



City of Hamilton
COMMITTEE OF ADJUSTMENT
AGENDA

Meeting #: 20-06
Date: July 9, 2020
Time: 1:00 p.m.
Location: Due to the COVID-19 and the Closure of City Hall

All electronic meetings can be viewed at:

City's Website:

<https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's YouTube Channel:

<https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

Jamila Sheffield, Secretary Treasurer (905) 546-2424 ext. 3935

Email: cofa@hamilton.ca

		Pages
1.	SUBURBAN	
1.1	1:15 p.m.AN/B-20:17 & AN/A-20:17140 Garner Rd. E., Ancaster(Ward 12) Agent MHBC Planning c/o Gerry Tchisler Owner Lea Silvestri Investments	7
1.2	1:20 p.m.Amended GL/A-19:1058 Grassyplain Dr., Glanbrook (Ward 11) Owners R. & T. Pugliese	57
1.3	1:25 p.m.SC/A-20:4973 Pinelands Ave., Stoney Creek (Ward 10) Owner Brien Young	69

1.4	1:30 p.m.SC/A-20:59111 Teal Ave., Stoney Creek (Ward 10)	89
	Agent SMPL Design Studio Owner Lacey VanDerMarel & Jason Rhodes	
1.5	1:35 p.m.SC/A-20:651091 Hwy 8, Stoney Creek (Ward 10)	107
	Agent Schilstra Builders Inc. Owner Milan Petko	
1.6	1:40 p.m.AN/A-20:48610 Tradewind Dr., Ancaster (Ward 12)	131
	Agent Urban Solutions Owner 1932376 Ontario Inc.	
1.7	1:50 p.m.AN/B-20:18 & AN/B-20:19378 & 0 Harmony Hall Dr., Ancaster (Ward 12)	143
	Agent T. Johns Consulting Group c/o Katelyn Gillis Owner 1520896 Ontario Inc.	
1.8	1:55 p.m.AN/B-20:20 & AN/B-20:21455 Springbrook Ave., Ancaster (Ward 12)	185
	Agent GSP Group Inc. c/o Stuart Hastings Owner Rotuka Developments Inc.	
1.9	2:00 p.m.AN/A-19:25854 Wilson St. W., Ancaster (Ward 12)	225
	Agent Zelinka Priamo Ltd. c/o K. Crowley Owner CP Reit Ontario Properties Limited Trustee	
1.10	2:05 p.m.HM/A-19:26065 Mall Rd., Hamilton (Ward 7)	247
	Agent Zelinka Priamo Ltd. c/o K. Crowley Owner CP Reit Ontario Properties Limited Trustee	
1.11	2:10 p.m.HM/A-19:2804 Glenview Crt., Hamilton (Ward 8)	259
	Agent John Sibenik Owner Waylon John Lech-Baur	

2. RURAL

- 2.1 2:10 p.m.DN/A-20:6412 Autumn Leaf Road, Dundas (Ward 13) 269
Owner Sebastian Vuong
- 2.2 2:20 p.m.FL/B-20:16320 Neff's Ln., Flamborough (Ward 13) 279
Applicant C. L. Goodes
Owner Birgit Brunotti
- 2.3 2:25 p.m.AN/A-20:562928 Governor's Road, Ancaster (Ward 12) 297
Agent JH Cohoon Engineering Limited
Owner Neven Produce
- 2.4 2:30 p.m.GL/A-19:4252337 Guyatt Rd., Glanbrook (Ward 11) 317
Owners G. Zippilli & L. Pyne
- 2.5 2:35 p.m.GL/A-20:663659 Upper James St., Glanbrook (Ward 11) 329
Agent Kalos Engineering Inc.
Owner Martin Raposa
- 2.6 2:40 p.m.DN/A-20:52260 MacNab St., Dundas (Ward 13) 351
Agent Shane VanBarneveld
Owners B. Dunne & A. Guyatt
- 2.7 2:45 p.m.GL/A-20:468149 English Church Rd., Glanbrook (Ward 11) 383
Agent Chris Attema
Owner Applecreek Farms Inc. c/o Rick Vandebos
- 2.8 2:50 p.m.FL/A-20:4714 Stonebury Place, Flamborough (Ward 15) 401
Agent Shane Wilson
Owner William Searle

3. URBAN

- 3.1 3:05 p.m.HM/A-20:5389 Paisley Ave. N., Hamilton (Ward 1) 417
Agent Shane VanBarneveld
Owners C. Moffat & T. O'Neill

- 3.2 3:15 p.m.HM/A-20:5052 Ottawa St. N., Hamilton (Ward 4) 451
Agent Tricia Thomson
Owner The Hamilton Young Woman's Christian Association c/o Denise Christopherson
- 3.3 3:20 p.m.HM/A-20:6069 Aikman Ave., Hamilton (Ward 3) 475
Agent Marina Fensham
Owner Charles & Jennifer Warford
- 3.4 3:25 p.m.HM/A-20:61106 Barnesdale Ave. N., Hamilton (Ward 3) 491
Owner A-Railing Inc.
- 3.5 3:30 p.m.HM/A-20:13103 Whitney Ave., Hamilton (Ward 1) 505
Owners J. & S. Graci
- 3.6 3:35 p.m.HM/A-20:5450 Broadway Ave., Hamilton (Ward 1) 517
Agent Clinton Archer
Owners W. Botetzayas, J. Marchesan & L. DiNardo
- 3.7 3:40 p.m.HM/A-20:627 Orchard Hill, Hamilton (Ward 1) 535
Agent John Witten
Owners G. Ranalli & B. McInnes
- 3.8 3:45 p.m.HM/A-20:6387 Chedoke Ave., Hamilton (Ward 1) 549
Owner Anthony Camera
- 3.9 3:50 p.m.HM/A-20:68153 Haddon Ave. S., Hamilton (Ward 1) 573
Agent Matthew Ribau
Owner Stephen White
- 3.10 3:55 p.m.HM/A-19:2591579 Main St. W., Hamilton (Ward 1) 597
Agent Zelinka Priamo Ltd. c/o K. Crowley
Owner CP Reit Ontario Properties Limited Trustee

4. **CLOSED**

5. **ADJOURNMENT**

COMMITTEE OF ADJUSTMENT 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 or via email in 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 two days before the Hearing.**

Comments can also be placed in the drop box which is located at the back of the 1st Floor of City Hall, 71 Main Street West. All comments received by noon two business days before the meeting will be forwarded to the Committee members.

