



Hamilton

COMMITTEE OF ADJUSTMENT

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	HM/A-23:303	SUBJECT PROPERTY:	57 Kennedy Avenue, Hamilton
ZONE:	"B" (Suburban Agriculture and Residential)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended

APPLICANTS: Owner: Aziz Lazar
 Applicant: A. J. Clarke & Associates

The following variances are requested:

Lands to be severed;

1. A minimum lot area of 825.0m² shall be permitted instead of the minimum 1,100m² lot area required.
2. A minimum lot width of 13.7m shall be permitted instead of the minimum 20.0m lot width required.
3. A minimum side yard width of 1.2m shall be permitted instead of the minimum 3.0m side yard width required.

Lands to be retained;

4. A minimum lot area of 825.0m² shall be permitted instead of the minimum 1,100m² lot area required.
5. A minimum lot width of 13.7m shall be permitted instead of the minimum 20.0m lot width required.
6. A minimum side yard width of 1.2m shall be permitted instead of the minimum 3.0m side yard width required.

PURPOSE & EFFECT: To facilitate Severance application HM/B-23:78.

Notes: N/A

HM/A-23:303

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, December 7, 2023
TIME:	10:40 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

PUBLIC INPUT

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

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

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:303, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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



 **Subject Lands**

DATED: November 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, and may include posting electronic versions.



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PARTICIPATION PROCEDURES

Written Submissions

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

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

Oral Submissions

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

1. Virtual Oral Submissions

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

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

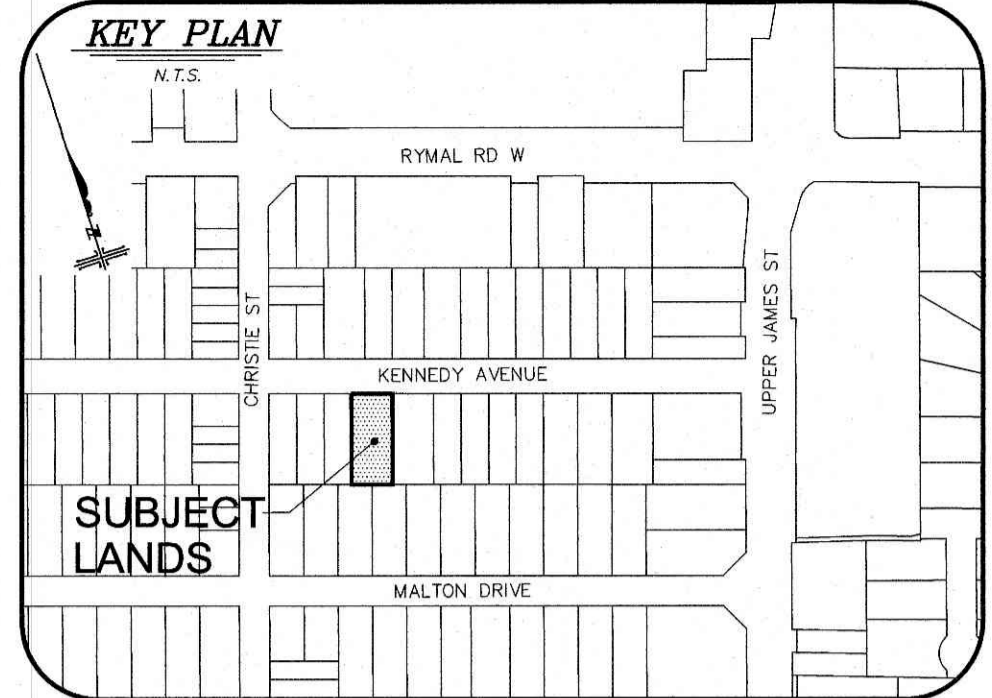
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

