



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221

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.:	SC/B-23:97	SUBJECT PROPERTY:	8 Shoreview Place, Stoney Creek
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APPLICANTS: Owner: Seasons Retirement Communities (Stoney Creek) GP INC c/o David Gallagher
Agent: UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston

PURPOSE & EFFECT: To permit the conveyance of a parcel of land for a mixed-use building and to retain a parcel of land containing the existing retirement residence (to remain).

	Frontage	Depth	Area
SEVERED LANDS (Part 2):	65.4 m [±]	varies	11,711 m ² [±]
RETAINED LANDS (Part 1):	56.5 m [±]	varies	8,668 m ² [±]

Associated Planning Act File(s): SC/A-23:349, DA-23-012

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:	Tuesday, February 13, 2024
TIME:	2:55 p.m.
PLACE:	City Hall Council Chambers (71 Main St. W., Hamilton)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

SC/B-23:97

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
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221

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, written comments must be received no later than **February 9, 2024**

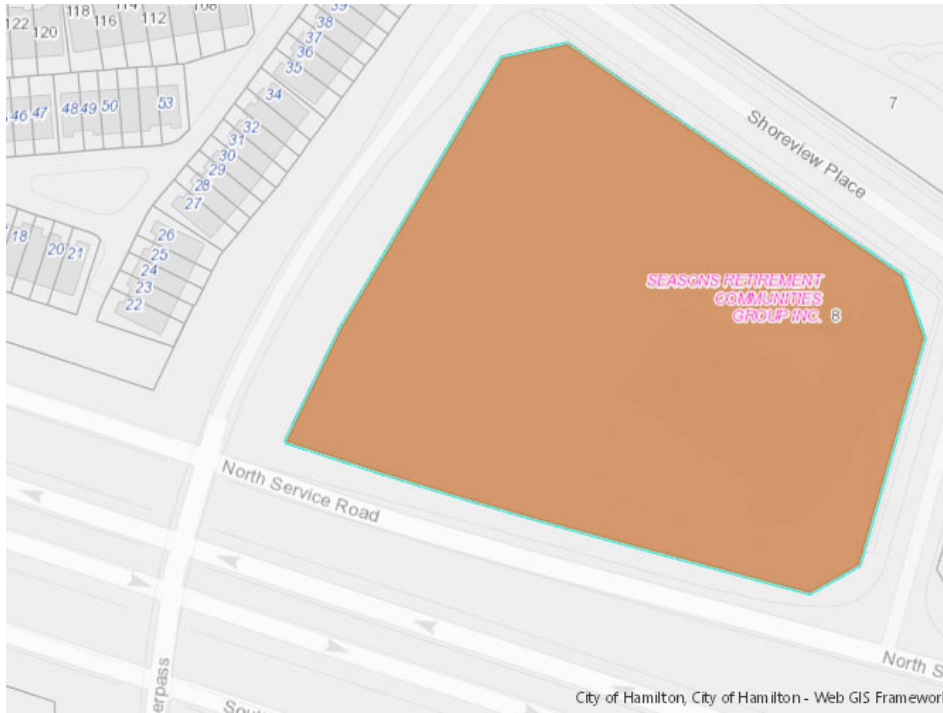
Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, registration to participate virtually must be received no later than **February 12, 2024**

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding SC/B-23:97, 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 the Notice of Decision 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.

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.



 Subject Lands

DATED: January 25, 2024

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.



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Telephone (905) 546-2424, ext. 4221

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 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 on the date listed on the Notice of Public Hearing.**

Comments are available the Friday 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 on the day listed on the Notice of Public 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 one business day before the Hearing. Only those registered will be called upon to speak.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **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.

