



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.:	B-24:69	SUBJECT PROPERTY:	3345 Homestead Drive, Glanbrook
-------------------------	----------------	--------------------------	---------------------------------

APPLICANTS: Owner: Sasa Kljakic
Agent: Urban in Mind c/o Dorothy Yeung

PURPOSE & EFFECT: To permit the conveyance of one half of a semi-detached dwelling and to retain one half of a semi-detached dwelling.

	Frontage	Depth	Area
SEVERED LANDS:	10.275 m [±]	45.4 m [±]	466 m ² ±
RETAINED LANDS:	10.275 m [±]	41.7 m [±]	429 m ² ±

Associated Planning Act File(s): GL/A-23:68, GL/A-23:69, GL/B-23:18 & B-24:70

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, November 26, 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
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton

B-24:69

PUBLIC INPUT

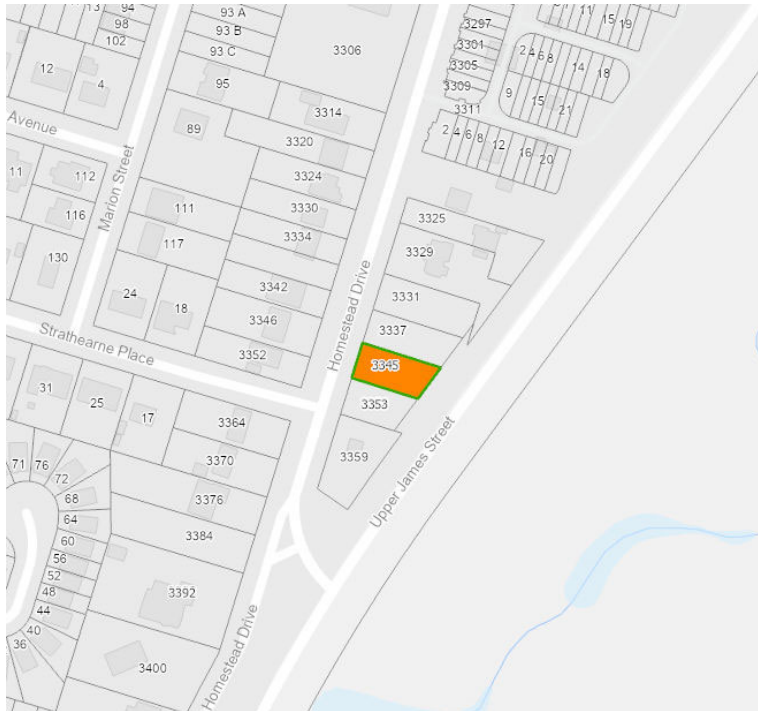
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon **November 22, 2024**

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 **November 25, 2024**

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding B-24:69, 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: November 7, 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.

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.

SITE PLAN

3345 and 3353 HOMESTEAD DRIVE,
HAMILTON

CURRENT ZONING: R3-311

GLANBROOK ZONING BY-LAW No.464

TOTAL SITE AREA: 1,695.7 m²

4 SEMI-DETACHED DWELLINGS EACH WITH A
SECONDARY DWELLING UNIT (8 UNITS TOTAL)

REQUIREMENT	REQUIRED	PROVIDED			
		LOT 1	LOT 2	LOT 3	LOT 4
MAX DWELLING UNITS (OFFICIAL PLAN)	25 /ha	25.0	25.0	23.3	21.5
MIN. LOT AREA (3345)	950m ²			429m ²	466m ²
MIN. LOT AREA (3353)	810m ²	400m ²	400m ²		
MIN. LOT FRONTAGE	20.0 m	11.724 m	10.535m	10.275m	10.275m
MIN. FRONT YARD	9.0 m	9.0 m	9.0m	9.0m	9.0m
MIN. SIDE YARD*	1.2 m*	2.65m	1.48m	1.27m	1.28m
MIN. REAR YARD	22.0 m	7.7 m	11.29m	15.01m	18.56m
MAX. COVERAGE	40.0%	36.0%	36.0%	33.6%	30.9%
BDLG. HEIGHT	10.7 m	<10.7m	<10.7m	<10.7m	<10.7m
PARKING SPACES	SEE NOTE	3	3	3	3

NOTES:

- PARKING REQUIRED FOR EACH SEMI-DETACHED DWELLING WITH A SECONDARY DWELLING UNIT IS 3.
- ALL PARKING SPACES ARE MIN. 3m X 6m.
- MIN. 100m² FLOOR AREA PER DWELLING UNIT WITH BASEMENT FLOOR AREA NOT COUNTED.
- EXCEPTION R3-311, WAS NOT AMENDED ALONG WITH THE R3 ZONE AS A WHOLE. R3-311 MIN LOT SIZES OF 810m² FOR THE COMBINATION OF LOTS 1 & 2 AND 950m² FOR THE COMBINATION OF LOTS 3 & 4, WHICH WAS PUT IN PLACE BEFORE THE 4.527m ROAD WIDENING WAS GIVEN.
- * MIN SIDE YARD = 0m FOR UNITS SHARING PARTY WALL

LEGEND:

- CURRENT LOT LINE
- PROPOSED ADJUSTMENT LOT LINE
- FUTURE LOT SEVERANCE LINE - SEMIS
- PROPOSED BUILDING
- DRIVEWAY
- WALKWAY (WIDTH - 0.6m)
- PARKING SPACE (6.0m X 3.0m)

BASE INFORMATION FROM:

A.T.McLAREN Limited
69 JOHN STREET SOUTH, SUITE 230, HAMILTON, ON L8N2B9
PHONE: (905) 527-8559 FAX: (905) 527-0032
FILE: PLAN 62R-21140 3345 & 3353 HOMESTEAD DRIVE DATE: NOVEMBER 3, 2022

NOTE: DRAWING IS FOR DISCUSSION PURPOSES ONLY.

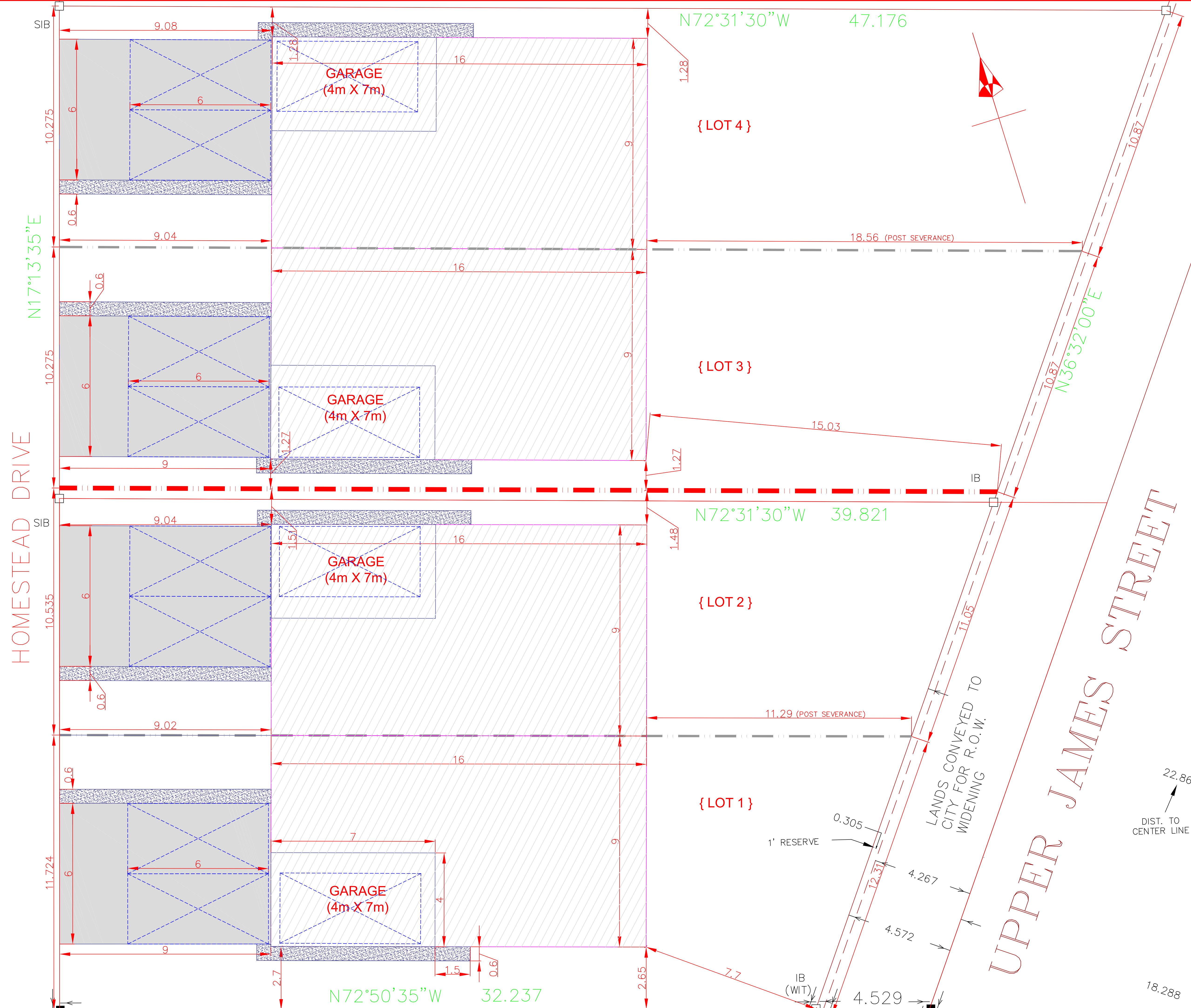
DATE: REVISIONS
24/02/2023 - ADJUSTED PARKING AND STATS CHART

SCALE: 1:75
WHEN PRINTED ON 24 x 36

PROJECT FILE NO.
2022_35

DATE:
DECEMBER 06, 2022

DRAWN BY: J.T.
REVIEWED BY: T.G.





Professional Urban Planning, Land Development & CPTED Consultants

Urban in Mind

3390 South Service Road, Unit #204
Burlington, ON L7N 3J5

www.UrbaninMind.ca

Secretary-Treasurer of the Committee of Adjustment
City of Hamilton
71 Main St. W.,
Hamilton, ON L8P 4Y5

October 22, 2024

Attn: Jamila Sheffield
Secretary Treasurer

**Re: Severance Application
3345 & 3353 Homestead Dr., Hamilton**

Dear Ms. Sheffield,

Urban in Mind has been retained by the property owners of **3345 Homestead Dr.** (Sasa Kljakic) and **3353 Homestead Dr.** (Sara Salari-Joubani), to prepare a Severance application for each property.

The subject property is designated under the Former Glanbrook Zoning By-law 464 as 'R3-311' Residential 3 with Special Exception #311. The R3-311 zone permits semi-detached homes, as well as Secondary Dwelling Units. The proposed severance is necessary to facilitate the development of a semi-detached home on each property (Attachment A). Each of the four new homes will contain a Secondary Dwelling Unit. Related Planning applications include **GL/A-23:68** (3345), **GL/A-23:69** (3353), and **GL/B-23:18** which applied to both properties.

To this end, I have included the following supporting documents:

- Planning Justification Report
- Conceptual Site Plan
- Noise Impact Study
- Application Forms
- Reference Plan

Should you have any questions or difficulties processing this Severance application, please contact the undersigned.

Thank you for your consideration & Best Regards,

Dorothy Yeung

Planner/Development Coordinator

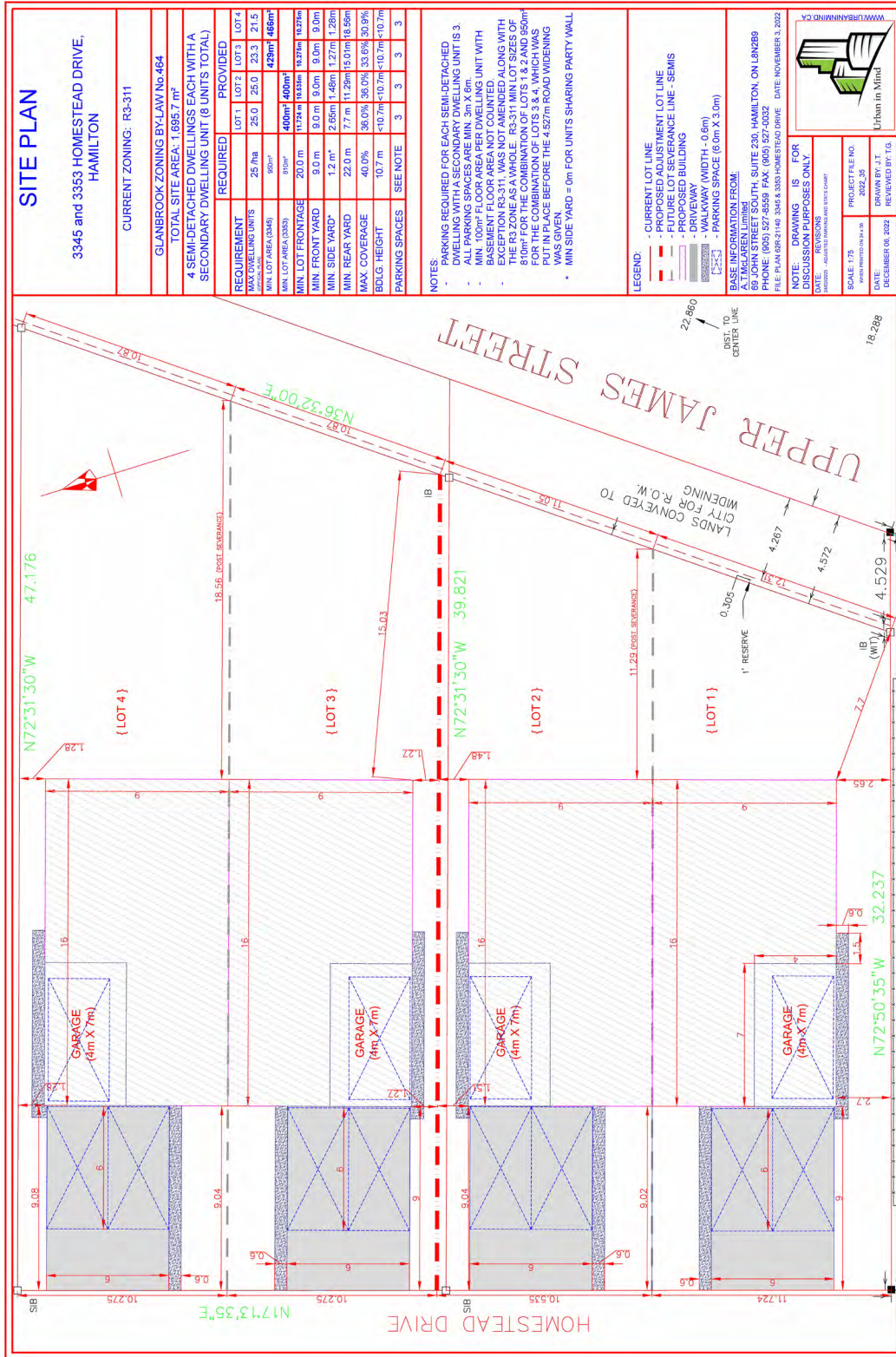
Urban in Mind, Professional Urban Planning, Land Development & CPTED Consultants

PHONE
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Appendix 'A' Conceptual Site Plan



SITE PLAN

3345 and 3353 HOMESTEAD DRIVE,
HAMILTON

CURRENT ZONING: R3-311

GLANBROOK ZONING BY-LAW No 464

TOTAL SITE AREA: 1,695.7 m²

4 SEMI-DETACHED DWELLINGS EACH WITH A
SECONDARY DWELLING UNIT (8 UNITS TOTAL)

REQUIREMENT	REQUIRED	PROVIDED
MAX DWELLING UNITS	25/ha	25.0
MIN LOT AREA (R3-311)	800m ²	23.3
MIN LOT AREA (R3-311)	800m ²	21.5
MIN LOT AREA (R3-311)	800m ²	423m ²
MIN LOT AREA (R3-311)	800m ²	466m ²
MIN LOT FRONTAGE	20.0 m	11.724 m
MIN FRONT YARD	9.0 m	9.0 m
MIN SIDE YARD	1.2 m	2.55m
MIN REAR YARD	22.0 m	7.7 m
MIN. HEIGHT	10.7 m	10.7 m
MAX COVERAGE	40.0%	36.0%
BDLG. HEIGHT	10.7 m	10.7 m
PARKING SPACES	SEE NOTE	3

NOTES:

- PARKING REQUIRED FOR EACH SEMI-DETACHED DWELLING UNIT IS 3.
- ALL PARKING SPACES ARE MIN. 3m X 6m.
- MIN. 100m² FLOOR AREA PER DWELLING UNIT WITH BASEMENT FLOOR AREA NOT COUNTED.
- EXCEPTION R3-311 WAS NOT AMENDED ALONG WITH THE REVISIONS TO THE ZONING BY-LAW. THE SIZES OF 80% OF THE BUILDING FOOTPRINTS, 80% OF THE REAR YARD, AND 80% OF THE FRONT YARD FOR THE COMBINATION OF LOTS 3 & 4, WHICH WAS PUT IN PLACE BEFORE THE 4.527m ROAD WIDENING WAS GIVEN.
- MIN SIDE YARD = 0m FOR UNITS SHARING PARTY WALL.

