



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

To: Jamila Sheffield, Secretary-Treasurer, Committee of Adjustment

From: Ashley Gallagher, Planning & Regulations Analyst

Email: agallagher@hrca.on.ca

File Number: B-24:21 and A-24:84

Address: 963 Garden Lane

Subject: Committee of Adjustment File Comments – May 21, 2024

Recommendation	Approve
Proposed Conditions:	N/A
Comments:	<p>Conservation Halton (CH) staff has reviewed the above-noted applications as per our regulatory responsibilities under the <i>Conservation Authorities Act</i> (CA Act) and Ontario Regulation 41/24, and our provincially designated responsibilities under Ontario Regulation 686/21 (e.g., acting on behalf of the province to ensure decisions under the <i>Planning Act</i> are consistent with the natural hazards policies of the Provincial Policy Statement [PPS, Sections 3.1.1-3.1.7] and/or provincial plans).</p> <p>Documents reviewed as part of these submissions include: <i>Survey</i>, prepared by A.T. McLaren Limited, dated March 22, 2024 <i>Sketch for Land Division</i>, prepared by A.T. McLaren Limited, dated March 8, 2024 <i>Floor Plan</i>, prepared by Royal Homes, dated June 2020 <i>Cover Letter</i>, prepared by Paul Brown & Associates Inc., dated April 3, 2024</p> <p><u>Proposal</u></p> <p>The purpose of the severance application (B-24:21) is to permit the conveyance of a parcel of land (approximately 0.35 acres in size) for residential purposes (existing dwelling to remain), and to retain a parcel of land for agricultural and future residential uses (existing garage to be removed).</p>



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	<p>The minor variances being requested under application A-24:84 are required to facilitate the proposed lot severance and include reduced lot areas and widths.</p> <p><u>Conservation Authorities Act and Ontario Regulation 41/24</u></p> <p>Under Part VI of the CA Act and Ontario Regulation 41/24, CH regulates all watercourses, valleylands, wetlands, Lake Ontario Shoreline and hazardous lands as well as lands adjacent to these features. Based on CH’s Approximate Regulation Limit mapping, the subject property at 963 Garden Lane is regulated by CH as it contains portions of a wetland. CH regulates 30 metres from the limit of wetlands. Permission is required from CH prior to undertaking development activities within CH’s regulated area and applications for development are reviewed under the <i>Conservation Authorities Act, Ontario Regulation 41/24</i> and CH’s Regulatory Policies and Guidelines (https://conservationhalton.ca/policies-and-guidelines).</p> <p>As per CH’s ARL mapping, the proposed severed lot will be outside of CH regulated areas. CH raises no concerns with the requested variances as the proposed development area on the lot to be retained is outside of CH’s regulated area. As the land to be retained is partially regulated by CH, permission from CH may be required for future development on those lands. A CH Development Clearance letter will be required for the proposed development on the retained lands as shown in the submitted materials.</p> <p><u>Provincial Policy Statement (Sections 3.1.1-3.1.7)</u></p> <p>As the development contemplated through the variance and severance applications is located outside of regulated hazardous lands and sites, it is consistent with PPS Policies 3.1.1-3.1.7.</p> <p><u>Recommendation</u></p> <p>Based on the above, CH has no objection to approval of the proposed minor variance and severance applications.</p> <p>Should any changes to the proposed applications and related development arise, please circulate CH for further review and comments.</p>
Notes:	N/A

Opposition to Minor Variance Application A-24:81

Chisholm Heidi <chisholmh@hhsc.ca>

Mon 5/13/2024 5:02 PM

To:Committee of adjustment <cofa@hamilton.ca>

Dan and Heidi Chisholm
24 Passmore Street
Stoney Creek ON L8G 2T7

May 13, 2024

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

Re: Minor Variance Application for 19 Dawson Avenue, Stoney Creek

Dear Committee Members,

We are writing to express our strong opposition to the minor variance application submitted for the property located at 19 Dawson Avenue, Stoney Creek. As concerned neighbours and residents of this community, we believe that granting this variance would have adverse effects on our neighbourhood and violate the spirit of our zoning by-laws.

The applicants plan for a 5 townhome, 10 unit dwelling on a 0.07hc lot, with the reduction of available parking spaces and no visitor parking will force parking on the streets, this in turn will lead to higher demand for on-street parking, reducing available space for passing vehicles. Adequate parking is essential for residents, visitors, and the overall neighbourhood. Passmore Street is considered a school safety zone for Collegiate Public School and St. Martin of Tours School with both school boards encouraging our children to walk to school daily, insufficient parking could lead to congestion, inconvenience, and major safety hazards for families to get their children to and from school safely. Parked cars obstruct visibility at intersections, driveways and pedestrian crossings making it difficult for drivers to see pedestrians and oncoming traffic, increasing the risk of accidents. There could also be potential issues of blocked driveways and limited emergency vehicle access from reaching their destinations promptly. Amica retirement community is across the street from 19 Dawson Ave, currently their employees and visitors park on Passmore St and Dawson Ave, with the proposed request it would be adding to the congestion of multiple vehicles on our roads and would make it a major safety hazard for our elderly pedestrians, children and cyclists alike.