Oral Submissions During the Virtual Meeting

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. Agents/owners will be sent a link to register via video, unless indicated otherwise. **Interested members of the public must register by noon the day before the hearing.**

To register to participate by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221. The following information is required to register: Committee of Adjustment file number that you wish to speak to, name and address of the person wishing to speak, if they will be connecting via 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. The link must not be shared with others as it is unique to the registrant.

All members of the public who register will be contacted by Committee Staff to confirm details of the registration prior to the Hearing and provide an overview of the public participation process.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

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



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221 Fax (905) 546-4202

E-mail: morgan.evans@hamilton.ca or jamila.sheffield@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: AN/B-20:17

SUBJECT PROPERTY: 140 Garner Rd. E., Ancaster

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

APPLICANT(S):

Owner: Lea Silvestri Investments

Agent: HMBC Planning c/o Gerry Tchisler

PURPOSE OF APPLICATION:

To permit the conveyance of a vacant parcel of land for a future business park and to retain a parcel of land containing an existing single detached dwelling and agricultural lands.

Severed lands:

160.8 m[±] x 922.0 m[±] and an area of 35.2 ha[±]

Retained lands:

166.1 m[±] x 922.5 m[±] and an area of 34.1 ha[±]

The Committee of Adjustment will hear this application on:

DATE: Thursday, July 9th , 2020

TIME: 1:15 p.m.

PLACE: Via video link or call in (see attached sheet for details)
To be streamed at
www.hamilton.ca/committeeofadjustment
for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

Important note: If a person or public body that files an appeal of a decision of the Committee of Adjustment in respect of the proposed consent does not make written or oral submission

.../2

AN/B-20:17

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to the Committee of Adjustment before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal (LPAT) may dismiss the appeal.

MORE INFORMATION

For more information on this application, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: June 23rd, 2020

Original Signed

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.



Hamilton

Planning and Economic Development Department
Planning Division

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

Phone (905) 546-2424, ext. 4221
Fax (905) 546-4202

APPLICATION FOR CONSENT TO SEVER LAND UNDER SECTION 53 OF THE PLANNING ACT

Office Use Only

Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:
		AN/B-20:17	

1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS	PHONE/FAX
Registered Owners(s)	Lea Silvestri Investments		
Applicant(s)*	MHBC Planning c/o Gerry Tchisler		
Agent or Solicitor	MHBC Planning c/o Gerry Tchisler		

* Owner's authorisation required if the applicant is not the owner.

1.3 All correspondence should be sent to Owner Applicant Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality City of Hamilton	Lot 44 & 45	Concession 4	Former Township Ancaster
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 140 Garner Road East, Hamilton, ON	Assessment Roll N°. 251814042001200		

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)

a) Urban Area Transfer (do not complete Section 10):

- creation of a new lot
- addition to a lot
- an easement

- Other: a charge
 a lease
 a correction of title

b) Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):

- | | |
|---|--|
| <input checked="" type="checkbox"/> creation of a new lot | Other: <input type="checkbox"/> a charge |
| <input type="checkbox"/> creation of a new non-farm parcel
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | <input type="checkbox"/> a lease |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a correction of title |
| | <input type="checkbox"/> an easement |

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

Garner Road Investments - 21 King St. W., Suite 920, Hamilton, ON, L8P 4W7

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

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed**:

Frontage (m)	Depth (m)	Area (m ² or ha)
160.88	922.01	352,742.0 sq.m.

Existing Use of Property to be severed:

- | | | |
|---|---|--|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input checked="" type="checkbox"/> Vacant |
| <input type="checkbox"/> Other (specify) _____ | | |

Proposed Use of Property to be severed:

- | | | |
|--|---|--|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input checked="" type="checkbox"/> Vacant |
| <input checked="" type="checkbox"/> Other (specify) <u>Severed lands currently subject of a draft plan of subdivision application for employment purposes.</u> | | |

Building(s) or Structure(s):

Existing: No existing structures.

Proposed: No new building or structure proposed.

Type of access: (check appropriate box)

- | | |
|---|--|
| <input type="checkbox"/> provincial highway | <input type="checkbox"/> right of way |
| <input type="checkbox"/> municipal road, seasonally maintained | <input type="checkbox"/> other public road |
| <input checked="" type="checkbox"/> municipal road, maintained all year | |

Type of water supply proposed: (check appropriate box)

- | | |
|--|--|
| <input checked="" type="checkbox"/> publicly owned and operated piped water system | <input type="checkbox"/> lake or other water body |
| <input type="checkbox"/> privately owned and operated individual well | <input type="checkbox"/> other means (specify) _____ |

Type of sewage disposal proposed: (check appropriate box)

- | |
|--|
| <input checked="" type="checkbox"/> publicly owned and operated sanitary sewage system |
| <input type="checkbox"/> privately owned and operated individual septic system |
| <input type="checkbox"/> other means (specify) _____ |

4.2 Description of land intended to be **Retained**:

Frontage (m)	Depth (m)	Area (m ² or ha)
166.13	922.51	341,938.6 sq.m.

Existing Use of Property to be retained:

- | | | |
|--|---|-------------------------------------|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |
| <input checked="" type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input type="checkbox"/> Vacant |
| <input type="checkbox"/> Other (specify) _____ | | |

Proposed Use of Property to be retained:

- | | | |
|--|---|-------------------------------------|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |
| <input checked="" type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input type="checkbox"/> Vacant |
| <input type="checkbox"/> Other (specify) _____ | | |

Building(s) or Structure(s):

Existing: Existing Detached Dwelling

Proposed: Existing Detached Dwelling - no modifications proposed.