- LEGEND:**
- CURRENT LOT LINE
 - PROPOSED ADJUSTMENT LOT LINE
 - FUTURE LOT SEVERANCE LINE - SEMIS
 - PROPOSED BUILDING
 - DRIVEWAY (WIDTH - 0.6m)
 - PARKING SPACE (6.0m X 3.0m)

BASE INFORMATION FROM:
AT/MARGARET LINDNER
89 JOHN STREET SOUTH, SUITE 230, HAMILTON, ON L8N2B9
PHONE: (905) 527-8559 FAX: (905) 527-0032
FILE # PLAN EBR-21-140-3345 & 3353-HOMESTEAD DRIVE DATE: NOVEMBER 3, 2022

NOTE: DRAWING IS FOR DISCUSSION PURPOSES ONLY

SCALE: 1/25
DATE: DECEMBER 06, 2022
PROJECT FILE NO.: 2022_35
DRAWN BY: J.T.
REVIEWED BY: T.G.

WWW.URBANMIND.CA
Urban in Mind



Urban in Mind

Planning Justification Report:

Severance Application

3345 & 3353 Homestead Dr., Hamilton

October 22, 2024



Prepared by:

Urban in Mind

Professional Urban Planning, Land Development & CPTED Consultants

www.UrbaninMind.ca

905-320-8120

Table of Contents

List of Figures	2
List of Tables	2
Appendices.....	2
1.0 INTRODUCTION	4
1.1 Purpose of the Report	4
2.0 SUBJECT PROPERTIES AND SURROUNDING AREA	4
2.1 Site Overview	4
2.2 Neighbourhood Character	5
2.3 Transportation	7
3.0 Planning Applications	7
3.1 Planning History	7
3.1.1 Lot Line Adjustment	7
3.1.2 Minor Variance.....	9
3.2 Current Proposal	9
4.0 EXISTING PLANNING POLICY AND REGULATORY FRAMEWORK.....	11
4.1 Planning Act, R.S.O. 1990, c. P.13:.....	11
4.2 Provincial Planning Statement (2024):	14
4.3 Greenbelt Plan.....	17
4.4 Niagara Peninsula Conservation Authority (NPCA):.....	17
4.5 Urban Hamilton Official Plan:	17
4.6 Mount Hope Secondary Plan:.....	28
4.7 Township of Glanbrook Zoning By-Law 464:.....	29
5.0 PLANNING JUSTIFICATION.....	32
5.1 Planning Act, R.S.O. 1990, c. P.13:.....	32
5.2 Provincial Planning Statement (PPS) (2024):.....	33
5.3 Urban Hamilton Official Plan:	34
5.4 Mount Hope Secondary Plan:.....	34

5.5	Township of Glanbrook Zoning By-law 464:	35
6.0	NOISE IMPACT ASSESSMENT.....	35
7.0	CONCLUSION.....	36

List of Figures

Figure 1:	Street view west of subject properties (<i>Google Streetview</i>).....	5
Figure 2:	Street view east of subject properties – Golf Course (<i>Google Streetview</i>)	6
Figure 3:	Street view north of subject properties (<i>Google Streetview</i>).....	6
Figure 4:	Street view south of subject properties (<i>Google Streetview</i>)	7
Figure 5:	Approved Lot Line Adjustment through Consent application GL/B-23:18.....	8
Figure 6:	Proposed Site Plan.....	11

List of Tables

Table 1 – “Current”	Site Statistics.....	5
Table 2:	Site Statistics Before and After Approval of Lot Line Adjustment (LLA) & ROW widening	8
Table 3:	Proposed Site Statistics.....	10

Appendices

<i>Appendix A</i>	Aerial View of Subject Properties	37
<i>Appendix B</i>	Urban Hamilton Official Plan – Schedule C: Functional Road Classification.....	38
<i>Appendix C</i>	Urban Hamilton Official Plan – Appendix B: Major Transportation Facilities and Routes	39
<i>Appendix D</i>	Greenbelt Plan Area.....	40
<i>Appendix E</i>	Niagara Peninsula Conservation Authority Regulation Limit	41
<i>Appendix F</i>	Urban Hamilton Official Plan – Schedule E-1: Urban Land Use Designations	42
<i>Appendix G</i>	Urban Hamilton Official Plan – Schedule F: Airport Influence Area	43
<i>Appendix H</i>	Urban Hamilton Official Plan – Appendix F-4: Archaeological Potential.....	44

Appendix I Urban Hamilton Official Plan – Mount Hope Secondary Plan: Land Use Plan B.5.4-1 45

Appendix J Township of Glanbrook Zoning By-law 464 46

1.0 INTRODUCTION

Urban in Mind has been retained by the Owners of two abutting vacant lots municipally known as **3345 & 3353 Homestead Drive** in Hamilton, Ontario (**Appendix 'A'**). to obtain approvals for Land Severance applications on each property to create new Semi-Detached lots. The Severances will result in the creation of four (4) semi-detached lots, (two per existing lot), therefore allowing (4) new housing ownership opportunities.

1.1 Purpose of the Report

The purpose of this Planning Justification Report (PJR) is to outline the proposed (semi-detached) severance application(s) and to evaluate the proposal in context with the applicable planning policies, thereby providing for a sound justification for the approval of the proposed severance.

2.0 SUBJECT PROPERTIES AND SURROUNDING AREA

2.1 Site Overview

The subject lands consist of two adjacent lots municipally known as **3345 & 3353 Homestead Drive** ("subject properties"). These lots were recently subject to a Lot Line Adjustment (**GL/B-23:18**), and related variances (**GL/A-23:68 & GL/A-23:69**), to ensure the currently proposed semi-detached densities would meet the Official Plan thresholds (due to lot areas ~ i.e. setting the site up for success). The subject properties are within the Mount Hope community at the southern edge of Hamilton's Built-Up Urban Boundary. Both lots front onto Homestead Drive (*Collector Road*) and back onto Upper James Street (*Hwy 6 - Major Arterial Road*) (**Appendix 'B'**). A 4.572m wide strip of land along the rear of both properties has already been conveyed to the City as per the conditions of the original land division approval. These widenings are to support the future expansion of the Upper James Street (Hwy 6) Right-of-Way which also includes a 0.305 m reserve.

The subject properties are currently vacant and maintain a generally flat topography that is devoid of any natural heritage features except for some sod. Behind the subject properties and within the Upper James public right-of-way is a drainage ditch which acts as a naturalized barrier that restricts access from the subject lands to the Upper James Street roadway. Generally speaking, the lands are underutilized due to the site's vacant status, hence the reason for proposed redevelopment.

A Noise Impact Assessment (*prepared by Pinchin Engineers*) was developed and submitted to the City as part of the conditions of approval for the previous/recent Lot Line Adjustment. All conditions of the lot line adjustment and related minor variances have been met, and the new (dimensioned) lots have been created.

Table 1 – “Current” Site Statistics

	3353 Homestead Drive	3345 Homestead Drive
Lot Area	800 m ²	895 m ²
Lot Frontage	22.2 m	20.6 m

2.2 Neighbourhood Character

The overall surrounding area includes the following:

North

Fire Station
 Low Density Residential
 Medium Density (*Townhouse*) Residential
 Commercial/Retail (*Restaurants, Auto Repair/Fuel, Bed & Breakfast, Convenience, etc.*)

East

Gold course
 Upper James Street (Hwy 6)

South

Low Density Residential
 Upper James Street (Hwy 6)

West

Low Density Residential
 John C. Munro Hamilton International Airport

Figure 1: Street view west of subject properties (*Google Streetview*).



Figure 2: Street view east of subject properties – Golf Course (Google Streetview)



Figure 3: Street view north of subject properties (Google Streetview)



Figure 4: Street view south of subject properties (Google Streetview)



2.3 Transportation

The subject properties are located in close proximity to the John C. Munro Hamilton International Airport. As such, there are bus stops within walking/biking distance along Airport Road, with the closest stop being 600 m north of the subject properties.

Additionally, the UHOP has identified and considers Homestead Drive to be a Potential Higher Order Transit corridor (**Appendix 'C'**) along the segment north of Airport Road. While the subject properties would not be identified as such corridor, it would be located within a close proximity and therefore would benefit from the improvements to the transportation infrastructure.

3.0 Planning Applications

3.1 Planning History

3.1.1 Lot Line Adjustment

A Consent application (GL/B-23:18) for a Lot Line Adjustment (**Figure 5**) was heard on May 4, 2023. All conditions have been met, and the property owners received a Certificate of Secretary-Treasurer on September 6, 2024. This Lot Line Adjustment (LLA) resulted in the conveyance of 17.953 m² from 3345 Homestead Drive to the abutting 3353 Homestead Drive property. The following table depicts the lot areas pre- and post-lot line adjustment:

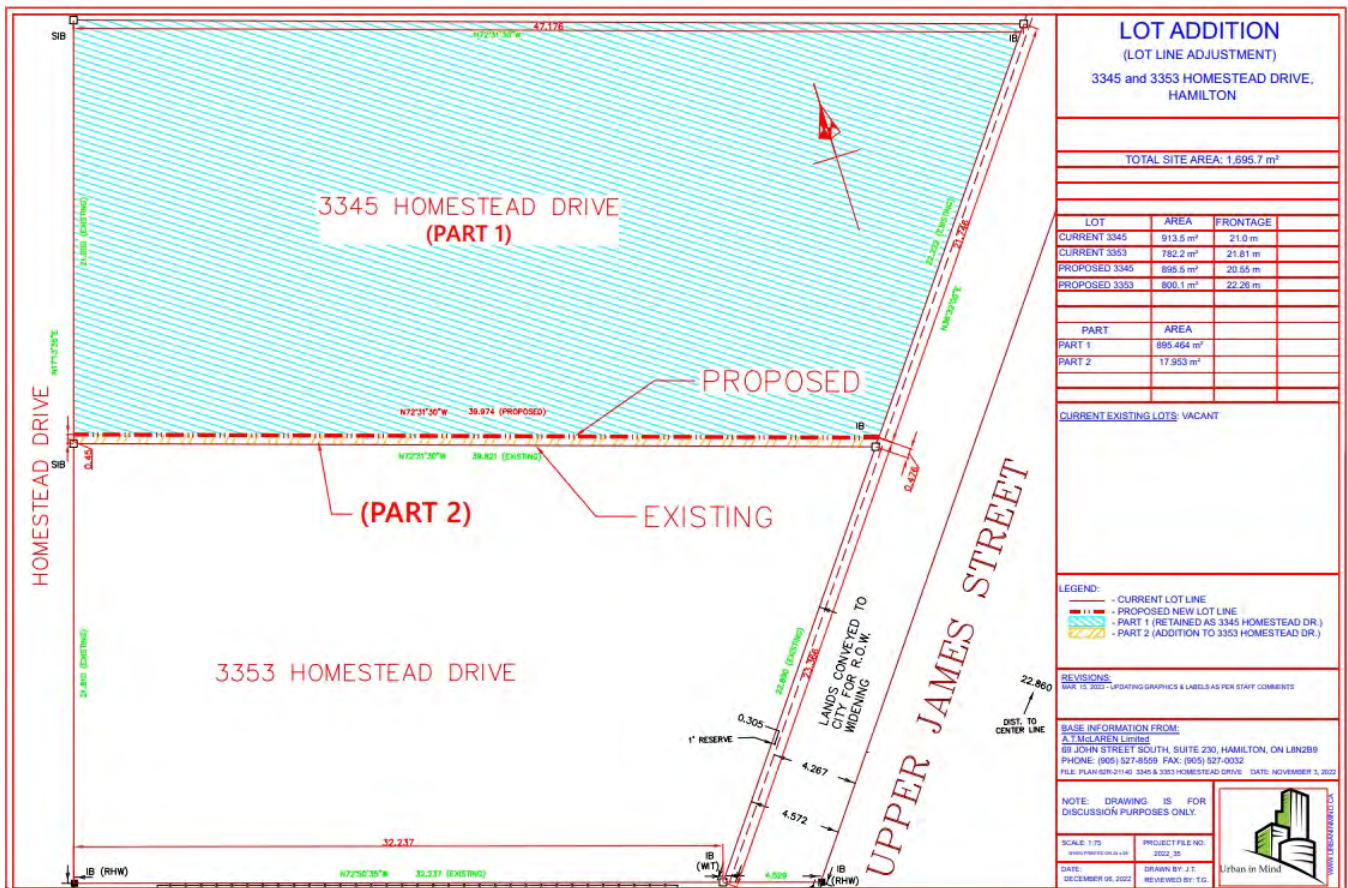
Table 2: Site Statistics Before and After Approval of Lot Line Adjustment (LLA) & ROW widening

	3353 Homestead Drive		3345 Homestead Drive	
	Pre-LLA	Post-LLA	Pre-LLA	Post-LLA
Lot Area	782.2 m ²	800.1 m²	913.5 m ²	895.5 m²
Lot Frontage	21.810 m	22.26 m	21.0 m	20.55 m
Density	25.64 units/ha	25.0 units/ha	22.22 units/ha	23.2 units/ha

As a result, the frontage on 3353 Homestead Drive increased by 0.45 m, and the frontage on 3345 Homestead Drive decreased by 0.45 m.

The purpose of this lot line adjustment was to prepare for the current (semi) severance application(s) and was explicitly explained as part of the lot line adjustment application. The approved lot line adjustment was necessary (*as advised by City staff*) to ensure compliance to the maximum density of 25 units/ha in the Official Plan, whereas the previous lot area of 3353 Homestead Drive would have exceeded the maximum density by 0.64 units/ha.

Figure 5: Approved Lot Line Adjustment through Consent application GL/B-23:18.



3.1.2 Minor Variance

Minor Variance applications for 3345 (GL/A-23:68) and 3353 (GL/A-23:69) Homestead Drive were heard on May 4, 2023. Final and binding notices were established on May 25, 2023.

1. 3345 Homestead Drive

GL/A-23:68

Minor Variance application GL/A-23:68 provided the following final and binding permissions:

1. A minimum **lot area of 429 metres** shall be provided for each semi-detached unit whereas the by-law requires a minimum of 950 square metres.
2. A minimum **lot frontage of 10.275 metres** shall be provided for each semi-detached unit whereas the by-law requires a minimum lot frontage of 20.0 metres.
3. A minimum **rear yard setback of 15 metres** shall be provided for each semi-detached unit whereas the by-law requires a minimum of 22.0 metres.

2. 3353 Homestead Drive

GL/A-23:69

Minor Variance application GL/A-23:69 provided the following final and binding permissions:

1. A minimum **lot area of 400 metres** shall be provided for each semi-detached unit whereas the by-law requires a minimum of 810 square metres.
2. A minimum **lot frontage of 10.5 metres** shall be provided for each semi-detached unit whereas the by-law requires a minimum lot frontage of 20.0 metres.
3. A minimum **rear yard setback of 7.7 metres** shall be provided for each semi-detached unit whereas the by-law requires a minimum of 22.0 metres.

3.2 Current Proposal

The current severance application is the final process necessary to facilitate the development of 8 residential units across 4 semi-detached homes. The following table shows the site statistics for the proposed severed and retained lots. Lot areas, lot frontages, and rear yard setbacks have been approved via minor variance in accordance with section 3.1.2 of this report.

Table 3: Proposed Site Statistics.

