



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Consent/Land Severance

You are receiving this notice because you are either:

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

APPLICATION NO.:	DN/B-23:05	SUBJECT PROPERTY:	116 VICTORIA STREET, DUNDAS
-------------------------	-------------------	--------------------------	--------------------------------

APPLICANTS: Owner: DAVE FINLAY & ALLISON PHILIPS
Agent: T. JOHNS CONSULTING GROUP LTD C/O DELIA MCPHAIL

PURPOSE & EFFECT: To permit the conveyance of a parcel of land to create a new residential building lot, and to retain a parcel of land containing an existing dwelling.

	Frontage	Depth	Area
SEVERED LANDS:	11.02 m [±]	30.17 m [±]	316.03 m ² [±]
RETAINED LANDS:	13.52 m [±]	30.30 m [±]	424.80 m ² [±]

Associated Planning Act File(s): DN/A-23:17

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, March 9, 2023
TIME:	3:00 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

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

DN/B-23:05

- 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 DN/B-23:05, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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.



 Subject Lands

DATED: February 21, 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.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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

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

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

Oral Submissions During the Virtual Meeting

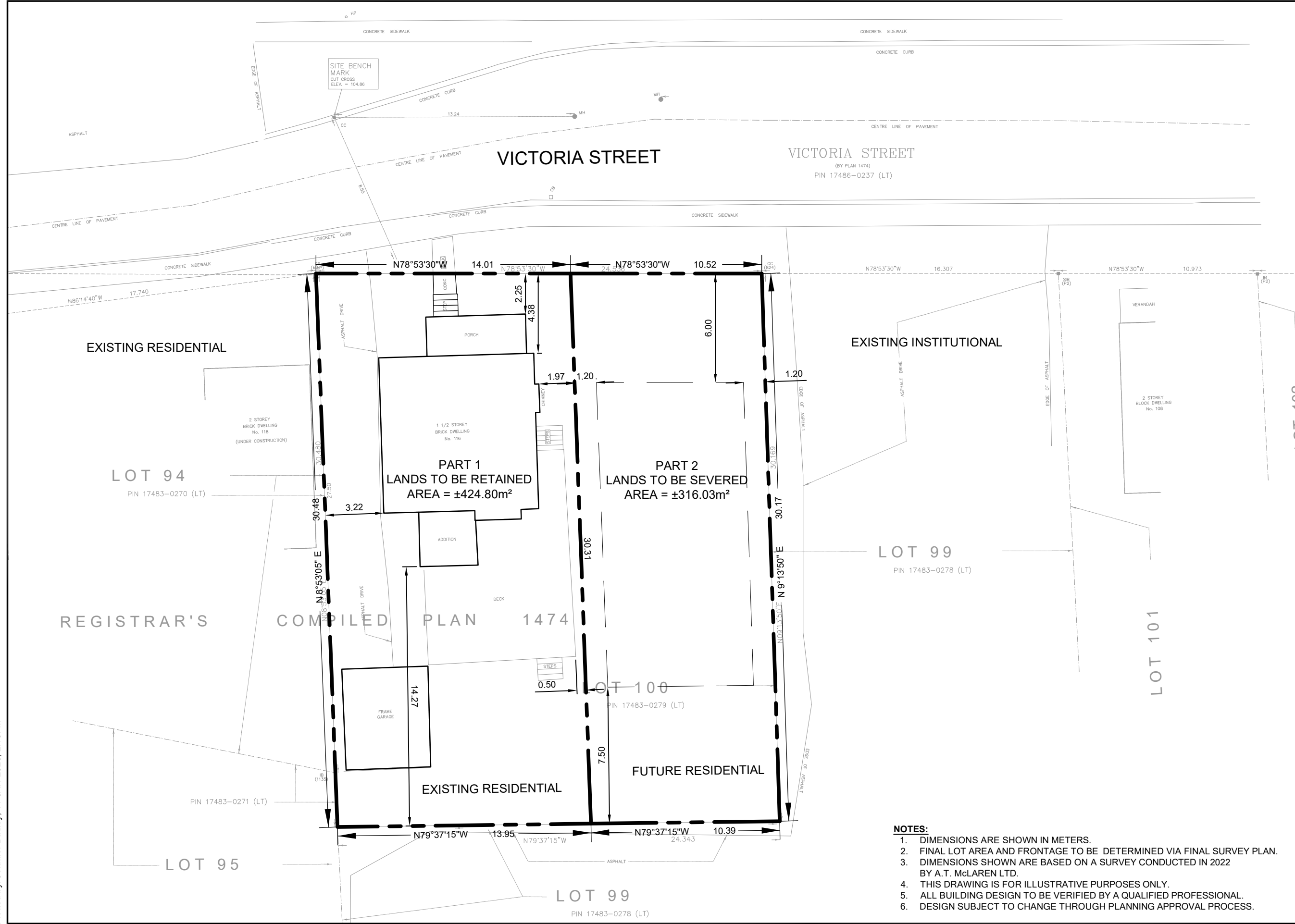
Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. **Interested members of the public must register by noon the day before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