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

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

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

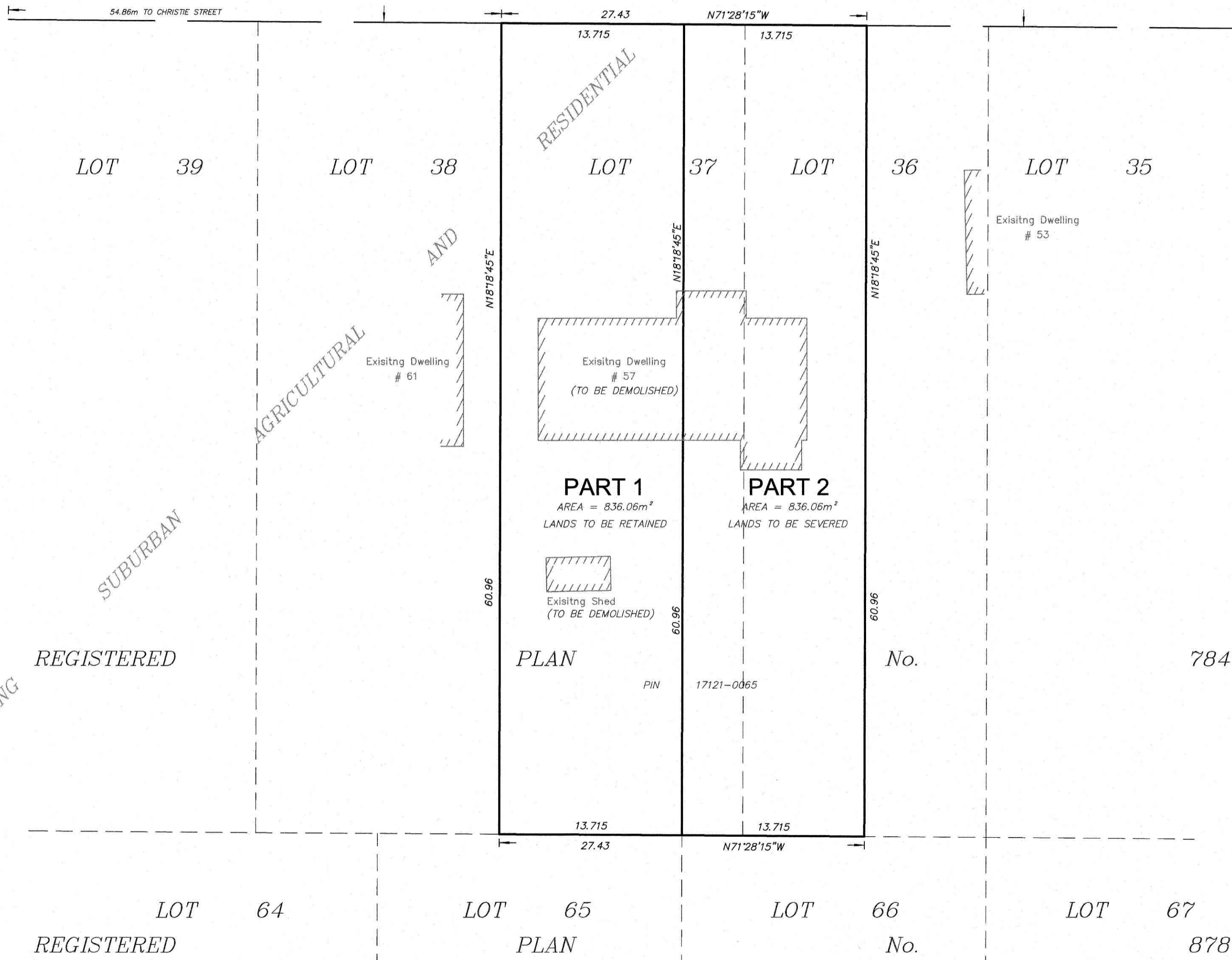


R-4853

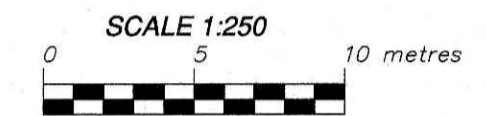
KENNEDY AVENUE
(ESTABLISHED BY REGISTERED PLAN No. 784)

"B"

ZONE



SKETCH FOR CONSENT TO SEVER
57 KENNEDY AVENUE
CITY OF HAMILTON



THE ABOVE NOTED LANDS ARE LEGALLY DESCRIBED AS: LOT 37 AND PART OF LOT 36, REGISTERED PLAN 784, CITY OF HAMILTON.

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

NOTE:
THE BOUNDARIES AND MEASUREMENTS SHOWN ON THIS SKETCH ARE APPROXIMATE, COMPILED FROM PLANS ON FILE IN OUR OFFICE AND IS NOT BASED ON A FIELD SURVEY.

