



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>B-25:010</b>	<b>SUBJECT PROPERTY:</b>	20 Saveryn Road, Glanbrook
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**APPLICANTS:** Owner: Brian and Laura Botelho  
Agent: David Falletta

**PURPOSE & EFFECT:** To permit the conveyance of a parcel of land to create three parcels for residential purposes, with one parcel to be retained. An existing detached dwelling with associated accessory structure will be removed to facilitate for this land severance.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS: (Part 1)</b>	10.7 m <sup>±</sup>	31.7 m <sup>±</sup>	339.07 m <sup>2</sup>
<b>SEVERED LANDS: (Part 2)</b>	10.7 m <sup>±</sup>	31.7 m <sup>±</sup>	339.07 m <sup>2</sup>
<b>SEVERED LANDS: (Part 3)</b>	10.7 m <sup>±</sup>	31.7 m <sup>±</sup>	339.07 m <sup>2</sup>
<b>RETAINED LANDS: (Part 4)</b>	13.6 m <sup>±</sup>	31.7 m <sup>±</sup>	418.35 m <sup>2</sup>

Associated Planning Act File(s): A-25:023

**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:

<b>DATE:</b>	<b>Thursday, March 27, 2025</b>
<b>TIME:</b>	<b>1:45 p.m.</b>
<b>PLACE:</b>	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

## B-25:010

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton

## 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 **March 25, 2025**

**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 **March 26, 2025**

## FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding B-25:010, you must submit a written request to [cofa@hamilton.ca](mailto: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](mailto:cofa@hamilton.ca) or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



Committee of Adjustment

Information respecting this application is being collected by the authority of the Planning Act, R.S.O., 1990, c. 3. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments or opinions, will become part of the public record and will be made available to the Applicant and the general public.

**B-25:010**

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.

## **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](mailto: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 Tuesday prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://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](mailto: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.

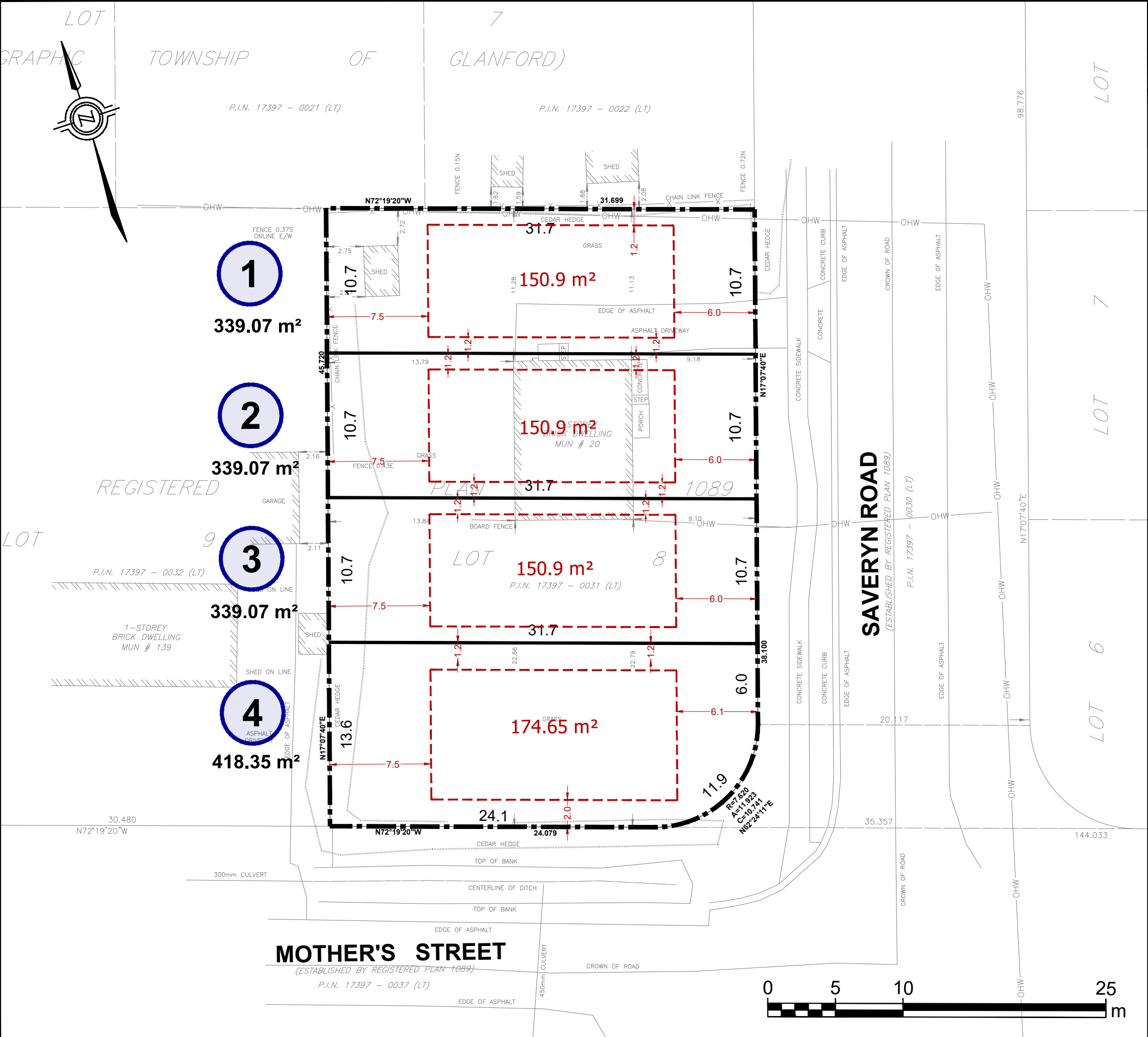
We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca).