The proposed change would alter our neighbourhood's character. Existing residents chose their homes based on the current zoning regulations. Inadequate parking and planning for additional dwellings strains existing infrastructure, affects traffic flow, and compromises safety. Many of us residents have had issues with poor water flow since Amica's beginning and the addition of 5 townhomes with 10 units on the same water main will no doubt cause more strain to the neighbourhood water flow issues. With the addition of Amica we have had two speed bumps installed on Passmore to mitigate traffic flow on our normally pedestrian friendly quiet streets. Proper planning and consideration of parking requirements and infrastructure are crucial to maintaining a balanced and functional neighbourhood.

The Committee should consider the broader public interest beyond the applicant's desires. Our community's well-being and quality of life depend on thoughtful planning decisions. The variance should align with the general intent and purpose of the zoning by-law. In this case, the proposed development deviates significantly from the established norms. City Council supported our community when the previous owner of 19 Dawson brought

forward plans to build 6, 3 story townhomes. The proposed development could obstruct views from neighboring properties, diminishing their overall enjoyment. Increased building height and reduced setbacks may cast shadows on neighboring yards, affecting natural light and vegetation and the reduced setback would compromise the privacy of adjacent homes, as windows and outdoor spaces would be in closer proximity. These issues are still an ongoing concern for all of us. To be explicit this is not a matter of nimbyism it's a matter of common sense, this project does not make sense and never has, it will not solve the housing crisis by jamming 10 units on a single family home lot. The proposed variance does not align with the character of our neighbourhood and could set an undesirable precedent for future developments. We should prioritize maintaining the existing streetscape aesthetics. Our Councilor had brought forward numerous options for development of multi-unit homes in Stoney Creek recently, please take a look at these other options that do make sense.

In summary, I respectfully request that the Committee of Adjustment carefully consider the impact of this variance on our neighborhood. I believe that maintaining the existing is crucial for preserving the harmony and livability of our community.

Thank you for your attention to this matter. I trust that you will make a decision that prioritizes the collective welfare of our neighborhood.

Sincerely,

Dan and Heidi Chisholm

This information is directed in confidence solely to the person named above and may not otherwise be distributed, copied or disclosed. Therefore, this information should be considered strictly confidential. If you have received this email in error, please notify the sender immediately via a return email for further direction. Thank you for your assistance.

Concerns: 19 Dawson Avenue

Christina Valiaveettil <christina.valiaveettil@gmail.com>

Tue 5/7/2024 5:14 PM

To:Committee of adjustment <cofa@hamilton.ca>;Francis, Matt <Matt.Francis@hamilton.ca>

External Email: Use caution with links and attachments

To the Committee of Adjustment and Matt Francis,

I am writing to express my concerns with the current plan for 19 Dawson avenue. I am a resident of 26 Passmore St, Stoney Creek, which is located on the rear/adjacent street of this lot. I am a new home owner and moved into this home recently, in August of 2023. I was not aware of the plan to sell and reallocate the property at 19 Dawson at that time. As a new home owner, I certainly appreciate the need for affordable housing, but I kindly ask you the committee of adjustment and our ward councillor to cognizantly acknowledge the effects on the current neighbourhood as well.

My main concern pertains to adequate parking and maintaining the walkability of this neighbourhood. The current proposal is for five townhouses each with the capacity for an additional secondary dwelling units, totalling 10 new residential units. The current proposal for parking for 10 new units is 5 parking spots, with the rationale to reduce the number of spots due to the proximity to public transit.

However, I am concerned that this is inadequate parking for the new residents of 19 Dawson. The adjacent streets do not have sidewalks and have a ditch on either side of the road to allow water drainage. Many of the current residents and I use the roadspace for walking/running/cycling. Also, please note that this location is in close proximity to two elementary schools, one high school and Amica retirement home. Therefore, the pedestrians include young children and the senior residents. I ask that you reconsider the zoning to allow adequate parking on the property to at least accomodate for 1 spot for each of the 10 proposed residents. In fact, I still think that 10 spots for 10 dwellings may be insufficient. Cohabiting couples often rely on their own personal vehicles. Therefore, there may be up to 20 cars for 5 parking spots depending on who resides at this site, and does not account for any guests or visitors. Therefore, I hope that anticipating this need, the zoning will better plan for the needs of the new tenants by building enough parking spots. This will reduce street parking, and given the lack of sidewalks allow pedestrians to use this space without walking in the centre of the road.

If this is not possible, please let me know if there are avenues to limit street parking on Passmore Street to keep routes safe and accessible for residents of all ages.

Thank you for taking the time to consider my concerns. I know that the housing market is challenging to navigate. I purchased my home on 26 Passmore in August of 2023 and part of the appeal was the safe and quiet nature of this neighbourhood. I hope that in optimizing the number of dwellings created in this lot that the city will be mindful of the surrounding residents who currently call this area home.

Sincere thanks,
Christina Valiaveettil
26 Passmore Street.

Re: Old Masonic Hall

Committee of adjustment <cofa@hamilton.ca>

Mon 5/13/2024 12:04 PM

To: gerald martin <dolittle4you@yahoo.ca>; Committee of adjustment <cofa@hamilton.ca>

Good Morning,

If your comments are related to a Committee of Adjustment application, please provide a file number and subject land location for your comments to be provided to the Committee.

