the lands to be conveyed (Severed Lot 1) will be assigned the address of **238 Eleanor Avenue (Hamilton)**.

We ask that the following be noted to the applicants:

That the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.

HM/B-21:79 – 727 Rymal Rd. E., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of application **HM/B-21:79** is to sever a portion of the subject lands which fronts onto Rymal Road East. The applicant proposes to retain the existing single detached dwelling (“Retained Lot 2” on the submitted survey sketch) and sever “Severed Lot 1” to create a new building lot for the purpose of constructing a single detached dwelling. If approved, “Retained Lot 2”, will be created by way of a natural severance. In total, two new lots will be created for the construction of two new single detached dwellings. See Table 1 below.

Table 2

Background

| Application: HM/B-21:79 | Retained Lot #1 | Severed Lot#1 | Retained Lot #2 |
|---|--|--|--|
| Zoning Classification Zoning By-law No. 6593 | Urban Protected Residential “C” District | Urban Protected Residential “C” District | Urban Protected Residential “C” District |
| Proposed Area: | ±368.24 m ² | ±365.63 m ² | ±1363.41 m ² |
| Proposed Frontage: | ±12.57 metres | ±14.12 metres | 27.34 metres |

The application was originally scheduled to be considered by the Committee of Adjustment on October 21st was tabled due to Staff’s recommendation that the severances were pre-mature. The proposal did not take the future right-of-way indicated in the Eleanor Neighbourhood Plan into consideration. Staff had noted that the future right of way is no longer is being proposed.

Urban Hamilton Official Plan

The subject lands are designated as “Neighbourhoods” in Schedule E – Urban Structure and designated as “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations in Volume 1 of the Urban Hamilton Official Plan (UHOP). Further, the lands are identified as ‘Single and Double’ on the Eleanor Neighbourhood Plan (Map 7505).



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

| 1.1, 1.2 | NAME | ADDRESS |
|-----------------------------|--|---------|
| Registered Owners(s) | Manpreet Khara, Harkamal Saini and Parvinder Saini | |
| Applicant(s)* | GSP Group Inc. c/o Joseph M. Liberatore | |
| Agent or Solicitor | | |

* Owner's auth

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

2 LOCATION OF SUBJECT LAND Complete the applicable lines

| | | | |
|---|-------------------|----------------------------|--|
| 2.1 Area Municipality City of Hamilton | Lot PT of LT 8 | Concession Concession 8 | Former Township Barton |
| Registered Plan N°. | Lot(s) | Reference Plan N°. | Part(s) |
| Municipal Address 727 Rymal Road East | | | Assessment Roll N°. 251807074108180 |

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

Other: ☐ a charge

- ☐ addition to a lot
☐ an easement

- ☐ a lease
☐ a correction of title

b) Rural Area / Rural Settlement Area Transfer (**Section 10 must be completed**):

- ☐ creation of a new lot
☐ creation of a new non-farm parcel
 (i.e. a lot containing a surplus farm dwelling
 resulting from a farm consolidation)
☐ addition to a lot
- Other: ☐ a charge
☐ a lease
☐ a correction of title
☐ an easement

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

Unknown

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

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed**:

| | | |
|-------------------------|----------------------|--|
| Frontage (m) ±27.34m | Depth (m) ±79.55m | Area (m ² or ha) ±2,097.28m ² |
|-------------------------|----------------------|--|

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): 1 storey single detached dwelling

Existing:

Proposed: 2 storey single detached dwelling

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**:

| | | |
|--------------------------------------|-----------------------------------|--|
| Frontage (m) ±27.34m ±12.57m | Depth (m) ±49.82m ±27.45m | Area (m ² or ha) ±1,363.14m ² ±368.24m ² |
|--------------------------------------|-----------------------------------|--|

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
 ☐ Industrial
 ☐ Commercial
☐ Agriculture (includes a farm dwelling)
 ☐ Agricultural-Related
 ☐ Vacant
☐ Other (specify) _____

Building(s) or Structure(s):

Existing: Single Detached Dwelling

Proposed: Single Detached Dwelling

Type of access: (check appropriate box)

- ☐ provincial highway
 ☐ right of way
☐ municipal road, seasonally maintained
 ☐ other public road
☒ municipal road, maintained all year

Type of water supply proposed: (check appropriate box)

- ☒ publicly owned and operated piped water system
 ☐ lake or other water body
☐ privately owned and operated individual well
 ☐ 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) Neighbourhoods

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

Refer to Planning Justification Brief.