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.

PRELIMINARY LAYOUT

Lot 8, Registered Plan 1089  
City of Hamilton, County of Wentworth

Lot 1	= 0.034 ha
Lot 2	= 0.034 ha
Lot 3	= 0.034 ha
Lot 4	= 0.042 ha
<b>TOTAL</b>	<b>= 0.144 ha</b>









January 29, 2025

Committee of Adjustment  
City Hall, 5<sup>th</sup> Floor  
71 Main Street West  
Hamilton, ON L8P 4Y5

SENT VIA EMAIL TO: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**Re: Consent and Minor Variance Applications**  
**20 Saveryn Road, Hamilton**

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Bousfields Inc. is the planning consultant to Brian and Laura Botelho, the registered owners of 20 Saveryn Road in the City of Hamilton (the “**subject site**” or “**site**”). This letter has been prepared in support of the enclosed Consent to Sever and Minor Variance applications to provide relevant information regarding the proposed development and to assist the Committee in making an informed decision.

The applications propose to sever the lands into four (4) lots for single detached residential dwellings and to vary the minimum lot frontage, minimum lot area, minimum side yard setbacks, and maximum lot coverage regulations that apply to the subject site.

The following digital materials are enclosed:

- Proposed Severance Sketch with building envelopes;
- Signed and Commissioned Consent to Sever Application Form;
- Signed and Commissioned Minor Variance Application Forms;
- The required fee of **\$9,615** (Severance (fully serviced lot) - \$3460 + Concurrent Consent Fee \$2140 + Minor Variance Fee - \$4015) are to be paid via credit card so please call **Brian Botelho at 905-961-9875**.

## 1.0 SUBJECT SITE

The subject site is located in the former Township of Glanbrook and, more specifically, in the Twenty Road urban area. The subject site is located at the north-west corner of