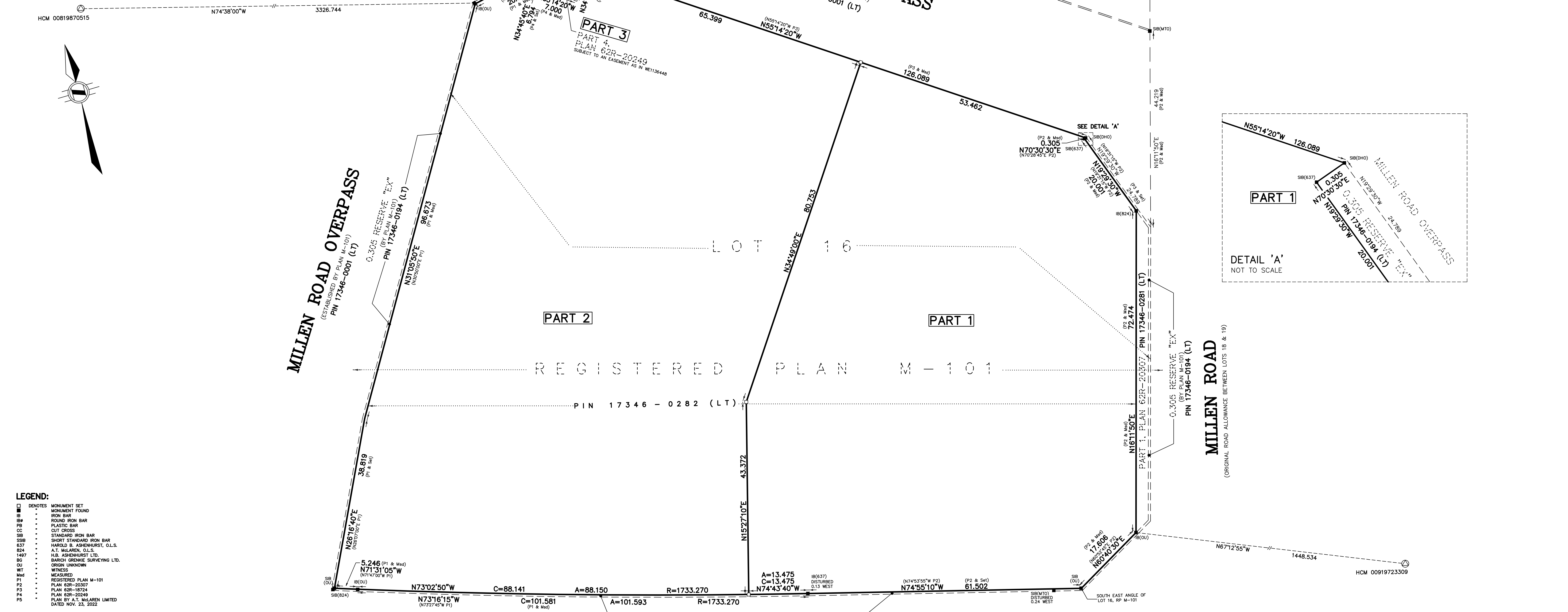
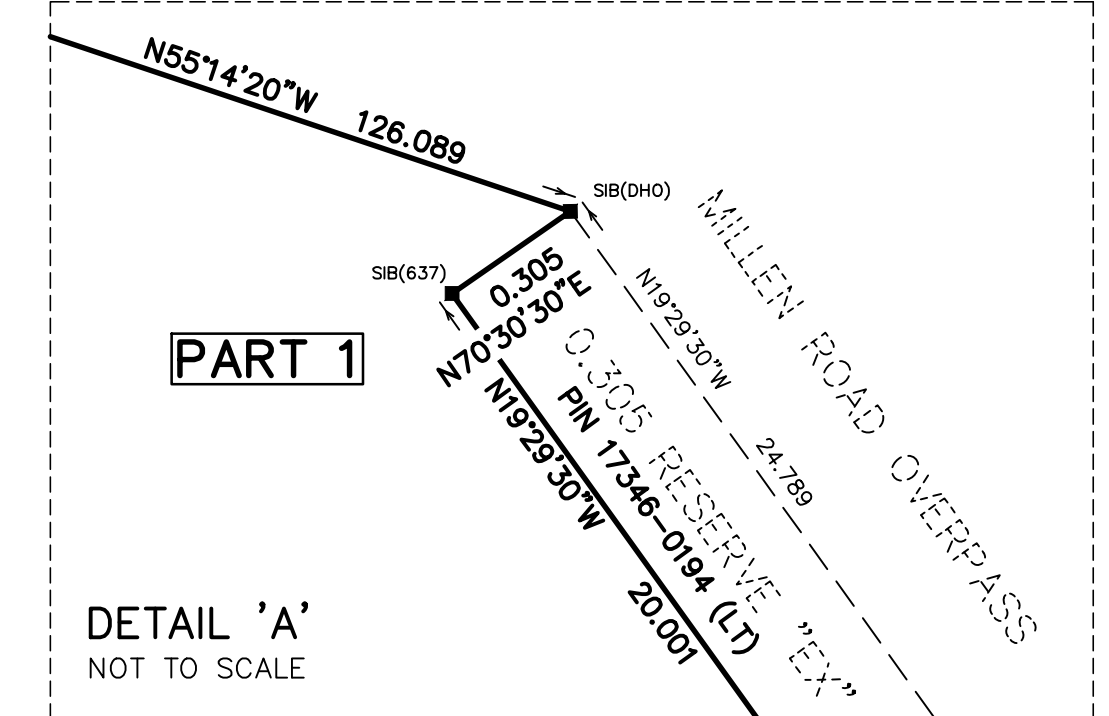
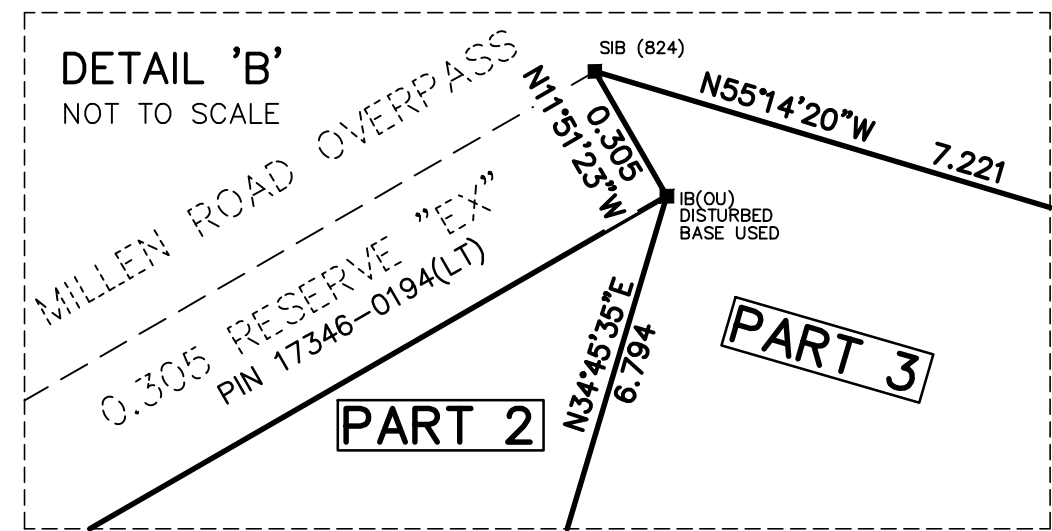
PLAN OF SURVEY
OF PART OF
LOT 16
REGISTERED PLAN M-101
IN THE
CITY OF HAMILTON

SCALE 1:400 METRIC

R.A. McLAREN, O.L.S. - 2023

SCHEDULE			
PART	LOT	PLAN	PIN
1			
2	PART OF LOT 16	RP M-101	ALL OF PIN 17346 - 0282 (LT)
3			

PLAN 62 R-
RECEIVED AND DEPOSITED
Date _____
REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (No. 62)
I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.
Date _____
DRAFT
ROB A. McLAREN, O.L.S.



- LEGEND:**
- DENOTES MONUMENT SET
 - MONUMENT FOUND
 - IS IRON BAR
 - IS# ROUND IRON BAR
 - PS PLASTIC BAR
 - CC CUT CROSS
 - SI STANDARD IRON BAR
 - SSB SHORT STANDARD IRON BAR
 - 637 HAROLD B. ASHENHURST, O.L.S.
 - 824 A.T. McLAREN, O.L.S.
 - 1497 H.B. ASHENHURST LTD.
 - 95 BARNUM GRENNE SURVEYING LTD.
 - OU ORIGIN UNKNOWN
 - WT WITNESS
 - Msd MEASURED
 - P1 REGISTERED PLAN M-101
 - P2 PLAN 62R-20307
 - P3 PLAN 62R-18724
 - P4 PLAN 62R-20249
 - P5 PLAN BY A.T. McLAREN LIMITED DATED NOV. 23, 2022

BEARING NOTE:
BEARINGS ARE MTM GRID, DERIVED FROM SPECIFIED CONTROL POINTS 00819870515 AND 00919723309, MTM ZONE 10, NAD83 (ORIGINAL).