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

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

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

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



LEGAL DESCRIPTION



PART 1, PLAN OF LOT 100 REGISTRAR'S COMPILED PLAN 1474 FORMERLY IN THE TOWNSHIP OF DUNDAS, NOW IN THE CITY OF HAMILTON

REVISIONS		
REV.	DESCRIPTION	DATE INIT.
A	REVIEW	10-JAN-2023 JS

DISCLAIMER
 THIS DRAWING IS THE INTELLECTUAL PROPERTY OF T. JOHNS CONSULTING GROUP LTD. AND IS PROTECTED UNDER COPYRIGHT.
 ANY DISCREPANCIES SHALL BE REPORTED TO T. JOHNS CONSULTING GROUP LTD. PRIOR TO THE START OF CONSTRUCTION.
 THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNLESS OTHERWISE INDICATED.

T. JOHNS CONSULTING GROUP
 URBAN PLANNING | DESIGN | PROJECT MANAGEMENT
 310 LIMERIDGE ROAD WEST, SUITE 6 HAMILTON ONTARIO, L9C 2V2
 P 905-574-1993 F 905-527-9559

PROJECT TITLE
116 VICTORIA STREET
 DUNDAS, ONTARIO

DRAWING TITLE
CONSENT SKETCH

DRAWN BY JS	DESIGNED BY JS
PRINT DATE 10-JAN-2023	PROJECT NUMBER
REVISION A	DRAWING NUMBER CS1-1
SCALE 1:200	

- NOTES:**
- DIMENSIONS ARE SHOWN IN METERS.
 - FINAL LOT AREA AND FRONTAGE TO BE DETERMINED VIA FINAL SURVEY PLAN.
 - DIMENSIONS SHOWN ARE BASED ON A SURVEY CONDUCTED IN 2022 BY A.T. McLAREN LTD.
 - THIS DRAWING IS FOR ILLUSTRATIVE PURPOSES ONLY.
 - ALL BUILDING DESIGN TO BE VERIFIED BY A QUALIFIED PROFESSIONAL.
 - DESIGN SUBJECT TO CHANGE THROUGH PLANNING APPROVAL PROCESS.

Plotted by: Jennifer Badley; 11-JAN-2023; 2:18PM



ZONING CHART - PART ONE (LANDS TO BE RETAINED)
SINGLE DETACHED RESIDENTIAL (R2) ZONE - DUNDAS ZONING BY-LAW NO. 3581-86

PROVISIONS	REQUIRED (R2 ZONE)	PROPOSED	COMPLIANCE
MIN. LOT FRONTAGE	15.0m	14.01m	NO
MIN. LOT AREA	450.0m ²	424.80m ²	NO
MIN. FRONT YARD	6.0m	4.38m	YES (*EXISTING)
MIN. SIDE YARD	1.2m	1.97m	YES
MIN. SIDE YARD PROVIDING ACCESS TO PARKING	3.0m	3.22m	YES
MIN. REAR YARD	7.5m	14.27m	YES
MAX. HEIGHT	10.5m	1.5 STOREYS	YES (*EXISTING)
MIN. DETACHED GARAGE SIDEYARD	2.0m	0.57m	YES (*EXISTING)
MIN PARKING SPACES	1	1	YES
MIN PARKING SPACE SIZE	2.7m x 6.0m	2.7m x 6.0m	YES
MAX PORCH ENCROACHMENT INTO FRONT YARD	3.0m	2.17m	YES
MIN UNENCLOSED PORCH SETBACK FROM FRONT LOT LINE	4.0m	2.23m	YES (*EXISTING)
MIN UNCOVERED PORCH SETBACK FROM SIDE LOT LINE	0.5m	0.5m	YES

*SUBJECT TO SECTION 6.1.2 - EXCLUDING PERMITTED USES, ANY EXISTING BUILDING OR STRUCTURE THAT WAS LAWFULLY ERECTED PRIOR TO THE DATE OF PASSING OF THIS BY-LAW, AND WHICH DOES NOT SATISFY THE SPECIFIC REGULATIONS OF THE APPLICABLE ZONE, HEREOF SHALL BE DEEMED LEGAL CONFORMING.