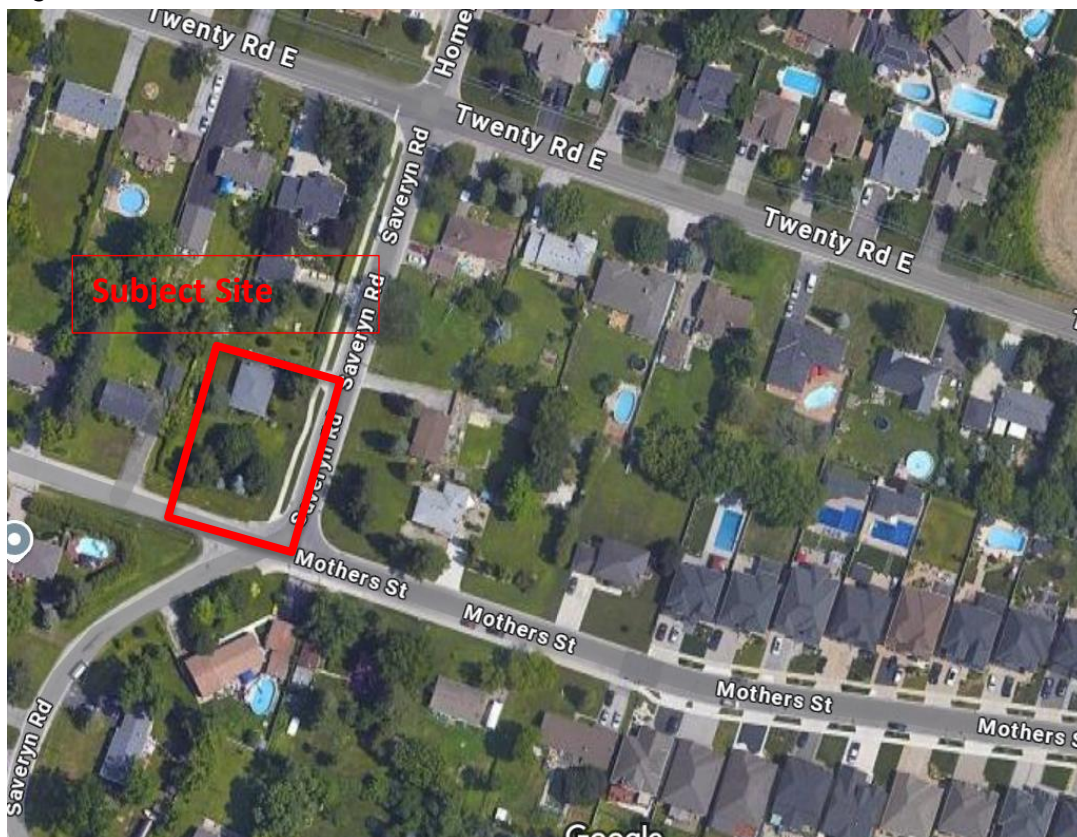


Saveryn Road and Mothers Street with frontages of approximately 45.5 metres and 31.5 metres respectively. The subject site has a total lot area of 1,435.5 square metres.

The subject site is currently occupied by a one-storey single detached residential dwelling and accessory shed. The site is relatively flat with a gentle slope from south to north of approximately 1 metre and generally flat from east to west. There are cedar hedges along the north and west boundaries of the subject site.

The subject site is located with a residential neighbourhood, which includes a mix of older larger lot residential dwellings (to the north, south and west) and newer more compact single detached dwellings on smaller lots (to the east). North of the subject site is the Chappel West neighbourhood, which includes a mix of residential dwellings, public service facilities including a City wide Park (Turner Park), police station, YMCA, and public works yard. The subject site is also near the Upper James Street corridor, which includes a variety of commercial amenities including grocery stores, restaurants, retail, and personal service shops.

*Figure 1 - Aerial Photo*



Source: Google, 2025



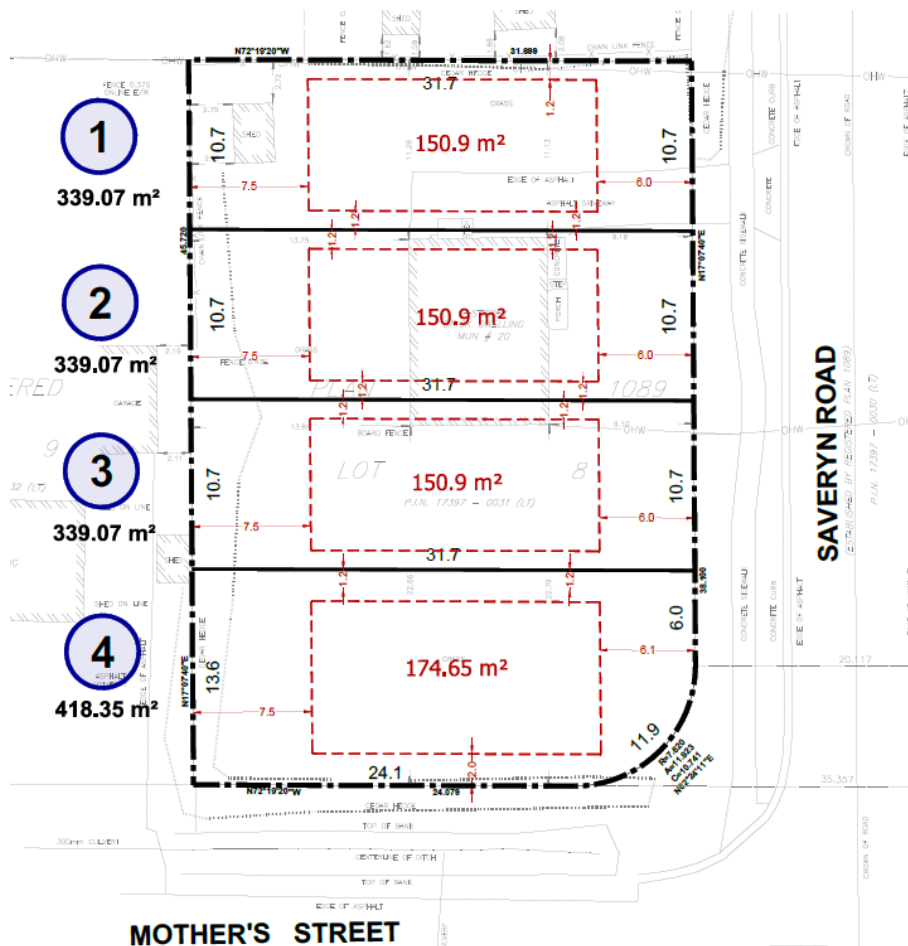
## 2.0 PROPOSED CONSENT TO SEVER APPLICATION