NOTE:
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999896715

INTEGRATION DATA

POINT ID	NORTHING	EASTING
HCM 00819870515	4789614.020	283946.638
HCM 00919723309	4788015.364	288599.922

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

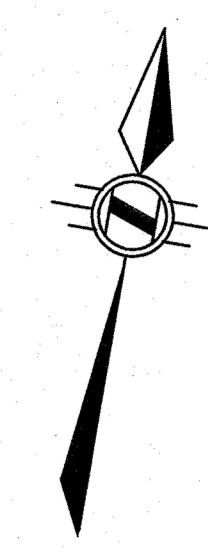
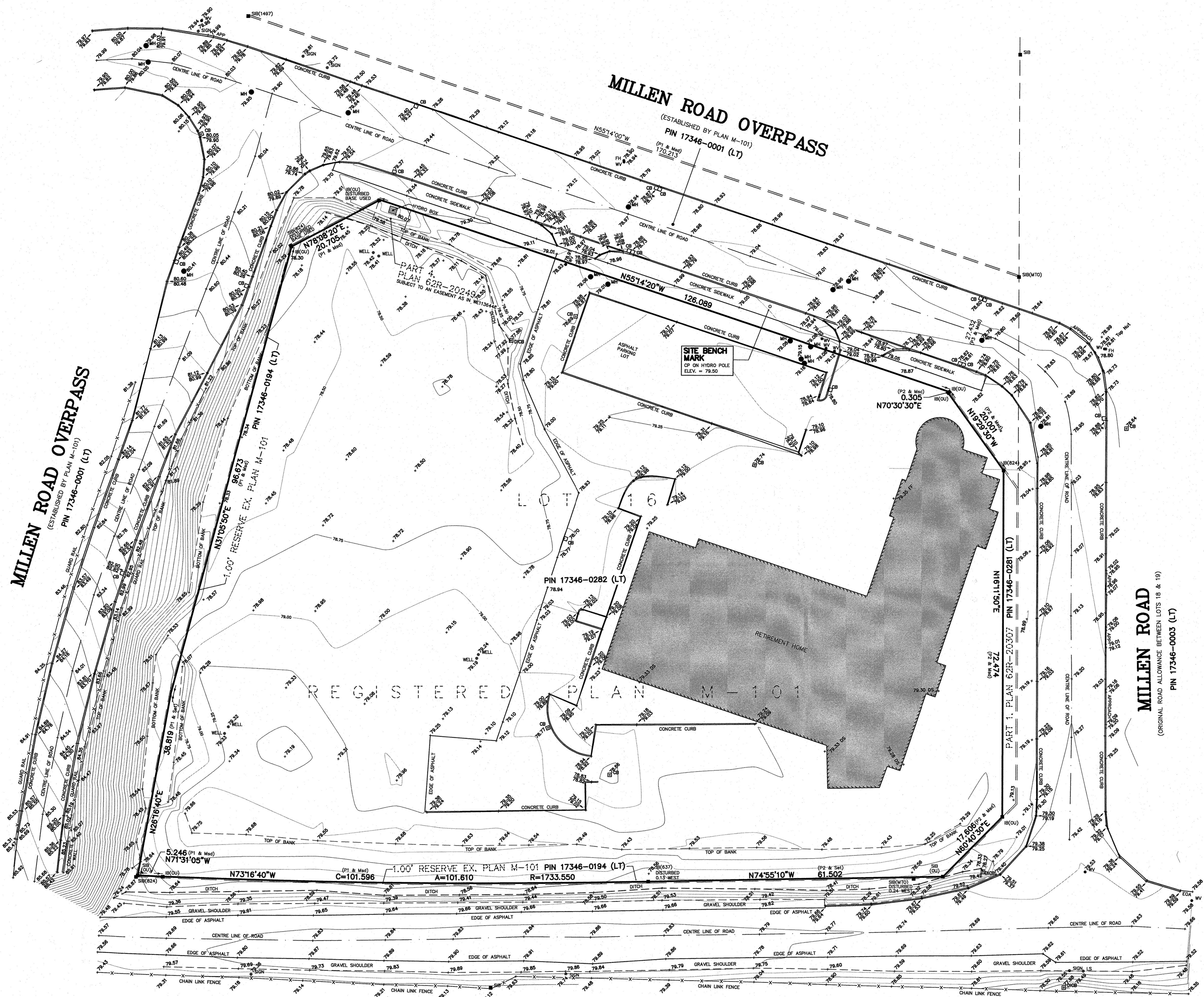
METRIC NOTE:
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE _____
DATE _____
ROB A. McLAREN, O.L.S.

A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS
69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-8559 FAX (905) 527-0032

TOPOGRAPHIC SURVEY
 OF
LOT 16
PLAN M101
 IN THE
CITY OF HAMILTON
 SCALE 1:400 METRIC

R.A. McLAREN, O.L.S. - 2022



- LEGEND:**
- DENOTES MONUMENT SET
 - MONUMENT FOUND
 - IRON BAR
 - ROUND IRON BAR
 - PLASTIC BAR
 - CUT CROCS
 - SB SHORT STANDARD IRON BAR
 - SSB SHORT STANDARD IRON BAR
 - 637 HAROLD R. ASHENHURST, O.L.S.
 - 1034 A.T. McLAREN LTD.
 - 1497 H.B. ASHENHURST LTD.
 - BC BARNES GREENE SURVEYING LTD.
 - OU ORIGINAL UNCHANGED
 - WT WITNESS
 - Mhd MEASURED
 - P1 REGISTERED PLAN M-101
 - P2 PLAN 62R-20307
 - P3 PLAN 62R-18724
 - MH MANHOLE
 - CB CATCH BASIN
 - D/CB DITCH INLET CATCH BASIN
 - F/H FIRE HYDRANT
 - HP HYDRO POLE
 - OU OVERHEAD UTILITIES
 - APP APPROACH
 - DS DOOR SILL
 - F1 FIRST FLOOR
 - D DIAMETER
 - / NOT TO SCALE

NORTH SERVICE ROAD
 (ESTABLISHED BY PLAN M-101)
 PIN 17346-0278 (LT)

NOTE:
 UNDERGROUND SERVICE AND UTILITY LOCATIONS
 MUST BE VERIFIED PRIOR TO CONSTRUCTION
 INVERTS MUST BE VERIFIED PRIOR TO
 CONSTRUCTION