Type of access: (check appropriate box)

- | | |
|---|--|
| <input type="checkbox"/> provincial highway | <input type="checkbox"/> right of way |
| <input type="checkbox"/> municipal road, seasonally maintained | <input type="checkbox"/> other public road |
| <input checked="" type="checkbox"/> municipal road, maintained all year | |

Type of water supply proposed: (check appropriate box)

- | | |
|--|--|
| <input checked="" type="checkbox"/> publicly owned and operated piped water system | <input type="checkbox"/> lake or other water body |
| <input type="checkbox"/> privately owned and operated individual well | <input type="checkbox"/> other means (specify) _____ |

Type of sewage disposal proposed: (check appropriate box)

- | |
|--|
| <input checked="" type="checkbox"/> publicly owned and operated sanitary sewage system |
| <input type="checkbox"/> privately owned and operated individual septic system |
| <input type="checkbox"/> other means (specify) _____ |

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

- | | | | |
|---|---|--|--|
| <input checked="" type="checkbox"/> electricity | <input checked="" type="checkbox"/> telephone | <input checked="" type="checkbox"/> school bussing | <input checked="" type="checkbox"/> 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

Urban Hamilton Official Plan designation (if applicable) Business Park & Airport
Prestige Business

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

Please refer to attached letter for explanation and justification

5.2 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? M11x26h57, A2, P8 - Not subject to MZO

5.3 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	<input checked="" type="checkbox"/>	on the subject lands

A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agriculture Vacant Other (specify)

- 6.1 If Industrial or Commercial, specify use _____
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
 Yes No Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
 Yes No Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes No Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes No Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?
Discussions with owners, air photography, previous and existing uses
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
Is the previous use inventory attached?
 Yes No

7 PROVINCIAL POLICY

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)

- Yes No

Please refer to justification letter submitted with this application.

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

Yes No (Provide explanation)

Please refer to justification letter submitted with this application.

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

Yes No (Provide explanation)

Please refer to justification letter submitted with this application.

d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)

Yes No

Please refer to justification letter submitted with this application.

e) Are the subject lands subject to the Niagara Escarpment Plan?

Yes No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?

Yes No

(Provide Explanation)

f) Are the subject lands subject to the Parkway Belt West Plan?

Yes No

If yes, is the proposal in conformity with the Parkway Belt West Plan?

Yes No (Provide Explanation)

g) Are the subject lands subject to the Greenbelt Plan?

Yes No

If yes, does this application conform with the Greenbelt Plan?

Yes No (Provide Explanation)

8 HISTORY OF THE SUBJECT LAND

8.1 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, indicate the appropriate application file number and the decision made on the application.

Eastern portion of the site subject to current draft plan of subdivision application 25T201806.

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

N/A

8.3 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.

8.4 How long has the applicant owned the subject land?

November 1987

8.5 Does the applicant own any other land in the City? Yes No

If YES, describe the lands in "11 - Other Information" or attach a separate page.

9 OTHER APPLICATIONS

9.1 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 if known, specify file number and status of the application.

9.2 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 if known, specify file number and status of the application(s).

File number _____ Status _____

10 RURAL APPLICATIONS

10.1 **Rural Hamilton Official Plan Designation(s)**

- Agricultural
- Rural
- Specialty Crop
- Mineral Aggregate Resource Extraction
- Open Space
- Utilities
- Rural Settlement Area (specify) _____

Settlement Area

Designation

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 operation.

10.2 **Type of Application** (select type and complete appropriate sections)

- Agricultural Severance or Lot Addition
- Agricultural Related Severance or Lot Addition
- Rural Resource-based Commercial Severance or Lot Addition
- Rural Institutional Severance or Lot Addition

(Complete Section 10.3)

- Rural Settlement Area Severance or Lot Addition
- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

10.3 Description of Lands

a) Lands to be Severed:

Frontage (m): (from Section 4.1) 160.88	Area (m ² or ha): (from in Section 4.1) 352,742.0 sq.m.
--	---

Existing Land Use: Agriculture Proposed Land Use: Vacant / Employment Uses

b) Lands to be Retained:

Frontage (m): (from Section 4.2) 166.13	Area (m ² or ha): (from Section 4.2) 341,938.6 sq.m.
--	--

Existing Land Use: Agriculture Proposed Land Use: Agriculture

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

(Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of consolidated farm (excluding lands intended to be severed for the surplus dwelling):

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use: _____ Proposed Land Use: _____

d) Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: _____

e) Surplus farm dwelling date of construction:

- Prior to December 16, 2004
- After December 16, 2004

f) Condition of surplus farm dwelling:

- Habitable
- Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

(Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

Frontage (m):	Area (m2 or ha):
---------------	------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of surplus dwelling lands intended to be severed:

Frontage (m): (from Section 4.1)	Area (m2 or ha): (from Section 4.1)
----------------------------------	-------------------------------------

Front yard set back: _____

d) Surplus farm dwelling date of construction:

 Prior to December 16, 2004 After December 16, 2004

e) Condition of surplus farm dwelling:

 Habitable Non-Habitable

f) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m2 or ha): (from Section 4.2)
----------------------------------	-------------------------------------

Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

A concurrent minor variance application is being submitted to address a reduction in lot area for the retained lands. Please refer to attached justification letter for detailed information on the consent and variance applications. A portion of the lands is additionally currently the subject of an ongoing subdivision application being processed by the city.

12 SKETCH (Use the attached Sketch Sheet as a guide)

12.1 The application shall be accompanied by a sketch showing the following in metric units:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features (for example, buildings, barns, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
 - i) are located on the subject land and on land that is adjacent to it, and
 - ii) in the applicant's opinion, may affect the application;
- (f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private

road or a right of way;

(h) the location and nature of any easement affecting the subject land.

13 ACKNOWLEDGEMENT CLAUSE

I acknowledge that The City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

FEBRUARY 12, 2020

Date

Signature of Owner

14 AFFIDAVIT OR SWORN DECLARATION

14.1 Declaration For the Prescribed Information

Commissioner, etc., Province of Ontario, for MHBC Planning Limited. Expires August 2, 2022.

15 AUTHORIZATIONS

15.1 If the applicant is not the owner of the land that is the subject of this application, the authorization set out below must be completed.

Authorization of Owner for Agent to Provide Personal Information

I, PAUL SILVESTRI, am the owner of the land that is the subject of this application for consent to sever land and for the purpose of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56. I authorize MHBC /o/ GORM /chick as my agent for this application, to provide any of my personal information that will be included in this application or collected during the processing of the application.