The proposed Consent to Sever applications (the “**Severances**”) seek to subdivide the subject site into four (4) lots, as illustrated in the attached severance sketches. The following is a summary of the Severances:

### 2.1 Consent to Sever Application

The Severances seeks to sever the subject site into 4 lots, including three (3) similar lots measuring 10.7 metres by 31.7 metres with an approximate lot area of 339.07 square metres and a larger corner lot measuring approximately 13.6 metres by 31.7 metres and a lot area of 418.35 square metres.

Figure 2 – Consent to Sever Application Sketch



The existing single detached residential dwelling and accessory shed would be demolished as part of the Severances. A minor variance application is also required to reduce the minimum lot area, lot width, and side yard setback requirements of the R2 requirements of the Zoning By-law.

### **3.0 PROPOSED MINOR VARIANCE APPLICATION**

Hamilton Zoning By-law 05-200 (the “**Zoning By-law**”) applies to the subject site and zones it Low Density Residential – Large Lot (R2) Zone (the “**R2**”). The R2 Zone permits the proposed single detached residential uses and includes the following performance standards related to the proposed lots:

- Minimum Lot Area – 630 square metres
- Minimum Lot Width – 18.0 metres
- Minimum Setback from a Side Lot Line – 2.0 metres
- Minimum Setback from a Flankage Lot Line – 3.0 metres
- Maximum Lot Coverage – 35%

The following minor variances are proposed to implement the proposal:

1. To permit a minimum lot area of 339 square metres, whereas the by-law requires a minimum of 630 square metres.
2. To permit a minimum lot width of 10.7 metres for single detached dwellings, whereas the by-law requires a minimum of 18 metres.
3. To permit a minimum setback from a side lot line of 1.2 metres for single detached dwellings, whereas the by-law requires a minimum of 2.0 metres.
4. To permit a minimum setback from a flankage lot line of 2.0 metres for single detached dwellings, whereas the by-law requires a minimum of 3 metres.
5. To permit a maximum lot coverage 45 percent for single detached dwellings, whereas the by-law requires a maximum of 35 percent.

### **4.0 PLANNING ANALYSIS**

#### **4.1 Section 51 of the Planning Act (Land Division)**

Section 51 of the *Planning Act* authorizes the Committee of Adjustment to make decisions on the division of land. The *Planning Act* sets the standards to which provincial interests, and provincial and local policies and goals are implemented.

Accordingly, to assess whether the Consent Application is based on sound planning principles, regard must be had for the criteria listed in subsection 51(24) of the *Planning Act*.

The following section provides an assessment of how the proposed application has appropriate regard for the criteria in subsection 51(24) of the *Planning Act*.

*(24) In considering a draft plan of subdivision, 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,*

<b>Regulation</b>	<b>Response</b>
<i>(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;</i>	The proposal is to intensify an underutilized site within the <i>Built Boundary</i> , which is consistent with and conforms to the PPS and the Official Plan.
<i>(b) whether the proposed subdivision is premature or in the public interest;</i>	The Severances will allow for development to occur within an existing residential subdivision with existing public infrastructure and is not premature.
<i>(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;</i>	The proposed lot configuration of the severed and retained parcels conform to the applicable Official Plan. The Consent represents a logical pattern of development consistent with the existing residential community.
<i>(d) the suitability of the land for the purposes for which it is to be subdivided;</i>	The Severances will facilitate residential development on lands planned for residential uses in accordance with the Official Plan and Zoning By-law.
<i>(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;</i>	Not applicable.
<i>(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of</i>	The Consent will utilize an existing street (Saveryn Road) and no new ones are proposed.