THIS SKETCH IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY OR CERTIFIED DIGITAL COPY ISSUED BY THE SURVEYOR

THIS SKETCH IS PREPARED TO ACCOMPANY AN APPLICATION TO THE LAND DIVISION COMMITTEE REQUESTING A GRANT OF SEVERANCE AND IS NOT INTENDED FOR REGISTRATION.

CONSENT SCHEDULE:

PART 1 (LANDS TO BE RETAINED)	AREA=836.06m ²
PART 2 (LANDS TO BE SEVERED)	AREA=836.06m ²

CAUTION:
THIS IS NOT A PLAN OF SUBDIVISION AND SHOULD NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES.



OCT. 17, 2023
DATE

A. J. Clarke and Associates Ltd.
SURVEYORS • PLANNERS • ENGINEERS
25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO, L8P 1H1
TEL. 905-528-8761 FAX 905-528-2289
email: ajc@ajclarke.com

R-4853



A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

City of Hamilton
Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

October 18, 2023

Attn: Ms. Jamila Sheffield
Secretary Treasurer, Committee of Adjustment (*email: Jamila.Sheffield@hamilton.ca*)

**Re: 57 Kennedy Avenue, Hamilton
Consent to Sever Application**

Dear Ms. Sheffield:

A.J. Clarke and Associates Ltd. has been retained by 2839178 Ontario Inc. for the purposes of submitting Consent to Sever Application accompanied by a Minor Variance Application for the subject lands, municipally known as 57 Kennedy Avenue, in the City of Hamilton.

The submission package includes the following:

- This Cover Letter and Planning Justification Brief
- Severance Sketch
- Completed Signed Consent to Sever Application Form
- Completed Signed Minor Variance Application Form

The subject lands have an approximate area of $\pm 1,675$ square metres and are currently occupied by an existing single detached dwelling. The subject lands have a frontage of ± 27.5 metres and a depth of ± 60.9 metres.

Proposed Severance

The application is to divide the lands equally into two, with both halves/new parcels having frontage on Kennedy Road. The existing structure/dwelling is to be removed. Each half would have approximate area of ± 837 square metres and a frontage of ± 13.75 metres and a depth of ± 60.9 metres.

Required Variances

The subject lands are zoned as 'B' Suburban Agriculture And Residential, Etc. zone in the old City of Hamilton Zoning Bylaw 6593, which permits Single Family Dwellings. The zone has a minimum width of 20.0 metres and a minimum area of 1,100.0 square metres. The required yards are front-12 metres, side-3 metres, and rear-9 metres. The maximum height is two and a half storeys, and no structure shall exceed 11.0 metres.

The proposed lots are not in conformity with these regulations. It is understood that a Minor Variance application will be required to bring the proposed lots into conformity with the Zoning By-law. The applicant intends to submit an application following approval of the severance. The new lots will require the following variances:



1. Minimum Lot Area: 825.0 square metres
2. Minimum Lot Frontage: 13.7 metres
3. Minimum Interior Side Yard: 1.2 metres

The necessary variances should be considered within the review of the proposed severance. To that purpose, below is an Planning Analysis of these variances.

Four Tests

This minor variance application is made under the authority of Section 45(1) of the Planning Act. Accordingly, a minor variance must meet the requisite four tests as described in Section 45 (1) of the Act. The tests and professional opinion are outlined below:

1. Do the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan?

The subject site is designated “Neighbourhoods” on Schedule E-1 Urban Land Use Designations in the Urban Hamilton Official Plan. It is located near the boundary of a Community Node. The site is less than 250 metres from two different Potential High Order Transit Corridors.