ZONING CHART - PART TWO (LANDS TO BE SEVERED)
SINGLE DETACHED RESIDENTIAL (R2) ZONE - DUNDAS ZONING BY-LAW NO. 3581-86

PROVISIONS	REQUIRED (R2 ZONE)	PROPOSED	COMPLIANCE
MIN. LOT FRONTAGE	15.0m	10.52m	NO
MIN. LOT AREA	450.0m ²	316.03m ²	NO
MIN. FRONT YARD	6.0m	6.0m	YES
MIN. SIDE YARD	1.2m	1.2m	YES
MIN. REAR YARD	7.5m	12.18m	YES
MAX. HEIGHT	10.5m	10.5m	YES
MIN PARKING SPACES	1	1	YES
MIN PARKING SPACE SIZE	2.7m x 6.0m	3.0m x 6.0m	YES

- NOTES:**
- DIMENSIONS ARE SHOWN IN METERS.
 - FINAL LOT AREA AND FRONTAGE TO BE DETERMINED VIA FINAL SURVEY PLAN.
 - DIMENSIONS SHOWN ARE BASED ON A SURVEY CONDUCTED IN 2022 BY A.T. McLAREN LTD.
 - THIS DRAWING IS FOR ILLUSTRATIVE PURPOSES ONLY.
 - ALL BUILDING DESIGN TO BE VERIFIED BY A QUALIFIED PROFESSIONAL.
 - DESIGN SUBJECT TO CHANGE THROUGH PLANNING APPROVAL PROCESS.

LEGAL DESCRIPTION



PART 1, PLAN OF LOT 100 REGISTRAR'S COMPILED PLAN 1474 FORMERLY IN THE TOWNSHIP OF DUNDAS, NOW IN THE CITY OF HAMILTON

REVISIONS

REV.	DESCRIPTION	DATE	INIT.
A	REVIEW	10-JAN-2023	JS

DISCLAIMER
 THIS DRAWING IS THE INTELLECTUAL PROPERTY OF T. JOHNS CONSULTING GROUP LTD. AND IS PROTECTED UNDER COPYRIGHT.
 ANY DISCREPANCIES SHALL BE REPORTED TO T. JOHNS CONSULTING GROUP LTD. PRIOR TO THE START OF CONSTRUCTION.
 THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNLESS OTHERWISE INDICATED.

T. JOHNS CONSULTING GROUP
 URBAN PLANNING | DESIGN | PROJECT MANAGEMENT
 310 LIMERIDGE ROAD WEST, SUITE 6 HAMILTON ONTARIO, L9C 2V2
 P 905-574-1993 F 905-527-9559

PROJECT TITLE
116 VICTORIA STREET
 DUNDAS, ONTARIO

DRAWING TITLE
CONCEPT PLAN

DRAWN BY JS	DESIGNED BY JS
PRINT DATE 10-JAN-2023	PROJECT NUMBER
REVISION A	DRAWING NUMBER CP1-1
SCALE 1:200	

Plotted by: Jennifer Badley; 11-JAN-2023; 2:18PM

January 20, 2023

Via Email

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

Dear Ms. Sheffield,

**RE: 116 Victoria Street, Dundas
Committee of Adjustment - Minor Variance & Consent to Sever Applications**

T. Johns Consulting Group (“T. Johns”) was retained by the landowners of 116 Victoria Street, Dundas (“subject lands”) to submit the following Minor Variance and Consent to Sever applications on their behalf.

Site Description

116 Victoria Street is located in the former Town of Dundas in the City of Hamilton. The subject lands are currently occupied by one (1) single detached dwelling and one (1) detached garage.

Planning Status

The *Urban Hamilton Official Plan Volume 1* designates the subject lands “Neighbourhoods” which permits a range of residential uses and forms, including single detached dwellings.