<b>Regulation</b>	<b>Response</b>
<i>them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;</i>	
<i>(f) the dimensions and shapes of the proposed lots;</i>	The proposed lot dimensions (lot frontage, lot area) are consistent with several existing lots in the surrounding community.
<i>(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;</i>	Not applicable.
<i>(h) conservation of natural resources and flood control;</i>	Not applicable.
<i>(i) the adequacy of utilities and municipal services;</i>	The subject site is part of a registered plan of subdivision which is serviced by existing utilities and municipal services. The existing utilities and municipal services are adequate to accommodate the proposed Severances to create three additional lots. In our opinion, the Severances will contribute to optimizing the use of existing municipal services in the built-up urban area.
<i>(j) the adequacy of school sites;</i>	We do not anticipate the proposed new lots will impact existing school capacity.
<i>(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;</i>	Not applicable.
<i>(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and</i>	The proposed development optimizes available urban land and utilizes existing infrastructure including energy.



Regulation	Response
<p><i>(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).</i></p>	<p>The Severances propose the creation of three new lots for a single detached dwelling, which is <b>not</b> subject to site plan control. The development of the buildings will be regulated by the building permit process and Ontario Building Code.</p>

#### **4.2 Urban Hamilton Official Plan**

The Urban Hamilton Official Plan (the “**UHOP**”) applies to the subject site and designates it “Neighbourhoods” on Schedule’s E (Urban Structure Elements) and E-1 (Urban Land Use Designations). The Neighbourhoods policies are provided in Section 2.7 of Chapter E of the UHOP.

The General Residential Intensification policies are provided in Section 2.4.1 of Chapter B of the UHOP and states that the City has an overall aggressive intensification target of 80%, where 88,280 housing units are to be accommodated within the City’s Built Boundary and 30% of the residential intensification target (or approximately 26,484 units is anticipated to occur within lands designated Neighbourhoods.

**Response:** In our opinion, the Severances and proposed development is intensification and will assist the City in achieving its intensification targets by adding three new single detached residential dwellings on a site where only one currently exists.

Policy B.2.4.1.4 states that 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;*

**Response:** In our opinion, the neighbourhood character is made up of a mix of older large lot single detached residential dwellings and newer, more compact larger single detached dwellings on smaller lots. Furthermore, the zoning that applies to the subject site and surrounding area permits a range of ground related housing options including single detached, semi-detached, street townhouse, and fourplex dwellings on a variety of lot sizes that vary from small street townhouse lots with minimum lot widths of 6 metres and lot areas of 180 square metres to large lot single detached, which require a minimum lot width of 18 metres and lot area of 630 square metres. Accordingly, the planned character of the neighbourhood is to add to the variety of housing forms in the neighbourhood and include smaller lot housing options. In our opinion, the proposal builds on a desirable pattern of built form that is dominated by single detached dwellings and includes a variety of lot sizes.

*c) the contribution of the proposed development to maintaining and achieving a range of dwelling types and tenures;*

**Response:** In our opinion, the proposal will add smaller lots for single detached residential dwellings to the neighbourhood, which will add to the range of dwelling types in the neighbourhood. In this regard, the neighbourhood includes smaller dwellings on larger lots or larger dwellings on smaller lots. The proposed development will introduce smaller dwellings on smaller lots, which will add to the variety of housing forms in the neighbourhood.

*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;*

**Response:** In our opinion, the proposed single detached lots are compatible and integrate with the surrounding use in terms of use, scale, form and character. In this regard, the proposed single detached residential dwellings are permitted and compatible with the other single detached residential dwellings in the surrounding area. As it relates to scale and form, the proposal is of a scale that is slightly higher than the existing dwellings immediately surrounding the subject site, but of a similar scale to the other new dwellings in the surrounding area and uses planned in the neighbourhood, which includes semi-detached and street townhouse uses. In this

regard, the neighbourhood character includes a variety of single detached dwellings and planned uses. In our opinion, the proposed lot fabric and reduced performance standards are of a scale and form that is consistent with the existing and planned character of the surrounding area.

*e) the contribution of the proposed development to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;*

**Response:** In our opinion, the proposal contributes to achieving the planned urban structure by intensifying an underutilized site in the built up area, which will assist in achieving the City's aggressive intensification targets.