BEARING NOTE:
 BEARINGS ARE GRID BEARING AND ARE DERIVED
 FROM HORIZONTAL CONTROL MONUMENTS
 00819870515 AND 00919723309 AND ARE
 REFERRED TO THE NORTH AMERICAN DATUM
 1983 3° MTM, ZONE 10, CENTRAL MERIDIAN
 79°30' LONGITUDE WEST
 00819870515 N=4789614.020 E=263946.638
 00919723309 N=4788015.384 E=268599.922

BENCHMARK:
 MONUMENT 00819748492
 LOCATION: CONCRETE BRIDGE CARRYING MILLEN RD OVER
 GEW, 1.9 KM WEST OF CARRYING MILLEN RD OVER GEW
 1.9 KM WEST OF CONCRETE BRIDGE CARRYING FRUITLAND
 RD (HAMILTON - WENTWORTH REGIONAL ROAD 55) OVER
 GEW IN THE TOWN OF STONEY CREEK AND 0.6 KM EAST
 OF GREEN RD. TABLET IS SET HORIZONTALLY IN NORTH
 FACE OF SOUTH CONCRETE ABUTMENT, 43 CM EAST OF
 N.W. CORNER, 34 CM ABOVE CONCRETE APRON AND 38.4
 M SOUTH OF CENTRELINE OF EASTBOUND LANE OF GEW.
 ELEVATION: 81.830 metres CGVD-1928:1978

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

SURVEYOR'S CERTIFICATE:
 I CERTIFY THAT
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
 THE SURVEYORS ACT, THE SURVEYORS ACT AND THE REGULATIONS
 MADE UNDER THEM
 2. THE SURVEY WAS COMPLETED ON THE 27th DAY OF OCTOBER, 2022

DATE: 23 NOV 2022

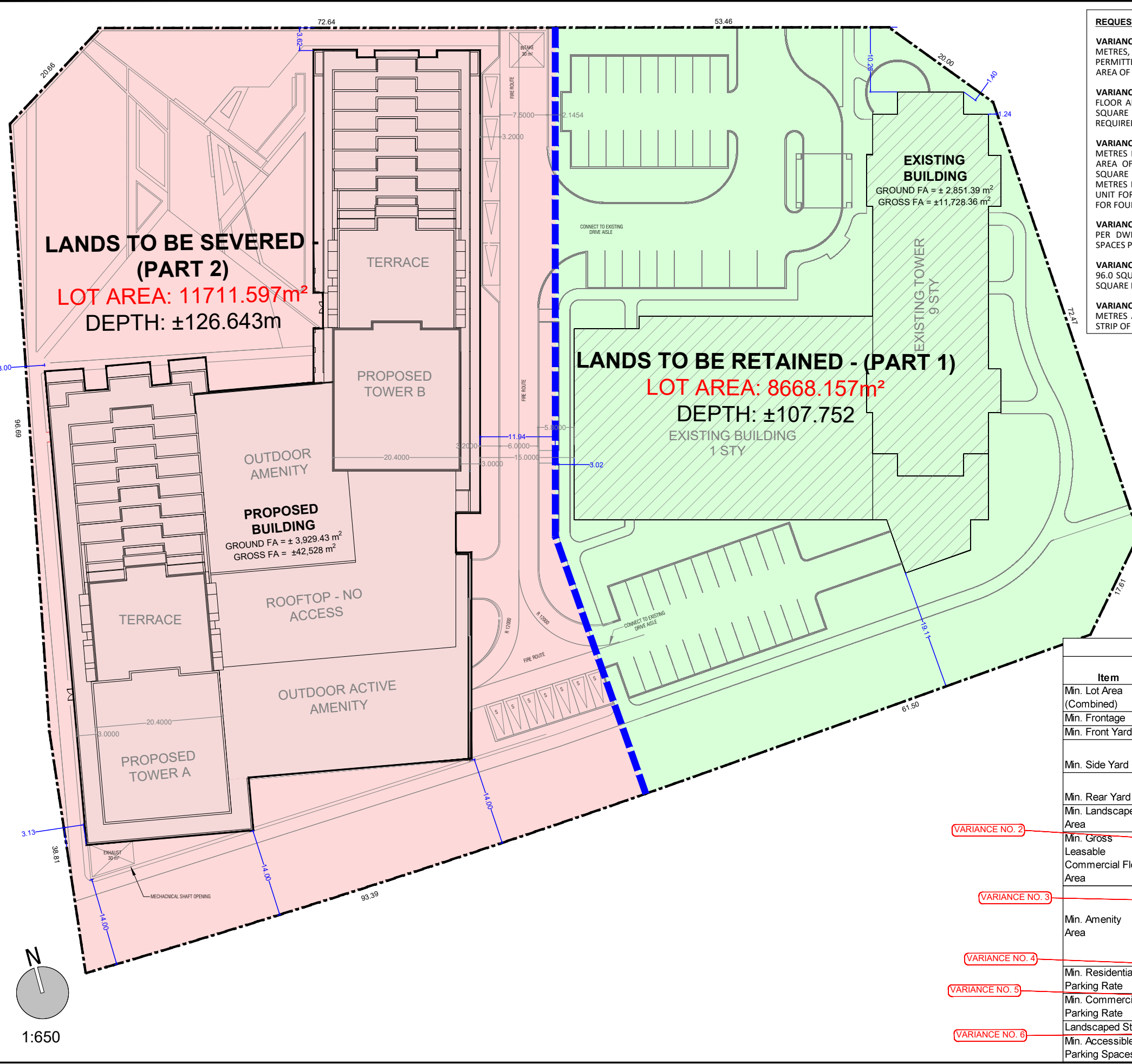
R.A. McLAREN, O.L.S.

© R.A. McLAREN, O.L.S., 2022. NO PERSON MAY COPY
 REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN
 PART WITHOUT THE WRITTEN PERMISSION OF R.A. McLAREN, O.L.S.

A.T. McLaren Limited
 LEGAL AND ENGINEERING SURVEYS

69 JOHN STREET SOUTH, SUITE 230
 HAMILTON, ONTARIO, L9N 2B8
 PHONE (905) 527-8599 FAX (905) 527-0032

Drawn: JM Checked: KM Cw: GML Scale: 1:400 Dwg No: 36928



REQUESTED VARIANCES

VARIANCE NO. 1 - TO PERMIT A MINIMUM LOT AREA OF 11,600.0 SQUARE METRES, EXCEPT A MINIMUM LOT AREA OF 8,600.0 SQUARE METRES IS PERMITTED FOR A RETIREMENT RESIDENCE, WHEREAS A MINIMUM LOT AREA OF 20,400.0 SQUARE METRES IS REQUIRED.