	Required		3353 Homestead Drive		3345 Homestead Drive	
	3353	3345	Lot 1	Lot 2	Lot 3	Lot 4
Min. Lot Area*	400 m ²	429 m ²	400 m ²	400 m ²	429 m ²	466 m ²
Min. Lot Frontage*	10.5 m	10.275 m	11.724 m	10.535 m	10.275 m	10.275 m
Min. Front Yard	9.0 m		9.0 m	9.0 m	9.0 m	9.0 m
Min. Side Yard**	1.2 m		2.65 m	1.48 m	1.27 m	1.28 m
Min. Rear Yard*	7.7 m	15.0 m	7.7 m	11.29 m	15.01 m	18.56 m
Max. Coverage	40.0%		36.0%	36.0%	33.6%	30.9%
Max. Building Height	10.7 m		<10.7 m	<10.7 m	<10.7 m	<10.7 m
Min. Parking Spaces	See note ***		3	3	3	3
Density	25 units/ha		25.0 units/ha	25.0 units/ha	23.3 units/ha	21.5 units/ha

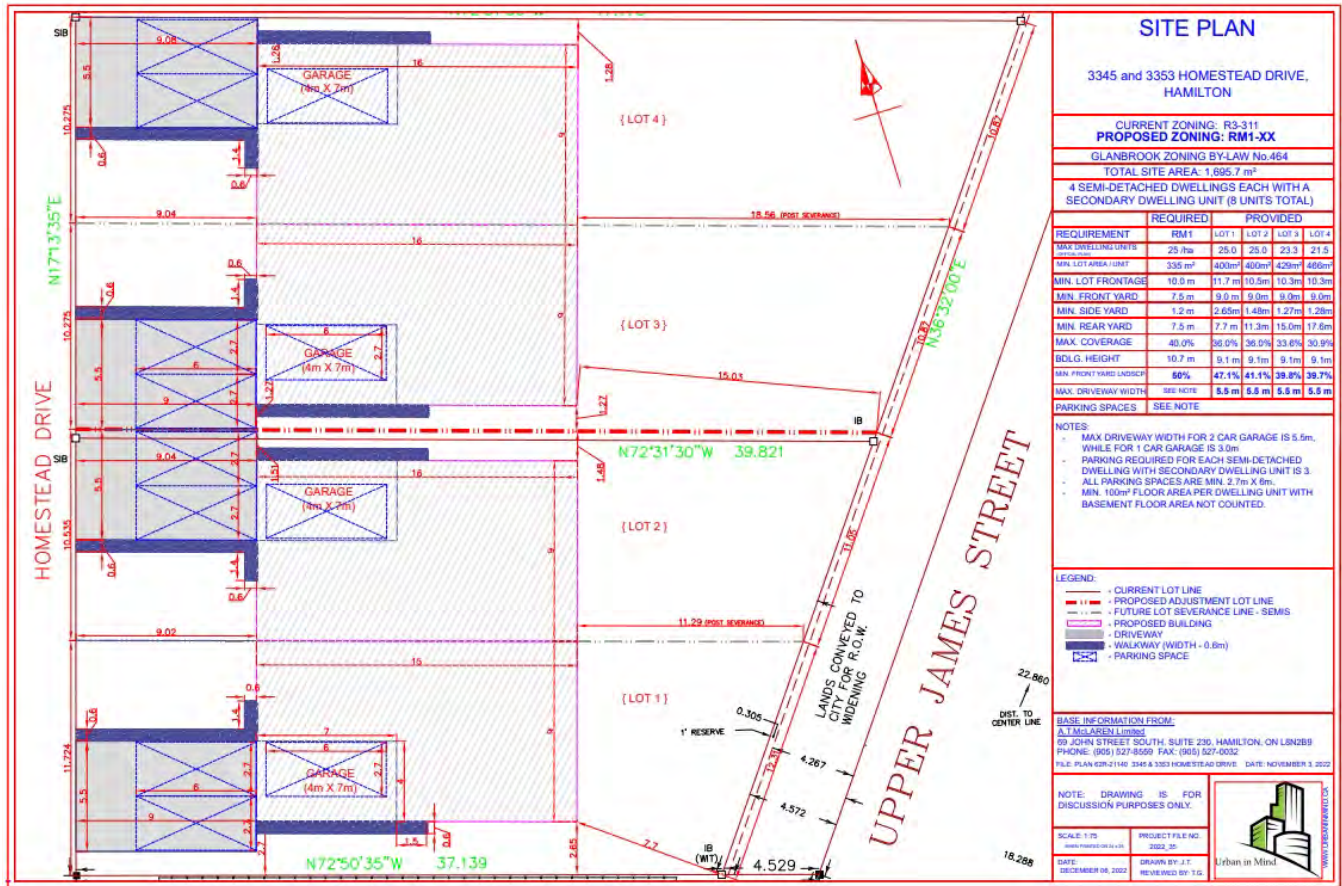
Notes:

* As approved through Minor Variance applications GL/A-23:68 and GL/A-23:69.

** 0 m side yard setback for shared walls between semi-detached dwellings.

*** 2 spaces per dwelling unit within semi-detached structures, 1 additional space per additional dwelling unit.

Figure 6: Proposed Site Plan.



4.0 EXISTING PLANNING POLICY AND REGULATORY FRAMEWORK

4.1 Planning Act, R.S.O. 1990, c. P.13:

The Planning Act is the leading provincial legislation that sets out the rules for land use planning in Ontario. The Planning Act ensures that matters of provincial interest are met and guides planning policy to protect citizen rights and the natural environment.

Applicable provisions from the Planning Act have been included as follows:

Provincial Interest

2 The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under the Act, shall have regard to, among other matters, matters of provincial interest such as,

- (a) the protection of ecological systems, including natural areas, features, and functions;

- (b) *the protection of agricultural resources of the Province*
- (c) *the conservation and management of natural resources and the mineral resource base;*
- (d) *the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;*
- (e) *the supply, efficient use and conservation of energy and water;*
- (f) *the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*
- (g) *the minimization of waste;*
- (h) *the orderly development of safe and healthy communities;*
- (h.1) *the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;*
- (i) *the adequate provision and distribution of educational, health, social, cultural, and recreational facilities;*
- (j) *the adequate provision of a full range of housing, including affordable housing;*
- (k) *the adequate provision of employment opportunities;*
- (l) *the protection of the financial and economic well-being of the Province and its municipalities;*
- (m) *the co-ordination of planning activities of public bodies;*
- (n) *the resolution of planning conflicts involving public and private interests;*
- (o) *the protection of public health and safety;*
- (p) *the appropriate location of growth and development;*
- (q) *the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- (r) *the promotion of built form that,*
 - (i) *is well-designed,*
 - (ii) *encourages a sense of place, and*
 - (iii) *provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*
- (s) *the mitigation of greenhouse gas emissions and adaptation to a changing climate.*

Powers of Committee

45 (1) *The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained.*

PART VI SUBDIVISION OF LAND

Plan of subdivision approvals

51(24) *In considering a draft plan of subdivision (i.e. and severance), regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,*

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*
- (b) whether the proposed subdivision is premature or in the public interest;*
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*
- (d) the suitability of the land for the purposes for which it is to be subdivided;*
- (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;*
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;*
- (f) the dimensions and shapes of the proposed lots;*
- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;*
- (h) conservation of natural resources and flood control;*
- (i) the adequacy of utilities and municipal services;*
- (j) the adequacy of school sites;*

- (k) *the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;*
- (l) *the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and*
- (m) *the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).*

Consents

Definition

53 (0.1) *In this section,*

“provisional consent” means a consent given under subsection (1) in respect of which a certificate cannot be issued under subsection (42) because,

- (a) the 20-day period mentioned in subsection (19) has not elapsed,*
- (b) any appeals under subsection (19) remain outstanding, or*
- (c) conditions have been imposed but have not been fulfilled. 2020, c. 34, Sched. 20, s. 2 (1).*

Powers

- (12) *A council or the Minister in determining whether a provisional consent is to be given shall have regard to the matters under subsection 51 (24) and has the same powers as the approval authority has under subsection 51 (25) with respect to the approval of a plan of subdivision and subsections 51 (26) and (27) and section 51.1 apply with necessary modifications to the granting of a provisional consent. 1994, c. 23, s. 32.*

4.2 Provincial Planning Statement (2024):

The Provincial Planning Statement (PPS) for the Province of Ontario was recently approved and will be in effect as of October 20, 2024. The 2024 Provincial Planning Statement consolidates the previous version of the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe.

It provides Provincial Policy direction on matters of Provincial interest related to land development under the Planning Act. The Goal of the PPS is to enhance the quality of life for all people living, working and/or playing in Ontario.

Simply put, when municipal governments contemplate land use policies (e.g., Official Plan, Secondary Plan, Zoning By-law, Site Plan, etc.) or consider planning applications under these policies, the PPS must be considered.

Applicable excerpts from the Provincial Planning Statement are as follows:

Chapter 1: Introduction

Vision

Ontario is a vast, fast-growing province that is home to many urban, rural and northern communities distinguished by different populations, economic activity, pace of growth, and physical and natural conditions. More than anything, a prosperous Ontario will see the building of more homes for all Ontarians. This is why the province has set a goal of getting at least 1.5 million homes built by 2031.

Ontario will increase the supply and mix of housing options, addressing the full range of housing affordability needs. Every community will build homes that respond to changing market needs and local demand. Providing a sufficient supply with the necessary mix of housing options will support a diverse and growing population and workforce, now and for many years to come.

Chapter 2: Building Homes, Sustaining Strong and Competitive Communities

2.1 Planning for People and Homes

- 1. As informed by provincial guidance, planning authorities shall base population and employment growth forecasts on Ontario Population Projections published by the Ministry of Finance and may modify, as appropriate.*
- 2. Notwithstanding policy 2.1.1, municipalities may continue to forecast growth using population and employment forecasts previously issued by the Province for the purposes of land use planning.*
- 3. At the time of creating a new official plan and each official plan update, sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of at least 20 years, but not more than 30 years, informed by provincial guidance. Planning for infrastructure, public service facilities, strategic growth areas and employment areas may extend beyond this time horizon. Where the Minister of Municipal Affairs and Housing has made a zoning order, the resulting development potential shall be in addition to projected needs over the planning horizon established in the official plan. At the time of the municipality's next official plan update, this additional growth shall be incorporated into the official plan and related infrastructure plans.*

4. *To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:*
 - a. *maintain at all times the ability to accommodate residential growth for a minimum of 15 years through lands which are designated and available for residential development; and*
 - b. *maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned, including units in draft approved or registered plans.*
6. *Planning authorities should support the achievement of complete communities by:*
 - a. *accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, long-term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;*
 - b. *improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and*
 - c. *improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.*

2.2 Housing

1. *Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:*
 - a. *establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate income households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;*
 - b. *permitting and facilitating:*
 1. *all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and*
 2. *all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;*

- c. *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation;*

4.3 Greenbelt Plan

The subject properties are not located within the Greenbelt Plan Area (Appendix 'D'). As such, policies of the Greenbelt Plan will not be included in this report.

4.4 Niagara Peninsula Conservation Authority (NPCA):

The subject properties are identified to be within the NPCA's Regulation Limit (Appendix 'E').

It appears that the **regulated watercourse** that has been identified by NPCA's mapping system is a **drainage ditch** that runs along the side of the road. As it stands today, the ditch shall be treated as a regulated watercourse until such time that NPCA planning staff have confirmed otherwise in the field as the ditch may feed into a fish habitat downstream. While a Conservation Development Permit is not required for the proposed development, a detailed review and comments from NPCA are expected. The NPCA has confirmed that no concerns have been raised as the proposed development appears to be greater than 15 m in distance away from the watercourse.

4.5 Urban Hamilton Official Plan:

The Urban Hamilton Official Plan (UHOP) is an overriding policy document that guides the City's actions to achieve its goals pertaining to the communities, land use, and physical development over the next 30 years. The current Official Plan is the first that integrates the former communities of Ancaster, Dundas, Flamborough, Glanbrook, Stoney Creek, and the Former City of Hamilton, all of which has amalgamated into the present-day City of Hamilton. The UHOP was adopted by Council in 2009 and the most recent office consolidation is from November 2022.

The Urban Hamilton Official Plan identifies the subject properties as '**Neighbourhoods**' (**Appendix 'F'**). The subject properties are also within the '**Airport Influence Area**' in relation to the John C. Munro Hamilton International Airport (**Appendix 'G'**). The subject properties have also been identified to have archaeological potential (**Appendix 'H'**).

Applicable excerpts from the Urban Hamilton Official Plan have been included below:

Chapter B – Communities

2.3 Growth Management – Provincial

Residential Intensification Target

2.3.4.4 *The City shall plan to achieve a minimum of 80% of all residential development occurring annually within its built-up area. A total of 88,280 units are to be*

accommodated within the built up area between 2021 and 2051. The built-up area for Hamilton is identified on Appendix G. (OPA 167)

2.4 Residential Intensification

Residential intensification is a key component of Hamilton’s growth strategy and is essential to meet our growth and employment targets. Intensification ensures land, urban services and the transportation network are used more efficiently and sufficient population is maintained to support existing community facilities. Successfully accommodating more residents within the existing built-up area reduces the need for development of greenfield lands and urban boundary expansions.

Intensification contributes to creating and maintaining vibrant neighbourhoods, nodes and corridors and can provide a wider range of housing types to meet the housing needs of Hamilton’s current and future population. This Plan supports the intensification of the existing built-up area of the City, with a focus on intensification of planned Urban Nodes and Urban Corridors described in Chapter E – Urban Systems and Designations.

While growth through residential intensification brings many benefits to communities and the City as a whole, it must be recognized that it also brings change in varying degrees across the City. In node and corridor areas targeted to receive intensification, greater changes in built form can be expected to occur.

Residential intensification is a key component in successfully developing and transforming targeted areas of the City. Intensification creates livable, vibrant, compact communities; facilitates and enhance the node and corridor structure of the City, and makes efficient use of the City’s public transit network and other infrastructure. For intensification to make a positive contribution to the City, careful consideration must be given to design and compatibility with existing uses, neighbourhood character, and cultural and natural heritage. Intensification must represent good planning and not cause unacceptable impacts.

2.4.1 General Residential Intensification Policies

2.4.1.1 *Residential intensification shall be encouraged throughout the entire built-up area, shown on Appendix G in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – Implementation. (OPA 167)*

2.4.1.2 *The City’s primary strategic growth areas shall be the Urban Nodes and Major Transit Station Areas as illustrated on Schedule E – Urban Structure and as further defined in secondary plans and corridor studies for these areas, included in Volume 2. (OPA 167)*

2.4.1.3 *The residential intensification target of 80% or 88,280 housing units, specified in Policy A.2.3.3.4 shall generally be distributed through the built-up area as follows:*

- i. The Downtown Urban Growth Centre shall be planned to accommodate approximately 30% of the intensification target.*

- ii. *The Urban Nodes and Urban Corridors identified in Section E.2.0 - Urban Structure, excluding the Downtown Urban Growth Centre, shall be planned to accommodate approximately 40% of the residential intensification target.*
- iii. *30% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure. The City will review and update its Zoning By-law to facilitate the planned 27,000 housing units to be developed within the Neighbourhoods through intensification. (OPA 167)*

2.4.1.4 Residential intensification developments within the built-up area shall be evaluated based on the following criteria:

- a)** *a balanced evaluation of the criteria in b) through l), as follows;*
- b)** *the relationship of the proposed development to existing neighbourhood character so that it builds upon desirable established patterns and built form;*
- c)** *the contribution of the proposed development to maintaining and achieving a range of dwelling types and tenures;*
- d)** *the compatible integration of the proposed development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;*
- e)** *the contribution of the proposed development to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;*
- f)** *existing and planned water, wastewater and stormwater capacity;*
- g)** *the incorporation and utilization of green infrastructure and sustainable design elements in the proposed development;*
- h)** *the contribution of the proposed development to supporting and facilitating active transportation modes;*
- i)** *the contribution of the development to be transit-supportive and supporting the use of existing and planned local and regional transit services;*
- j)** *the availability and location of existing and proposed public community facilities/services;*
- k)** *the ability of the development to retain and/or enhance the natural attributes of the site and surrounding community including, but not limited to native vegetation and trees; and,*
- l)** *compliance of the proposed development with all other applicable policies. (OPA 167)*

2.4.2 Residential Intensification in the Neighbourhoods Designation

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

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

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

3.2 Housing Policies

Housing is fundamental to the economic, social and physical well-being of Hamilton's residents and communities. Housing is a basic human need and is the central place from which people build their lives, nurture their families and themselves, and engage in their communities. Housing needs to change and evolve as social, demographic, and economic conditions change. The long term sustainability of communities is based on building a diverse, flexible housing stock today to meet changing needs at both household and community levels. To ensure that housing is available for all residents with a wide variety of needs, there must be a sufficient supply of housing with a range of housing types, forms, tenures, densities, affordability levels, and housing with support services.

3.2.1 Urban Housing Goals

The following goals shall apply in the urban area:

- 3.2.1.1** *Provide for a range of housing types, forms, and densities to meet the social, health and well-being requirements of all current and future residents.*
- 3.2.1.2** *Provide housing within complete communities.*
- 3.2.1.3** *Increase Hamilton's stock of affordable housing of all types, particularly in areas of the City with low levels of affordable housing.*
- 3.2.1.4** *Increase Hamilton's stock of housing for those whose needs are inadequately met by existing housing forms or tenure, affordability or support options.*

3.2.1.5 *Maintain a balance of primary rental and ownership housing stock as outlined in the Affordable Housing Strategy.*

3.2.1.6 *Increase the mix and range of housing types, forms, tenures, densities, affordability levels, and housing with supports throughout the urban area of the City.*

3.2.1.7 *Promote subdivision design and building orientation to maximize energy efficiency and conservation, improve air quality, reduce greenhouse gas emissions, promote green infrastructure and preserve and/or enhance natural features. (OPA 167)*

3.2.2 Housing Targets

The housing targets in Tables B.3.2.1 – Housing Targets – Ownership and B.3.2.2 – Housing Targets – Rental are based on future population growth forecasts to the year 2051 and future housing need. Targets for affordable rental housing are divided into housing affordable for low and moderate income households. The targets for the provision of housing which is affordable to low and moderate income households is informed by, and shall align with the City’s Housing and Homelessness Action Plan. Meeting the housing targets for housing affordable for low and moderate income households will require sustainable and predictable funding from senior levels of government. (OPA 167)

3.2.2.1 *Projected housing targets based on population and household forecasts in Tables A.1 and A.2 are provided in Table B.3.2.1 – Housing Targets – Ownership, and Table B.3.2.2 - Housing Targets – Rental. (OPA 167)*

3.2.2.2 *The City shall monitor the policies of Sections B.3.2 – Housing and B.2.4 – Residential Intensification, for progress in achieving the housing targets of Policy B.3.2.2.1 and Tables B.3.2.1 and B.3.2.2 – Housing Targets. (OPA 128)*

Table B.3.2.1 – Housing Targets – Ownership (OPA 167)

Target Type	Target # of Units Annually	% of Total Annual Target by Tenure	Product to Achieve Target	Methods to Achieve Target
New Ownership Housing (market rate)	1071	40%	New and resale homes	Housing market
New Ownership Housing Affordable to Low & Moderate Income	1606	60%	New and resale homes	Housing market, low-down payment options, first-time buyer programs,

Households (includes housing with supports)				support services
Total New Ownership Housing	2677	100%		

Table B.3.2.2 – Housing Targets – Rental (OPA 167)

Target Type	Target # of Units Annually	% of Total Annual Target by Tenure	Product to Achieve Target	Methods to Achieve Target
New Rental Housing (market rate)	396	40%	New rental housing, both primary and secondary market (rented condos, second dwelling units)	Primary rental housing development, conversion to rental residential, secondary rental market (rented condos, second dwelling units)
New Rental Housing Affordable to Moderate Income Households (includes housing with supports)	198	20%	New rental housing, both primary and secondary market (rented condos, second dwelling units) between average market rent and 20% below average market rent	Same as above but requires capital assistance program (e.g. COAHP) and/or other assistance to lower development cost, as well as support services
New Rental Housing Affordable to Low Income Households (includes	396	40%	New primary rental housing, more than 20% below average market rent	Same as above but requires rent-gear-to-income housing

housing with supports)				assistance (e.g. rent supplement, housing allowance) as well as support services
Total New Rental	970	100%		

3.2.4 General Policies for Urban Housing

3.2.4.1 *The City shall plan for the full continuum of housing to ensure that an appropriate range and mix of housing forms, types, and densities to meet market-based and affordable housing needs of current and future residents through residential intensification, new development, and redevelopment is available. The full continuum of housing includes built form, tenure and affordability including single detached dwellings, semi-detached dwellings, duplexes, townhouses of various types (street, block, stacked), apartments and other forms of multiple dwellings, and lodging houses, built at a range of densities and ownership and rental tenures. (OPA 167)*

3.2.4.2 *The development of housing with a full range of tenure, affordability, and support services shall be provided for and promoted throughout the City in accordance with the City’s Housing and Homelessness Action Plan, and the Housing Targets provided in Tables B.3.2.1 and B.3.2.2. Housing with a full range of tenure, affordability and support services in a full range of built housing forms means both ownership and primary rental housing with a full range of affordability, social housing, rent-geared-to-income housing, lodging houses, shared and/or congregate-living housing arrangements, housing with supports, emergency and transitional housing, and housing that meets all needs. (OPA 167)*

3.2.4.4 *A secondary dwelling unit shall be permitted on a single, semi-detached or townhouse lot in all Institutional, Neighbourhoods, Commercial and Mixed Use designations, as shown on Schedule E-1 – Urban Land Use Designations, provided it complies with all applicable policies and Zoning By-law regulations. (OPA 142)*

3.2.4.9 *In planning for the creation of complete communities and to support the creation of family friendly housing the City will utilize available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a range of household sizes and income levels. (OPA 167)*

3.3.3 *Built Form Built form shapes the visual qualities of streets and open spaces but also affects how the public spaces around buildings are used, experienced, and perceived. Our city is built one building at a time and each building contributes to the overall design*

of the City, therefore attention to each building is an important step in the city building process. Built form plays a large role in defining the character of an area. New development shall serve to maintain and support existing character, or create and promote the evolution of the character in areas where transformations are appropriate and planned.