Regards,

Jamila

From: gerald martin <dolittle4you@yahoo.ca>**Sent:** Friday, May 10, 2024 5:35 PM**To:** Committee of adjustment <cofa@hamilton.ca>**Subject:** Old Masonic Hall

External Email: Use caution with links and attachments

Just to let you know that I am really unhappy with the Town of Stoney Creek even contemplating building this housing structure on the Masonic Hall property. This is a bizarre move to squeeze so many people into one spot and have no real on-site parking for a possible up to 20 vehicles. If you think that this is practical and each household will only have 1 car give your head a really hard shake. These extra cars will end up on the streets which is unsafe and impractical. Who comes up with these ridiculous ideas and who is dumb enough to give it the thumbs up? So 👎👎👎 G.MartinStoney Creek resident.

Sent from my iPad GGMartin 😊

Re 19 Dawson Ave. Stoney Creek Application A-24:81

Jim Edwards <idi-net@hotmail.com>

Tue 5/7/2024 11:47 AM

To:Committee of adjustment <cofa@hamilton.ca>

External Email: Use caution with links and attachments
I am NOT IN FAVOR of this variance. A-24:81

Traffic and parking have already been complained about.

We also rejected the first Plan, before taken to Toronto and have it green lighted by a tribunal. Now double occupancy per unit!

My property value has already been damaged by these other "Minor Variances" From other projects in this area.

Why are you building these housing units when the LRT doesn't go this far?

Just pick on the seniors, who can't afford legal fee's to fight it.

Has anyone take in consideration the Ditch Divert from Manor Place though my Back yard out to Dawson Ave.? Right to 19 Dawson Ave.

Who will be responsible for the flooding?

Why ask us if you are going to do it anyway ?

Jim Edwards
15 Dawson Ave.
Stoney Creek, Ontario
L8G3T5

905 662 0284

Application No: A-24:81

judy g <judyag1@hotmail.com>

Sat 5/11/2024 2:36 PM

To:Committee of adjustment <cofa@hamilton.ca>

External Email: Use caution with links and attachments

To the Committee of Adjustments,

Please understand that I am vehemently against any further variances to 19 Dawson Avenue, Stoney Creek. The variances requested aren't just about the parking but with very little notice that we find out about secondary dwelling units.

To date I do have any idea exactly what is being built on this site.

A number of years have been spent trying to make our voices heard and we accepted the LPAT decision on the prior owners application at five units. Now we are up to ten units and a request to significantly lower the parking requirements.

We have the same issues but further enhanced by the addition of five extra units. On street parking will be a major issue not only for pedestrians but also snow removal as we have no sidewalks. Extra units will continue to tax the water pressure which I still believe is compromised since Amica was built.

I would request that you reject this application for these variances.

Respectfully submitted,
Judy Green
29 Passmore Street,
Stoney Creek, L8G 3J6

Comments regarding 19 Dawson Ave. APP. NO. A-24:81

Sam Porco <samporco60@gmail.com>

Tue 5/14/2024 10:51 AM

To:Committee of adjustment <cofa@hamilton.ca>

External Email: Use caution with links and attachments

ATTN: Jamila Sheffield, Secretary-Treasurer

Committee of Adjustment
City of Hamilton
Planning and Economic Development Department
[71 Main Street West, 5th Floor](#)
[Hamilton, ON L8P 4Y5](#)

**RE: [19 Dawson Avenue, Stoney Creek](#)
Minor Variance Application No. A-24:81**

As a resident of Passmore Street for more than 25 years, I am writing to express my views and strong opposition regarding the minor variance request for [19 Dawson Ave., Stoney Creek](#), application no. A-24:81.

The applicant's request to reduce the required number of parking spaces for the proposed townhouses in my opinion will create parking congestion that will make it difficult for vehicular traffic and dangerous for pedestrians. Most households nowadays rely on two vehicles and this proposed townhouse project will house families that will not be any different, having experienced this myself living in a similar development. The variance request can add a potential of 20 cars that will require parking. A second vehicle will then have to park on the street. Passmore and Dawson are narrow 6.7m (22') wide asphalt roadways with 0.6m (2') gravel shoulders and steeply sloped sodded drainage ditches on each side. When cars are parked on each side of the street it leaves approximately 3.6m (12') of narrow width for two-way vehicle traffic, cyclists, and pedestrians. Pedestrians, composed of seniors (some with walkers or on wheelchairs), students, daycare children, and residents walking their dogs, are forced to use the roadways being that there are no sidewalks provided. Currently, the street parking is being used by employees and visitors to the adjacent senior residence and by various residents and their visitors. The townhouses and the secondary dwelling units will also rely on street parking for visitors, adding further parking congestion. Parking congestion will make it difficult for emergency, garbage, recycling, and snow removal vehicles to maneuver.

The purpose and effect to increase the number of dwellings from 5 to 10 and decrease the number of required parking spaces from 10 to 5 are putting this variance application to further unwanted variances in our neighbourhood. The subject property has already been granted numerous zoning amendments from setbacks, frontage, lot coverage, etc., much to the opposition of the neighbourhood and rejected by the Hamilton's Planning Committee. More variances may be applied and required by the applicant for exit stairs above the first floor, a maximum number of front entrance doors, and yard encroachments, adding further concerns to our neighbourhood. The proposed townhouses are not in character with the adjacent residences and should be redesigned to reduce the number of dwellings, their height, and their mass. The adjacent residence will have no privacy, nuisances and shading with the proposed townhouse overlooking their property. The increase in units will also put further loads on the infrastructure, in particular the below-average water pressure.