The *City of Hamilton Zoning By-law No. 3581-86* zones the subject lands Single Detached Residential (R2) Zone, which permits single detached dwellings with a minimum lot frontage of 15.0m and a minimum lot area of 450.0sq m.

Proposed Development

The proposal is for the redevelopment of 116 Victoria Street through the creation two (2) lots of sufficient size to accommodate single detached dwellings within the R2 Zone.

The redevelopment proposes the retention of the existing single family dwelling and the creation of one (1) additional single detached dwelling with frontage along Victoria Street. The existing dwelling will continue to be supported by the parking spaces located within the detached garage and driveway. The new single detached dwelling is proposed to be supported by one (1) parking space located within an attached garage. The site has been designed based on the limits of development imposed by the existing single detached dwelling which is to be retained.

The proposed redevelopment of 116 Victoria Street requires relief from the R2 Zone of the Town of Dundas Zoning By-law No. 3581-86, to permit a reduction in the lot area and lot frontage.

Please refer to the Site Plan and Appendix A: Planning Rationale dated January 20, 2023 for additional details.

T. Johns respectfully requests the circulation of this letter along with the enclosed documents in support of the Minor Variance and Consent to Sever.

Please find the enclosed:

- Minor Variance application with signatures;
- Consent to Sever application with signatures;
- Copy of the cheque in the amount of \$3,735.00 to satisfy the Minor Variance application fee;
- Copy of the cheque in the amount of \$3,220.00 to satisfy the Consent to Sever application fee;
- Concept Plan;
- Consent Sketch; and
- Appendix A: Planning Rationale.

The application and all required documents have been submitted electronically, save and except the cheque that was submitted to the City of Hamilton January 20, 2023.

Please do not hesitate to contact Delia McPhail at 905-574-1993 ext. 208 with any questions.

Respectfully submitted,
T. Johns Consulting Group Ltd.



Delia McPhail, MCIP, RPP
Senior Planner

Appendix “A”: Planning Rationale

116 Victoria Street, Dundas

January 20, 2023

T. Johns Consulting Group Ltd. (“T. Johns”) has prepared the following Planning Rationale Report in support of the Consent and Minor Variance applications submitted for 116 Victoria Street in the City of Hamilton.


Description of Subject Lands

116 Victoria Street (“subject lands”) is located in the former Town of Dundas, now the City of Hamilton (Refer to Figure 1 - Site Location). The subject lands are rectangular in shape with an approximate lot area of 740.83 square metres (0.18 acres) and 24.54 metres (80.51 feet) of frontage along Victoria Street. The lands have a gentle slope with the low point culminating in the southeast corner of the lot. Mature trees line the southerly lot line and part of the easterly lot line, with an additional tree located in the middle of the easterly side yard. The site is occupied by one (1) 2-storey single detached dwelling and one (1) detached garage in the rear yard accessed via an existing driveway on the west side of the property.

The subject lands are within a 5-minute walk (0.4km) of HSR Route 5 - Delaware, namely “52 Head Street”, a major east-west route in the lower city, providing connections to Dundas, eastern Ancaster, Downtown Hamilton, eastern Hamilton and Stoney Creek communities. Hatt Street and Sydenham Street are identified for planned bike lanes in the City of Hamilton Transportation Master Plan (Appendix A: Map 1).

Figure 1 - Site Location



 **SUBJECT PROPERTY**
116 Victoria Street
Dundas, ON L9H 2C3

Appendix “A”: Planning Rationale

116 Victoria Street, Dundas

January 20, 2023



Planning Status

The *Urban Hamilton Official Plan, Volume 1, Schedule E-1 - Urban Land Use Designations* designates the subject lands as “Neighbourhoods”. The Neighbourhoods designation permit a range of residential uses and forms, including single detached dwellings.

The subject lands are zoned *Single-Detached Residential (R2) Zone* in the *Town of Dundas Zoning By-law No. 3581-86*. The R2 Zone permits single detached dwellings with a minimum lot frontage of 15.0m and a minimum lot area of 450.0sq m.

Proposed Development

The proposal is for the redevelopment of 116 Victoria Street through the creation of two (2) lots of sufficient size to accommodate single detached dwellings within the R2 Zone.

To facilitate the proposed development, the following applications are required:

- Consent to Sever;
- Minor Variance to reduce the minimum lot area and minimum lot frontage of both the retained and severed lots; and,
- Building Permit.