3.3.3.1 *New development shall be located and organized to fit within the existing or planned context of an area as described in Chapter E – Urban Systems and Designations.*

3.3.3.2 *New development shall be designed to minimize impact on neighbouring buildings and public spaces by:*

- a) creating transitions in scale to neighbouring buildings;*
- b) ensuring adequate privacy and sunlight to neighbouring properties; and,*
- c) minimizing the impacts of shadows and wind conditions.*

3.3.3.3 *New development shall be massed to respect existing and planned street proportions.*

C.4.8 Airport

4.8.6 *NEF contours and the Airport Influence Area are identified on Appendix D (Urban) – Noise Exposure Forecast Contours and Primary Airport Zoning Regulations, and designated on Schedule F – Airport Influence Area of the Rural Hamilton Official Plan. (OPA 128)*

4.8.7 *All development and redevelopment shall comply with all provincial and municipal standards, criteria and guidelines regarding noise and vibration from air traffic sources, including Section B.3.6.3 – Noise, Vibration and Other Emissions. 4.8.8* *Proposals for development, infill development and redevelopment of residential or other sensitive land uses shall comply with the following requirements in Table C.4.8.1 – Requirement for Development in the Vicinity of John C. Munro International Airport, based on all applicable locational criteria. Proposals may meet more than one locational criteria and thereby be subject to more than one set of requirements.*

E.1.0 GOALS

The following goals shall apply to the urban systems and land use designations of this plan.

- d) Develop complete communities where people can live, work, learn, and play.*
- e) Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.*
- g) Promote and support appropriate residential intensification throughout the urban area with focused attention to development in the strategic growth areas of the Urban Nodes, Urban Corridors, and Major Transit Station Areas. (OPA 167)*

- h) Recognize that Hamilton's neighbourhoods will evolve over time to accommodate projected household growth, and changing demographics, and respond to the changing needs of complete communities. (OPA 167)*

2.7 Neighbourhoods

Neighbourhoods are where the majority of Hamiltonians live, learn, shop, socialize, and play. A key component of Hamilton's urban structure, the Neighbourhoods element is an all encompassing element representing the concept of complete community at the structural level. Neighbourhoods occupy the greatest proportion of the City, containing a mix of low, medium, and high-rise residential areas; various types of roads, parks, open spaces, and commercial areas; and institutions such schools and places of worship.

The Neighbourhoods are bordered and bisected, in a number of locations by Urban Corridors. These corridors are a separate structural element from the Neighbourhoods, but in many locations function as an integral part of the surrounding Neighbourhood, often serving as the central focal point.

Hamilton's neighbourhoods are, by and large, regarded as stable. However, that does not mean these areas are static. These neighbourhoods will see some physical change over time. Neighbourhoods will evolve as older residents move out, younger residents and families move in, homes are renovated or rebuilt, infill development occurs, commercial areas are invigorated, or underutilized commercial areas redeveloped. Residential intensification within Neighbourhoods is part of the evolution of a neighbourhood and can happen at a range of scales and densities provided the intensification is compatible with and respects the built form and character of the surrounding neighbourhood.

Function

- 2.7.2** *Neighbourhoods shall primarily consist of residential uses and complementary facilities and services intended to serve the residents. These facilities and services may include parks, schools, trails, recreation centres, places of worship, small retail stores, offices, restaurants, and personal and government services.*
- 2.7.3** *The Neighbourhood element of the urban structure shall be implemented through land use designations shown on Schedule E-1 – Urban Land Use Designations.*
- 2.7.4** *The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including affordable housing and housing with supports.*

Scale

- 2.7.7** *Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes compatible with the*

existing character or function of the neighbourhood shall be permitted. Applications for development and residential intensification within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Sections B.2.4 – Residential Intensification, E.3.0 – Neighbourhoods Designation, E.4.0 – Commercial and Mixed-Use Designations, and, E.6.0 – Institutional Designation.

E.3.0 Neighbourhoods Designation

Hamilton’s neighbourhoods are diverse, ranging from old, historic areas of the City, to newly developed subdivisions. Each neighbourhood has its own unique character. Together, neighbourhoods create the rich mosaic of the City.

Neighbourhoods provide the context for daily life for citizens. Neighbourhoods are “living areas” - places where we live, learn, play and socialize on a daily basis. The designation “Neighbourhoods” recognizes that our neighbourhoods are made up of more than just homes, but include a variety of land uses. The mix of uses is important in a neighbourhood. Also important are the relationships between these uses, the locations of the uses, how they function together, how they are designed, and how they are accessed by local residents.

The intent of the Neighbourhoods designation is to describe neighbourhood functions, identify appropriate scales of development and design requirements for various land uses, and allow for the continued evolution of neighbourhoods.

3.1 Policy Goals

The following goals apply to the Neighbourhoods land use designation:

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

3.2 Neighbourhoods Designation – General Policies

Function

- 3.2.1** *Areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.*
- 3.2.3** *The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:*
 - a)** *residential dwellings, including second dwelling units and housing with supports;*

Scale and Design

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

3.2.13 *The City supports residential intensification on lands within the Neighbourhoods designation in accordance with Section B.2.4 – Residential Intensification Policies, F.1.14 – Division of Land, and other applicable policies.*

3.2.15 *The City shall encourage the adaptive reuse of the existing building stock for appropriate land uses.*

3.3 Residential Uses – General Policies

Three categories of residential land use are described in this section but are not designated on Schedule E-1 – Urban Land Use Designations. These residential categories provide general location, scale, and design directions for the purposes of secondary planning and zoning. These categories may also be applied in the redevelopment of larger sites.

3.3.1 *Lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas with higher density dwelling forms and supporting uses located on the periphery of neighbourhoods on or in close proximity to major or minor arterial roads.*

3.3.2 *Development or redevelopment adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are compatible with existing and future uses in the surrounding area.*

Chapter F

3.2.4 Archaeological Assessments

3.2.4.1 Any required archaeological assessment must be conducted by an archaeologist licensed under the Ontario Heritage Act and shall be submitted to the City for final approval and to the Province for review and compliance to licensing provisions and archaeological assessment standards and guidelines. The archaeological assessment:

- a)** shall be prepared following the terms and conditions set out in the provincial guidelines; and,
- b)** shall provide conservation-related recommendations, including, but not restricted to subsequent processes and procedures for the conservation and management of archaeological resources prior to, during and post development and/or site alteration-related activities. This may address further archaeological test-excavation and

evaluation prior to the determination of a final resource management strategy and the submission of any further reports required by the Province or City. Such recommended processes and procedures for archaeological management shall be implemented through a variety of measures including but not limited to the mitigation, preservation, and/or resource excavation, removal and documentation, of all archaeological resources, to the satisfaction of the City and approval by the Province.

4.6 Mount Hope Secondary Plan:

The subject properties are located within the Mount Hope Secondary Plan Area. The Mount Hope Secondary Plan provides planning direction and guides development and redevelopment in the area.

The subject properties are designated as '**Low Density Residential 2**' (Appendix '1').

Applicable excerpts from the Mount Hope Secondary Plan have been included below:

5.4.1 General Policies

5.4.1.1 *In addition to Section B.1 – General Policies, the following general policies shall apply to the Mount Hope Secondary Plan area:*

- a) Uses permitted in the Mount Hope Urban Settlement area shall not be polluting, hazardous or obnoxious due to matters such as noise, flammability, heat, glare, vibration, air pollution, water pollution, sedimentation, smoke, dust and/or odour. In this regard the requirements of the Province and any other pertinent agencies shall be satisfied.*
- b) Development shall be encouraged to be designed in such a manner as to incorporate existing significant vegetation as a natural and aesthetic component of the development.*

Residential Designations

5.4.2 *The residential areas are designated Low Density Residential 2, Low Density Residential 2c, Low Density Residential 3f, and Medium Density Residential 3 on Map B.5.4-1 Mount Hope - Land Use Plan. The following policies shall apply to each of these land use designations.*

5.4.2.1 *General Residential Policies In addition to Section E.3.0 – Neighbourhoods Designation of Volume 1, the following policies shall apply to the lands designated for residential uses on Map B.5.4-1 – Mount Hope – Land Use Plan:*

- a) Development of the residential area within the Mount Hope Urban Settlement Area shall proceed in a generally north to south pattern and in an orderly, efficient, economical, and well-planned manner.*

- b) Residential development shall be sensitive to existing residential uses, and redevelopment of the vacant portions of existing large lot residential development shall be encouraged.*
- c) Residential areas should be integrated with parkland in order to provide a convenient, safe and visually pleasing living environment.*
- d) Permitted residential uses shall include single detached dwellings, semidetached dwellings, townhouses, apartments and housing with supports.*

5.4.2.2 Low Density Residential

- a) Notwithstanding Sections E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the lands designated Low Density Residential 2 on Map B.5.4-1 – Mount Hope – Land Use Plan:
 - i. The permitted uses shall primarily consist of single detached dwellings, duplex, **semi-detached** and triplex dwellings.*
 - ii. The maximum density shall be 25 units per net hectare.**

4.7 Township of Glanbrook Zoning By-Law 464:

The Township of Glanbrook Zoning By-law 464 is the current applicable Zoning By-law, and was last consolidated in November 2023. The purpose of the By-law is to regulate the use of land and developments throughout the former Township of Glanbrook. Zoning By-law 05-200 does not apply to the subject properties, though it is understood that the City intends to consolidate the Zoning By-laws of the former communities in the near future.

The subject properties are designated as ‘Residential 3 with Special Exception #311 (**R3-311**)’ under the Former Glanbrook Zoning By-law (**Appendix ‘J’**).

Applicable excerpts from the Township of Glanbrook Zoning By-law 464 have been included below:

7.35 MINIMUM PARKING REQUIREMENTS

Permanently maintained off-street parking facilities shall be provided for every building or structure erected for, altered for, or converted to, any use permitted in any Zone, and the required facilities shall be provided at the time of construction, alteration or conversion. The parking spaces required by this By-law shall be used only for the parking of operative motor vehicles bearing a currently valid motor vehicle licence plate and for vehicles normally incidental to the permitted uses for which such parking spaces are required.

(a) General Provisions

- (i) The minimum number of required parking spaces shall be as prescribed in Subsection 7.35 (b) of this By-law.*

(b) Off-Street Parking Space Requirements The minimum number of off-street parking spaces for the following uses shall be provided as specified hereinafter:

Use	Minimum Required Parking Spaces
Single-detached, Semi-detached Duplex, Triplex and Street Townhouse Dwelling	2 spaces for each dwelling unit
Secondary Dwelling Unit	1 space per unit
Secondary Dwelling Unit - Detached	

11.6 **PARKING SPACES IN RESIDENTIAL ZONES**

In addition to the parking requirements pursuant to Subsection 7.35 of this By-law, the following provisions shall also apply to parking spaces in Residential Zones:

- (a)** In any Residential Zone, at grade parking areas shall not occupy more than thirty five percent (35%) of the total lot area,
- (b)** No part of the required minimum exterior side yard of a corner lot abutting a public street is to be used for the temporary parking or storage of any motor vehicle, and
- (c)** No parking space or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle at a distance of less than 1.5 metres (5 feet) from the rear lot line.

11.7 **BASEMENT OR CELLAR**

No basement or cellar may be used for calculating the minimum floor area of any dwelling or dwelling unit and no basement or cellar may be used as a complete dwelling unit, except in an apartment building.

11.8 **GARAGE**

The floor elevation of a garage shall be a minimum of 30 centimeters (12 inches) above the centre line of the street adjacent to the garage, unless other provisions are made for adequate drainage to the satisfaction of the Township Engineer.

11.13 **SECONDARY DWELLING UNIT AND SECONDARY DWELLING UNIT – DETACHED (By-laws # 21-075, 21-167, #22-136)**

- (a)** Parking shall be provided in accordance with Section 7.35 of this by-law and the following:
 - i.** No additional parking space shall be required for either a Secondary Dwelling Unit or a Secondary Dwelling Unit - Detached, provided the required parking spaces which existed on May 12, 2021 for the existing dwelling shall continue to be provided and maintained; and, (A) Notwithstanding Section 11.13 (a) (i), one parking space shall be required for a Secondary Dwelling Unit - Detached if it constitutes the fourth Dwelling Unit on a lot. #22-194

- ii. A maximum of two parking spaces for a Secondary Dwelling Unit and/or Secondary Dwelling Unit - Detached may be provided in the required Front Yard.

11.13.1 SECONDARY DWELLING UNIT (By-law #22-136)

- (b) For lands within a “ER”, “R1”, “R2”, “R3”, “R4”, “RM1”, and “RM2” 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.
- (c) All the regulations of this By-law applicable to the existing dwelling shall continue to apply unless specifically provided in Section 11.13.1.
- (d) Notwithstanding Section 11.7, a Secondary Dwelling Unit may be permitted in a basement or cellar.
- (e) There shall be no outside stairway above the first floor other than a required exterior exit.
- (f) A maximum of one entrance shall be permitted on the front façade of a dwelling containing a Secondary Dwelling Unit.

SECTION 15: RESIDENTIAL "R3" ZONE

No person shall within any Residential "R3" Zone, use any land, or erect, alter or use any building or structure, except in accordance with the following provisions.

15.1 PERMITTED USES

- (a) One (1) single detached dwelling per lot, and
- (b) In addition to the use permitted in Section 15.1 (a), on a lot identified on Figure 1 of Section 50: Special Figures, the following additional uses are permitted:
 - i) One (1) semi-detached dwelling per lot;
 - ii) One (1) duplex dwelling per lot; ii) One (1) Street Townhouse Dwelling per lot, and #22-194
- (c) Uses, buildings and structures accessory to the use described in Paragraph (a) and (b) of this Subsection.

Zone Requirements	R3 Zone Requirements	R3-311 Requirements
Min. Lot Frontage		10.275 m (3345)* 10.5 m (3353)**
Min. Lot Area		429 m ² (3345)* 400 m ² (3353)**
Min. Front Yard		9 m
Min. Interior Side Yard	1.2 m	

Min. Rear Yard		15 m (3345)* 7.7 m (3353)**
Max. Building Height	10.7 m	
Max. Lot Coverage	40%***	

Note:

*Approved via Minor Variance application GL/A-23:68

**Approved via Minor Variance application GL/A-23:69

*** Per 17.4(d)

15.4 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (b) OF SUBSECTION 15.1 (By-law 22-194)

(a) *Semi-detached dwellings shall be pursuant to the provisions of Subsection 17.4 and the applicable regulations of Section 15.*

15.5 REGULATIONS FOR SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS – DETACHED (By-law 22-194)

Pursuant to the provisions of Subsection 11.13 of this By-law.

7.21 SEMI-DETACHED DWELLING LOTS

Nothing in this By-law shall prevent the subdivision of any lot on which is erected a semidetached dwelling into two (2) parts divided in part by the centre line of the common or party wall separating the two (2) dwelling units in such dwelling.