FEBRUARY 12, 2020

Date

Signature of Owner

16 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation


Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, PAUL SILVESTRI, the Owner, hereby agree and acknowledge
(Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

FEBRUARY 12, 2020

Date


Signature of Owner

17 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone, 905-546-2424, ext.1284.

A File Number will be issued for complete applications and should be used in all communications with the City.

APPLICANT'S CHECKLIST

Please attach all items listed below:

- Two (2) copies of the completed application form (Ensure you have a copy for yourself);
- Three (3) copies of the prescribed sketch or survey (one (1) full scale size and two (2) no larger than ledger size paper 11" x 17"); and
- The required fee. (**A cheque or money order payable to the City of Hamilton**)



KITCHENER
WOODBRIDGE
LONDON
KINGSTON
BARRIE
BURLINGTON

February 11th, 2020

Mr. Scott Baldry, Secretary Treasurer
Committee of Adjustment
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, Ontario
L8P 4Y5

Dear Mr. Baldry:

**RE: Application for Consent and Minor Variance
140 Garner Road East, Ancaster
OUR FILE: 1594C**

On behalf of our client, Lea Silvestri Investments, we are pleased to submit an application for consent and minor variance to sever a parcel of land to create a new lot. The Subject Lands are located at Highway 6 and Garner Road East in Ancaster. The lot to be severed is Part of Lots 44 and 45, Concession 4 in the geographic township of Ancaster, known municipally as 140 Garner Road East (the "Subject Lands").

The following letter sets out the purpose of the proposed consent and minor variance. We have also provided a justification for the proposed consent and minor variance through an assessment of the current Provincial and municipal policy framework.

BACKGROUND

Existing Site

The Subject Lands are approximately 69.59 hectares in area and have 327.01 metres of combined frontage on Garner Road East. The Subject Lands straddle the Urban Boundary with approximately half of the lands falling within the Urban Area. The western portion of the Subject Lands falls within the Rural Hamilton Official Plan (RHOP) and contains a dwelling and agricultural uses, as well as a small pond adjacent to a natural area.

The eastern portion of the Subject Lands are currently vacant with a small wooded area to the south. This portion of the Subject Lands falls within the Urban Hamilton Official Plan (UHOP) and is currently subject to a Draft Plan of Subdivision application (25T201806) to facilitate the development of a business park in accordance with the existing Official Plan designation and zoning. The proposed Draft Plan of Subdivision was submitted on July 4, 2018 and applies only to the lands which are located within the Urban Area of the City of Hamilton. The Draft Plan of Subdivision application is currently in process, and 1st submission comments have been issued by the City of Hamilton. Draft plan approval has not been granted at the time of writing.

Surrounding Land Uses

The lands located to the north of the Subject Lands are located within the Urban Area of the City of Hamilton and consist of a low-density residential subdivision directly across Garner Road East, with low-rise residential development further east along Garner Road East.

The lands to the east of the Subject Lands are located within the Urban Area of the City of Hamilton, and consist of vacant agricultural lands awaiting development as well as Highway 6 which interchanges with Highway 403 to the north.

The lands to the south of the Subject Lands are outside of the Urban Area and largely consist of agricultural uses, with natural heritage features and an east-west hydro corridor directly along the south property line.

The lands to the west of the Subject Lands are outside of the Urban Area and consist of agricultural lands, a community church, as well as single detached residential dwellings and commercial and industrial uses.

PROPOSED CONSENT

The proposal seeks to sever the eastern portion of the lands along the Urban Boundary. The retained lands will have 166.13 m of frontage along Garner Road East, and will be wholly located outside of the Urban Area of the City of Hamilton. The severed lands will have 160.88 metres of frontage and will be wholly located within the Urban Area of the City of Hamilton, and will continue to be processed within the existing Draft Plan of Subdivision application (25T201806). The attached consent sketch describes the retained and severed lots.

	Retained Lot	Severed Lot
Lot Area	34.19 ha.	35.27 ha.
Lot Frontage	166.13 m	160.88 m
Proposed Use	Existing single-detached residential dwelling and agricultural land	Vacant land – future business park

PLANNING ANALYSIS AND JUSTIFICATION

Planning Act

Section 51(24) of the *Planning Act* requires that regard be had for the following considerations when creating new lots:

- *“the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality;”*

The proposed consent will not impact the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality. The proposed lands to be retained contain an existing dwelling and agricultural uses, and no new development is proposed on these lands. These issues will

be addressed on the severed lands during detailed design through the Draft Plan of Subdivision application and future site plan applications.

- *“the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;”*

The proposed consent is consistent with the matters of provincial interest listed in Section 2 of the *Planning Act*, including the protection of the agricultural resources of the Province, and the orderly development of safe and healthy communities.

- *“whether the proposed subdivision is premature or in the public interest;”*

The Subject Lands currently straddle the Urban Boundary. The proposed consent would create a retained lot wholly within the rural area and a severed lot wholly within the Urban Area. The consent would create new lots that better-reflect the Urban Boundary and the boundaries of the land use designation in the Official Plan. As such, the consent is not premature and is in the public interest.

- *“whether the plan conforms to the official plan and adjacent plans of subdivision, if any;”*

The retained and severed lots conform to the respective UHOP and RHOP policies, as discussed below.

- *“the suitability of the land for the purposes for which it is to be subdivided;”*

The retained and severed lots will be of an appropriate size and regular configuration. No development is intended for the retained lands, and the existing farm dwelling and agricultural use will be maintained. The severed lands will be developed for business park uses through the ongoing Draft Plan of Subdivision application.

- *“if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;”*

Not applicable to this application.

- *“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;”*

The Subject Lands have existing access to the surrounding road network via Garner Road East to which no changes are proposed.

- *“the dimensions and shapes of the proposed lots;”*

The proposed consent will divide the lands directly along the Urban Boundary which results in a more logical lot fabric consistent with the urban-rural boundary and the associated land use designations of the UHOP and RHOP. The resulting lots will be regular in shape and have ample frontage onto a public road.

- *“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;”*

Not applicable to this application.

- *“conservation of natural resources and flood control;”*

All natural resources will be retained and protected, and there are no proposed revisions to any flood regulation areas.