The redevelopment proposes the retention of the existing single family dwelling and the creation of one (1) additional single detached dwelling on a newly created lot having frontage along Victoria Street (**refer to the attached Concept Plan**). The existing dwelling will continue to be supported by the parking spaces located within the detached garage and driveway. The new single detached dwelling is proposed to be supported by one (1) parking space located within an attached garage. The site has been designed based on the limits of development imposed by the existing single detached dwelling which is to be retained.

The proposed redevelopment of 116 Victoria Street requires relief from the R2 Zone of the Town of Dundas Zoning By-law No. 3581-86, to permit a reduction in the lot area and lot frontage.

Nature and Extent of Relief Applied For:

Two (2) Minor Variances are being sought from the former Town of Dundas Zoning By-law No. 3581-86 to facilitate the proposed residential redevelopment. The requested Minor Variances are, as follows:

Town of Dundas Zoning By-law No. 3581-86		
	Section	Purpose
1	9.2.1.1	To allow a minimum lot area of 316.0 square metres, whereas a minimum of 450.0 square metres is required.
2	9.2.1.2	To allow a minimum lot frontage of 10.5 metres, whereas a minimum of 15.0 metres is required.

Appendix “A”: Planning Rationale

116 Victoria Street, Dundas

January 20, 2023



PLANNING RATIONALE

Overall Conformity to the *Urban Hamilton Official Plan*

The Urban Hamilton Official Plan (UHOP) designates the subject lands Neighbourhoods on Schedule “E-1” - Urban Land Use Designations. Victoria Street, a local road, is located two blocks north of Park Street West, a collector road, and three blocks north of King Street West, a major arterial road. In addition, the subject lands are located three blocks west of Sydenham Street, a minor arterial road (Schedule C - Functional Road Classification).

The Neighbourhoods designation in UHOP Chapter E permits low density residential built forms within the interior of neighbourhoods, including single detached dwellings (E.3.4.3) with a maximum height of three (3) storeys (E.3.4.5).

The UHOP encourages residential intensification throughout the entire built-up area (B.2.4.1.1). Residential intensification should acknowledge the relationship between the proposed development and the existing neighbourhood character; contribute to a range of dwelling types and tenures; be compatible with the surrounding area in terms of use, scale, form and character; consider sustainable design elements; support and facilitate active transportation modes; contribute to transit-supportive development; consider the availability of public community facilities/services; and enhance the natural attributes of the site (B.2.4.1.4).

Within the Neighbourhoods designation, residential intensification should; be compatible with adjacent land uses; consider the height, massing and scale of nearby residential buildings; consider the lot pattern and configuration of the neighbourhood; provide amenity space; respect and maintain or enhance the streetscape patterns; complement the existing functions of the neighbourhood; conserve cultural heritage resources; and consider infrastructure and transportation capacity and impacts (B.2.4.2.2).

Development within established historical neighbourhoods and adjacent to cultural heritage resources should be sympathetic, complimentary, and contextually appropriate to the existing cultural heritage attributes of the neighbourhood (B.2.4.3 & B.3.4)

The criteria for lot creation within the Neighbourhoods designation is found in Policy F.1.14.3.1, which requires that both the severed and retained lots comply with the policies of the UHOP; conform to the Zoning By-law or a minor variance is approved; reflect the general scale and character of the established development pattern in the surrounding area; be fully serviced by municipal water and wastewater systems; and, have frontage on a public road.

The redevelopment respects neighbourhood character by maintaining the existing use and built form and proposing a building height that is consistent with the surrounding area. The integrity of the abutting cultural heritage resource, St. James’ Anglican Church will be maintained through the provision of appropriate setbacks and a compatible built form. The redevelopment proposes lot widths and yard setbacks that require minor variances from the Zoning By-law yet still allow for appropriate landscape buffers and amenity space and maintain the general character of the

Appendix “A”: Planning Rationale

116 Victoria Street, Dundas

January 20, 2023



streetscape. The proposed lots have frontage on a public road and will be fully serviced with municipal water and wastewater systems. With consideration for the site’s proximity to a HSR route and planned bike lanes, the proposal will provide active transportation and transit-supportive development. The proposed redevelopment will contribute to the city’s intensification targets, while conforming to the residential intensification and lot creation policies of the UHOP.