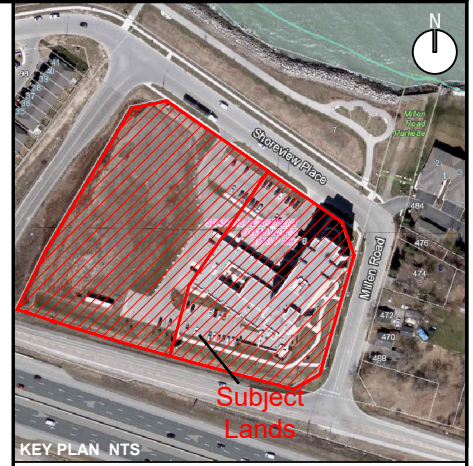
VARIANCE NO. 2 - TO PERMIT A MINIMUM GROSS LEASABLE COMMERCIAL FLOOR AREA OF 470.0 SQUARE METRES WHEREAS A MINIMUM OF 974.3 SQUARE METRES OF GROSS LEASABLE COMMERCIAL FLOOR AREA IS REQUIRED.

VARIANCE NO. 3 - TO PERMIT A MINIMUM AMENITY AREA OF 11.0 SQUARE METRES PER UNIT FOR ALL UNIT TYPES, WHEREAS A MINIMUM AMENITY AREA OF 14.0 SQUARE METRES PER UNIT FOR BACHELOR UNITS, 18.0 SQUARE METRES PER UNIT FOR ONE BEDROOM UNITS, 53.0 SQUARE METRES PER UNIT FOR TWO BEDROOM UNITS, 88.0 SQUARE METRES PER UNIT FOR THREE BEDROOM UNITS, AND 125.0 SQUARE METRES PER UNIT FOR FOUR BEDROOM UNITS IS REQUIRED.

VARIANCE NO. 4 - TO PERMIT A MINIMUM PARKING RATIO OF 1.25 SPACES PER DWELLING UNIT, WHEREAS A MINIMUM PARKING RATIO OF 1.5 SPACES PER UNIT IS REQUIRED.

VARIANCE NO. 5 - TO PERMIT A MINIMUM PARKING RATIO OF 1 SPACE PER 96.0 SQUARE METRES OF COMMERCIAL GFA, WHEREAS 1 SPACE PER 28.0 SQUARE METRES OF COMMERCIAL GFA IS REQUIRED.

VARIANCE NO. 6 - TO PERMIT A MINIMUM LANDSCAPED STRIP OF 3.0 METRES ALONG SHOREVIEW PLACE, WHEREAS A MINIMUM LANDSCAPED STRIP OF 3.9 METRES ALONG SHOREVIEW PLACE IS REQUIRED.



KEY PLAN NTS
SCALE: 1:650 METRES

- LEGEND:**
- SUBJECT LANDS
 - PROPOSED SEVERANCE
 - EXISTING DWELLINGS
 - RETAINED LANDS
 - SEVERED LANDS

NOTES:
ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: L.TAIBI CHECKED BY: S. ERICKSON
DRAWN BY: L.TAIBI DATE: DECEMBER 22, 2023

URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT
3 STUDEBAKER PLACE, UNIT 1
HAMILTON, ON L8L 0C8
905-546-1087 - urbansolutions.info

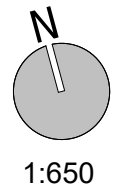
PROJECT:
8 SHOREVIEW PLACE
STONEY CREEK

CLIENT:
SEASONS RETIREMENT COMMUNITIES (STONEY CREEK) GP INC.

TITLE:
COMMITTEE OF ADJUSTMENT SKETCH

U/S FILE NUMBER: 406-21 SHEET NUMBER: 1

DEVELOPMENT STATISTICS			
Item	Required	Lands to be Severed	Lands to be Retained
Min. Lot Area (Combined)	20,400.0 m ²	11,711.597m ²	8,668.157 m ²
Min. Frontage	30.0 m	72.64 m	53.46 m
Min. Front Yard	0.0 m	3.619 m	10.26 m
Min. Side Yard	3.0m except 0.0 m for a flankage yard	3.0 m	1.2418 m
Min. Rear Yard	3.0m except 0.0 m for a through lot	14.0 m	19.1076 m
Min. Landscaped Area	38%	48% (5627.0 m ²)	45% (3950.1 m ²)
Min. Gross Leasable Commercial Floor Area	974.3m ²	480m ²	46.2m ²
Min. Amenity Area	Per Unit: Bachelor- 14m ² 1 bed - 18m ² 2 bed - 53m ² 3 bed - 88m ² 4 bed - 125m ²	11m ² per unit for all types.	59.63m ² per unit on average.
Min. Residential Parking Rate	1.5 spaces per unit/1 space per 4 beds	1.25 spaces per unit	1 space per 2.6 beds
Min. Commercial Parking Rate	1 space per 28 m ²	1 space per 96 m ²	space per 2.7 m ²
Landscaped Strips	3.9 m	3.0 m	3.9 m
Min. Accessible Parking Spaces	1%	12 spaces (1.24%)	4 spaces (8.0%)





December 22, 2023

406-21

Via Email & Delivered

Ms. Jamila Sheffield

Secretary Treasurer, Committee of Adjustment

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

Dear Ms. Sheffield,

**Re: 8 SHOREVIEW PLACE, STONEY CREEK
CONSENT TO SEVER AND MINOR VARIANCE APPLICATION
FILE NO. DA-23-012**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf of Seasons Retirement Communities (Stoney Creek) GP Inc., for the lands municipally known as 8 Shoreview Place in the Former Town of Stoney Creek. Please accept the enclosed Consent to Sever and Minor Variance applications to facilitate the further development of the subject lands on their behalf.

The subject lands are comprised of an irregularly-shaped, 20,379.75 square metre corner lot with 126.089 metres of frontage on Shoreview Place. The lands have frontage on all sides, fronting onto Millen Road, the South Service Road and Shoreview Place. The property is surrounded by a range of uses including townhouses, semi-detached dwellings, and residential multiple dwellings. The subject lands are designated 'Neighbourhoods' in the Urban Hamilton Official Plan Schedule E-1 – Urban Land Use, and zoned 'Mixed Use Commercial (MUC-5)' in the Former Town of Stoney Creek Zoning By-law No. 3692-92.