- *“the adequacy of utilities and municipal services;”*

Utilities and municipal services are not proposed to be altered on the retained lot containing a farm dwelling and agricultural uses. The severed lot’s servicing will be addressed through the Draft Plan of Subdivision.

- *“the adequacy of school sites;”*

The proposed consent does not propose any new residential uses and as such additional school sites are not required.

- *“the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;”*

Land dedications are not proposed through the consent application.

- *“the extent to which the plan’s design optimizes the available supply, means of supplying, efficient use and conservation of energy; and ”*

-

The lands to be retained are not proposed for additional development, and as such are not expected to impact the efficient use and conservation of energy.

- *“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). ”*

The retained lands are not intended to be developed and as such the site plan control requirements are not applicable. The interrelationship with site plan control matters for the severed lands will be dealt with through the Draft Plan of Subdivision.

Provincial Policy Statement 2014

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development with the goal of enhancing the quality of life for all Ontarians. The *Planning Act* requires that decisions affecting a planning matter “be consistent with” the policies of the PPS. The proposed consent is consistent with the PPS in that it will serve to protect the environment and resources, including agricultural land and serves to implement the policies of the Urban Hamilton Official Plan on the severed lands which are within the Urban Area.

Growth Plan for the Greater Golden Horseshoe 2017

The Growth Plan for the Greater Golden Horseshoe (Growth Plan) provides a framework for implementing the provincial government's vision for building stronger, prosperous communities by better managing growth in the Greater Golden Horseshoe. The *Planning Act* also requires that decisions affecting a planning matter "conform with" the Growth Plan. Similar to the analysis above, the proposal conforms with the Growth Plan as it serves to implement the urban boundary of the City of Hamilton by dividing the Subject Lands into parcels that reflect the urban and rural area boundaries

Urban Hamilton Official Plan

The Subject Lands are subject to both the Urban and Rural Hamilton Official Plans due to its location straddling the Urban Boundary. The eastern portion of the Subject Lands (the severed lands) are within the Urban Hamilton Official Plan.

The eastern portion of the Subject Lands are designated "Business Park" in UHOP Volume 1 and "Airport Prestige Business" in the Airport Employment Growth District (AEGD) Secondary Plan.

The Business Park designation permits business and economic activities such as manufacturing, research and development, transportation terminals, building supply establishments, warehousing, and communication establishments. (E5.4). Within the Airport Prestige Business designation, a range of employment uses are also permitted, including manufacturing, warehousing, airport-related industrial uses, offices, high technology industry, and other employment related uses (B8.4.5.1).

The Urban Hamilton Official Plan contains policies that outline conditions which must be met when creating new lots. The following specific policies are provided for Employment Areas

"F.1.14.3.5 Consents for new lot creation for both the severed and retained lands for mixed uses, commercial, institutional, or open space uses in the Commercial/ Mixed Use and Institutional designation shall be permitted provided the following conditions are met:

a) the lots severed for commercial, institutional or open space uses shall comply with the policies of this Plan including secondary plans, where one exists;"

The severed lot will be located solely within the urban area. The lot is appropriate to implement the Business Park and Airport Prestige Business designations of the UHOP and AEGD Secondary Plan.

"b) The lots are in conformity with the Zoning By-law or a minor variance is approved;"

The in-effect M11 zone applicable to the severed lands permits a wide variety of industrial and employment uses that the active subdivision application intends to facilitate. As per the table below, the severed lot conforms with the lot frontage and area requirements of the in-effect zoning. Other aspects of zoning conformity will be determined through detailed design at the Site Plan Approval stage.

	Required	Provided (Severed)
Minimum Lot Area	0.4 ha.	35.27 ha.
Minimum Lot Width	60 m	160.88 m

The existing holding provision applicable to the Subject Lands will continue to be applicable after the lot has been conveyed and will require to be lifted prior to any development.

"c) the lots are fully serviced by municipal water and wastewater systems; and,"

There is an existing watermain in the Garner Road East R.O.W., and as a part of the Draft Plan of Subdivision application, full wastewater and stormwater servicing is proposed for the severed lands.

"d) the lots have frontage on a public road."

The severed parcel will retain 160.88 m of frontage on Garner Road East.

As per the above analysis, the proposed consent application conforms with the consent policies of the UHOP.

Rural Hamilton Official Plan

The RHOP applies to the western portion of the Subject Lands (the retained lot), and contains policies that outline conditions which must be met when creating new lots in the rural area of Hamilton. The Urban Boundary bisects the Subject Lands directly along the proposed consent line. Both general and land use specific policies are provided to regulate lot consents. It should be noted that while a lot is proposed to be created as a part of this application, no development or site alteration on the retained lot is proposed. Furthermore, as a result of this consent, no additional lots are being added to the rural area given that the severed lands will remain wholly within the Urban Area.

The Rural designation permits a variety of uses including resource-based uses, agricultural processing and storage, agricultural uses, and associated farm dwellings. (D4.1).

The RHOP additionally sets out regulations regarding the creation of new lots;

"F.1.14.2.3 The following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agriculture, Rural, Specialty Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D – Rural Land Use Designations: (Amended by OPA 18):

- a) Severances that create a new lot for the following purposes shall be prohibited:*
- i) Residential uses except in accordance with:

 - 1) Policies F.1.14.2.1 b) iii) and F.1.14.2.8, where a dwelling may be severed as a result of a farm consolidation; and,*
 - 2) Policies F.1.14.2.1 b) iv) and F.1.14.2.4, where a dwelling within a designated Rural Settlement Area may be severed;**
 - ii) On-farm secondary uses in accordance with Policy D.2.1.3;*

- iii) Severance of a lot for a farm labour residence or an existing dwelling that was permitted in a previous official plan and zoning by-law as a farm labour residence, farm help house, or help house;
- iv) Severance of any existing second dwelling on a lot, irrespective of the origin of the second dwelling, except in accordance with Section F.1.14.2.8, where a dwelling may be severed as a result of a farm consolidation."

The proposed consent will preserve the existing farm dwelling and agricultural uses that fall outside of the Urban Boundary while permitting efficient development of lands inside the Urban Boundary on the severed lands. The intent of policy F1.14.2.3 a), to limit the creation of net new residential lots or dwellings in a rural area, is maintained with the proposed consent as no new dwellings or lots are proposed in the rural area.