Therefore, the proposed redevelopment for one (1) additional single detached lot within the Dundas community, maintains the intent of the Urban Hamilton Official Plan.

VARIANCE 1. To allow a minimum lot area of 316.0 square metres, whereas a minimum lot area of 450.0 square metres is required.

Why is it not possible to comply with the provision of the by-law?

The Town of Dundas Zoning By-law No. 3581-86 establishes minimum lot areas to ensure appropriate densities and yard setbacks are provided. The proposed reduction in the minimum lot area is required to permit the Consent to Sever to create one (1) new lot for the erection of a single detached dwelling, while retaining the existing single detached dwelling on the lands to be retained. Due to the location of the existing dwelling and to ensure sufficient yard setbacks are maintained, a reduced minimum lot area of 316.0 square metres is required for both the lands to be severed and the lands to be retained.

1. Conformity to the Intent of the Zoning By-law

The R2 Zone permits single detached dwellings on lots with a minimum area of 450 square metres. The intent of the lot area requirement is to ensure a parcel of land is functional, provides adequate space to support a single detached dwelling and maintains the general uniformity of lot sizes within a neighbourhood. Existing residential lots along the north and south side of this section of Victoria Street have lot areas ranging from approximately 244.0 square metres to 1,112.5 square metres. The proposed areas for both lots are within this range and are, therefore, in keeping with the existing lot fabric. The proposed lot areas can maintain appropriate setbacks and space to support a single family dwelling.

2. Is the Variance Minor?

The requested reduction in lot area required for a single detached dwelling is in keeping with the existing lot fabric and low density built form of the neighbourhood and will allow for residential infill within the urban boundary. The proposed lot area provides sufficient space to support a single detached dwelling and maintains appropriate setbacks. As such, the requested variance is minor.

3. Is the Variance Desirable for the development of the property?

The requested variance is desirable as it will facilitate the construction of purpose-built family-sized dwelling unit that will contribute to the City of Hamilton’s housing supply.

Appendix “A”: Planning Rationale

116 Victoria Street, Dundas

January 20, 2023



VARIANCE 2. To allow a minimum lot frontage of 10.5 metres, whereas a minimum lot frontage of 15.0 metres is required.

Why is it not possible to comply with the provision of the by-law?

The Town of Dundas Zoning By-law No. 3581-86 establishes minimum lot frontage requirements to ensure the existing neighbourhood character and lot fabric are maintained. The proposed reduction in the minimum lot frontage is required to permit the Consent to Sever to create one (1) new lot and facilitate the construction of a single detached dwelling, while retaining the existing single detached dwelling on the lands to be retained. Due to the location of the existing dwelling and to ensure sufficient yard setbacks are maintained, a reduction in the minimum lot frontage of 10.5 metres is required to facilitate the proposed redevelopment.

1. Conformity to the Intent of the Zoning By-law

The R2 Zone permits single detached dwellings on lots with a minimum frontage of 15.0 metres. The intent of the minimum lot frontage requirement is to maintain the existing neighbourhood character and lot fabric. Existing residential lots along the north and south sides of this section of Victoria Street have lot frontages ranging from approximately 10.0 metres to 27.0 metres. The proposed frontages for both lots are within this range and are, therefore, in keeping with the existing lot fabric and neighbourhood character.

2. Is the Variance Minor?

The requested reduction in lot width required for a single detached dwellings is in keeping with the existing lot fabric and low density built form of the neighbourhood and will allow for residential infill within the urban boundary. The proposed lot frontage will create a buildable lot that can accommodate appropriate setbacks, as well as maintain the existing neighbourhood character and established development patterns. As such, the requested variance is minor.

3. Is the Variance Desirable for the development of the property?

The requested variance is desirable as it will facilitate the construction of purpose-built family-sized dwelling unit that will contribute to the City of Hamilton's housing supply.

Appendix “A”: Planning Rationale

116 Victoria Street, Dundas

January 20, 2023



Conclusion

The proposed redevelopment of 116 Victoria Street will maintain the existing low density residential built form, while facilitating the construction of a purpose-built family-sized dwelling unit to contribute to the City of Hamilton’s housing supply. The proposed redevelopment maintains the established lotting pattern of the neighbourhood, while retaining the existing single detached dwelling. The requested variances maintain the intent of the Urban Hamilton Official Plan and the Town of Dundas Zoning By-law No. 3581-86; are minor in nature; desirable for the redevelopment of the property; and represent good land use planning.