5.0 PLANNING JUSTIFICATION

5.1 Planning Act, R.S.O. 1990, c. P.13:

The proposed ‘use’ and ‘severances’ maintain provincial interest by contributing to the housing supply, and approval of the severances will result in the increase in homeownership opportunities, and through the trickle-down effect, also the City’s rental housing supply. The proposed severances will create four new semi-detached units, each on their own respective properties. This will allow four new ownership opportunities to enter the housing market, and appropriately elevate the range of housing type and densities in the surrounding community.

Such uses are desirable on the subject properties as it is located within an established neighbourhood with existing residential uses. Furthermore, the proposed development will be a respectful form of intensification as it is orderly and compatible with the character and use of the surrounding neighbourhood.

The proposed severances are desirable and appropriate for the land, and it optimizes the current supply of services available, because it is a small development in an existing residential neighbourhood that will be consistent with the surrounding built-form and uses. Furthermore, the proposed development is a gentle form of intensification intended to provide more housing opportunities on a lot that would otherwise be underutilized. Previous Minor Variance and Lot Line Adjustment applications were approved in anticipation and preparation for the current severance applications. This severance application is the last step before the property owners pursue building permits to begin construction on the new semi-detached dwellings. Without the proposed severance, there will only be two new ownership opportunities. While it would still add to the housing market, the land area can accommodate the proposed development, which consists of four semi-detached units. As such, approval of the proposed severances will increase the efficiency of the properties in an appropriate manner and densities. Therefore, the proposed severance application(s) is not premature, and will maintain the neighbourhood's character.

As such, the proposed development conforms to the provisions and intent of the Planning Act.

5.2 Provincial Planning Statement (PPS) (2024):

A major principle of the PPS is housing and a municipality's ability to accommodate anticipated growth. The purpose and intent of the proposed development is to create new home ownership and in turn open-up existing rental opportunities to increase the overall housing supply. Currently, the owners may develop one single detached dwelling on each lot, or a pair of semi-detached dwellings, with each semi on its own property. However, this would not be an efficient use of land, since semi-detached dwellings are permitted, and a slight increase in density (which meets City policy) is appropriate. As such, the proposed development of four semi-detached units across four lots would be far more appropriate for the land and current City housing needs. A diverse range of housing types are necessary for accommodating the different housing needs across various income levels. Permitting the severances will allow a new development to intensify the land use while being compatible with the surrounding neighbourhood of low-density residential homes, and being within the density limits of the area.

The previous 2020 Provincial Policy Statement and A Place to Grow: Growth Plan for the Greater Golden Horseshoe emphasized the need for housing to accommodate the growing population within the Province. The new 2024 Provincial Planning Statement consolidates the two policy documents and further emphasizes the critical need for a diverse range of new housing which efficiently uses land, resources, and infrastructure. Through the 2024 PPS's policy direction, the subject properties are ideal for new

housing development as both properties are currently vacant land, but are located within an established neighbourhood. As such, the proposed development will be building within an existing community (AKA last hole in the donut), while being compatible in use, built form, scale and density.

As such, the proposed development conforms with the policies of the Provincial Planning Statement.

5.3 Urban Hamilton Official Plan:

The proposed development is appropriate as it is compatible with the surrounding residential neighbourhood and far enough away from the nearby airport. The UHOP requires a Noise Impact Assessment to be conducted for properties within the Airport Influence Area. As such, a supportive Noise Impact Assessment has been completed to evaluate the proposed development. Currently, the subject properties are vacant, and as such, underutilized. These vacant lots are a stark contrast to the surrounding residential neighbourhood. The proposed development would allow the properties to fit more seamlessly with the surrounding context, as the properties in the neighbourhood are mainly occupied by residential dwellings. Permitting severance on each property will allow the development of two pairs of semi-detached dwellings (4 ownership opportunities), which will increase the efficiency of the land. Furthermore, the subject properties are located within an existing and established neighbourhood. The proposed development will build upon the desirable established patterns and built form of the existing surrounding neighbourhood character.

The Urban Hamilton Official Plan acknowledges that the Neighbourhoods designation and character will evolve overtime in accordance with the needs and trends in the community. Currently, there is a known housing crisis, and housing needs must be addressed at the policy and development levels. As such, it is critical that underutilized parcels are appropriately identified and efficiently developed in order to accommodate the growth in the City. Developing new housing on these properties will encourage a more cohesive identity within the neighbourhood and have the capability to accommodate four new semi-detached dwellings (within the permissions of existing policies). As such, the proposed development is an ideal use for the subject properties.

As such, the proposed development conforms with the policies of the Urban Hamilton Official Plan.

5.4 Mount Hope Secondary Plan:

The purpose of the Mount Hope Secondary Plan is to guide orderly and appropriate residential development in the Mount Hope Secondary Plan Area. As the subject properties are within and subject to the Mount Hope Secondary Plan, the current vacant

nature of the properties is counterproductive to the purposes and intents of the Secondary Plan principles. The current configuration of the subject properties will allow for two ownership opportunities. The proposed development will result in the Severance of the two subject properties, for a total of four properties, and therefore, four ownership opportunities. In addition, it is likely that four existing rental units in the City will then become vacant as the trickle-down effect occurs. By permitting a higher level of use through the proposed semi-detached development, the subject properties will come into alignment and conformity with the Secondary Plan.

Semi-detached dwellings are permitted within the Low Density Residential 2 designation in the Mount Hope Secondary Plan. Furthermore, the previously approved Lot Line Adjustment allows the subject properties to conform with density requirements.

As such, the proposed development conforms with the policies of the Mount Hope Secondary Plan.

5.5 Township of Glanbrook Zoning By-law 464:

The proposed development will conform to all requirements of the current Zoning By-law. Variances have been previously granted via Minor Variance applications GL/A-23:68 and GL/A-23:69 with regards to the minimum lot area, lot width, and rear yard setback. These variances were necessary for the current Severance application, which will sever the current properties into a total of four residential lots. The proposed development is now in conformity with all other requirements. The variances were acquired in anticipation of the current severance application(s), as a Lot Line Adjustment was necessary prior to pursuing the current severance. As such, the proposed development will conform to all requirements of the Zoning By-law. The site was previously approved (via CofA, and supported by City staff) to facilitate the subject semi-detached severances.

Furthermore, secondary dwelling units are permitted by the Zoning By-law, but more importantly, the last consolidation of the Zoning By-law was made in November 2023.

As such, the proposed development will conform with the policies of the Township of Glanbrook Zoning By-law 464.

6.0 NOISE IMPACT ASSESSMENT

As the Urban Hamilton Official Plan has identified the subject properties to be located within the Airport Influence Area (and next to Hwy 6), a Noise Impact Assessment was required as a condition of approval of the previously approved Lot Line Adjustment application GL/B-23:18. The Noise Impact Assessment was completed by Pinchin Ltd.

This Assessment concluded that the proposed development will meet the requirements of the City of Hamilton and the Ministry of Environment, Conservation and Parks (MECP). The Assessment has been submitted to the City as part of this application.

7.0 CONCLUSION

It is the Author's professional planning opinion as a Registered Professional Planner, that given the respective Provincial, Conservation, and City policies, as well as surrounding character conditions, the proposed land severance(s) to create Semi-Detached lots should be considered '**Good Planning**', is in the public interest, is consistent with the Provincial Planning Statement, conforms with the Urban Hamilton Official Plan and Mount Hope Secondary Plan, as well as the intent of the Township of Glanbrook Zoning By-law 464, and is not premature in any manner.

As such, the above justification supports the proposed severances being approved, and completes the process of setting up the site for this ultimate land division approval.

I hereby certify that this Planning Justification Report was prepared and reviewed by Registered Professional Planner (RPP), within the meaning of the Canadian Institute of Planners and the *Ontario Professional Planners Institute Act, 1994*.



Terrance Glover, RPP, CPT, MCIP

Principal

Urban in Mind, Professional Urban Planning, Land Development & CPTED Consultants



Appendix A
Aerial View of Subject Properties



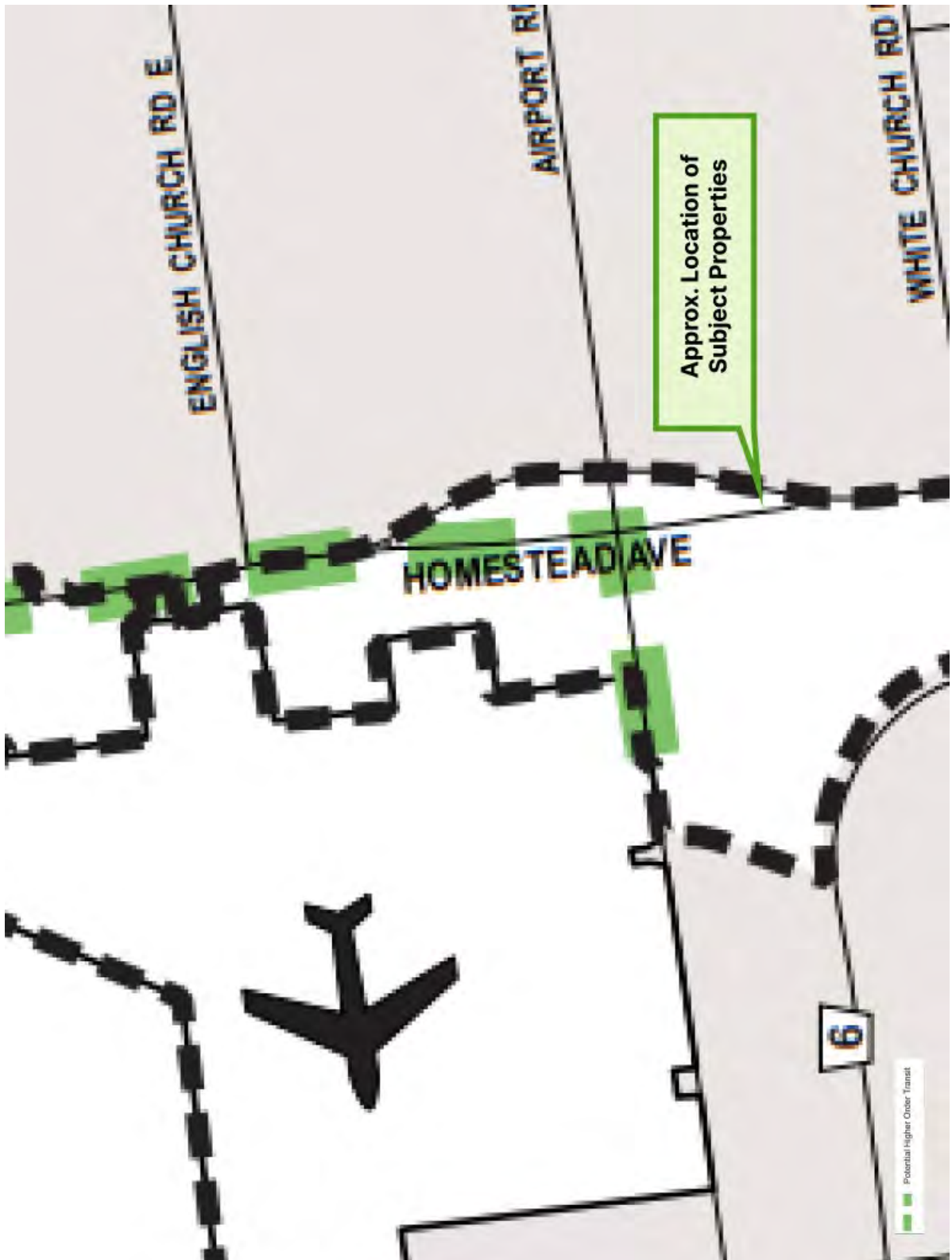
Appendix B

Urban Hamilton Official Plan – Schedule C: Functional Road Classification

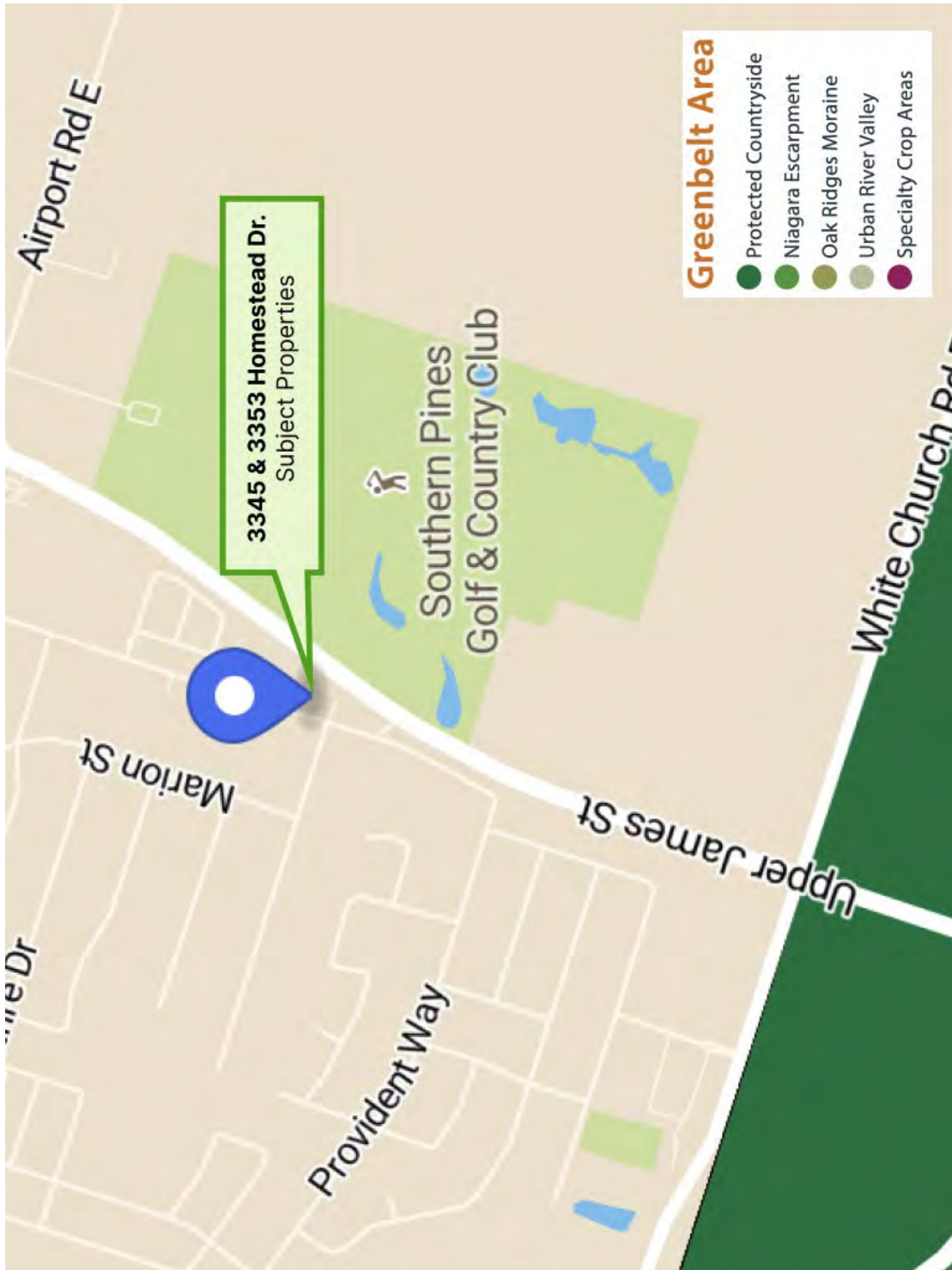


Appendix C

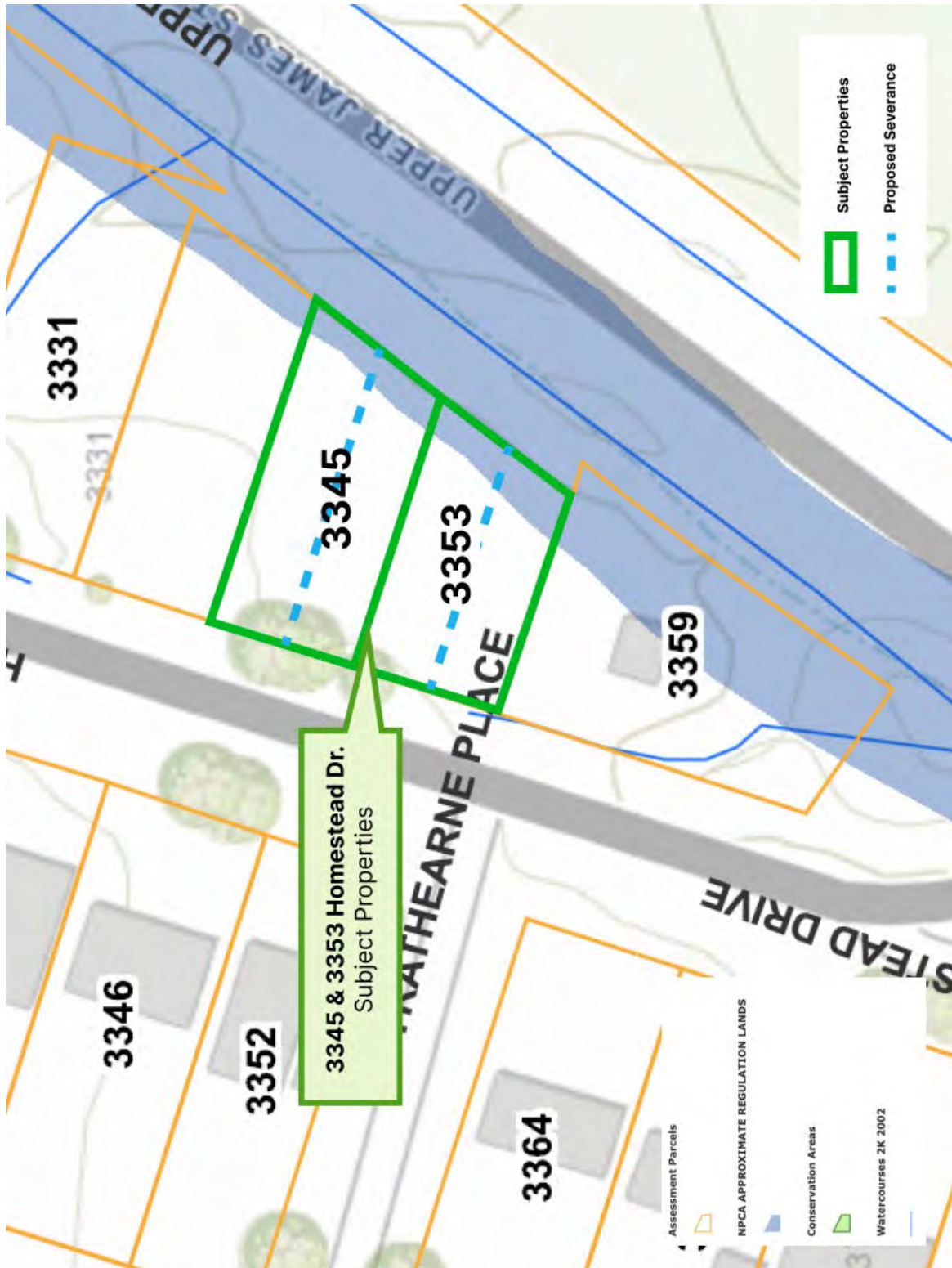
Urban Hamilton Official Plan – Appendix B: Major Transportation Facilities and Routes