- "b) Severances that create a new lot(s) may be permitted for only the following purposes:
- i) Agricultural uses in accordance with Policies F.1.14.2.1, F.1.14.2.2, and F.1.14.2.3;"

The proposed consent will not result in a net increase in the number of lots in the rural area. The proposed consent meets the intent of policy F1.14.2.3 b) by retaining the existing agricultural use on the property.

- "c) All proposed severances that create a new lot shall:
- i) comply with the policies of this Plan including a rural settlement area plan where one exists;"

The proposed consent complies with the policies of the Rural Hamilton Official Plan. The proposed consent does not hinder the function of the permitted agricultural use, does not create a new lot in the rural area, and does not propose to modify the existing uses and structures in the rural area, retaining and continuing to provide a secure land base for agricultural activities.

- "ii) be compatible with and not hinder surrounding agricultural operations;"

The proposed lot is generous in size and retains an existing use that is compatible with and does not hinder surrounding agricultural operations. The consent does not result in the fragmentation of agricultural lands in the rural area and no new development is being proposed.

- "iii) conform to the Zoning By-law;"

The existing farm dwelling and agricultural uses are permitted in the applicable Rural (A2) zone under Zoning By-law 05-200. The retained lot and the existing farm dwelling comply with the minimum frontage and setback regulations of the A2 zone as noted in the table below. However, the retained lot is approximately 6.2 hectares below the minimum required lot area. A concurrent Minor Variance application has been submitted to address this non-conformity, the justification for which is discussed in the appropriate section below.

	Required	Provided (Retained)
Minimum Lot Area	40.4 ha.	34.19 ha.
Minimum Lot Width	60 m	166.13 m
Minimum Side yard	15.0m	Approx. 100m
Minimum Front Yard	15.0m	Approx. 320m
Minimum Rear Yard	15.0m	Approx. 565m

"iv) *only be permitted when both retained and severed lots have frontage on a public road; and,"*

Both retained and severed lots have frontage on Garner Road East.

"v) *meet the requirements of Section C.5.1, Private Water and Wastewater Services."*

The retained lands are currently serviced by municipal water and wastewater services. The severed lands are located in the Urban Area and are currently vacant. These lands will be serviced by municipal water and wastewater systems which will be designed and approved through the on-going subdivision application.

"F.1.14.2.3 *In the Rural designation, severances that create a new lot, except surplus farm dwelling severances, may be considered only for agricultural uses, agriculture related uses, existing rural resource-based commercial uses, existing rural resource-based industrial uses, and existing rural institutional uses, provided all of the relevant conditions of Section D.4.1 and the following conditions are met:*

- a) *New lots for agricultural uses and agricultural-related uses shall demonstrate by a report prepared by an accredited professional knowledgeable in farm economics, such as an agrologist or agronomist, that the proposed agricultural lot(s) is(are) of sufficient size and nature to be reasonably expected to:*
 - i) *Sustain a commercially viable farm operation;*
 - ii) *Allow farm operators the flexibility to change the existing and proposed farm operation in the event of business failure;*
 - iii) *Allow farm operators the flexibility to diversify and intensify the production of agricultural commodities in response to changing economic conditions and trends in agriculture; and,"*

The proposed consent represents a unique situation where the whole property is bisected by the Urban Boundary resulting in approximately half of the lands carrying a "Rural" land use designation and the other half carrying a "Business Park" designation. The severance line will be along the Urban Boundary and will logically divide the retained and severed lands according to their land use designations. As such, the consent does not result in the fragmentation of agricultural lands. Furthermore, no development is proposed for the retained lands.

Zoning By-Law 05-200

The Subject Lands are currently split-zoned, with the zoning division occurring on the line of the proposed consent.

The eastern portion of the Subject Lands are zoned Airport Prestige Business (M11) with Special Exception 26 and Holding Provision 57 in Zoning By-law 05-200. The site specific M11 zone permits a variety of employment uses, including manufacturing, office, and warehouse uses. Exception 26 permits a banquet facility or conference and convention centre on the eastern portion of the Subject Lands. Holding provision 57 requires a functional servicing report, stormwater management report, wastewater generation assessment, external works agreement, and traffic impact statement to be provided to the City of Hamilton prior to the lifting of the holding provision. The proposed consent meets all regulations of the M11 zone.

The western portion of the Subject Lands are zoned Rural (A2) in Zoning By-law 05-200, as well as Conservation/Hazard Land (P8) which applies on the natural feature located on the western portion of the Subject Lands.

The P8 zone permits agricultural uses, existing single-detached dwellings, and other recreational and passive uses. The proposed consent meets all regulations of the P8 zone.

The A2 zone permits agricultural uses, as well as single detached dwellings. Agricultural uses must have a minimum lot area of 40.4 hectares and a minimum front, side, and rear yard of 15m. The proposed consent meets all regulations of the A2 zone, with the exception of the minimum lot area for an agricultural use, for which a concurrent minor variance application has been filed.

PROPOSED MINOR VARIANCE

REQUESTED VARIANCE:

In order to facilitate the consent application, the following variance for minimum lot area is required for the retained lands:

- To permit a minimum lot area for agricultural uses of 34 hectares, whereas the By-law requires a minimum lot area of 40.4 hectares.

Note that variances are not required for the severed lands.

MINOR VARIANCE TESTS:

The relief requested above from By-law 05-200 meets the four tests set out under Section 45(1) of the *Planning Act* as follows:

1. *The variance maintains the general intent and purpose of the Official Plan*

The retained land are designated Rural in the RHOP.

The intent of the Rural designation is to protect and maintain agricultural uses. The proposed reduction in minimum lot area from 40.4 hectares to 34 hectares maintains the general intent of the RHOP since it will not result in a reduction in the amount land area for agricultural purposes. As mentioned in the consent justification above, the property straddles the Urban Boundary splitting the property approximately equally between the Rural and Business Park land use designations. The proposed

consent line is along the Urban Boundary, thus dividing the properties according to their land use designations. If the land area of the retained lands were to be increased to the minimum area required by the zoning by-law and the severed lands decreased, the retained lands would have a split Rural and Business Park designation which would not contribute to meeting the intent of either designation.