*f) existing and planned water, wastewater and stormwater capacity;*

**Response:** There are existing water, wastewater and storm sewers in Saveryn Road and the proposed development is not anticipated to create any capacity issues. We anticipate that the City will require a Consent Agreement that will require detailed engineering plans to address any engineering related requirements to the satisfaction of the City.

*g) the incorporation and utilization of green infrastructure and sustainable design elements in the proposed development;*

**Response:** Any green energy and sustainable design elements will be confirmed through the required Consent Agreement and building permit processes.

*h) the contribution of the proposed development to supporting and facilitating active transportation modes;*

**Response:** In our opinion, the intensification of an underutilized site within the built up area supports and facilitates active transportation modes by adding more potential public transit user that utilize active transportation to connect to public transit.

*i) the availability and location of existing and proposed public community facilities/services*

**Response:** In our opinion, we do not anticipate that the inclusion of three new single detached residential dwellings will impact the availability of public community facilities

and services. In this regard, there are a number of public service facilities and services nearby including Turner Park, Turner Park Public Library, Ray Lewis Elementary School, and Nora Francis Secondary School.

*j) the contribution of the development to be transit-supportive and supporting the use of existing and planned local and regional transit services;*

**Response:** Intensification, including the proposed intensification, in areas where transit exists is transit supportive, since it provides the opportunity to add users to existing transit lines and increase the feasibility of transit.

*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,*

**Response:** In our opinion, utilizing the subject site for additional housing in the built up area and outside of the natural heritage system will ensure the natural attributes of the natural heritage system in the area are protected.

*l) compliance of the proposed development with all other applicable policies.*

**Response:** In our opinion, the proposal conforms to the Neighbourhood policies of the UHOP.

Policy 2.7 states:

*“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.**”*

In this regard, the UHOP includes the following definition:



***“compatibility/compatible:*** means land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. Compatibility or compatible should not be narrowly interpreted to mean “the same as” or even as “being similar to”.

Policy E.2.7.7 of the UHOP states that Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character and changes compatible with the existing character or function of the neighbourhood shall be permitted.

Policy E.3.2.3 of the UHOP provides the list of permitted uses within the Neighbourhoods designations which includes residential dwellings, including second dwelling units and housing with supports.

Policy E.3.2.4 of the UHOP states that the existing character of established Neighbourhoods designated areas shall be maintained and residential intensification shall enhance and be compatible with the scale and character of the existing residential neighbourhood.

**Response:** In our opinion, the proposed development constitutes residential intensification, which is encouraged and permitted within Neighbourhoods designated lands. Also, the proposed lot fabric and reduced lot width, lot area, side yard setback and increased lot coverage are a form and scale of residential intensification that is compatible with the surrounding neighbourhood, since the proposed development will not create any unacceptable impacts and the proposed development is of a form that is of a lower scale and intensity to the permitted semi-detached and street townhouse units.

Chapter F of the Urban Hamilton Official Plan (the “UHOP”) deals with Implementation and section 1.14.3 deals with lot creation within the urban area. Policy 1.14.3.1 states consents for new lot creation, for both severed and retained lands, for residential uses in the Neighbourhoods designation, shall be permitted provided the following conditions are met:

- a) The lots comply with the policies of the UHOP, including secondary plans, where one exists;
- b) The lots comply with the existing *Neighbourhood Plans*;
- c) The lots are in conformity with the Zoning By-law, or a minor variance is approved;

- d) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
- e) The lots are fully serviced by municipal water and wastewater systems; and
- f) The lots have frontage on a public road.

**Response:** With respect to conditions (a) and (b), the proposed Consent would result in the creation of three new lots and a retained lot, all of which conform with the policies of the UHOP and the applicable Neighbourhood policies, which permit single detached residential dwellings. The subject site is designated Neighbourhoods in the UHOP and no secondary plans or neighbourhood plans apply to the subject site. The Severances would allow residential development in the form of three new single detached residential dwellings and the replacement of one existing one on four lots in a manner that conforms with the UHOP.

With respect to conditions (c) and (d), the proposed lots are in conformity with the in-force Zoning By-law (refer to Zoning Compliance below) and the lots reflect the general scale and character of the surrounding existing residential community.

With respect to conditions (e) and (f), the proposed lots can be fully serviced by existing municipal water and wastewater systems and front onto a public road (Slinger Avenue).

For the reasons outlined here, it is our opinion that the proposed development conforms to the UHOP.