Appendix D
Greenbelt Plan Area



Appendix E
Niagara Peninsula Conservation Authority Regulation Limit



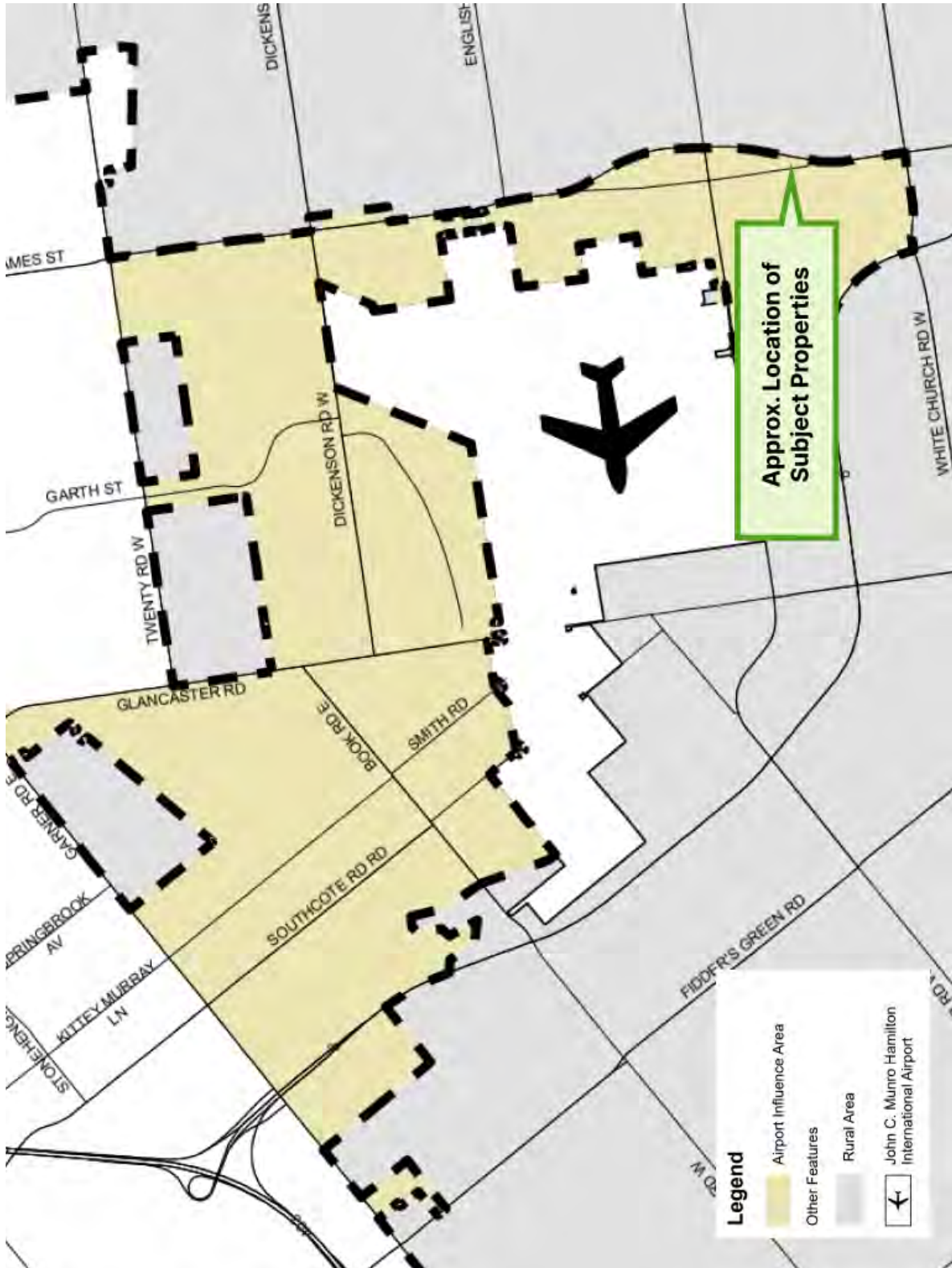
Appendix F

Urban Hamilton Official Plan – Schedule E-1: Urban Land Use Designations



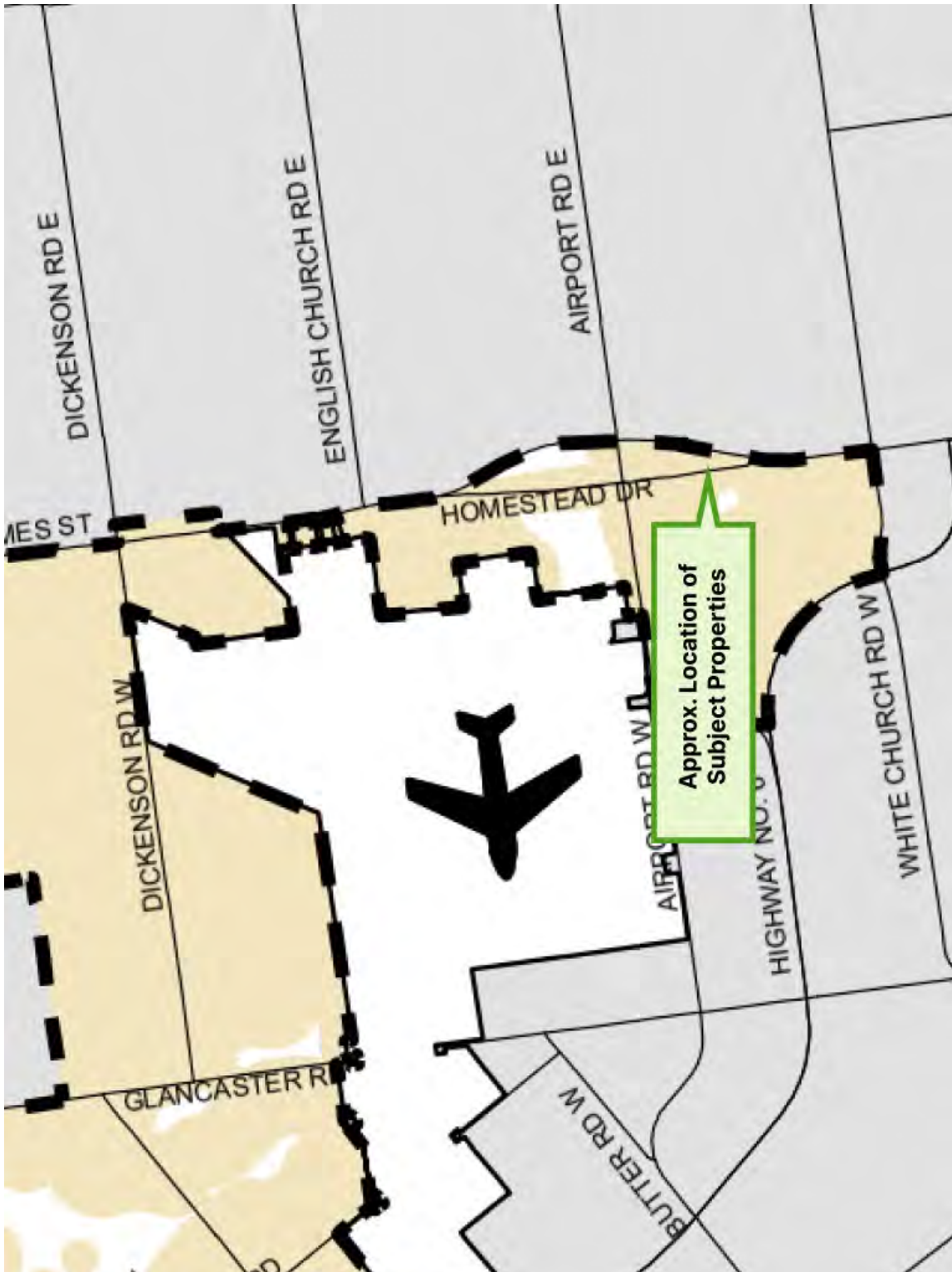
Appendix G

Urban Hamilton Official Plan – Schedule F: Airport Influence Area



Appendix H

Urban Hamilton Official Plan – Appendix F-4: Archaeological Potential





September 18, 2023

Sasa Kljakic
3345 Homestead Drive
Hamilton, ON

E-mail: finetouchcontractingltd@gmail.com

Attention: Sasa Kljakic

Re: Noise Impact Study of the Proposed Residential Development
3345 and 3353 Homestead Drive, Hamilton, ON
Pinchin File: 330512

Pinchin Ltd. (Pinchin) was retained by Sasa Kljakic (Client) to prepare a noise impact study report for a proposed residential development at 3345 and 3353 Homestead Drive, Hamilton, ON. This report has been prepared to satisfy the re-zoning requirements.

Based on the information available to Pinchin, it is understood that the Client is proposing to sever the property at 3345 and 3353 Homestead Drive, Hamilton, ON into four (4) lots – 1, 2, 3, 4. Four (4) semi-detached dwellings each with a secondary dwelling unit will be built on these lots. A total of eight (8) dwelling units will be built.

Figure 1, Appendix B, shows the concept site plan. Figure 2, Appendix B, shows the development site, nearby roads and the airport.

1.0 NOISE CRITERIA

1.1 Road Traffic Noise Criteria

As shown in Figure 2, Appendix B, the proposed development is located in an existing residential neighbourhood. Homestead Drive and Upper James Street are located to the immediate west and east of the development, respectively. The noise impact from road traffic on Homestead Drive and Upper James Street are evaluated.

Highway 6 is located approximately 850 m to the west of the site. Considering the large setback distance to Highway 6, it is our opinion that the noise impact from road traffic on Highway 6 would be acoustically insignificant. As such, the noise impact from road traffic on Highway 6 was not evaluated in this study.

With regards to the noise criteria, the City of Hamilton Noise By-law No. 11-285 [1] refers to the Ontario Ministry of Environment, Conservation and Parks (MECP) Noise Pollution Control (NPC) Publications. As such, Pinchin adopted the noise criteria outlined in the MECP Publication NPC-300 [2].

The applicable noise criteria for this proposed redevelopment are described as follows:



1.1.1 Outdoor Noise Criteria

The daytime noise criterion for outdoor living areas (OLAs) is 55 dBA for road and rail noise sources. Where it is not technically, economically, or administratively feasible to meet the 55 dBA limit, up to 60 dBA is permissible with warning clauses. Where the daytime sound level is greater than 60 dBA, control measures are required to reduce the sound level to 60 dBA or less.

1.1.2 External Building Façade Criteria

Where the sound levels at the exterior of the building facades exceed 55 dBA at living/dining room windows during daytime hours and 50 dBA at bedroom windows during nighttime periods, the unit must be provided with forced air heating with provision for central air conditioning. Where the sound levels exceed by more than 10 dB (i.e. 65 dBA at living/dining room windows and 60 dBA at bedroom windows), central air conditioning must be incorporated into the building design prior to occupancy. Upgraded window glazing construction may be required and warning clauses are applicable as well.

1.2 Air Traffic Noise Criteria

John C. Munro Hamilton International Airport is located to the northwest of the development approximately 1,100 m away. A review of the City's rural official plan [3] shows that the development is located within the Airport's influence area. Figure 3, Appendix B, shows that the site is located slightly above the Noise Exposure Forecast (NEF) contour NEF 25.

With regards to development at locations greater than NEF 25 but less than NEF 28, the City of Hamilton has the following requirements:

- a) All development and redevelopment proposals for residential and other sensitive land uses, including infill development and redevelopment, shall be required to submit a detailed noise study, employ noise mitigation measures and include appropriate warning clauses in accordance with Section B.3.6.3 – Noise, Vibration and Other Emissions, and Policy C.4.8.6.
- b) New land uses which may cause a potential aviation hazard shall be prohibited.

The above requirements are in line with the Provincial Policy Statement, 2020 [4].

The applicable guidelines used for this development are the MECP "Air Traffic Noise" guidelines, as set out in MECP Publication NPC-300 [2]. These guidelines state that the aircraft noise shall not exceed:

- NEF 30 for any outdoor area, over 24-hour period;
- NEF 5 for indoor living/dining areas, over 24-hour period;
- NEF 0 for sleeping quarters, over 24-hour period.



2.0 ROAD TRAFFIC NOISE IMPACT ASSESSMENT

The recent Annual Average Daily Traffic (AADT) volume data on Homestead Drive and Upper James Street were obtained from the City of Hamilton. The AADT volumes were projected to year 2034 using an annual growth rate of 2.0%, similar to other studies in the area. Day and night vehicles were split in accordance with the MECP protocol. Breakdowns of medium and heavy trucks were assumed based on the type of the roads.

Traffic noise impact was predicted using the MECP computer program STAMSON (Version 5.04) [5]. STAMSON uses the traffic volumes for the road and basic topographical information for the site in its calculations. The program accounts for adjustments in sound levels with vehicle volume, distance, finite segment, pavement surface, and acoustical shielding. Details of traffic data and STAMSON calculations are included in Appendix C.

The road traffic noise impact prediction results at the selected facades and OLA are provided in Table 1, Appendix A.

In summary, the predicted traffic noise impacts range from 43 dBA to 69 dBA at the selected on-site receptors. The predicted sound levels exceed the MECP noise criteria for south, east and north facades, and outdoor spaces. Consequently, noise control measures and warning clauses are required. The calculations were carried out using the principles outlined in the Canada Mortgage and Housing Corporation (CMHC) publication [6]. The calculations were performed based on the assumptions of typical window/floor ratios.

The detailed noise control requirements are provided in Tables 2 and 3, Appendix A.

3.0 AIR TRAFFIC NOISE IMPACT ASSESSMENT

Since the development is located slightly above the NEF 25 contour, a detailed noise impact study with appropriate noise mitigation measures (if applicable) is required. For the purpose of this assessment and as a conservative estimate, it was determined that the development is located on NEF 26 contour.

At the time this report was prepared, detailed information on the proposed dwelling such as floor and elevation plans was not available. In the absence of the detailed dwelling design information, it was assumed that the dwelling may include a two-storey residential building with 4 bedrooms on the second floor, living/dining and kitchen areas on the first/ground floor. In addition, the dwelling may include a basement.

Detailed calculations on the acoustical requirements of windows, walls, doors, ceiling-roof are provided in Table 4, Appendix A. The calculations were carried out using the principles outlined in the CMHC



publication [7]. In the calculations, room dimensions and ratios to the floor areas were assumed from a typical two-storey residential building as used in the CMHC publication.

As per NPC-300, if the dwelling is located within the NEF contours of 25 and 30, the dwelling should be designed with a provision for central air conditioning. In addition, warning clause Type C is also required. Details of the warning clause are provided in Appendix C.

The following table summarizes the required noise control measures for both road and air traffic:

Building Components or Receptor	Noise Control Measures
Windows (South, East and North Facades) – All Units	STC 33 or Higher
Walls (South, East and North Facades) – All Units	EW2 or Higher
Doors – All Units	D1 or Higher
Ceiling – All Units	C1 or Higher
Outdoor Living Areas (Rear Yards)	Warning Clause Type B
Ventilation - All Units	Central AC
Warning Clauses - All Units	Type C (for Air Traffic) and D (for Road Traffic)

For construction details of the required windows, doors and ceiling, please refer to Tables 1 and 4, Appendix A.

Calculation shows a 3-sided, 6 m high and 75 m long barrier would be required to reduce the level to 55 dBA. A barrier of 6 m high would have a number of side effects for the use and enjoyment of the properties. The effects may include completely blocking the sight to the natural environment, shading the entire property, significant financial burdens to the owner, and potential engineering challenges to building such a tall noise wall.