Respectfully Submitted,
T. Johns Consulting Group Ltd.

A handwritten signature in cursive script that reads "Delia McPhail".

Delia McPhail, MCIP, RPP
Senior Planner



Hamilton

Committee of Adjustment

City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

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

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

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS
Purchaser*		
Registered Owners(s)		
Applicant(s)**		
Agent or Solicitor		

*Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application.

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

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

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

1.4 Request for digital copy of sign Yes* No
If YES, provide email address where sign is to be sent _____

1.5 All correspondence may be sent by email Yes* No
If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	116 Victoria Street		
Assessment Roll Number			
Former Municipality	Dundas		
Lot	Part 1, Part of Lot 100	Concession	
Registered Plan Number	Compiled Plan 1474	Lot(s)	
Reference Plan Number (s)		Part(s)	

2.2 Are there any easements or restrictive covenants affecting the subject land?

Yes No

If YES, describe the easement or covenant and its effect:

3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

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

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

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

3.4 Certificate Request for Retained Lands: Yes*

* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (O. Reg. 786/21)

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

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

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
--	-------------------------	----------	----------	-----------	-----------

Identified on Sketch as:	Part One	Part Two			
Type of Transfer	N/A	N/A			
Frontage	13.52m	11.02m			
Depth	30.30m	30.17m			
Area	424.80m sq	316.03m sq			
Existing Use	Residential	Vacant			
Proposed Use	Residential	Residential			
Existing Buildings/ Structures	Single Detached Dwelling & Garage	Single Detached Dwelling			
Proposed Buildings/ Structures	Existing buildings to remain	Single Detached Dwelling			
Buildings/ Structures to be Removed	N/A	N/A			

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

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

b) Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
 privately owned and operated individual well
- lake or other water body
 other means (specify)

c) Type of sewage disposal proposed: (check appropriate box)

- publicly owned and operated sanitary sewage system
 privately owned and operated individual septic system
 other means (specify)

4.3 Other Services: (check if the service is available)

- electricity
 telephone
 school bussing
 garbage collection

5 CURRENT LAND USE

5.1 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): N/A

Rural Settlement Area: N/A

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 Rationale.

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

If YES, and known, provide the appropriate file number and status of the application.

- 5.3 What is the existing zoning of the subject land? Single-Detached Residential (R2) Zone

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

- 5.4 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?
 Yes No Unknown

If YES, and known, provide the appropriate file number and status of the application.

Minor Variance application submitted for concurrent review.

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

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	Commercial uses (+250m)
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 HISTORY OF THE SUBJECT LAND

6.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?

Yes No Unknown

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

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

6.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land?

Yes No

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

6.4 How long has the applicant owned the subject land?

The property was acquired September 6, 2022

6.5 Does the applicant own any other land in the City? Yes No
If YES, describe the lands below or attach a separate page.

7 PROVINCIAL POLICY

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

Yes No (Provide explanation)

Refer to Planning Rationale.

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

Yes No (Provide explanation)

Refer to Planning Rationale.

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

Yes No (Provide explanation)

Refer to Planning Rationale.

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

Yes No (Provide explanation)

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

Yes No (Provide explanation)

7.6 Are the subject lands subject to the Greenbelt Plan?

Yes No (Provide explanation)

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

Yes No (Provide explanation)

8 ADDITIONAL INFORMATION - VALIDATION

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

Yes No (Provide explanation)

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

Yes No (Provide explanation and details on plan)

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

9 ADDITIONAL INFORMATION - CANCELLATION

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

Yes No (Provide explanation)

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

Yes No (Provide explanation and details on plan)

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

10 ADDITIONAL INFORMATION - FARM CONSOLIDATION

10.1 Purpose of the Application (Farm Consolidation)

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

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

10.2 Location of farm consolidation property:

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

10.3 Rural Hamilton Official Plan Designation(s)

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

10.4 Description of farm consolidation property:

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

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

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

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

10.6 Existing Land Use: _____ Proposed Land Use: _____

10.7 Description of surplus dwelling lands proposed to be severed:

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

Front yard set back: _____

a) Date of construction:

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

b) Condition:

- Habitable
- Non-Habitable

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

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

11.2 Validation of Title

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

11.3 Cancellation

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

11.4 Other Information Deemed Necessary

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