This variance application is not minor nor desirable and does not represent good planning for the subject lands which was originally zoned and intended for a single-story home in a low-density neighbourhood. The neighbourhood has already been housing intensified with the addition of senior residences. Alternately the existing building shell can be renovated and repurposed to easily accommodate a minimum of four dwellings, requiring minimum demolition and keeping costs well with in budget.

Kind Regards,

Sam Porco

289-880-7651

File A-24:81, 19 Dawson Ave, Stoney Creek

Barbara Ackles <456westbay@gmail.com>

Thu 5/16/2024 9:33 PM

To:Committee of adjustment <cofa@hamilton.ca>

External Email: Use caution with links and attachments

I am here today to oppose the variances requested in the above application. I want to make it clear that it has nothing to do with Habitat for Humanity but it is personal for me. I've lived in the same neighborhood since 1955 and at my current location for over 30 years.

By now, you've probably received various resident letters in opposition citing their concerns about parking, pedestrian safety, water pressure etc but I want to challenge the variances from my review and interpretation of UHOP, By-law 05-200 & Stoney Creek By-law 3692-92 as well as the applicants submission.

The variance application seems to acknowledge that there are 10 dwellings (item 8.2) to be constructed and it is one lot, lot 68 of plan 1016. They are correct in stating the current lands are subject to a density range of 30 - 73 net residential units per hectare.

Density is defined under 3692-92 as "the number of dwelling units on a hectare lot". A Secondary Dwelling Unit is defined as just that, a self-contained dwelling unit. There is no provision that I can find that excludes SDU's from the density calculation. Therefore, it's reasonable to calculate density at 10 "dwelling units" based on Stoney Creek by-law 3692-92 alone.

Under UHOP,Section E, 3.3.3, specifically excludes SDU's from the density calculation... and I can't find a definition of density or secondary dwelling units.

By-law 05-200 refers to SDU's as "Additional Dwelling Units" and under Section 4.33 (c), no more than 4 Dwelling Units shall be permitted on a lot that contains an Additional Dwelling Unit. It states (by-law 24-051, April 10,2024, not final & binding). If the applicant can use a proposed change to the parking rate under 05-200 as aligned with city objectives as part of their planning rationale, then we should be able to use a similar application of 4.33 (c) to reject the variance application.

Because these documents do not seem to be aligned with respect to "dwelling units", we should be able to apply 10 dwelling units to the density calculation at .07 hectare for an unreasonable 142 units per hectare, almost double the density range for the zoning.

We all seem to agree that there is one .07 hectare lot and there are 10 dwelling units as defined. How it's applied to the density calculation depends on which document you choose. We shouldn't even be at committee of adjustments over parking given the issue of density.

The sole reason the applicant can't comply with the parking provisions is "insufficient lot area to accommodate the SDU's" which I find particularly offensive. We know that. Our neighbourhood has been through this before. Council supported us in a 7 - 1 vote to reject a prior plan and the OLT adjudicated on 5 units, 2 1/2 stories and we all went on with our lives. Now, with just 2 weeks notice, it's 10 units.

I strongly believe UHOP, E 3.3.3 excluding SDU's from density was not intended to result in 10 dwelling units on a single family lot in a low density neighbourhood. Sometimes, documents like these are written with good intentions but have unexpected consequences. We can't solve the affordable housing issue on one single family lot. Please reject the submission.