B.2.4.2 Residential Intensification in the Neighbourhoods Designation

2.4.2.1 Residential intensification within the built-up area and on lands designated Neighbourhoods identified on Schedule E-1 - Urban Land Use Designations shall comply with Section E.3.0 – Neighbourhoods Designation. (OPA 167)

2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

- a) the matters listed in Policy B.2.4.1.4;*
- b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;*
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;*
- d) the consideration of transitions in height and density to adjacent residential buildings;*
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;*
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;*
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;*
- h) the ability to complement the existing functions of the neighbourhood;*
- i) the conservation of cultural heritage resources; and,*
- j) infrastructure and transportation capacity and impacts.*

E.3.0 NEIGHBOURHOODS DESIGNATION

3.1 Policy Goals

The following goals apply to the Neighbourhoods land use designation:

3.1.1 Develop compact, mixed use, transit-supportive, and active transportation friendly neighbourhoods.



- 3.1.3 *Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.*
- 3.1.4 *Promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their ongoing evolution.*
- 3.1.5 *Promote and support residential intensification of appropriate scale and in appropriate locations throughout the neighbourhoods.*

Scale and Design

- 3.2.4 *The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.*

3.4 Low Density Residential

- 3.4.4 *For low density residential areas the maximum net residential density for the purpose of estimating unit yield and/or population growth, as part of the preparation of Secondary Plans, Special Policy Areas, Infrastructure Master Plans and Community Plans shall be 60 units per hectare.*

The Official Plan supports and promotes residential intensification that “*enhances and respects the character of existing neighbourhoods*” while allowing for the “*ongoing evolution*” of those neighbourhoods. The proposed variances will maintain the current permitted uses, front and rear yard setbacks and height limits. The development of the new parcels will not create undue overlook, shadowing or other nuisance issues.

The current parcel has a density of 6 units per hectare. The proposed 835 square metre parcels, with a density of 12 units per hectare, are more than three times the minimum lot area of the Low Density Residential (R1) Zone of the City of Hamilton Zoning By-law 05-200.

The required variances maintain the intent and purpose of the Urban Hamilton Official Plan.

2. Do the proposed variances maintain the intent and purpose of the Zoning By-law?

The lands are designated ‘**B’ Suburban Agriculture And Residential, Etc. District** in the old City of Hamilton Zoning Bylaw 6593. This By-law was passed in 1950. The immediate neighbourhood was developed in 1949, surrounded by agricultural lands. The surrounding area did not begin to develop until after 1985. (See Figure 1.)

The purpose and intent of the B District was to regulate lands on the periphery of the old City Boundary that may not have been fully serviced. This means that they may have had municipal water supply, but they would not have had sanitary sewers, requiring enough area for septic beds. This is evidenced by the rural cross-section of Kennedy Avenue and the stormwater swales on either side of the roadway.

The City has upgraded the servicing over the past 75 years to include full sanitary sewers along with upgraded water supply and new storm sewers. The cross-section remains in a rural design with storm sewers. The variances maintain the intent to prevent over-development in areas without septic service.



The proposed variances will not alter the required 12.0 metres Minimum Front Yard, the 9.0 metre Minimum Rear Yard, or the 11.0 metres Maximum Height.



Figure 1: Aerial View from 1985 showing surrounding area.