Application History

The subject lands were previously subdivided by the South Shore Estates subdivision registered in 1973. This comprised of 13 lots for high density apartment buildings while only two were ultimately built. In 2010, members of the UrbanSolutions team assisted LiUNA/Fengate to secure an Official Plan Amendment and Zoning By-law Amendment resulting in the current site-specific *Mixed-Use Commercial (MUC-5)* Zone. This accommodated now built 9 storey Seasons retirement and memory care facility on the east side of property while permitting high density apartment buildings on the west side of the property.

Purpose of the Application

The purpose of the application is to sever the western portion of the existing lot to facilitate the development of the conditionally approved site plan (DA-23-012) for a mixed-use multiple dwelling to be developed by LiUNA/Fengate. The retained lands will continue to accommodate the existing Seasons

retirement residence. Further, an easement will be required in order to facilitate a future joint use/servicing agreement to permit the use of ground floor parking spaces and vehicular movement on the lands to be severed for the existing retirement home on the lands to be retained. A Minor Variance application is required to bring the proposal into conformity with the applicable site-specific "MUC-5" Zone regulations.

The requested variances are as follows:

Variance No. 1 – To permit a minimum lot area of 11,600.0 square metres, except a minimum lot area of 8,600.0 square metres is permitted for a retirement residence, whereas a minimum lot area of 20,400.0 square metres is required.

Variance No. 2 – To permit a minimum gross leasable commercial floor area of 470.0 square metres whereas a minimum of 974.3 square metres of gross leasable commercial floor area is required.

Variance No. 3 – To permit a minimum amenity area of 11.0 square metres per unit for all unit types, whereas a minimum amenity area of 14.0 square metres per unit for Bachelor Units, 18.0 square metres per unit for One Bedroom Units, 53.0 square metres per unit for Two Bedroom Units, 88.0 square metres per unit for Three Bedroom Units, and 125.0 square metres per unit for Four Bedroom Units is required.

Variance No. 4 – To permit a minimum parking ratio of 1.25 spaces per dwelling unit, whereas a minimum parking ratio of 1.5 spaces per unit is required.

Variance No. 5 – To permit a minimum parking ratio of 1 space per 96.0 square metres of commercial GFA, whereas 1 space per 28.0 square metres of commercial GFA is required.

Variance No. 6 – To permit a minimum landscaped strip of 3.0 metres along Shoreview Place, whereas a minimum landscaped strip of 3.9 metres along Shoreview Place is required.

As per Section 45(1) of the *Planning Act*, R.S.O, 1990, as amended, applications to the Committee to vary from the Zoning By-law must meet 4 tests as outlined below:

- The proposal meets the general purpose and intent of the Official Plan;
- The proposal meets the general purpose and intent of the Zoning By-Law;
- The variance is minor in nature; and,
- The proposal is desirable for the appropriate development or use of the land.

1. Is the proposed variance in keeping with the general purpose and intent of the Urban Hamilton Official Plan?

The subject lands are designated as *Neighbourhoods* in the Urban Hamilton Official Plan which permits the proposed use of the lands. As outlined in Chapter E, Section 3.3.2 of the Official Plan, development and redevelopment shall ensure the height, massing and arrangement of buildings and structures are

compatible with existing and future uses of the surrounding area. The *Neighbourhoods* Designation encourages compatible intensification, which is reflected within the development concept for the subject lands. The requested variances appropriately implement the Official Plan's policies surrounding intensification by creating compatible and compact urban forms which respect the surrounding urban fabric.

In addition to supporting residential intensification within the City's built-up area and contributing to the creation of complete communities, the variances will ensure that the transportation and open space goals of the UHOP are achieved. This is accomplished through the provision of adequate parking for the existing and proposed use while limiting excess parking to promote increased usage of alternative transportation methods. Further, the proposal provides an enhanced interface between the subject lands and existing outdoor amenity space along the shoreline to the north with a large outdoor amenity space and promotes a vibrant public realm through the placement of onsite commercial uses. As such, the proposal meets the intent and purpose of the Urban Hamilton Official Plan.

2. Is the proposed variance in keeping with the general purpose and intent of the Zoning By-law?

Variance 1 is required as the established minimum lot area in the site-specific MUC-5 zone applicable to the subject lands were set to match the existing total lot area of the subject lands. This was done through the previous Zoning By-law Amendment approved for the lands in order to facilitate the development of the existing building on site. The Mixed Use – High Density zone within the City of Hamilton Zoning By-law No. 05-200 which the proposed development would be categorized as does not typically set out requirements for a minimum lot area. Instead, the parent Mixed Use - High Density zone exclusively establishes regulations surrounding height, setbacks, and GFA to govern building size. As such, the variance is in keeping with the standards for mixed use zones in Zoning By-law No. 05-200 and general purpose and intent of the Stoney Creek Zoning By-law No. 3692-92.

Variance 2 is required to permit a minimum gross leasable commercial floor area of 470 square metres on the subject lands. The purpose of the site-specific MUC-5 zone is to provide small-scale retail opportunities which support the on-site residential units. The proposed minimum gross leasable commercial floor area will permit six ground-related commercial units within the podium of the eastern tower. Similar to the minimum lot area, the minimum gross leasable commercial floor area in the existing site-specific zoning by-law reflects a previous concept for the western portion of the site which is no longer being contemplated. The Mixed Use – High Density zone in Zoning By-law No. 05-200 does not prescribe a minimum gross leasable commercial floor area, but simply provides retail as a permitted use. As the proposed development seeks to create a mixed-use built form with numerous commercial units that will serve the existing and future residents of the community north of the Queen Elizabeth Way, the variance is in keeping with the general purpose and intent of the Stoney Creek Zoning By-law No. 3692-92.

Variance 3 requests variation to the prescribed amenity area ratios applicable to the site. The proposed development provides 8,138.5 square metres of amenity space in total. This total provides an amenity rate of 11 square metres per unit for all unit types and exceeds the minimum amenity rates within Zoning By-law No. 05-200 which reflects the City's current and best practices. Specifically, the Mixed Use – High Density zone requires 4.0 m² of amenity area for units less than or equal to 50 m², and 6.0 m² of amenity area for units greater than 50 m². Additionally, the rate of 11 square metres per unit does not include

balcony areas as Zoning By-law No. 3692-92 does not include balcony area in the definition of amenity area. However, if this development was evaluated under Zoning By-law No. 05-200, the additional 4,381.5 square metres of amenity area across the private balconies would bring the average amenity rate to 17 square metres per unit. As variance 3 would not be required to conform to zoning regulations established in Zoning By-law No. 05-200, the variance is in keeping with the general purpose and intent of the Stoney Creek Zoning By-law No. 3692-92.

Variations 4 and 5 are required to facilitate a parking rate of 1.25 spaces per unit and 1 space per 96 square metres of commercial GFA. The purpose of these ratios is to ensure an adequate supply of on-site parking for the residential and commercial units provided. These proposed rates are in keeping with the City's current parking rates for mixed use developments outside of downtown zones within Section 5 of Zoning By-law No. 05-200 where a maximum rate of 1.25 spaces per dwelling unit is prescribed. Further, the Zoning By-law No. 05-200 parking regulations do not set out a parking requirement for commercial uses less than 450 square metres in gross floor area, with only 1 parking space being required for each 17.0 square metres of gross floor area between 450 square metres and 4,000 square metres. As the proposed parking rates provide for an appropriate parking supply for the development and exceed minimum parking standards in the parking regulations contained within Zoning By-law No. 05-200, the proposed variations are in keeping with the general purpose and intent of the Stoney Creek Zoning By-law No. 3692-92.

Variance 6 is required to permit a 3.0 metre landscape strip as opposed to a 3.9 metre landscape strip, as required by the applicable site-specific zoning. This landscape strip regulation is intended to provide enough space for a visual buffer between the public right-of-way and the subject lands and support on-site stormwater management. With a width of 3.0 metres, the landscape strip will provide soil volumes to ensure a visual buffer and appropriate stormwater management can be accommodated on site. As such, the variance is in keeping with the general purpose and intent of the Stoney Creek Zoning By-law No. 3692-92.

The requested variations will facilitate an intended built form within the existing site-specific MUC-5 zoning while remaining consistent with the City's current and best practices established within Zoning By-law No. 05-200. Therefore, the requested variations are in keeping with the general purpose and intent of the Stoney Creek Zoning By-law No. 3692-92.

3. Is the proposed variance minor in nature?

Variance 1 is required as the minimum lot area in the site-specific MUC-5 zone was established to match the existing total lot area of the subject lands. The proposed lot areas for the retained and severed lands remain appropriately-sized to accommodate the existing and proposed uses along with their required parking areas and as such, the requested variations are minor in nature.

Variance 2 is required to permit a minimum gross leasable commercial floor area of 470 square metres. The minimum gross leasable commercial floor area in the existing site-specific zoning by-law reflects a previous concept for the western portion of the site which is no longer being contemplated. The provision of commercial area on the subject lands will provide an appropriate amount of retail space that will meet the needs of the community. The variance will support the provision of appropriately scaled retail uses to

serve the future residents and therefore would not have a significant impact on the intended functionality of the commercial units on site. As such, the variance is minor in nature.

Variance 3 is required as a result of the outdated amenity area regulations contained within the site-specific MUC-5 zone. As previously mentioned, the proposed amenity rate of 11 square metres per unit for all unit types exceeds modern standards established in Zoning By-law No. 05-200. The provided amenity rate when inclusive of balconies provides over twice as much as what would be required in Zoning By-law No. 05-200 for the same built form. Additionally, the lands have access to natural open space along the Lake Ontario shoreline just to the north of Shoreview Place, which will provide additional offsite amenity space for residents. Therefore, the variance is deemed to be minor in nature.

Variances 4 and 5 are required to facilitate a reduced parking ratio for the proposed development. The proposed parking rates are consistent with those established in Zoning By-law No. 05-200 which represent the City's current and best practices and have regard for the proposed built form. By mitigating an excess of parking on site, the development proposal supports the use of public transit and active transportation. As such, the reduction in required parking ratio is minor in nature.

Variance 6 is required to permit a 3.0 metre landscape strip as opposed to a 3.9 metre landscape strip, as required by the applicable site-specific zoning. A reduction in the minimum landscape strip width is required to facilitate direct and intuitive pedestrian circulation on site and better serve the grade-related commercial uses within the proposed development. The intent of this landscape strip regulation is to provide a visual buffer between the public right-of-way and the subject lands while also supporting on-site stormwater management. The implementation of a 3.0 metre landscape strip will still accommodate the creation of a visual buffer between the roadway and maintain appropriate stormwater management. Further, the large outdoor amenity space on site is oriented along the street corner and offsets the minor 0.9-metre reduction in landscape strip. As the landscape strip will continue to serve its intended purpose, the requested variance is deemed to be minor in nature.

The above variances are required in order to facilitate the proposed severance and the implementation of the concept design that was conditionally approved (DA-23-012). It is the intent of the site-specific "MUC-5" zone to permit the proposed built form. As the proposed development has already obtained conditional Site Plan approval subject to the granting of variances, and for the reasons noted above, the requested variances are deemed to be minor in nature.

4. Is the proposed variance desirable for the appropriate development or use of the land, building or structure?

Variance 1 is desirable for the appropriate development as it will allow for the existing retirement residence and proposed mixed-use multiple dwelling to remain on their own separate lots in keeping with the lot fabric of the surrounding properties. The prescribed minimum lot area of the site-specific MUC-5 zone was established to permit the existing lot area of the entirety of the subject lands. Further amendment to the regulations is in keeping with the previous amendment and is desirable for the appropriate development of the lands.

Variance 2 is required to permit a minimum gross leasable floor area of 470 square metres on the subject lands. The provision of commercial area on the subject lands will provide an appropriate amount of retail space that will meet the needs of the community. The variance is desirable as it will support the predominantly residential composition of the proposed development while facilitating appropriately scaled retail uses to serve the future residents.

Variance 3 is desirable for the development as it intends to align the provision of amenity space with amenity standards for mixed use multiple dwellings as regulated by the policies of Zoning By-law No. 05-200. The proposed provision of 11 square metres of amenity per unit maintains a high amenity space rate and establishes an appropriate ratio of amenity space to residential space across the development. Recognizing that balcony area is not included in the definition of amenity area within Zoning By-law No. 3692-92, this ratio of amenity area to residential units is in actuality closer to 17 square metres per unit when using the Zoning By-law No. 05-200 zoning regulations pertaining to amenity area.

Variances 4 and 5 are desirable as it will ensure the development maintains an appropriate balance of residential units and parking spaces to minimize excess parking and site parking spillover into surrounding areas. Further, this proposed ratio is a typical maximum for high-density mixed-use development when compared to the parking regulations contained in Section 5 of Zoning By-law No. 05-200. As such, the variance is desirable for the appropriate development of the lands.

Variance 6 is desirable as it will permit direct and intuitive pedestrian circulation throughout the site and between the public right-of-way and grade-related commercial units. The implementation of a 3.0 metre landscape strip will still accommodate the creation of a visual buffer between the roadway and maintain appropriate stormwater management.

To assist in the evaluation of the application, please refer to the enclosed Consent to Sever Sketch.

As the application implements the conditionally approved Site Plan (DA-23-012), satisfies Section 53(1) of the *Planning Act*, R.S.O, 1990, as amended, as a plan of subdivision is not necessary for the proper and orderly development of the subject lands, while also satisfying the four tests of Section 45(1) of the *Planning Act*, R.S.O, 1990, the requested variances represent good land use planning.

In support of this application, please find enclosed the following:

- One (1) copy of the completed Minor Variance Application form;
- One (1) copy of the completed Consent to Sever Application form;
- One (1) copy of the Committee of Adjustment Sketch, prepared by UrbanSolutions;
- One (1) copy of the Topographic Survey, prepared by A.T. McLaren;
- One (1) copy of the Draft R-Plan, prepared by A.T. McLaren;
- One (1) cheque in the amount of **\$3,735.00** made payable to the City of Hamilton for the Minor Variance Application fee; and,
- One (1) cheque in the amount of **\$3,220.00** made payable to the City of Hamilton for the Consent to Sever Application fee.

We trust the enclosed is in order; however, please feel free to contact the undersigned with any questions.

Regards,
UrbanSolutions



Matt Johnston, MCIP, RPP
Principal



Stefano Rosatone, BES
Planner

cc: Seasons Retirement Communities (Stoney Creek) GP Inc.



Hamilton

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

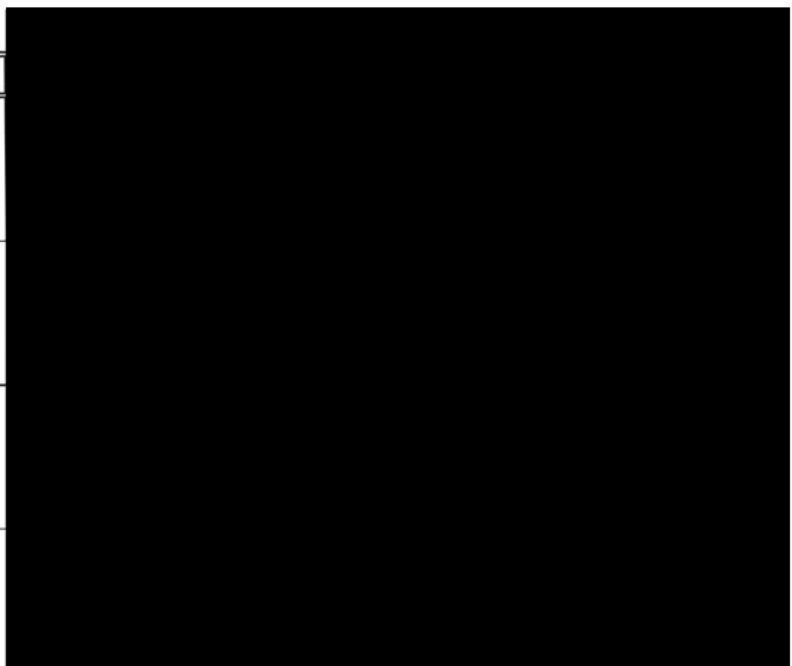
Phone: (905) 546-2424 ext. 4221
Email: cofa@hamilton.ca

**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
Purchaser*	n/a
Registered Owners(s)	Seasons Retirement Communities (Stoney Creek) GP Inc.
Applicant(s)**	Same as Owner
Agent or Solicitor	UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston (UrbanSolutions)



*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 n/a

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	8 Shoreview Place		
Assessment Roll Number			
Former Municipality	Stoney Creek		
Lot	Lot 16	Concession	
Registered Plan Number	62M-101	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:

Subject to an easement as in WE1136448.

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 checked="" 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:

n/a

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

n/a

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: Please also refer to enclosed Committee of Adjustment Sketch

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:	Lands to be Retained	Lands to be Severed			
Type of Transfer	N/A	Lot Creation			
Frontage	53.46 m	65.40 m			
Depth	Varies	Varies			
Area	8,668.157 sq.m.	11,711.597 sq.m.			
Existing Use	Residential	Vacant			
Proposed Use	Residential	Residential/Commercial			
Existing Buildings/ Structures	Retirement Residence	Vacant			
Proposed Buildings/ Structures	Retirement Residence	Mixed Use Building			
Buildings/ Structures to be Removed	n/a	n/a			

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

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

- right of way
 other public road

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

- publicly owned and operated piped water system
 privately owned and operated individual well

- lake or other water body
 other means (specify) _____

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

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

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

- electricity
 telephone
 school bussing
 garbage collection

5 CURRENT LAND USE

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

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

Please refer to enclosed Cover Letter.

- 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.

n/a +

- 5.3 What is the existing zoning of the subject land? Mixed Use Commercial "MUC-5" Zone in the former Stoney Creek Zoning By-law No. 3692-92.

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.

n/a

- 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"/>	60m, Lake Ontario shoreline
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	150m, light industrial
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.

Registered Plan 62M-101 ("South Shore Estates"), Registered December 18, 1972

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

n/a

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.

n/a

6.4 How long has the applicant owned the subject land?

unknown

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.

n/a

7 PROVINCIAL POLICY

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

Yes No (Provide explanation)

Please refer to enclosed Cover Letter.

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

Yes No (Provide explanation)

Please refer to enclosed Cover Letter.

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

Yes No (Provide explanation)

Please refer to enclosed Cover Letter.

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

Yes No (Provide explanation)

n/a

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

Yes No (Provide explanation)

n/a

7.6 Are the subject lands subject to the Greenbelt Plan?

Yes No (Provide explanation)

n/a

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

Yes No (Provide explanation)

n/a

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):
---------------	------------------------------

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