Respectfully,

Brad Ackles
30 Evergreen Ave, Stoney Creek

Please reject

Sent from my iPad

File A-24:81

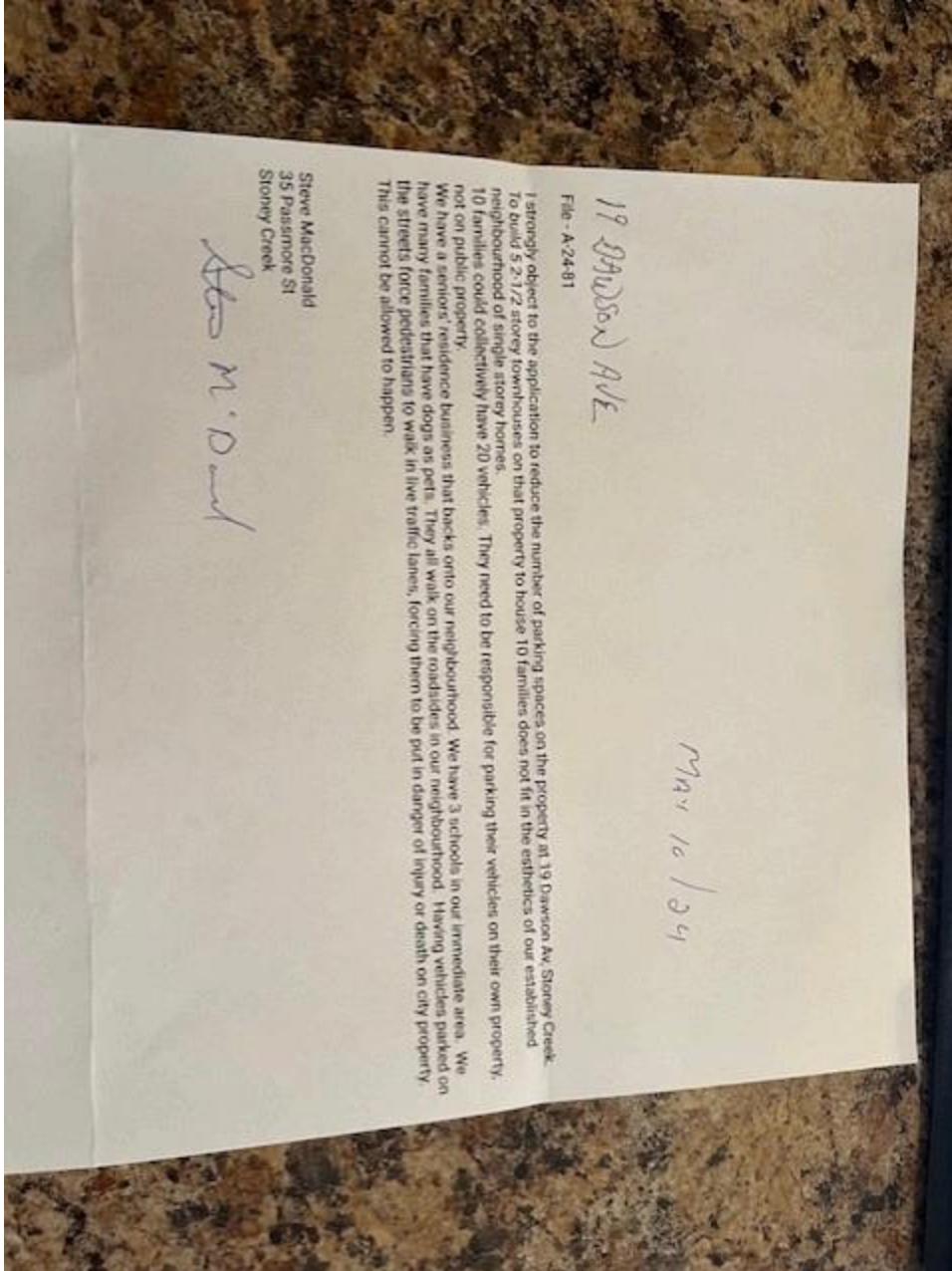
Brad Ackles <westbayrd@gmail.com>

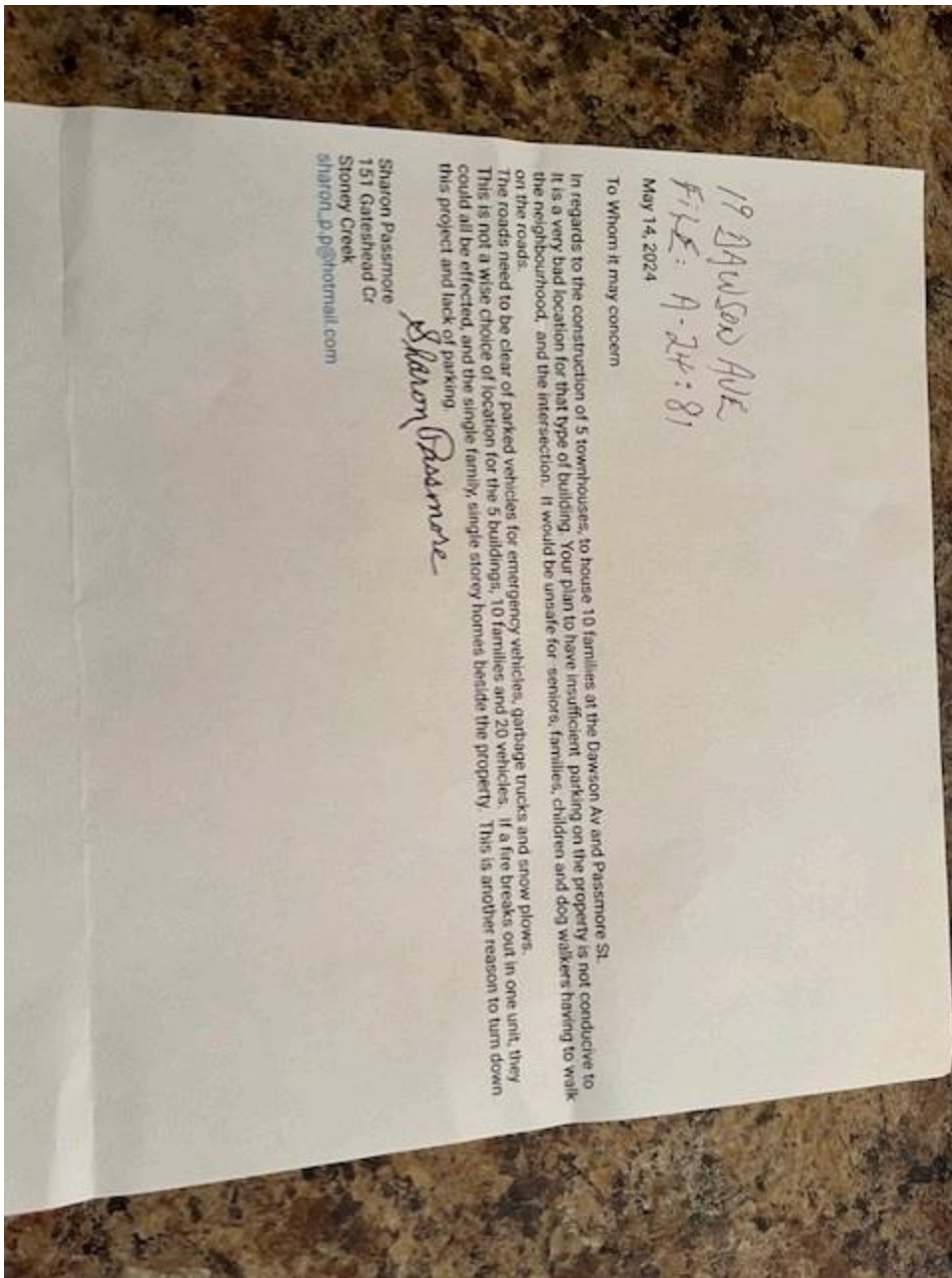
Wed 5/15/2024 1:14 PM

To:Committee of adjustment <cofa@hamilton.ca>

External Email: Use caution with links and attachments

2 resident letters of objection





Sent from my iPhone

Re: 2:40 p.m. A-24:81 19 Dawson Avenue, Stoney Creek (Ward 5)

Viv Saunders <vsaundersqg@gmail.com>

Wed 5/15/2024 11:19 AM

To:Committee of adjustment <cofa@hamilton.ca>

External Email: Use caution with links and attachments

Dear CoA / Staff:

It is with mixed emotions I make this submission for your consideration of the above mentioned file which is indicating that a Minor variance to the # of parking spaces is being sought. It is my belief that **Committee should deny** the variance requests on the grounds that at least 1 of the 4 tests under the Planning Act fail.

Additionally, it appears this deviation to the parking is **premature, possibly outside of the scope of the Committee of Adjustment's framework, and lacks pertinent details necessary for a fulsome evaluation.**

Brief History: This land went through a fulsome ZBA and OPA application process a few years ago. The applicant applied for Street Townhomes: 6 residential units. Staff at that time felt 6 was an over-intensification & recommended 5. Council, in December 2020, denied 5 units & an appeal was filed. The OLT, after a fulsome review, issued a January 2022 Decision with site specific details to amend setbacks etc in order to fit 5 units on the .069 hectare footprint as of right. The Zoning and/or site specific OPA is not old.

In addition, other planning instruments have been amended locally to allow 4 units (fourplexes) as well as a maximum of 2 Secondary Dwelling Units (3 units in total) I believe as well as Parking Regulations, for the adjacent properties 'as of right'. Those amendments are not applicable to this subject land however I am pointing this out for context of the intent of our OP and Zoning Regulations. Of note, those amendments for the surrounding properties are still more restrictive re: some of the parking regulations & max density.

1. Does the variance fail to maintain the general intent and purpose of the Official Plan?

As per the Ontario Land Tribunal Decision Order in January 2022, the land is subject to a site-specific policy area within the Urban Hamilton Official Plan with mandatory maximum density.

It appears the relief from # of parking spaces is being sought to provide front entrances to the SDUs. Therefore, it is the cumulative impact to be considered. Secondary dwelling units are, by definition, 'residential'.

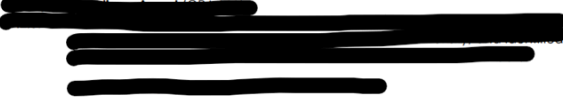
Ten (10) dwelling units on 0.069 hectares = 145 units per net residential hectare which is more than double the number of units permitted under our Official Plan. (excerpt below).

I submit that the CoA should not be approving minor variances that could possibly drive or significantly impact the eventual outcome of an Official Plan amendment application process.

Site Specific Policy – Area I (OPA 160)

7.2.8.9 For the lands located at 19 Dawson Avenue, Stoney Creek, designated Medium Density Residential 3, and identified as Site Specific Policy – Area I on Map B.7.2-1 – Old Town Secondary Plan – Land Use Plan, the following policies shall apply:

- a) Notwithstanding Policy E.3.5.2 and E.3.5.3 of Volume 1 and Policy B.7.2.2.3 b) of Volume 2, only street townhouses shall be permitted;
- b) Notwithstanding Policy E.3.5.7 of Volume 1, and Policy B.7.2.2.3 a) of Volume 2, **the density range shall be from 30 to 73 units per net residential hectare;** and,
- c) Notwithstanding Policy E.3.5.8 of Volume 1, building height shall not exceed two and a half storeys.



2. Does the variance fail to maintain the general intent and purpose of the Zoning By-laws?

The overall proposal (increasing the density via a relief from parking spaces for Street townhomes that have already been granted reductions in lot size, lot frontages, front yards, side yards & building heights) does not conform to the general intent of the Zoning Regulations.

The intent of the modified RM2-46 zoning issued by the OLT in January 2022 was to increase the density with a cap of 5 residential infill units with 10 parking spaces.

Please note no deviations from the required number of parking spaces was sought during the previous applications and/or appeal.

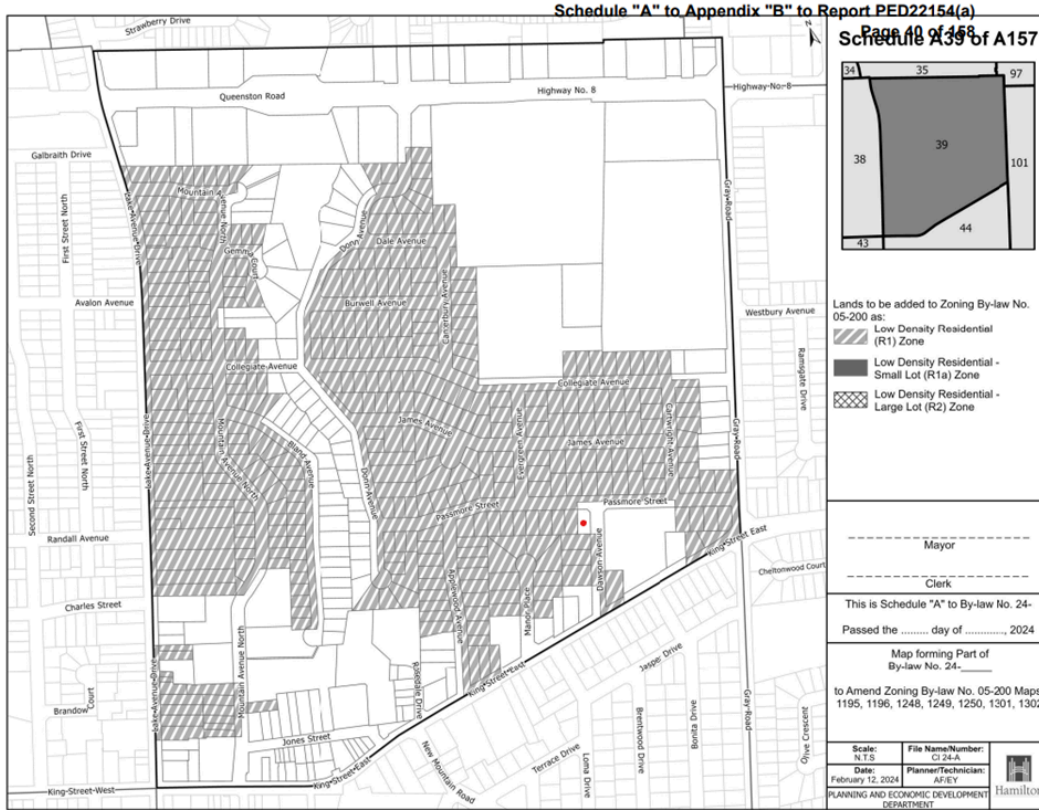
Generally, the quantitative reduction is not at issue however this lot might be unique & the applicant and Planning Staff might direct Committee to some (but not all) of the parking regulations in Zoning By-law 05-200 to have you evaluating if a deviation from 15 spaces down to 5 meets the general intent of the Zoning Regulations?

Please note this land 's zoning **permissions are not governed by 05-200.**

As recently as April 2024, Council approved some residential lots for different parking permissions but for clarity did not approve 19 Dawson Avenue as well as other properties in that area.

See map below.

White lots have different parking regulations (subject land indicated with a red dot):



05-200 Zoning Amendment changes for Parking regulations were designed with care.

In tandem with ranges/reductions in the number of parking spaces, **05-200 also** introduced requirements for EV parking spaces and **made clear that parking spaces for Street Townhomes in the front yards is not permitted.**

While I appreciate that the applicant wishes to get around the # of parking 'space' regulations by introducing just one of the Parking subsections of 05-200 to the discussion, I would ask Committee to consider whether doing so *without also considering the other sub-sections specifically for Parking within 05-200*, would meet the test for maintaining the general intent and purposes of the 05-200 Zoning Regulations.

I ask this even though 05-200 Zoning Regulations are not applicable to the subject lands.

For clarity, the subject lands are regulated by Stoney Creek By-law 3692-92.

Specifically, Section 6.9, Multiple Residential "RM2" Zone, of Zoning By-law No. 3692-92 (Stoney Creek) amended by adding Special Exemption "RM2-46".

As such, I believe the Committee should only be evaluating the deviations sought against that Zoning By-law.

3. Is the variance minor in nature?

Generally, if it is determined that failing to meet the general intent of purpose of either the OP or Zoning regulations, it is automatically determined the variance is not minor in nature and fails to meet this test under the Planning Act.

In addition the applicant, in my respectful submission, has failed to also include obvious additional variances that are required for Site Plan approval / building permit stage & has therefore not demonstrated how the need to reduce the number of parking spaces is not minor in nature.

(a) It appears that the proposal requires a deviation from the definition of Street Townhomes as per the section below:

Dwelling – Street Townhouse

Means a building containing not less than three and **not more than eight dwelling units** where each unit is located on a separate lot with frontage on a public street and is separated from each adjoining unit by a common or party wall or walls above grade for a minimum height of one storey above grade. Such common or party wall may enclose a heated or unheated part of the dwelling unit or private garage or a combination thereof.

b) It appears that the proposal might require a deviation from the number of front entrances allowed

The applicant has not provided detailed information to Committee on the location of the Secondary Dwelling Unit entrances however it can reasonably be assumed (by process of elimination) that for the interior units they will be located in the area that is presently showing as garages on the Conceptual Plan Committee has before them. Please note the following section within the Zoning regulations:

6.1.7.1 Secondary Dwelling Unit

May 2021

RES-4

PART 6
By-law 22-138

RESIDENTIAL ZONES

- (a) For lands within a “R1”, “R2”, “R3”, “R4”, “R5”, “R6”, “RM1”, “RM2”, and “RM3” Zone, a maximum of one Secondary Dwelling Unit shall be permitted within a Single Detached Dwelling, a Semi-Detached Dwelling, or a Street Townhouse Dwelling on a divided or undivided lot and shall not result in a change to the defined dwelling type on the lot.
- (b) **All the regulations of the By-law applicable to the existing dwelling shall continue to apply unless specifically provided in Section 6.1.7.1.**
- (c) There shall be no outside stairway above the first floor other than a required exterior exit.
- (d) **A maximum of one entrance shall be permitted on the front façade of a dwelling containing a Secondary Dwelling Unit.**

c) Other unknown variances needed ? :

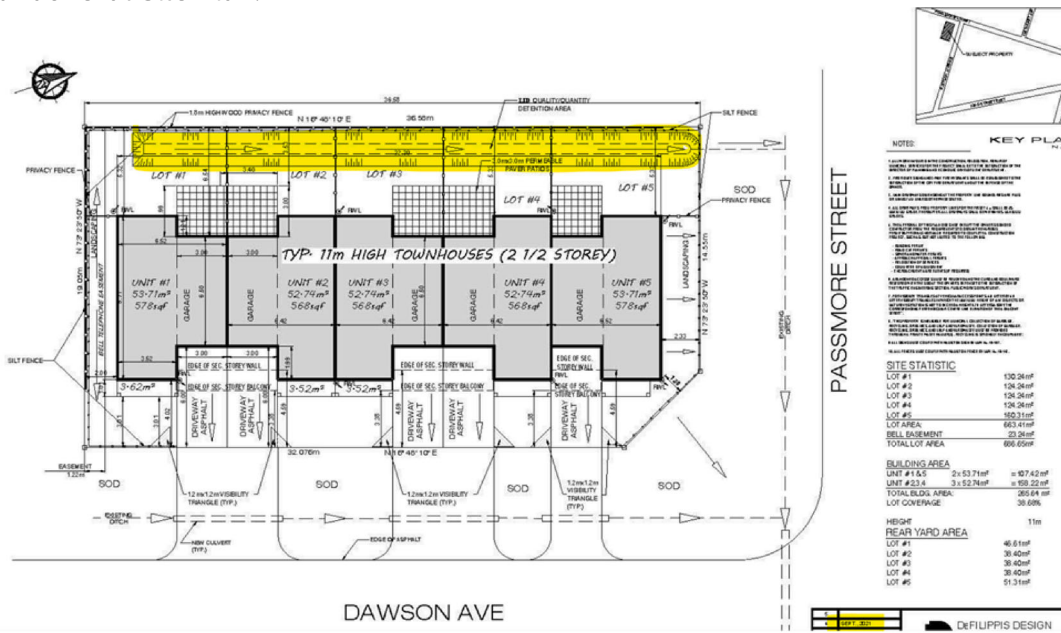
For the benefit of the Committee, below is the site plan rendering similar to the one before the OLT during the appeal.

This rendering illustrates the swale in the rear yards.

I noticed that the arrows from this rendering are shown on the rendering you have before you; however, the actual dimension of the swale required for stormwater management is not shown on your version which gives one the impression the rear yards are like the majority of rear yards throughout the City. They are not.

The front ditches and back swales indicate that additional care is required here for any variances that could ultimately result in a deviation from the recent more fulsome planning regulations (the OLT Decision Order in January 2022 when there were no additional dwelling units contemplated). To the naked eye it could be problematic to now incorporate pathways &/or stairwells for the secondary dwelling unit occupants & still meet the requirements for this first stage deviation re: parking tbeing 'minor in nature'

Side note: I do appreciate that stormwater management is a 'site plan' issue; however, it is addressed at site plan under the framework of the zoning permissions. What is decided on now re any those permissions that set density (or height) impacts the site plan agreement since density (or height) can't be 'undone' at Site Plan.



In summary, on the surface, it appears that this minor variance to parking regulations is setting the stage for further deviations to come forward at a later stage, fails to adhere to the site specific Official Plan, fails to adhere to the Zoning Regulations, is not minor in nature and therefore should be denied by Committee of Adjustments.

At the outset I stated that I have mixed emotions.

I love the concept!

I love the work Habitat for Humanity does to address affordable Housing and unfortunately, I think they may have fallen victim to a false real estate advertisement when they purchased this lot.

I appreciate that we need more housing.

However, the impact of setting a precedent for all future infill developments if this variance application is approved is of greater significance going forward.

We can't, as a City, be dismissive of our Official Plan & other land-use planning instruments; especially recent site specific regulations that underwent a comprehensive review.

The land is zoned RM2-46, special exemptions in 3292-92 Zoning. Further variances should not be granted.

An application for an Official Plan amendment & a rezoning to R2 to bring the land into 05-200 Zoning could & should be made in order to ensure the correct planning process is adhered to.

I would like to be informed of the final CoA Decision please.

Thank you,

Viv Saunders

Hamilton Resident