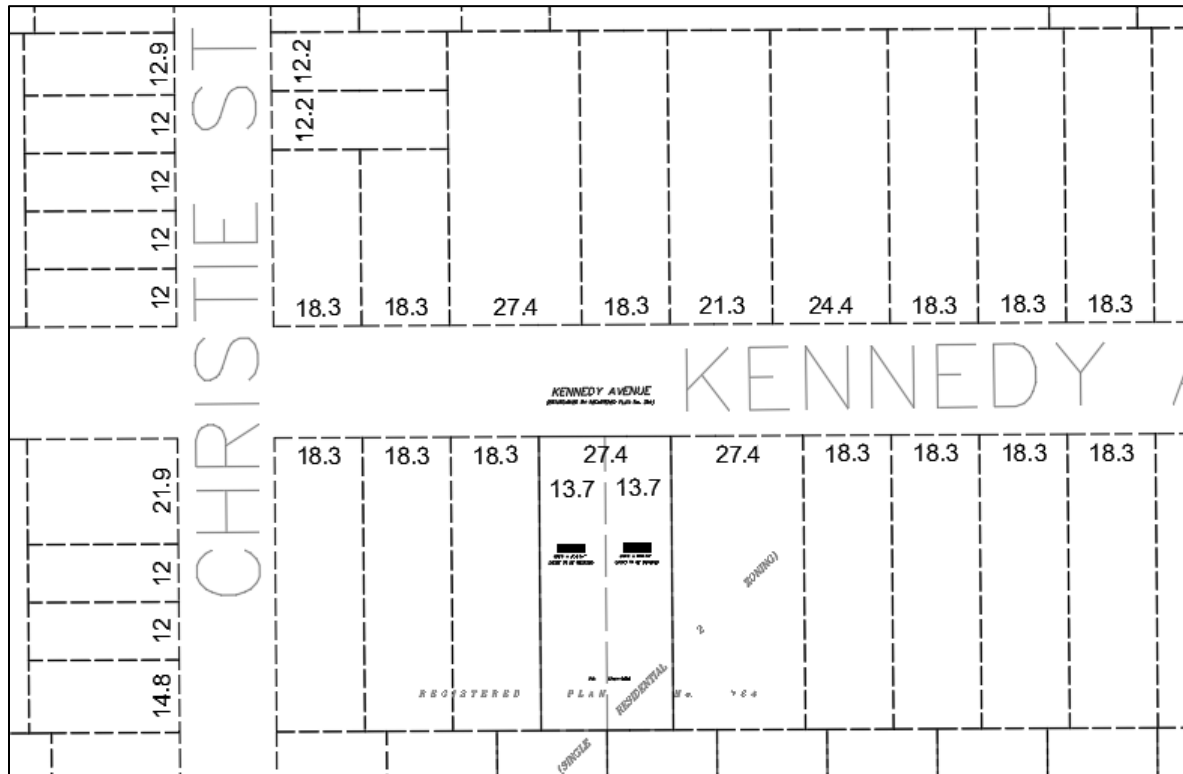


Figure 2: Lot Width of Every Lot within a 100-metre walk, including Existing & Proposed Lot Widths for the Subject Lands.



The proposed variances for Lot Width and Lot Area are within the characteristics of the neighbourhood. There are only two other parcels that meet the Minimum Lot Width of 20 metres, with 18.3 being the typical width facing Kennedy Avenue. The deep Front Yard setback and the overall depth of the proposed lots will maintain the semi-rural appearance of the streetscape. The setback will also minimize the visual effect of the reduced Side Yard on the streetscape.

The required variances maintain the intent and purpose of Zoning By-Law 05-200.

3. Are the proposed variances appropriate for the development of the subject lands?

The proposed variances do not greatly alter the permitted development of the subject lands. The reduced Lot Width and Lot Area still provide for a very generously sized parcel. The reduced Side Yard setback, which is typical of modern zoning provisions, will allow better architectural flexibility to relate to the land and to the street. The intensification facilitated by the variances will not overwhelm the servicing capacity of area nor will it overwhelm the streetscape. The variances will allow the lands to serve their intended purpose in a desirable manner.

The required variances are appropriate and necessary for the proper development of the subject lands.

4. Are the proposed variances minor in nature?

The reduced Lot Area and Lot Width are larger than 39% of the homes within a 100-metre walk. The Lot Area is three times the Minimum Lot Area for Low Density Residential (LD1) in the new Hamilton Zoning By-Law. The reduced Side Yard is the same and the required Side Yard of the of the new LD1. The variances facilitate a development that is approximately 12 units/ha.

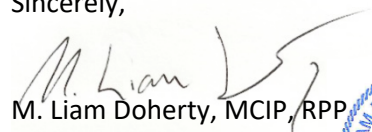
The required variances are minor in nature and will have a minor effect on the character of the neighbourhood.

Conclusion

As such, the subject land is appropriate for the redevelopment of as proposed and has sufficient regard for the matters listed under Section 2 of the *Planning Act*, represents good planning and should be approved.