Therefore, it is our opinion that the proposed variance meets the general intent and purpose of the Official Plan.

2. *The variances maintain the general intent and purpose of the Zoning By-law*

The retained lands are currently zoned Rural (A2) and Conservation / Hazard Land - Rural (P8) Zoning By-law 05-200.

The intent of By-law with respect to minimum lot area requirements for agricultural uses is to ensure that the lot is of sufficient area to maintain a viable agricultural operation. The boundaries of the proposed retained lot for which this variance is required are consistent with the portion of the Subject Lands which are zoned A2. Therefore, the portion of the lot which is zoned A2 will not be reduced from its current size which is actively being farmed. Furthermore, the agricultural uses on the Subject Lands do not operate as an independent agricultural operation today and would continue to be leased to adjoining agricultural operators, ensuring appropriate scale of operations to ensure economic feasibility.

Therefore, it is our opinion that the proposed variance meets the general intent and purpose of the Zoning By-law.

3. *The requested variance is desirable for the appropriate development or use of the land.*

The proposed variance would allow for the creation of the retained lands with boundaries that match the boundaries of the A2 zone, separating it from the balance of the Subject Lands which are zoned for business park uses. This would allow the future development and use of the retained and severed lands in accordance with their respective zoning categories while not being encumbered by each other's zoning regulations. Given that no development is proposed for the retained lands, the variance would allow lands to retain their existing use and character.

Therefore, it is our opinion that the proposed variance is desirable for the appropriate development and use of the land.

4. *The requested variances are minor in nature*

The lands will retain their exact use and operation as they do today, with no physical impact from the proposed consent. The variance would simply allow the portion of the Subject Lands currently designated as A2 to be a standalone lot, unencumbered by the business park zoning on the balance of the Subject Lands.

Therefore, it is our opinion that the proposed variance is minor in nature.

CONCLUSION

Based on the above analysis, the proposed consent and minor variance conforms with the current policy and regulatory framework. The proposed consent will preserve the existing uses on the retained lands, and enable future development as permitted in the Urban Hamilton Official Plan on the severed lands.

SUBMISSION MATERIALS

Please find attached the following materials in support of the consent application:

- 1) Consent Application form (2 copies)
- 2) Minor Variance Application form (1 copy)
- 3) Consent Application fee in the amount of \$2,845 (1 cheque)
- 4) Minor Variance Application fee in the amount of \$3,302 (1 cheque)
- 5) Consent Conservation Authority Review fee of \$805 (1 cheque)
- 6) Minor Variance Conservation Authority Review fee of \$495 (1 cheque)
- 7) Draft reference plan / consent sketch (4 reductions)

Please do not hesitate to contact us should you have any questions.

Yours truly,

MHBC

Gerry Tchisler, MPL, MCIP, RPP
Associate



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221 Fax (905) 546-4202

E-mail: morgan.evans@hamilton.ca

NOTICE OF PUBLIC HEARING **Minor Variance**

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.: AN/A-20:58

APPLICANTS: Owner: Lea Silvestri Investments
Agent: HMBC Planning c/o Gerry Tchisler

SUBJECT PROPERTY: Municipal address **140 Garner Rd. E., Ancaster**

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-law 15-173

ZONING: A2 district (Rural)

PROPOSAL: To permit the creation of two lots through Land Severance Application AN/B-20:17 notwithstanding that;

1. A minimum lot area of 34 hectares shall be provided for the lands to be retained instead of the minimum required lot area of 40.4 hectares for an agricultural use.

Note:

The application is necessary to facilitate land severance application AN/B-20:17.

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

DATE: Thursday, July 9th, 2020

TIME: 1:15 p.m.

PLACE: Via video link or call in (see attached sheet for details)

To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

ANA-20:58
Page 2

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: June 23rd, 2020.

Original Signed

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.



Hamilton

Planning and Economic Development Department
Planning Division

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

Phone (905) 546-2424, ext. 4221
Fax (905) 546-4202

**APPLICATION FOR CONSENT TO SEVER LAND
UNDER SECTION 53 OF THE PLANNING ACT**

Office Use Only

Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:
		AN/B-20:17	

1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS	PHONE/FAX
Registered Owners(s)	Lea Silvestri Investments	[REDACTED]	[REDACTED]
Applicant(s)*	MHBC Planning c/o Gerry Tchisler		
Agent or Solicitor	MHBC Planning c/o Gerry Tchisler		

* Owner's authorisation required if the applicant is not the owner.

1.3 All correspondence should be sent to Owner Applicant Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality	Lot	Concession	Former Township
City of Hamilton	44 & 45	4	Ancaster
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address	Assessment Roll N°.		
140 Garner Road East, Hamilton, ON	251814042001200		

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)

a) Urban Area Transfer (do not complete Section 10):

- creation of a new lot
- addition to a lot
- an easement

- Other: a charge
 a lease
 a correction of title

b) Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):

- | | |
|---|--|
| <input checked="" type="checkbox"/> creation of a new lot | Other: <input type="checkbox"/> a charge |
| <input type="checkbox"/> creation of a new non-farm parcel
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | <input type="checkbox"/> a lease |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a correction of title |
| | <input type="checkbox"/> an easement |

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

Garner Road Investments - 21 King St. W., Suite 920, Hamilton, ON, L8P 4W7

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

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed**:

Frontage (m)	Depth (m)	Area (m ² or ha)
160.88	922.01	352,742.0 sq.m.

Existing Use of Property to be severed:

- | | | |
|---|---|--|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input checked="" type="checkbox"/> Vacant |
| <input type="checkbox"/> Other (specify) _____ | | |

Proposed Use of Property to be severed:

- | | | |
|--|---|--|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input checked="" type="checkbox"/> Vacant |
| <input checked="" type="checkbox"/> Other (specify) <u>Severed lands currently subject of a draft plan of subdivision application for employment purposes.</u> | | |

Building(s) or Structure(s):

Existing: No existing structures.

Proposed: No new building or structure proposed.