In consideration of the above engineering and financial challenges for building a 6 m tall noise wall, it is suggested that building the noise wall may be considered at a later time, if there are road noise issues with potential occupants. The Client's intention is to get the homes built soon to provide much needed rental units for the community.



For all other components, construction meeting the Ontario Building Code (OBC) requirements will be sufficient to provide the required noise attenuation so that the indoor noise levels will meet the applicable MECP guideline limits.

4.0 CONCLUSIONS

A noise impact assessment of the proposed development was completed by reviewing the development location in relation to the airport and calculating the potential noise impact from road and aircraft traffic. The calculation results show that slight upgrades on building components (windows, doors, ceiling-roof) are required for selected facades.

In addition, the proposed dwelling should be designed with the installation of central air conditioning systems. Warning clause Types B, C and D are also required. The assessment shows that, with the above recommendations, the proposed development will meet MECP and the City of Hamilton's noise requirements.

5.0 TERMS AND LIMITATIONS

This work was performed subject to the Terms and Limitations presented or referenced in the proposal for this project.

Information provided by Pinchin is intended for Client use only. Pinchin will not provide results or information to any party unless disclosure by Pinchin is required by law. Any use by a third party of reports or documents authored by Pinchin or any reliance by a third party on or decisions made by a third party based on the findings described in said documents, is the sole responsibility of such third parties. Pinchin accepts no responsibility for damages suffered by any third party as a result of decisions made or actions conducted. No other warranties are implied or expressed.



6.0 CLOSURE

Contact the undersigned with any questions.

Sincerely,

Pinchin Ltd.

Prepared by:

Reviewed by:

Weidong Li, Ph.D., P.Eng.

Senior Project Engineer

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Senior Project Manager

416.271.9333

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7.0 REFERENCES

1. City of Hamilton, Noise Control By-law No. 11-285, October 2021.
2. Ministry of the Environment Publication NPC-300, Environmental Noise Guideline – Stationary and Transportation Sources-Approval and Planning, August 2013.
3. City of Hamilton, Rural Hamilton Official Plan, February 2021.
4. Ministry of Municipal Affairs and Housing, Provincial Policy Statement, 2020.
5. Ministry of the Environment, STAMSON/STEAM Computer Programme, (Version 5.04), 1989.
6. Canada Mortgage and Housing Corporation, Road and Rail Noise: Effects on Housing, 1981.
7. Canada Mortgage and Housing Corporation, New Housing and Airport Noise, 1981.

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Template: Master Noise Impact Study Letter, ERC, March 5, 2020

APPENDIX A
Tables
(4 Pages)

Table 1 - Road Traffic Noise Impact Predictions - Road Traffic

Receptor ID	Receptor Description	Height Above Ground, m [1]	Total Noise Level (Leq, dBA) [2]		Windows /Walls [3]	Noise Control Measures [4]	Warning Clause [5]
			Daytime (16 hr)	Nighttime (8 hr)			
L1 - E	Lot 1 East Façade	4.5	69	63	STC 32 - 33 / EW1	Central AC	Type D
L1 - OLA	Lot 1 OLA, Rear Yard	1.5	69	-	n/a	Central AC	Type D
L1 - W	Lot 1 West Façade	4.5	50	43	OBC	n/a	n/a

Notes:

- Daytime hours are between 7:00 am and 11:00 pm and nighttime hours are between 11:00 pm and 7:00 am.
- [1] Typical height for upper storey windows.
- [2] STAMSON predicted sound levels in dBA.
- [3] OBC - means the windows and doors should be constructed to meet the minimum requirements outlined in the Ontario Building Code.
- [4] Central AC - means the dwelling should be designed with the installation of central air conditioning system.
The common structure of walls EW1 to EW5 is composed of 12.7 mm gypsum board, vapour barrier, and 38 x 89 mm studs with 50 mm (or thicker) mineral wool or glass fibre batts in the inter-stud cavities.
EW1 denotes exterior wall as in Note 2), plus sheathing, plus wood siding or metal siding and fibre backer board.
- [5] For details on warning clause, see Appendix E.

Table 2: Predicted Noise Levels and Control Measures - Sample Calculations, Road Traffic Noise

Room/Façade Reference Number	Lot 1 - East Façade			
Room Location	Second Floor			
Room Type	Bedroom			
	Windows - Day	Windows - Night	Wall, 24-hour	Notes
Predicted Outdoor Sound Level, dBA	69	63	68	STAMSON
Calculation Adjustment, dBA	0.0	0.0	0.0	
Indoor Room Level, dBA	45	40	45	NPC-300 Table C-9, Road Traffic [1]
CMHC Room Target, dBA	35	35	35	CMHC Table 1, 24-Hour Criteria [2]
Criteria Adjustment, dBA	-10	-5	-10	CMHC-MOE
Adjusted Outdoor Sound Level, dBA	59	58	58	Used in Determining AIF
(Window, Wall)/Floor Ratio, %	30%	30%	115%	CMHC Bedroom 4 - 2nd Floor
Number of Components	3	3	3	Assumed
Acoustic Insulation Factor (AIF)	31	30	30	CMHC: Table 6.1
Approximate Sound Transmission Class (STC)	32	31	38	CMHC: Tables D2, 6.3
Sample Window/Door Configuration	3-20-3	3-20-3	EW1	The Worst Case Requirement Is Displayed
Air Conditioning	Central AC	-	-	Central AC Required
Warning Clause	Type D	-	-	

Table 3: Predicted Noise Levels and Control Measures - Sample Calculations, Road Traffic Noise

Room/Facade Reference Number	Lot 1- Living / Dining			
Room Location	First Floor			
Room Type	Living / Dining			
	Windows - Day	Windows - Night	Wall, 24-hour	Notes
Predicted Outdoor Sound Level, dBA	69	63	68	STAMSON
Calculation Adjustment, dBA	0.0	0.0	0.0	
Indoor Room Level, dBA	45	40	45	NPC-300 Table C-9, Road Traffic [1]
CMHC Room Target, dBA	40	40	40	CMHC Table 1, 24-Hour Criteria [2]
Criteria Adjustment, dBA	-5	0	-5	CMHC-MOE
Adjusted Outdoor Sound Level, dBA	64	63	63	Used in Determining AIF
(Window, Wall)/Floor Ratio, %	30%	30%	90%	
Number of Components	4	4	4	Assumed
Acoustic Insulation Factor (AIF)	32	31	31	CMHC: Table 6.1
Approximate Sound Transmission Class (STC)	33	32	38	CMHC: Tables D2, 6.3
Sample Window/Door Configuration	3-25-3	-	EW1	The Worst Case Requirement Is Displayed
Air Conditioning	Central AC	-	-	Central AC Required
Warning Clause	Type D	-	-	

Table 4: Building Component Analysis and Control Measures, Air Traffic Noise

	Bedroom 1 - 2nd Floor	Bedroom 2 - 2nd Floor	Bedroom 3 - 2nd Floor	Bedroom 4 - 2nd Floor	Living / Dining - 1st Floor	Kitchen - 1st Floor	Basement	Notes
Outdoor Noise Exposure Forecast (NEF)	26	26	26	26	26	26	26	Per Rural Hamilton Official Plan, Appendix D
Approximate Outdoor Sound Level, dBA	58	58	58	58	58	58	58	NPC-300, C3.4.1, NEF + 32 dBA
Approximate Indoor Aircraft Noise Limit, NEF	0	0	0	0	5	10	10	NPC-300 Table C-10, CMHC Appendix B
Windows / Floor Ratio, %	20%	22%	21%	31%	29%	22%	4%	Ratios per CMHC Example 2
Wall / Floor Ratio, %	100%	117%	100%	114%	89%	100%	20%	Ratios per CMHC Example 2
Door / Floor Ratio, %	0%	0%	0%	0%	8%	23%	-	Ratios per CMHC Example 2
Number of Components	3	3	3	3	3	3	2	Windows, Walls, Ceiling/Roof, Doors
Acoustic Insulation Factor (AIF)	31	31	31	31	26	21	19	CMHC: Section E, Table 1
Approximate Sound Transmission Class (STC)	30	30	30	32	21	-	-	CMHC: Tables D2, 6.3
Windows (glass mm - air gap - glass mm)	3-13-3	3-13-3	3-13-3	3-20-3	2 mm	2 mm	2 mm	CMHC Table A
Exterior Walls	EW1	EW2	EW1	EW2	EW1	EW1	EW1	CMHC Table B
Ceiling - Roof	C1	C1	C1	C1	-	-	-	CMHC Table C
Exterior Doors	-	-	-	-	D1	D1	-	CMHC Table D
Ventilation Requirements	Provision for AC	Provision for AC	Provision for AC	Provision for AC	Provision for AC	Provision for AC	Provision for AC	NPC-300, C7.4
Warning Clause	Type C	Type C	Type C	Type C	Type C	Type C	Type C	NPC-300, C7.4

Reference: Canada Mortgage and Housing Corporation, New Housing and Airport Noise, 1981.

- The common structure of walls EW1 to EW5 is composed of 12.7 mm gypsum board, vapour barrier, and 38 x 89 mm studs with 50 mm (or thicker) mineral wool or glass fibre batts in the inter-stud cavities.
- EW1 denotes exterior wall as in Note 2), plus sheathing, plus wood siding or metal siding and fibre backer board.
- EW2 denotes exterior wall as in Note 2), plus rigid insulation (25-50 mm), and wood siding or metal siding and fibre backer board.
- C1 denotes 12.7 mm gypsum board, 75 mm (or thicker) insulation batts, flat roof joist and beam construction, builtup roofing.
- D1 denotes 44 mm hollow-core wood door (up to 20% of area glazed).

APPENDIX B
Figures
(3 Pages)

SITE PLAN

3345 and 3353 HOMESTEAD DRIVE,
HAMILTON

CURRENT ZONING: R3-311

GLANBROOK ZONING BY-LAW No.464

TOTAL SITE AREA: 1,695.7 m²

4 SEMI-DETACHED DWELLINGS EACH WITH A
SECONDARY DWELLING UNIT (8 UNITS TOTAL)

REQUIREMENT	REQUIRED	PROVIDED			
	RM1	LOT 1	LOT 2	LOT 3	LOT 4
MAX DWELLING UNITS (OFFICIAL PLAN)	25 /ha	25.0	25.0	23.3	21.5
MIN. LOT AREA / UNIT*	335 m ² * (950m ² OR 810m ²)	400m ²	400m ²	429m ²	466m ²
MIN. LOT AREA*	950m ² OR 810m ² *	800m ²		895m ²	
MIN. LOT FRONTAGE	10.0 m	11.7 m	10.5m	10.3m	10.3m
MIN. FRONT YARD	7.5 m	9.0 m	9.0m	9.0m	9.0m
MIN. SIDE YARD**	1.2 m**	2.65m	1.48m	1.27m	1.28m
MIN. REAR YARD	7.5 m	7.7 m	11.3m	15.0m	17.6m
MAX. COVERAGE	40.0%	36.0%	36.0%	33.6%	30.9%
BDLG. HEIGHT	10.7 m	9.1 m	9.1m	9.1m	9.1m
MAX. DRIVEWAY WIDTH	SEE NOTE	6.0 m	6.0 m	6.0 m	6.0 m
PARKING SPACES	SEE NOTE				

NOTES:

- MAX DRIVEWAY WIDTH FOR 2 CAR GARAGE IS 5.5m, WHILE FOR 1 CAR GARAGE IS 3.0m
- PARKING REQUIRED FOR EACH SEMI-DETACHED DWELLING WITH SECONDARY DWELLING UNIT IS 3.
- ALL PARKING SPACES ARE MIN. 3m X 6m.
- MIN. 100m² FLOOR AREA PER DWELLING UNIT WITH BASEMENT FLOOR AREA NOT COUNTED.
- * MIN LOT SIZE OF 335m² FROM RM3 ZONE {17.4(b)(ii)} WHICH REFERS TO RM1. HOWEVER, CURRENT ZONE EXCEPTION IS R3-311, WHICH WAS NOT AMENDED ALONG WITH THE R3 ZONE AS A WHOLE. R3-311 MIN LOT SIZES OF 810m² FOR THE COMBINATION OF LOTS 1 & 2 AND 950m² FOR THE COMBINATION OF LOTS 3 & 4, WHICH WAS PUT IN PLACE BEFORE THE 4.527m ROAD WIDENING WAS GIVEN
- ** MIN SIDE YARD = 0m FOR UNITS SHARING PARTY WALL

LEGEND:

- CURRENT LOT LINE
- PROPOSED ADJUSTMENT LOT LINE
- FUTURE LOT SEVERANCE LINE - SEMIS
- PROPOSED BUILDING
- DRIVEWAY
- WALKWAY (WIDTH - 0.6m)
- PARKING SPACE (6.0m X 3.0m)

BASE INFORMATION FROM:

A.T.McLAREN Limited
69 JOHN STREET SOUTH, SUITE 230, HAMILTON, ON L8N2B9
PHONE: (905) 527-8559 FAX: (905) 527-0032
FILE: PLAN 62R-21140 3345 & 3353 HOMESTEAD DRIVE DATE: NOVEMBER 3, 2022

NOTE: DRAWING IS FOR
DISCUSSION PURPOSES ONLY.

DATE: REVISIONS
14/02/2023 - ADJUSTED PARKING AND STATS CHART

SCALE: 1:75
WHEN PRINTED ON 24 x 36

PROJECT FILE NO.
2022_35

DATE:
DECEMBER 06, 2022

DRAWN BY: J.T.
REVIEWED BY: T.G.