5.2 What is the existing zoning of the subject land? "C" District (Urban Protected Residential)

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"/> | Located ±100m west of the Subject Site |
| An active railway line | <input type="checkbox"/> | |
| A municipal or federal airport | <input type="checkbox"/> | |

6 PREVIOUS USE OF PROPERTY

- ☒ Residential ☐ Industrial ☐ Commercial
☐ Agriculture ☐ Vacant ☒ Other (specify) Historic Road Allowance for Eleanor Avenue

- 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?
Owner's Knowledge, Historical Aerial Imagery
- 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? N/A
☐ 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 Refer to Planning Justification Brief.

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

☒ Yes ☐ No (Provide explanation)

Refer to Planning Justification Brief.

- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?

☒ Yes ☐ No (Provide explanation)

Refer to Planning Justification Brief.

- 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?
1 year

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 N/A

10.1 Rural Hamilton Official Plan Designation(s)

☐ Agricultural ☐ Rural ☐ Specialty Crop
☐ Mineral Aggregate Resource Extraction ☐ Open Space ☐ Utilities
☐ Rural Settlement Area (specify) _____
Settlement Area Designation

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm operation.

10.2 Type of Application (select type and complete appropriate sections)

☐ Agricultural Severance or Lot Addition
☐ Agricultural Related Severance or Lot Addition
☐ Rural Resource-based Commercial Severance or Lot Addition
☐ Rural Institutional Severance or Lot Addition
☐ Rural Settlement Area Severance or Lot Addition } (Complete Section 10.3)

☐ Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)

☐ Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

10.3 Description of Lands

a) Lands to be Severed:

| | |
|----------------------------------|--|
| Frontage (m): (from Section 4.1) | Area (m ² or ha): (from in Section 4.1) |
|----------------------------------|--|

Existing Land Use: _____ Proposed Land Use: _____

b) Lands to be Retained:

| | |
|----------------------------------|---|
| Frontage (m): (from Section 4.2) | Area (m ² or ha): (from Section 4.2) |
|----------------------------------|---|

Existing Land Use: _____ Proposed Land Use: _____

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

(Street) (Municipality) (Postal Code)

b) Description abutting farm:

| | |
|---------------|------------------------------|
| Frontage (m): | Area (m ² or ha): |
|---------------|------------------------------|

Existing Land Use(s): _____ Proposed Land Use(s): _____

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

| | |
|---------------|------------------------------|
| Frontage (m): | Area (m ² or ha): |
|---------------|------------------------------|

Existing Land Use: _____ Proposed Land Use: _____

d) Description of surplus dwelling lands proposed to be severed:

| | |
|----------------------------------|---|
| Frontage (m): (from Section 4.1) | Area (m ² or ha): (from Section 4.1) |
|----------------------------------|---|

Front yard set back: _____

e) Surplus farm dwelling date of construction:

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

f) Condition of surplus farm dwelling:

☐ Habitable ☐ Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

| | |
|----------------------------------|---|
| Frontage (m): (from Section 4.2) | Area (m ² or ha): (from Section 4.2) |
|----------------------------------|---|

Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

(Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

| | |
|---------------|------------------------------|
| Frontage (m): | Area (m ² or ha): |
|---------------|------------------------------|

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of surplus dwelling lands intended to be severed:

| | |
|----------------------------------|---|
| Frontage (m): (from Section 4.1) | Area (m ² or ha): (from Section 4.1) |
|----------------------------------|---|

Front yard set back: _____

d) Surplus farm dwelling date of construction:

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

e) Condition of surplus farm dwelling: