



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.:	B-24:17	SUBJECT PROPERTY:	103 Chester Avenue, Hamilton
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APPLICANTS: Owner: Paresh Patel
Applicant: **GSP Group Inc (c/o Elizabeth Farrugia)**

PURPOSE & EFFECT: To sever the existing residential lot into eight parcels, the severed lands will be vacant residential building lots to facilitate townhouses and the retained lands will contain the existing dwelling which is intended to be demolished.

	Frontage	Depth	Area
SEVERED LANDS (Lot 1):	9.0 m [±]	21.3 m [±]	191 m ² [±]
RETAINED LANDS:	11.5 m [±]	21.3 m [±]	237 m ² [±]
SEVERED LANDS (Lot 2):	9.0 m [±]	21.3 m [±]	191 m ² [±]
SEVERED LANDS (Lot 3):	11.0 m [±]	21.3 m [±]	234 m ² [±]
SEVERED LANDS (Lot 4):	11.0 m [±]	21.3 m [±]	234 m ² [±]
SEVERED LANDS (Lot 5):	9.0 m [±]	21.3 m [±]	191 m ² [±]
SEVERED LANDS (Lot 6):	9.0 m [±]	21.3 m [±]	191 m ² [±]
SEVERED LANDS (Lot 7):	10.8 m [±]	21.3 m [±]	239 m ² [±]

Associated Planning Act File(s): A-24:67

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.

B-24:17

This application will be heard by the Committee as shown below:

DATE:	Tuesday, May 7, 2024
TIME:	1:40 p.m.
PLACE:	City Hall Council Chambers (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
- 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 noon **May 3, 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 noon **May 6, 2024**

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding B-24:17, 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.



 **Subject Lands**

DATED: April 18, 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.

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.



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

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.

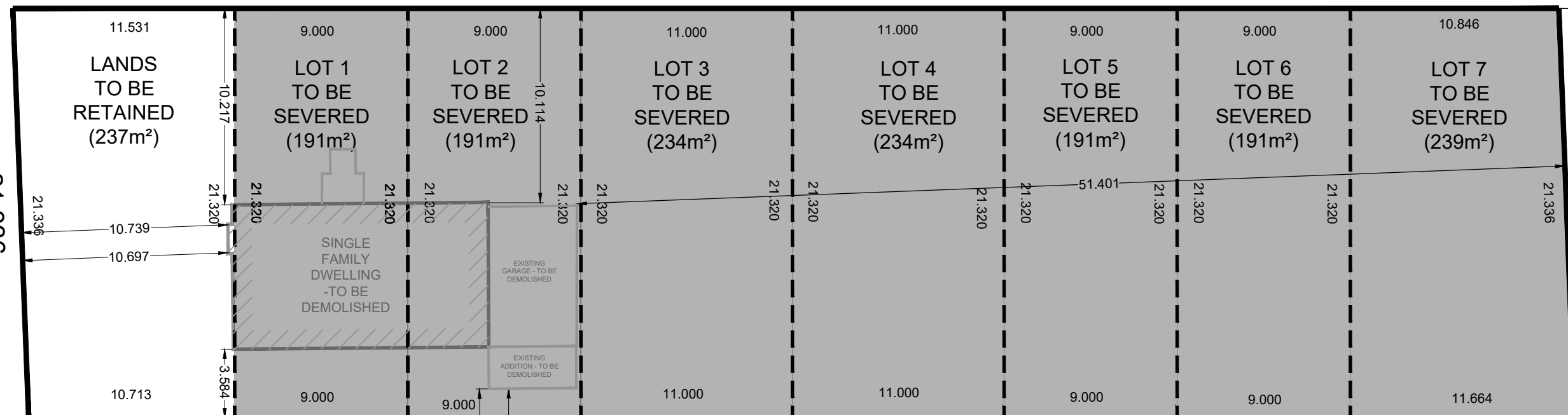
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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

Existing Sidewalk

Chester Ave

Annabelle Street

80.377



21.336

80.377

Severance Sketch

103 Chester Ave, Hamilton

 Lands to be Severed

NOTE: This concept should be considered as a preliminary demonstration model that illustrates an 'order of magnitude' development scenario for the site. The number of units, floor area and parking supply are approximate and subject to more detailed design as well as municipal planning approvals.



March 20th, 2024

GSP File No. 23181

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

Attn: Ms. Jamila Sheffield
Secretary-Treasurer, Committee of Adjustment

**RE: CONSENT AND MINOR VARIANCE APPLICATION
103 Chester Avenue, City of Hamilton**

On behalf of the Owner, GSP Group is pleased to submit Severance and Minor Variance applications to facilitate the establishment of eight (8) residential lots for the purposes of street townhouse dwellings from the lot municipally known as 103 Chester Ave in Hamilton, Ontario (herein referred to as the "Site"). The Site area is currently 1,719m² or 0.17ha. The severance and variances that are applied for are outlined below, as well as their rationale.

It is proposed that the Site is severed into eight (8) lots to facilitate the development of eight (8) street townhouse dwellings on the corner of Annabelle St and Chester Ave. As a result of the severances, each lot will front Chester Ave, have frontages ranging between 9m to 11.5m, lot depths of 21.3m, and lot areas ranging between 191 m² to 239 m². A daylight triangle of 4.57m x 4.57m is provided at the northwest corner of the Site.



Figure 1: 103 Chester Ave (Source: Hamilton Interactive Mapping)

In support of this application, one (1) copy of the Consent Sketch, one (1) copy of the Consent Application Form, and one (1) copy of the Minor Variance Application Form is provided. Additionally, a fee in the amount of **\$7,260.00** (Minor Variance: \$3,900 + Consent: \$3,360) will be provided to City Hall along with a hard copy of the application.

According to the City of Hamilton's Urban Hamilton Official Plan (UHOP), the Site is designated as "Neighbourhoods" (Schedule E1 – Land Use Designations) which permits a wide range of residential dwellings, including on-street townhouse dwellings.

The Former City of Hamilton Zoning By-law 6593 applies to this Site. The Site is zoned C/S-1822 which indicates that there is a site-specific Zoning By-law in effect. The general zone is classified as a "C" district (Urban Protected Residential) which permits single family dwellings. The site-specific Zoning By-law that is in force permits higher density residential uses, including street townhouses.

The requested variances to the Former City of Hamilton Zoning By-law 6593 are described below:

1. A reduction in the front yard setback from 6.0m to 3.5m;
2. A reduction in the rear yard setback from 7.5m to 7.0m;
3. A reduction in the length of the access driveway between the entrance to the individual driveway and the enclosed parking structure from 6.0m to 5.8m;
4. A reduction in the width of the access driveway from 2.8m to 2.7m; and,
5. A reduction in the required parking space length (i.e. attached garage) from 6.0m to 5.8m.

A severance is also requested and must be consistent with applicable provincial and local planning policies. Planning rationale for the severance and minor variances are provided in the subsequent sections.

Is the severance consistent with the Policy Statements issued under Section 3 of the Planning Act and the Provincial Policy Statement (PPS)?

Yes, the proposed severance is consistent with the Provincial Policy Statement (PPS, 2020). Growth within municipalities shall be directed to settlement areas outlined by Section 1.1.3 of the PPS. Further to this, intensification, redevelopment, and compact developments are promoted within these areas. In this case, the Province and the City of Hamilton have identified an urban boundary whereby the Site is located within. The purpose of this urban boundary is to direct growth within this area and reduce sprawl. Section 1.4 of the PPS speaks to housing policies, whereby an appropriate mix and range of housing options and densities should be provided. The severance is intended to facilitate medium density development in neighbourhoods that are predominantly low density, therefore not providing much choice in residential form for changing life stages. The severance and contemplating of townhouse units are also intended to facilitate residential intensification in the kind of residential housing being offered.

Does the severance conform to the Growth Plan for the Greater Golden Horseshoe?

Yes, the proposed severance conforms to the Growth Plan for the Greater Golden Horseshoe (Growth Plan, 2019). The Growth Plan provides provincial policies with an eye towards long-term planning for Ontario municipalities. As shown through the Growth Plan in Schedule 4, the Site is located within the Built-Up Area of the City of Hamilton. The goal of the Built-up Area is outlined in Section 2.2.2 whereby municipalities must seek to meet minimum residential intensification targets within the Built-Up Area by directing development and denser residential forms (e.g. townhouses, mid- to high-rise apartments, plexes, garden suites, basement apartments, etc) to the Built-Up Area. The proposed severance will be able to facilitate a greater number of medium density townhouse dwellings within the City of Hamilton's Built-Up Area.

How does the severance conform with a City's Urban Hamilton Official Plan?

The proposed severance conforms to the UHOP. The Site is designated as a "Neighbourhood" land use on Schedule E-1 – Urban Land Use Designations. Street townhomes are a permitted use within this land use designation, which is the kind of residential form the severances would facilitate. The proposed development also maximizes the use of the Site by providing additional housing units on a lot that is well-sized to accommodate infill street townhomes, and located a block from a Minor Arterial Road, but currently contains one single detached dwelling. This speaks to the policy goal of Policy E.3.1.5 to, "promote and support *residential intensification* of an appropriate scale and in appropriate locations throughout the neighbourhood."

Policy B.2.4.2 of UHOP lists criteria for residential intensification in the Neighbourhoods designation. The criteria and responses based on the severance request are provided:

Policy B.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;
- Response: Policy B.2.4.1.4 speaks to residential intensification policies within the built-up area of the City and contains a broader set of policies than what is listed below. It aims to achieve balance between criteria b) to l). The proposed townhouse development will be located within an existing low-density neighbourhood that predominantly has residential uses and of a single-detached nature. The proposed development will not only continue the establishment of residential uses, but provide a transition in residential form from the Minor Arterial Road (West 5th) to the more internal neighbourhood (criteria b). The proposed development will also provide a range of dwelling types within the Gourley Neighbourhood (criteria c). The proposed development will be two storeys in height and has regard for the adjacent residential uses and forms in order to achieve compatible integration and transition in scale, form, and character (criteria d). The proposed development will also be within the built boundary of the City of Hamilton (criteria e). The exact existing and planned water, wastewater, and stormwater capacity is to be confirmed during a future detailed Site Planning stage and with a civil engineer, however the proposed severance is within the boundary where infrastructure exists and would therefore be available for direct connection or connection and upgrade, therefore optimizing the infrastructure available (criteria f). At the detailed Site Planning stage, the severance would be articulated in a development proposal where green infrastructure and sustainable design elements would be incorporated. However at this moment with the severance, a balance was struck between harder surface and building material (driveway and townhome) and landscaping as well as amenity space on each lot (e.g. yards) (criteria g). The Site is located within close proximity to West 5th Street where bike lanes are currently present (criteria h). The Site is located within close proximity of four transit stops along Chester Ave (criteria i). The Site is also located within an existing neighbourhood with access to James Macdonald Public School as well as multiple parks and commercial areas with public service areas (criteria j). Similar to some of the above component, detailed landscaping, natural heritage evaluation, and tree evaluation work will need to be completed as part of future Site Planning work. However in the interim, the natural attributes of the Site were balanced against the harder surface and building material of the driveway and townhomes (criteria k). Finally, the compliance of the proposed development with all other applicable policies can be found throughout this rationale letter.
- b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- Response: The severance will be compatible with the surrounding neighbourhood as the townhomes will be located on the edge of the Neighbourhood land use designation and a block from the Minor Arterial Street at West 5th Ave. The development proposal supports the existing neighbourhood character by establishing street townhouses and their associated lots sizes in a neighbourhood that also has been observing residential infill, particularly along Rosehill Ave and Springvalley Crescent. These new developments and existing homes in the area are limited to 2 storeys in height. Therefore, no major impacts are expected as this application seeks to add additional residential units within an existing residential neighbourhood and will remain at similar heights as other homes in the area in the detailed design stages.
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- Response: The proposed development will be 2 storeys in height, which maintains the existing heights observed in the area, specifically across the street at 92-100 Chester

Ave and with various properties along Annabelle Street. The severance also results in lot sizes and configuration similar to recent townhouse infill application within the neighbourhood.

- d) the consideration of transitions in height and density to adjacent residential buildings;
- Response: The severance to facilitate townhouse developments considers an appropriate transition in height and density to adjacent residential buildings by locating this kind of residential infill development on the edge of the Neighbourhood designation and towards a Minor Arterial Road at West 5th Street. The density is also similar to the nearby Rosehill townhouse infill application which is a few blocks north but the same western distance from West 5th Street.
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- Response: The proposed development is located within the City's Built-Up Area which seeks to promote residential uses within this area. Further, the UHOP identifies this area within the neighbourhoods land use designation which seeks to encourage the use of a lot pattern similarly seen with low-rise residential developments. To encourage this, the City has set out minimum lot area requirements within the City's Zoning By-law whereby each of our proposed lots will meet or exceed this requirement, therefore further contributing to existing lot patterns and configurations.
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- Response: The proposed development will provide residents with private accesses to their own backyards at the rear of each unit. Within this area, each unit will have private amenity space of between 63m² and 81.9m². The front of each dwelling will also provide over 50% landscaped open space for residents to use. There are also shared public areas within nearby parks such as Gourley Park and William Connell Park.
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- Response: The proposed development accompanies a Minor Variance Application to reduce the front yard setback. This was primarily required to add greater living space within each townhouse unit, but also had the effect of improving the block pattern observed at other properties that also front Chester Ave. Furthermore, a front yard reduction rather than a rear yard reduction was preferred to maintain building separation priorities with the residential lot to the south/rear of the Site. This residential lot currently contains a dwelling that is sited even further away from the shared rear and side lot lines, as well as has a detached garage between the existing and proposed dwellings. This helps maintain building separation.
- h) the ability to complement the existing functions of the neighbourhood;
- Response: The proposed development will provide a medium density residential option in the neighbourhood that is predominantly low-rise. This is seen as desirable due to its proximity to a Minor Arterial Road which also supports an active transportation route and bike lane infrastructure. Future residents will also have full access to the surrounding neighbourhood, including parks, schools and shopping areas (e.g. No Frills, Food Basics, and Canadian Tire at a nearby intersection amenity hub at Mohawk Road East

and Upper James Street). The proposed use of the Site is typical for the area and will integrate well with the community.

- i) the conservation of cultural heritage resources; and,
 - Response: The Site is not identified as a cultural heritage property or neighbourhood within the City's Cultural Heritage Register. Therefore, the redevelopment of this Site will not interfere with any cultural heritage areas.

- j) infrastructure and transportation capacity and impacts.
 - Response: The severed lots will be located within an existing neighbourhood which receives full municipal services. The Site is also anticipated to generate minimal transportation trips as it is located less than 350m from Gourley Park and James Macdonald Public School, less than 800m from William Connell Park, and less than a 5-minute drive to Dave Andreychuk Mountain Arena and Skating Centre, Food Basics, No Frills, and Canadian Tire. Trips to support the daily needs of those residing in the townhouse development are likely to have short distances. The Site is also supported with transit routes and bike lanes along West 5th Street.

Policy F.1.14.3.1 speaks to how a consent application shall be evaluated by the City, and our proposed development meets these criteria as demonstrated below.

- a) The lots comply with the policies of this Plan, including secondary plans, where one exists;
 - Response: The severance request addresses UHOP policies related to residential intensification, infill, and providing greater housing options. No Secondary Plan exists for this neighbourhood.

- b) The lots are in conformity with the Zoning By-law or a minor variance is approved;
 - Response: The severance will result in lots that comply with most of the zoning regulations. The regulations related to front and rear yard setbacks, as well as driveway and parking space sizes, are part of the Minor Variance Application. The driveway and parking space variances are based on bringing the zoning regulations up to date with the present-day Zoning By-law 05-200. Further justification is provided in subsequent sections of this rationale letter.

- c) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
 - Response: The severed lots will provide a similar development and lot pattern that currently exists in the Gourley Neighbourhood. The proposed townhouse forms, massing, scale, and height (2 storeys) were also conceptually designed at this point of time to consider the existing residential forms in the surrounding area. Finally, lot frontage and area were considered by mimicking similar frontages and areas in the surrounding neighbourhood. The severance approach to this Site was also informed by similar townhouse developments along Rosehill Avenue and Springvalley Crescent, both of which are within 100 metres of West 5th Street. Along these areas, applications for townhomes and semi-detached developments have been supported by the City, and/or have been built and occupied.

- d) The lots are fully serviced by municipal water and wastewater systems; and,
- Response: The Site is located within the Built-Up Area of the City of Hamilton and an existing residential neighbourhood. As such, servicing infrastructure is available for the Site to connect into. This will need to be investigated in greater detail with civil engineering expertise, but at least for this severance application, the infrastructure is present.
- e) The lots have frontage on a public road.
- Response: The severed lots will front Chester Avenue.

As seen through the above Official Plan policies, this severance conforms with the Urban Hamilton Official Plan.

In regard to the four variance requests, below is rationale based on the four tests of a Minor Variance:

Does the requested variance maintain the general intent and purpose of the City of Hamilton's Urban Hamilton Official Plan (UHOP)?

Yes, the requested variances maintain the general intent and purpose of the City of Hamilton's UHOP.

Setbacks

The requested variances will respect the character of the surrounding neighbourhood, as it better aligns with the existing front yards seen along Chester Avenue at the same time as addressing UHOP policies such as Policy E.2.7 that concerns residential intensification in Neighbourhoods, compatibility, and appropriate transitioning. For example, properties located at 136, 144, 327, 328 Annabelle Ave, 4 Waterberry Trail, 133 and 143 Chelsey Street all have frontages along Chester Avenue that are approximately the same front yard setback measurement as what is being requested in this variance. By permitting this setback, the proposed townhouse developments will better align with what exists in the surrounding neighbourhood, therefore supporting the existing neighbourhood character.

In the case of the reduced rear yard setback, the dwelling located at 147 Annabelle Street is at the rear of the Site. Its main dwelling is set back approximately 8 metres from the shared rear and side lot lines and its associated detached garage rests between the main dwelling and shared rear and side lot lines. Additionally, the proposed townhouse dwellings are proposed to be 2 storeys, which will help limit privacy concerns with rear neighbours. The combination of maintaining a 7.0m rear yard setback, existing separation with rear properties on Annabelle Street and West 5th Street, and 2 storeys helps mitigate any privacy and overlook concerns while meeting UHOP goals related to residential intensification in Neighbourhoods.

Chapter B of the UHOP outlines the City's Urban Housing goals which aim to provide a range of housing types, forms and densities, and meet a set of housing targets as shown in Table B.3.2.1. The proposed development will help provide more street townhouse dwelling within this neighbourhood which is predominately comprised of single-family dwellings. The proposed development will also provide eight townhouse lots on a lot currently occupied by one single detached dwelling. While the size of the land parcels are an appropriate size for each dwelling, if the required setbacks from the Former Zoning By-law were implemented, it would reduce the livable space within the townhouse units. Therefore, the variances are required to provide

functional dwellings that will meet the needs of future residents while not compromising separation goals.

Parking

Chapter E of the UHOP outlines policies which relate to the use of parking areas within the City of Hamilton. Section 3.0 outlines Neighborhood land use designation policies which seek to establish required parking areas within low density residential designations. The purpose of parking areas is to provide future users of the site a space to park their vehicles, that for most residents are seen as a necessity in areas outside of the City's downtown core. The proposed variance will still meet the UHOP's intention to provide a parking space to the users of this residential development while providing both driveway and garage spaces dimensions that are updated to modern-day zoning standards and can provide greater livable space inside the townhouse units.

By providing a reduced parking size, the urban design goals set out in Policy E.3.2.7 (b), which states that parking areas within the Neighbourhood designation should not be dominant and surface parking areas shall be minimized, are also met.

Does the requested variance maintain the general intent and purpose of the City of Hamilton's Zoning By-law?

Yes, the requested variances maintain the general intent and purpose of the City of Hamilton Zoning By-law.

Setbacks

The Zoning By-law supports the Official Plan by providing a set of regulations that must be followed in order to meet the intention of the Official Plan. This is done by providing minimum and maximum setback requirements. The purpose of this is to provide adequate separation between adjacent dwellings, a uniform lot fabric, and a strong relationship between the built-form and the public right-of-way and landscaped open space. In this case, it is requested to reduce both the front and rear yard setbacks. Within the proposed development, the front yard will consist of a 3.5m x 6.3m landscaped area (22.05m²) and 2.7m x 5.8m driveway space (15.66m²). This means the landscaped area will be 58% of the front yard. The front yard reduction not only still maintains more than half of the yard to landscaping, but will also allow each townhouse to have a closer relationship to Chester Avenue and its sidewalk.

The rear yard setback is required for similar reasons. The intent of the rear yard setback of 7.5m is to provide separation between residential uses and where the main dwelling is located on each lot. In this case, a reduction from 7.5m to 7.0m is requested and can still maintain this separation with the held of a front yard setback at the same time. The front yard setback allows the townhouse dwelling units to move up and further away from the rear neighbours. The rear yard setback allows the livable space in the townhouse units to increase. Furthermore, the main dwellings on the rear properties are located away from the shared lot lines with the Site. For example, 147 Annabelle Street has the main dwelling unit approximately 8m from the shared lot line on top of the 7.0m rear yard setback on the Site. There is a similar separation between the main dwelling unit and shared lot line observed at 922 West 5th Street.

A secondary intent of the rear yard setback provision is to provide adequate amenity space for residents of the townhouse development proposal. A 7.0m long rear yard will still provide

adequate space for the normal use of a rear yard, which may include a backyard patio, dining area, or landscaping space.

Parking

The Site falls within the former City of Hamilton Zoning By-law 6593 under zone “C/S-1822” Urban Protected Residential whereby the site-specific by-law permits street townhouse dwellings on the Site. In 2005, the City of Hamilton’s updated Zoning By-law 05-200 came into effect, preceding the previous Zoning By-law, however updates to the Residential Zones were not captured under this review. Despite this, there were updates to the parking and driveway dimensions. Within Zoning By-law 05-200, the minimum parking size requirement was updated to 5.8m by 2.8m. The city also updated the provision that a garage entrance must be located at least 5.8m from the driveway entrance. The variances to the driveway and attached garage dimensions (but only length) are aiming to conform to the more updated Zoning By-law 05-200.

It is also noted that the Site has been subject to a recent City of Hamilton Staff Report (PED22154(a)) for the Residential Zones Project. The report was brought to the Planning Committee on February 23rd, 2024 and Schedule A of Appendix B identified the City is in the process of rezoning the lands to an R1 Zone. This means the Site would be subject to updated parking provisions and dimensions which are similar to the requested variances in this Minor Variance Application.

Is the requested variance desirable for the appropriate development or use of the land, building or structure?

Yes, the requested variances are desirable to facilitate the townhouse development proposal and severance.

Setbacks

The Site is suitable for street townhouse units as seen through UHOP policies and the site-specific, former, and current Zoning By-law in the City of Hamilton. The reduced setbacks are requested for the front and rear yards. The reductions will help provide additional floor area, and therefore livable space, for each townhouse dwelling and the prospective residents of the townhomes. This helps address recent concerns with new housing development not having enough, functional, and/or usable living space within the dwellings themselves.

The proposed variances will not impact any of the key features of the Site and new development. For example, over half of the front yards will continue to be landscaped area, there will continue to be at least one parking space per townhouse dwelling unit and two spaces if counting the driveway, and usable amenity space will still be provided in the rear yards.

Parking

The requested parking variances are also seen as a desirable use for the Site, as they bring the parking dimensions up to date with Zoning By-law 05-200 (save for the garage width) and the eventual parking updates as part of the City’s Residential Zones Project.

Is the requested variance minor in nature?

Yes, the request variances are minor in nature.

Setbacks

The requested front and rear yard setbacks will not have major impacts on the surrounding uses and neighbourhood. The Site is located on Chester Avenue, which is approximately 50m from West 5th Street and identified in Schedule C of the UHOP as a Minor Arterial Road. Therefore, this medium density residential form of townhouses will be located on the edge of the Neighbourhood designation and have a minor impact on the greater Neighbourhood designation itself. The front yard setback will bring the townhouse dwelling closer to the street line to better frame Chester Avenue and the public Right-of-Way. This is a similar approach as a recent townhouse development at the intersection of Rosehill and West 5th Street (less than 200m north of the Site). In this case, 9 townhouse dwellings were proposed and with 3.0m front yard setbacks to the building face.

There are also many developments and fences along Chester Avenue that are located close to the street line. Examples include 904 and 914 West 5th Street, and 136, 144, 328 and 327 Annabelle Street. Figure 2 shows these building façade locations outlined in yellow, their lot lines outlined in red, as well as the Site outlined in blue. Here we can see that many of the dwellings are built very close to Chester Ave. One can see there is a range of distances and front or side yards between the first instance of the main dwelling unit and the lot line along Chester Avenue (1m to 4.5m). One can also see that the main dwellings start to be located further away from the front lot line the more internal to the neighbourhood (and away from West 5th Street) one travels. The proposed development and requested front yard setback will better reflect the setbacks and main dwelling patterns along Chester Avenue.

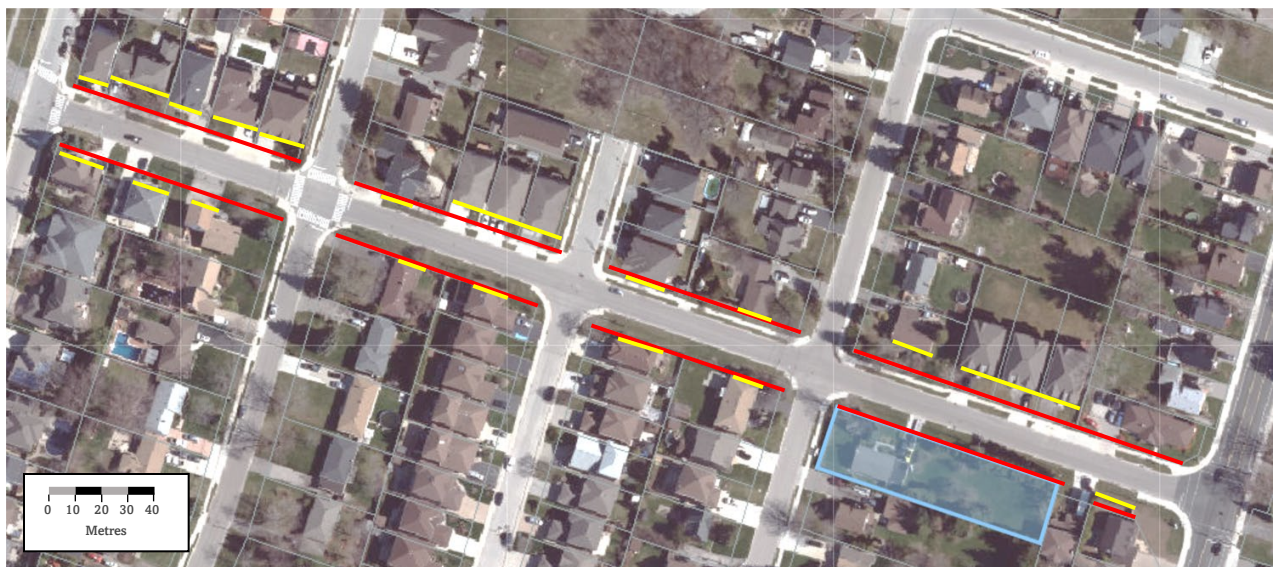


Figure 2: Chester Ave Lot Fabric (Source: Province of Ontario Ministry of Natural Resources and Forestry)

The rear yard is proposed to be varied by 0.5m in order to maximize the townhouse dwelling sizes. The variance will still allow the rear yard to be functional private amenity space at the same time as maintaining separation with rear yard neighbours.

Parking

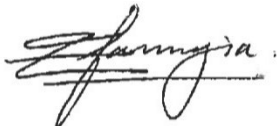
Lastly, the reduced driveway and attached garage dimensions are considered minor in nature and seek to bring the driveway and attached garage to updated zoning standards. The City of Hamilton has already implemented these standards in the more modern Zoning By-law 05-200 and is on track to further support it through the ongoing Residential Zoning Project. These changes will not create any undesirable conditions pertaining to the general use of the lot or the neighbourhood.

Instead, they will provide more floor space for the residents of the home to enjoy at the same time as providing the required parking spaces for each townhouse dwelling.

Should you have any questions, or require any additional information, please do not hesitate to contact me at 289-814-3085 or by email at efarrugia@gspgroup.ca.

Yours truly,

GSP Group Inc.



Elizabeth Farrugia, MCIP, RPP
Senior Planner



Adam Nanji, B.ES
Planner

cc: Kan Darji and Paresh Patel



Hamilton

Committee of Adjustment

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

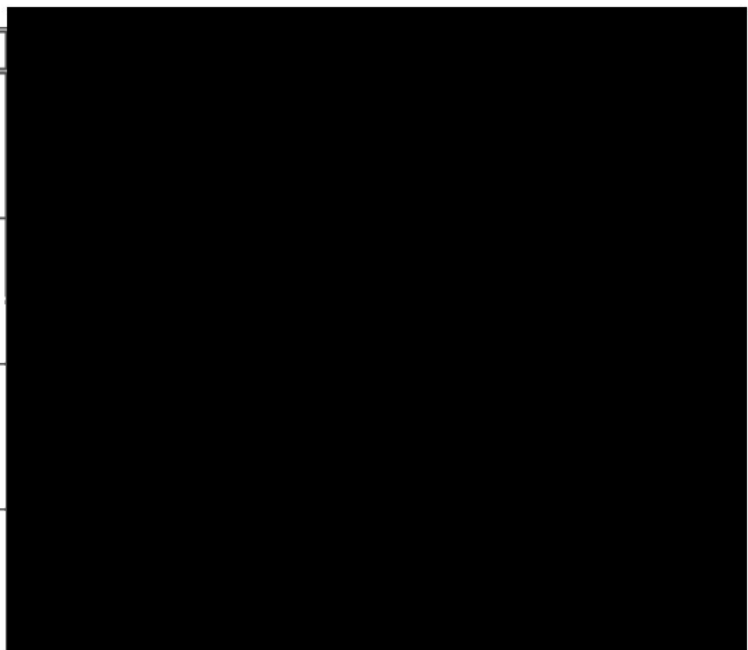
Phone: (905) 546-2424 ext. 4221
Email: cofa@hamilton.ca

**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*	Paresh Patel
Registered Owners(s)	Paresh Patel
Applicant(s)**	Paresh Patel
Agent or Solicitor	GSP Group Inc (c/o Elizabeth Farrugia)



*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 Primary contact 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.

1.6 Payment type

In person
 Cheque

Credit over phone*

*Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	103 Chester Ave		
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number	823	Lot(s)	5
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:

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: See Attachment

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:					
Type of Transfer	N/A				
Frontage					
Depth					
Area					
Existing Use					
Proposed Use					
Existing Buildings/ Structures					
Proposed Buildings/ Structures					
Buildings/ Structures to be Removed					

* 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: _____

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

Townhomes are permitted within the Neighbourhoods designation, and the lot will be used as a residential infill opportunity to provide a diverse range of housing options in the area.

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? C/S-1822

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.

No File Number provided at this time

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

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

6 HISTORY OF THE SUBJECT LAND

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

Yes No Unknown

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

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

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.

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.

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 see attached justification letter

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

Yes No (Provide explanation)

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

Yes No (Provide explanation)

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

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

APPLICATION FOR CONSENT TO SEVER LAND

4.0 DESCRIPTION OF SUBJECT LAND

Identified on Sketch as:	Retained Parcel	Parcel 1	Parcel 2	Parcel 3	Parcel 4	Parcel 5	Parcel 6	Parcel 7
Type of Transfer	N/A							
Frontage	11.5m	9.0m	9.0m	11.0m	11.0m	9.0m	9.0m	10.8m
Depth	21.3m	21.3m	21.3m	21.3m	21.3m	21.3m	21.3m	21.3m
Area	237m ²	191m ²	191m ²	234m ²	234m ²	191m ²	191m ²	239m ²
Existing Use	Portion of Detached Dwelling	Portion of Detached Dwelling	Portion of Detached Dwelling	Vacant	Vacant	Vacant	Vacant	Vacant
Proposed Use	Townhouse	Townhouse	Townhouse	Townhouse	Townhouse	Townhouse	Townhouse	Townhouse
Existing Buildings/ Structures	Portion of Detached Dwelling	Portion of Detached Dwelling	Portion of Detached Dwelling, Driveway, Attached Garage, Addition	Vacant	Vacant	Vacant	Vacant	Vacant
Proposed Buildings/ Structures	Townhouse	Townhouse	Townhouse	Townhouse	Townhouse	Townhouse	Townhouse	Townhouse
Buildings/ Structures to be removed	Portion of Detached Dwelling	Portion of Detached Dwelling	Portion of Detached Dwelling, Driveway, Attached Garage, Addition	N/A	N/A	N/A	N/A	N/A