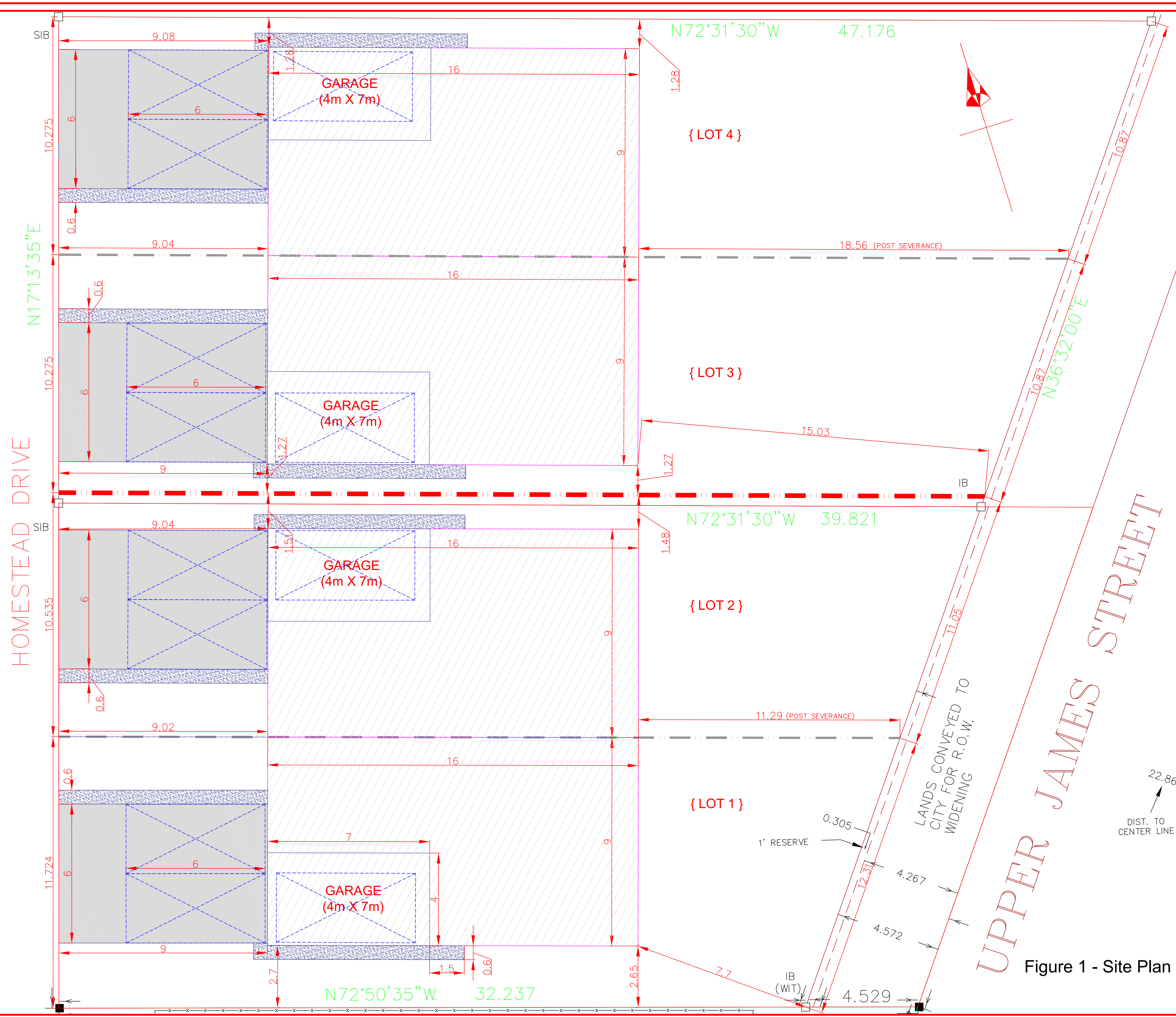


Figure 1 - Site Plan

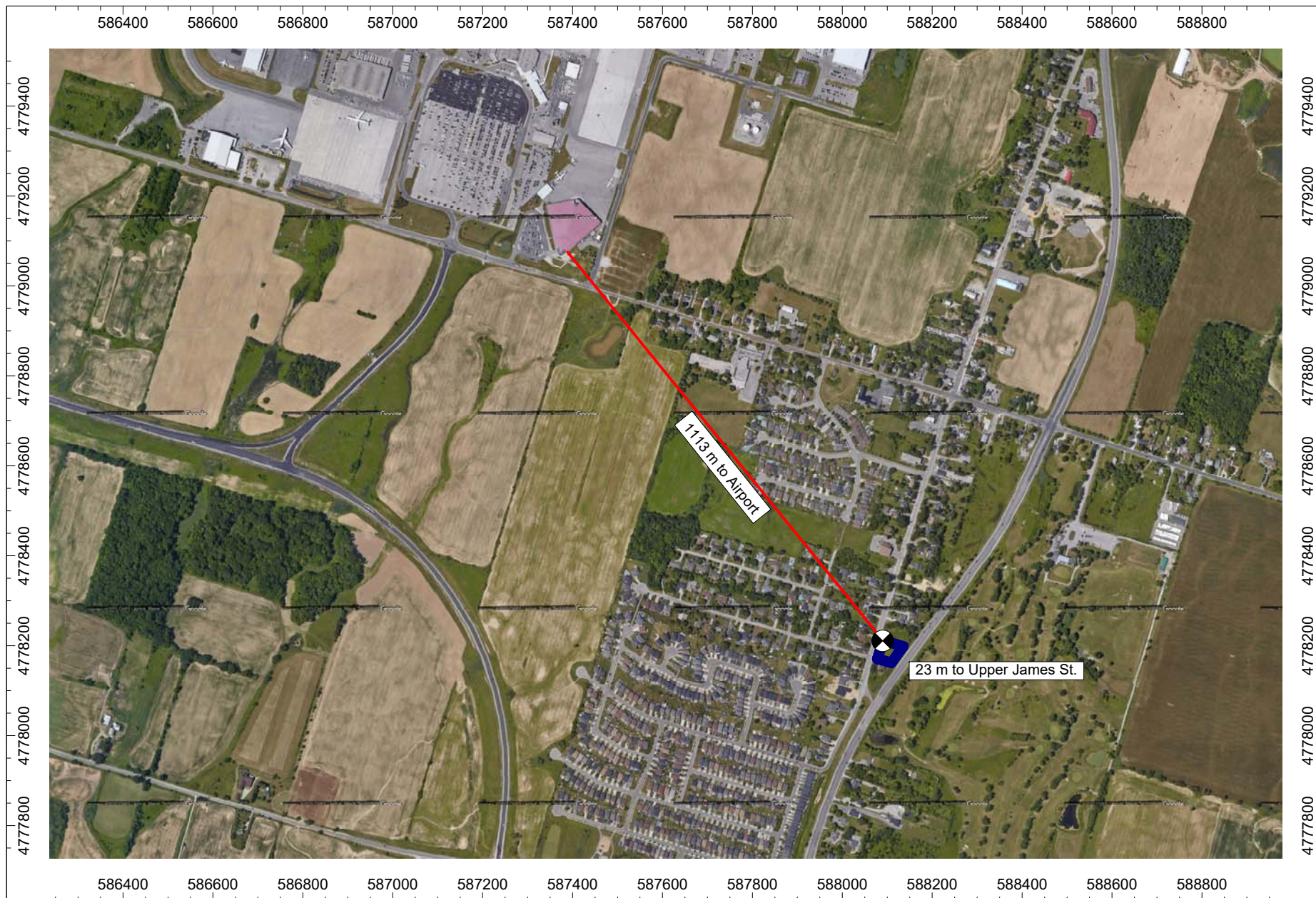


Figure 2 - Scaled Area Plan, Showing the Development, Airport and Road

3345 and 3353 Homestead Drive, Hamilton, ON

Pinchin Project: 330512



Drawn by: WNL

Scale: 1:12,000

Date: August 21, 2023



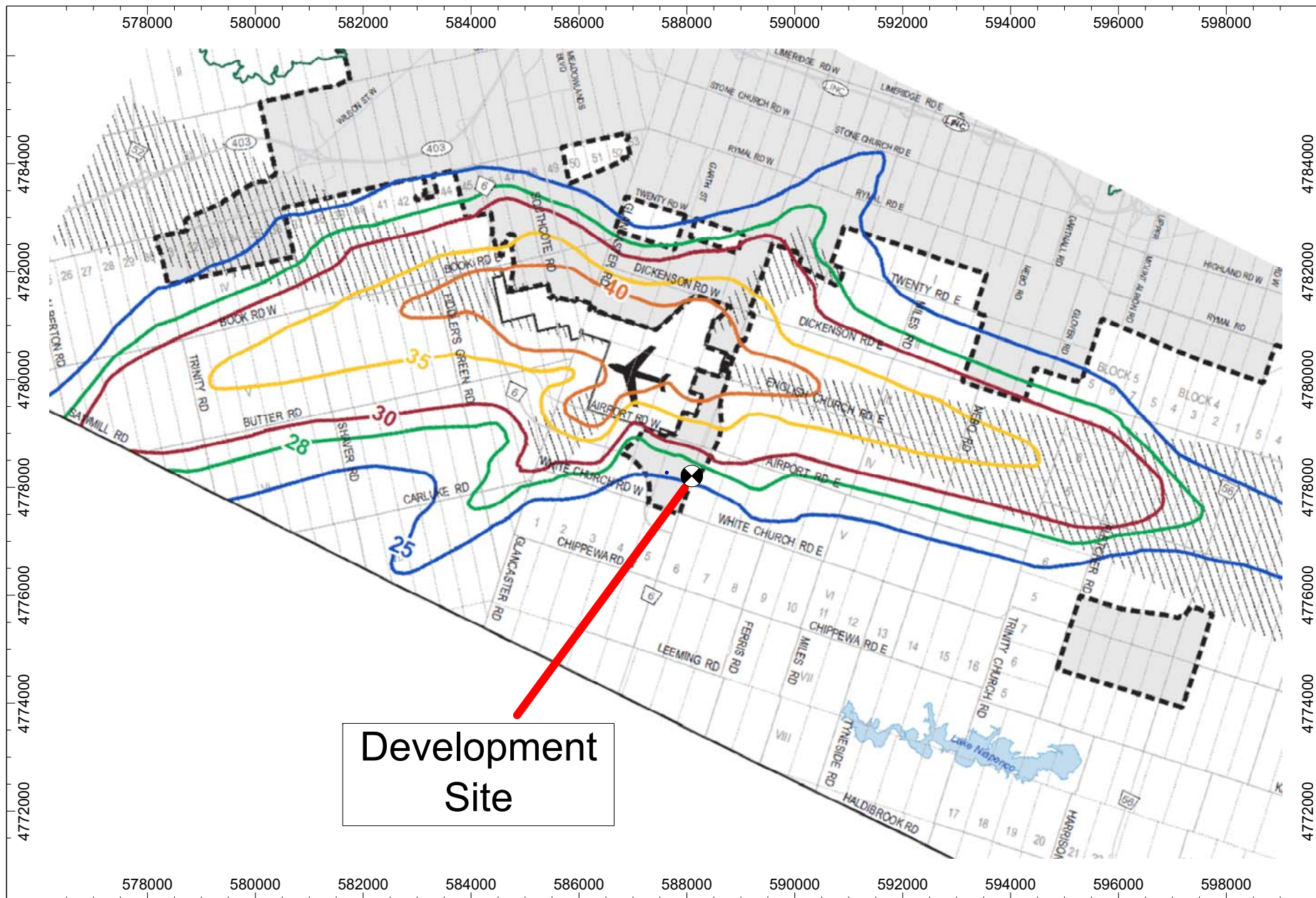


Figure 3 - Scaled Area Plan, Showing the Development and NEF Contours



Drawn by: WNL

Scale: 1:100,000

Date: August 21, 2023

3345 and 3353 Homestead Drive, Hamilton, ON

Pinchin Project: 330512



APPENDIX C
Traffic Data and STAMSON Prediction Results
(7 Pages)

Table C.1 - Summary of Road Traffic Counts and Projections ^[1]

Road Name	Year of Count	AADT	Projection Year	Projected AADT ^[2]	Day / Night Split	Cars ^[3]		Medium Trucks ^[4]		Heavy Trucks ^[5]	
						Day	Night	Day	Night	Day	Night
Upper James St., between Airport Road East and English Church Road East	2019	21565	2034	29024	90 /10	22987	2554	1828	203	1306	145
Homestead Drive, between White Church Road East and Airport Road East	2019	2973	2034	4001	90 /10	3529	392	72	8	0	0

Notes

1. The road traffic data were obtained from the City of Hamilton Transportation Data Management System.
2. The volumes in 2034 were projected based on an annual 2.0% compounded growth rate, from a noise study in the same area.
3. Upper James St. - 88% of cars was assumed for urban arterial roads. Homestead Dr. - 98% of cars.
4. Upper James St. - 7% of medium trucks was assumed urban arterial roads. Homestead St. - 2% for medium trucks.
5. Upper James St. - 5% of heavy trucks was assumed for urban arterial roads. Homestead Dr. - 0% as heavy rucks are not allowed per roadway sign.

Filename: lot1f.te Time Period: Day/Night 16/8 hours
 Description: Road Traffic Noise Impact on Lot 1 East Facade

Road data, segment # 1: UpperJames (day/night)

```
-----
Car traffic volume : 22987/2554 veh/TimePeriod *
Medium truck volume : 1828/203 veh/TimePeriod *
Heavy truck volume : 1306/145 veh/TimePeriod *
Posted speed limit : 80 km/h
Road gradient : 0 %
Road pavement : 1 (Typical asphalt or concrete)
```

* Refers to calculated road volumes based on the following input:

```
24 hr Traffic Volume (AADT or SADT): 21565
Percentage of Annual Growth : 2.00
Number of Years of Growth : 15.00
Medium Truck % of Total Volume : 7.00
Heavy Truck % of Total Volume : 5.00
Day (16 hrs) % of Total Volume : 90.00
```

Data for Segment # 1: UpperJames (day/night)

```
-----
Angle1 Angle2 : -90.00 deg 90.00 deg
Wood depth : 0 (No woods.)
No of house rows : 0 / 0
Surface : 1 (Absorptive ground surface)
Receiver source distance : 30.80 / 30.80 m
Receiver height : 4.50 / 4.50 m
Topography : 1 (Flat/gentle slope; no barrier)
Reference angle : 0.00
```

Results segment # 1: UpperJames (day)

Source height = 1.50 m

ROAD (0.00 + 69.05 + 0.00) = 69.05 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj
SubLeq									

```
-----
---
-90 90 0.57 75.26 0.00 -4.91 -1.30 0.00 0.00 0.00
69.05
-----
---
```

Segment Leq : 69.05 dBA

Total Leq All Segments: 69.05 dBA

Results segment # 1: UpperJames (night)

Source height = 1.50 m

ROAD (0.00 + 62.51 + 0.00) = 62.51 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj
--------	--------	-------	--------	-------	-------	-------	-------	-------	-------

SubLeq

-90	90	0.57	68.72	0.00	-4.91	-1.30	0.00	0.00	0.00
-----	----	------	-------	------	-------	-------	------	------	------

62.51

Segment Leq : 62.51 dBA

Total Leq All Segments: 62.51 dBA

TOTAL Leq FROM ALL SOURCES (DAY): 69.05
(NIGHT): 62.51

Filename: lotlo.te Time Period: Day/Night 16/8 hours
 Description: Road Traffic Noise Impact on Lot 1 OLA

Road data, segment # 1: UpperJames (day/night)

```
-----
Car traffic volume : 22987/2554 veh/TimePeriod *
Medium truck volume : 1828/203 veh/TimePeriod *
Heavy truck volume : 1306/145 veh/TimePeriod *
Posted speed limit : 80 km/h
Road gradient : 0 %
Road pavement : 1 (Typical asphalt or concrete)
```

* Refers to calculated road volumes based on the following input:

```
24 hr Traffic Volume (AADT or SADT): 21565
Percentage of Annual Growth : 2.00
Number of Years of Growth : 15.00
Medium Truck % of Total Volume : 7.00
Heavy Truck % of Total Volume : 5.00
Day (16 hrs) % of Total Volume : 90.00
```

Data for Segment # 1: UpperJames (day/night)

```
-----
Angle1 Angle2 : -90.00 deg 90.00 deg
Wood depth : 0 (No woods.)
No of house rows : 0 / 0
Surface : 1 (Absorptive ground surface)
Receiver source distance : 28.00 / 28.00 m
Receiver height : 1.50 / 1.50 m
Topography : 1 (Flat/gentle slope; no barrier)
Reference angle : 0.00
```

Results segment # 1: UpperJames (day)

Source height = 1.50 m

ROAD (0.00 + 69.30 + 0.00) = 69.30 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj
SubLeq									

```
-----
---
-90 90 0.66 75.26 0.00 -4.50 -1.46 0.00 0.00 0.00
69.30
-----
---
```

Segment Leq : 69.30 dBA

Total Leq All Segments: 69.30 dBA

Results segment # 1: UpperJames (night)

Source height = 1.50 m

ROAD (0.00 + 62.77 + 0.00) = 62.77 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj
--------	--------	-------	--------	-------	-------	-------	-------	-------	-------

SubLeq

-90	90	0.66	68.72	0.00	-4.50	-1.46	0.00	0.00	0.00
-----	----	------	-------	------	-------	-------	------	------	------

62.77

Segment Leq : 62.77 dBA

Total Leq All Segments: 62.77 dBA

TOTAL Leq FROM ALL SOURCES (DAY): 69.30
(NIGHT): 62.77

Filename: lotlh.te Time Period: Day/Night 16/8 hours
 Description: Road Traffic Noise Impact on Lot 1 West Facade

Road data, segment # 1: Homestead (day/night)

```
-----
Car traffic volume   : 3529/392   veh/TimePeriod  *
Medium truck volume :    72/8     veh/TimePeriod  *
Heavy truck volume  :     0/0     veh/TimePeriod  *
Posted speed limit  :    40 km/h
Road gradient       :     0 %
Road pavement      :     1 (Typical asphalt or concrete)
```

* Refers to calculated road volumes based on the following input:

```
24 hr Traffic Volume (AADT or SADT): 2973
Percentage of Annual Growth         : 2.00
Number of Years of Growth           : 15.00
Medium Truck % of Total Volume      : 2.00
Heavy Truck % of Total Volume       : 0.00
Day (16 hrs) % of Total Volume     : 90.00
```

Data for Segment # 1: Homestead (day/night)

```
-----
Angle1  Angle2      : -90.00 deg  90.00 deg
Wood depth          :      0          (No woods.)
No of house rows   :      0 / 0
Surface             :      1          (Absorptive ground surface)
Receiver source distance : 22.50 / 22.50 m
Receiver height    :   4.50 / 4.50 m
Topography         :      1          (Flat/gentle slope; no barrier)
Reference angle    :      0.00
```

Results segment # 1: Homestead (day)

Source height = 0.50 m

ROAD (0.00 + 49.88 + 0.00) = 49.88 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj
SubLeq									

```
-----
---
-90    90    0.60  54.05  0.00  -2.82  -1.35  0.00  0.00  0.00
49.88
-----
---
```

Segment Leq : 49.88 dBA

APPENDIX D
Warning Clauses
(1 Page)

Warning Clause Type B

“Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic (rail traffic) (air traffic) may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment.”

Warning Clause Type C

“This dwelling unit has been designed with the provision for adding central air conditioning at the occupant’s discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment.”

Warning Clause Type D

“This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment.”



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*			
Registered Owners(s)	Sasa Kljakic		
Applicant(s)**	Urban in Mind (c/o Dorothy Yeung)		
Agent or Solicitor		Phone:	
		E-mail:	

*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*
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



2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	3345 Homestead Drive, Hamilton		
Assessment Roll Number	902510222060000		
Former Municipality	Glanbrook		
Lot	PT LT 6	Concession	5
Registered Plan Number		Lot(s)	
Reference Plan Number (s)	62R-21140	Part(s)	3

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:

0.305 m/ 1 ft reserve along Upper James Street

3 PURPOSE OF THE APPLICATION

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

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

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

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

3.4 Certificate Request for Retained Lands: Yes*

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

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

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

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
Identified on Sketch as:	Lot 3	Lot 4			
Type of Transfer	N/A				
Frontage	10.275 m	10.275 m			
Depth	41.7 m	45.4 m			
Area	429 sq.m.	466 sq.m.			
Existing Use	Vacant	Vacant			
Proposed Use	Residential	Residential			
Existing Buildings/ Structures	N/A	N/A			
Proposed Buildings/ Structures	Semi-detached dwelling	Semi-detached dwelling			
Buildings/ Structures to be Removed	N/A	N/A			

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

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

- right of way
 other public road
-

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

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

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

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

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

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

- electricity
 telephone
 school bussing
 garbage collection

5 CURRENT LAND USE

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

Rural Hamilton Official Plan designation (if applicable): _____

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.

See Planning Justification Report.

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? R3-311

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

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.

GL/A-23:68 APPROVED , GL/B-23:18 CONDITIONAL APPROVAL

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"/>	gas station, 400 m
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.

GL/B-23:18 Approved

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

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

Yes No

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

Only lot line adjustment GL/B-23:18

6.4 How long has the applicant owned the subject land?

C. 2018

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.

(1) 40 Zoe Lane, Binbrook; (2) 20 West 3rd St., Hamilton; (3) 55 Stonechurch Rd. E., Hamilton

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)

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):
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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):
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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)
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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