#### **4.3 Zoning Compliance**

The subject site is zoned R2 in the Hamilton Zoning By-law 05-200 (the “**Zoning By-law**”). The table below compares the proposed lot width, lot area and specific performance standards for all 4 lots against the Zoning By-law.

The Zoning By-law zones the subject site Low Density Residential – Large Lot (R2) Zone (the “**R2**”). The R2 Zone permits the proposed single detached residential uses and includes the following performance standards related to the proposed lots:

Standard	Requirement	Lot 1 (corner)	Lot 2	Lot 3	Lot 4
Min. Lot Area (sq. m.)	630	418.35	339.07	339.07	339.07
Min. Lot Width (m.)	18	13.6	10.7	10.7	10.7
Min. Setback from Side Lot Line (m.)	2.0	1.2	1.2	1.2	1.2
Min. Setback from Flankage Lot Line (m.)	3.0	2.0	N/A	N/A	N/A
Max. Lot Coverage	35%	45%	45%	45%	45%

The proposal would comply with all other requirements of the R2 Zone regulations.

#### **4.4 Four Tests for the Minor Variance**

As set out below, it is our opinion the requested variances both individually and cumulatively satisfy the four tests for a minor variance set out in Section 45(1) of the Planning Act, as follows:

##### **(1) Maintains the Intent and Purpose of the Official Plan**

With respect to conformity with the general intent and purpose of the UHOP, for the reasons outlined in Section 4.2 of this letter, it is our opinion that the proposed Severances and Minor Variances maintain the general intent and purpose of the UHOP.

##### **(2) Maintains the General Intent and Purpose of the Zoning By-law**

In our opinion, as it relates to the proposed minor variances the purpose and intent of the Zoning By-law is to:

- Require minimum lot areas and frontages in different zones in order to maintain a lot fabric and pattern of development that is compatible and consistent with the existing and planned neighbourhood context;
- Require minimum interior and exterior side yard setbacks to maintain a streetscape character and pattern of building setbacks that are compatible and consistent with the existing and planned neighbourhood context; and,

- Require maximum lot coverage requirements in order to maintain a scale of development that is compatible and consistent with the existing and planned neighbourhood context.

In our opinion, the proposed minor variances maintain the general intent and purpose of the Zoning By-law, since:

#### *Lot Area and Frontage*

- The R2 Zone, which applies to the subject site and surrounding area, permits a range of residential uses including semi-detached and street townhouses. It also permits a wide range of lot areas of 630 square metres (singles), 315 square metres (semi's), and 180 square metres (street towns). The R2 Zone also permits a range of lot frontages including 18 metres (singles), 9 metres (semi's), and 6 metres (street towns). In our opinion, the proposed lot areas and frontages of 418.35 and 339.07 square metres and 13.6 and 10.7 metres are compatible and consistent with the existing and planned neighbourhood context. In this regard, the proposed singles are of a scale that is consistent with the new and more compact singles that exist to the east along Mothers Street and the range of lot areas and frontages that are planned within the surrounding R2 Zone.

#### *Side Yard Setbacks*

- Similar to the lot area and frontages, the R2 Zone permits a range of interior and exterior side yard setbacks including 3.0 and 2.0 metres (singles and semis) and 3.0 and 1.2 metres (street townhouses). In addition, the existing and more compact development to the east along Mothers includes variances for reduced side yard setbacks of 1.2 metres (exterior) and 1.0 metres (interior), which exists in the neighbourhood today. In this regard, it is our opinion that the proposed interior side yard setbacks of 1.2 metres and exterior side yard setback of 2.0 metres are compatible and consistent with the existing and planned neighbourhood context.

#### *Lot Coverage*

- In our opinion, the proposed increase to the maximum lot coverage requirement from 35% to 45% is compatible and consistent with the existing and planned neighbourhood context. In this regard, the neighbourhood context is changing and becoming more compact with higher lot coverages. This, in our opinion, is a form



of gentle intensification that facilitates the development of three new dwellings. The lot coverage is a direct result of reduced setbacks but continues to maintain a scale of development that is compatible with the surrounding existing and planned built form context. Furthermore, the proposal maintains the required front and rear yard setback requirements, to ensure a consistent streetscape and adequate space for rear yard amenity.

Accordingly, it is our opinion that the requested variances maintain the intent and purpose of the Zoning By-law.

### **(3) Minor in Nature**

The test of “minor” is not intended as a numerical assessment but rather an assessment of impact. In our opinion, the impacts associated with the requested variances are minor in nature and will not result in any undue impacts on the subject site or surrounding neighbourhood.