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,


M. Liam Doherty, MCIP, RPP
Senior Planner
A. J. Clarke and Associates Ltd.





Hamilton

Committee of Adjustment

City Hall, 5th Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

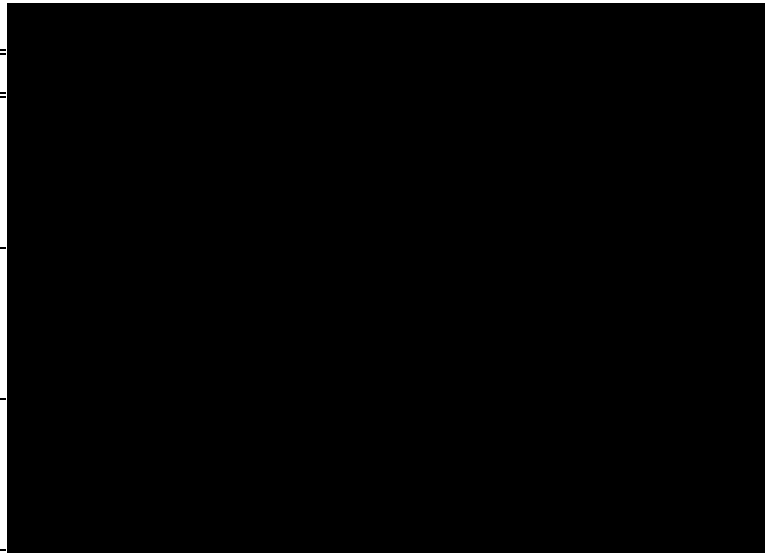
Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE/PERMISSION UNDER SECTION 45 OF THE PLANNING ACT

1. APPLICANT INFORMATION

Table with 2 columns: Category (Registered Owners(s), Applicant(s), Agent or Solicitor) and Name.



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

1.3 Sign should be sent to [checkbox] Purchaser [checkbox] Owner [checkbox] Applicant [checkbox] AgentSolicitor

1.4 Request for digital copy of sign [checkbox] Yes* [checkbox] No

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

1.5 All correspondence may be sent by email [checkbox] Yes* [checkbox] 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	57 Kenney Avenue		
Assessment Roll Number	251808110106430		
Former Municipality	Hamilton		
Lot		Concession	
Registered Plan Number	784	Lot(s)	37, Pt Lt 36 AB187847
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

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

Reduced Minimum Lot Width of 13.5 metres
 Reduced Minimum Lot Area of 830.0 metres square
 Reduced Minimum Side Yard of 1.5 metres

Second Dwelling Unit Reconstruction of Existing Dwelling

3.2 Why it is not possible to comply with the provisions of the By-law?

The by-law does not permit parcels with less than 20 metres of frontage. The land to be divided 27.4 metres of frontage.

3.3 Is this an application 45(2) of the Planning Act.

Yes No

If yes, please provide an explanation:

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
27.4 m	60.9 m	1678 msq	23.1 m

4.2 Location of all buildings and structures on or proposed for the subject lands:
(Specify distance from side, rear and front lot lines)

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Single Detached Dwelling	19.9 m	27.8 m	4.5 & 2.8 m	
Shed	40.0 m	18.6 m	3.4 & 19.2 m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Single Detached Dwelling	>12.0 m	>9.0 m	>1.5 m	
Single Detached Dwelling	>12.0 m	>9.0 m	>1.5 m	

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Single Detached Dwelling	185 msq	185 msq	1	

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Single Detached Dwelling	Unknown	Unknown	Unknown	Unknown
Single Detached Dwelling	Unknown	Unknown	Unknown	Unknown

- 4.4 Type of water supply: (check appropriate box)
 publicly owned and operated piped water system
 privately owned and operated individual well

- lake or other water body
 other means (specify)

- 4.5 Type of storm drainage: (check appropriate boxes)
 publicly owned and operated storm sewers
 swales

- ditches
 other means (specify)

4.6 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) _____

4.7 Type of access: (check appropriate box)

provincial highway

right of way

municipal road, seasonally maintained

other public road

municipal road, maintained all year _____

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

Single detached residential dwellings.

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

Single detached residential dwellings.

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Single detached dwelling.

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Single detached dwelling.

7.4 Length of time the existing uses of the subject property have continued:

70 years +/-

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

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

The application is to create a new residential lot, which is the primary land use in the Neighbourhoods designation.

7.6 What is the existing zoning of the subject land? _____

7.8 Has the owner previously applied for relief in respect of the subject property?

(Zoning By-law Amendment or Minor Variance)

Yes

No

If yes, please provide the file number: _____

7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

Yes

No

If yes, please provide the file number: To be submitted concurrently.

7.10 If a site-specific Zoning By-law Amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?

Yes

No

7.11 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being “received” for processing.

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 2

8.3 Additional Information (please include separate sheet if needed):

The intent is to remove the existing structures to allow for the development of the two new lots with single detached dwellings.

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

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

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
 - Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
 - Minimum Distance Separation Formulae (data sheet available upon request)
 - Hydrogeological Assessment
 - Septic Assessment
 - Archeological Assessment
 - Noise Study
 - Parking Study
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