In this regard, the proposed variances are consistent with the existing dwellings to the east along Mothers Street and the planned higher density forms of dwellings permitted in the R2 Zone that applies to the subject site, which includes semi-detached and street townhouse dwellings.

Accordingly, it is our opinion that the proposed variances are minor in nature.

### **(4) Desirable for the Appropriate Development and Use of the Land**

In our opinion, the proposal and associated minor variances are desirable and appropriate for the proposed use of the land. The proposed gentle intensification would intensify an underutilized site in the built-up area and add three new dwelling units in a municipality and region that has a housing supply issue. In our opinion, adding new housing to an underutilized site represents good planning, subject to compatibility and limiting built form impacts. In our opinion, the proposed development does not create any unacceptable compatibility or built form impacts, given that the proposal is for new single detached dwellings in an area of single detached dwellings and in a form that is consistent with other existing and planned development in the neighbourhood. Furthermore, the proposal would add to the variety of housing in the neighbourhood, albeit a similar housing form (singles) but on lot sizes that are smaller than others in

the neighbourhood and would result in a smaller dwelling unit, which is slightly different than those that exist in the neighbourhood today.

Accordingly, in our opinion, the variances are desirable and appropriate for the proposed use of the land.


### **Conclusion**

Based on the above analysis, we respectfully request that the Committee of Adjustment approve the proposed Consent to Sever and Minor Variance Applications to facilitate the intensification of an underutilized site and facilitate the replacement of an existing single detached dwelling and the construction of three new single detached dwellings.

Should you require any additional information or clarification, please feel free to contact the undersigned at [dfalletta@bousfields.ca](mailto:dfalletta@bousfields.ca) or 416-418-5422.

Respectfully submitted,

**Bousfields Inc.**



David Falletta, MCIP, RPP  
DM/df:jobs

Attachments (3)

Cc: client



## Page 1 of 10

1.6 Payment type

In person  
Cheque

Credit over phone\*

\*Must provide number above

## 2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address			
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

2.2 Are there any easements or restrictive covenants affecting the subject land?

Yes No

If YES, describe the easement or covenant and its effect:

---

## 3 PURPOSE OF THE APPLICATION

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

creation of a new lot(s)	concurrent new lot(s)
addition to a lot	a lease
an easement	a correction of title
validation of title (must also complete section 8)	a charge
cancellation (must also complete section 9)	
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, m<sup>2</sup> or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
Identified on Sketch as:					
Type of Transfer	N/A				
Frontage					
Depth					
Area					
Existing Use					
Proposed Use					
Existing Buildings/ Structures					
Proposed Buildings/ Structures					
Buildings/ Structures to be Removed					

\* Additional fees apply.

### 4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

provincial highway

municipal road, seasonally maintained

municipal road, maintained all year

right of way

other public road

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

publicly owned and operated piped water system

privately owned and operated individual well

lake or other water body

other means (specify)

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

publicly owned and operated sanitary sewage system

privately owned and operated individual septic system

other means (specify)

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

electricity

telephone

school bussing

garbage collection

## 5 CURRENT LAND USE

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

Rural Hamilton Official Plan designation (if applicable):

Rural Settlement Area:

Urban Hamilton Official Plan designation (if applicable)

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

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?

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.

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)
<b>An agricultural operation, including livestock facility or stockyard</b> * Submit Minimum Distance Separation Formulae (MDS) if applicable		
<b>A land fill</b>		
<b>A sewage treatment plant or waste stabilization plant</b>		
<b>A provincially significant wetland</b>		
<b>A provincially significant wetland within 120 metres</b>		
<b>A flood plain</b>		
<b>An industrial or commercial use, and specify the use(s)</b>		
<b>An active railway line</b>		
<b>A municipal or federal airport</b>		

## 6 HISTORY OF THE SUBJECT LAND

- 6.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?  
Yes                      No                      Unknown

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

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

- 6.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land?  
Yes                      No

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

- 6.4 How long has the applicant owned the subject land?

- 6.5 Does the applicant own any other land in the City?                      Yes                      No  
If YES, describe the lands below or attach a separate page.

## 7 PROVINCIAL POLICY

- 7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?  
Yes                      No                      (Provide explanation)

- 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 <sup>2</sup> 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 <sup>2</sup> or ha):
---------------	------------------------------

Existing Land Use:

Proposed Land Use:

### 10.7 Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> 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