Type of access: (check appropriate box)

- | | |
|---|--|
| <input type="checkbox"/> provincial highway | <input type="checkbox"/> right of way |
| <input type="checkbox"/> municipal road, seasonally maintained | <input type="checkbox"/> other public road |
| <input checked="" type="checkbox"/> municipal road, maintained all year | |

Type of water supply proposed: (check appropriate box)

- | | |
|--|--|
| <input checked="" type="checkbox"/> publicly owned and operated piped water system | <input type="checkbox"/> lake or other water body |
| <input type="checkbox"/> privately owned and operated individual well | <input type="checkbox"/> other means (specify) _____ |

Type of sewage disposal proposed: (check appropriate box)

- | |
|--|
| <input checked="" type="checkbox"/> publicly owned and operated sanitary sewage system |
| <input type="checkbox"/> privately owned and operated individual septic system |
| <input type="checkbox"/> other means (specify) _____ |

4.2 Description of land intended to be **Retained**:

Frontage (m)	Depth (m)	Area (m ² or ha)
166.13	922.51	341,938.6 sq.m.

Existing Use of Property to be retained:

- | | | |
|--|---|-------------------------------------|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |
| <input checked="" type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input type="checkbox"/> Vacant |
| <input type="checkbox"/> Other (specify) _____ | | |

Proposed Use of Property to be retained:

- | | | |
|--|---|-------------------------------------|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |
| <input checked="" type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input type="checkbox"/> Vacant |
| <input type="checkbox"/> Other (specify) _____ | | |

Building(s) or Structure(s):

Existing: Existing Detached Dwelling

Proposed: Existing Detached Dwelling - no modifications proposed.

Type of access: (check appropriate box)

- | | |
|---|--|
| <input type="checkbox"/> provincial highway | <input type="checkbox"/> right of way |
| <input type="checkbox"/> municipal road, seasonally maintained | <input type="checkbox"/> other public road |
| <input checked="" type="checkbox"/> municipal road, maintained all year | |

Type of water supply proposed: (check appropriate box)

- | | |
|--|--|
| <input checked="" type="checkbox"/> publicly owned and operated piped water system | <input type="checkbox"/> lake or other water body |
| <input type="checkbox"/> privately owned and operated individual well | <input type="checkbox"/> other means (specify) _____ |

Type of sewage disposal proposed: (check appropriate box)

- | |
|--|
| <input checked="" type="checkbox"/> publicly owned and operated sanitary sewage system |
| <input type="checkbox"/> privately owned and operated individual septic system |
| <input type="checkbox"/> other means (specify) _____ |

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

- | | | | |
|---|---|--|--|
| <input checked="" type="checkbox"/> electricity | <input checked="" type="checkbox"/> telephone | <input checked="" type="checkbox"/> school bussing | <input checked="" type="checkbox"/> 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

Urban Hamilton Official Plan designation (if applicable) Business Park & Airport
Prestige Business

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

Please refer to attached letter for explanation and justification

5.2 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? M11x26h57, A2, P8 - Not subject to MZO

5.3 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	<input checked="" type="checkbox"/>	on the subject lands

A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agriculture Vacant Other (specify)

- 6.1 If Industrial or Commercial, specify use _____
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
 Yes No Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
 Yes No Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes No Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes No Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?
Discussions with owners, air photography, previous and existing uses
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
Is the previous use inventory attached?
 Yes No

7 PROVINCIAL POLICY

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)

- Yes No

Please refer to justification letter submitted with this application.

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

Yes No (Provide explanation)

Please refer to justification letter submitted with this application.

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

Yes No (Provide explanation)

Please refer to justification letter submitted with this application.

d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)

Yes No

Please refer to justification letter submitted with this application.

e) Are the subject lands subject to the Niagara Escarpment Plan?

Yes No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?

Yes No

(Provide Explanation)

f) Are the subject lands subject to the Parkway Belt West Plan?

Yes No

If yes, is the proposal in conformity with the Parkway Belt West Plan?

Yes No (Provide Explanation)

g) Are the subject lands subject to the Greenbelt Plan?

Yes No

If yes, does this application conform with the Greenbelt Plan?

Yes No (Provide Explanation)

8 HISTORY OF THE SUBJECT LAND

8.1 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, indicate the appropriate application file number and the decision made on the application.

Eastern portion of the site subject to current draft plan of subdivision application 25T201806.

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

N/A

8.3 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.

8.4 How long has the applicant owned the subject land?

November 1987

8.5 Does the applicant own any other land in the City? Yes No

If YES, describe the lands in "11 - Other Information" or attach a separate page.

9 OTHER APPLICATIONS

9.1 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 if known, specify file number and status of the application.

9.2 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 if known, specify file number and status of the application(s).

File number _____ Status _____

10 RURAL APPLICATIONS

10.1 **Rural Hamilton Official Plan Designation(s)**

- Agricultural
- Rural
- Specialty Crop
- Mineral Aggregate Resource Extraction
- Open Space
- Utilities
- Rural Settlement Area (specify) _____

Settlement Area

Designation

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 operation.

10.2 **Type of Application** (select type and complete appropriate sections)

- Agricultural Severance or Lot Addition
- Agricultural Related Severance or Lot Addition
- Rural Resource-based Commercial Severance or Lot Addition
- Rural Institutional Severance or Lot Addition

(Complete Section 10.3)

- Rural Settlement Area Severance or Lot Addition
- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

10.3 Description of Lands

a) Lands to be Severed:

Frontage (m): (from Section 4.1) 160.88	Area (m ² or ha): (from in Section 4.1) 352,742.0 sq.m.
--	---

Existing Land Use: Agriculture Proposed Land Use: Vacant / Employment Uses

b) Lands to be Retained:

Frontage (m): (from Section 4.2) 166.13	Area (m ² or ha): (from Section 4.2) 341,938.6 sq.m.
--	--

Existing Land Use: Agriculture Proposed Land Use: Agriculture

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

(Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of consolidated farm (excluding lands intended to be severed for the surplus dwelling):

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use: _____ Proposed Land Use: _____

d) Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: _____

e) Surplus farm dwelling date of construction:

- Prior to December 16, 2004 After December 16, 2004

f) Condition of surplus farm dwelling:

- Habitable Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

(Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

Frontage (m):	Area (m2 or ha):
---------------	------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of surplus dwelling lands intended to be severed:

Frontage (m): (from Section 4.1)	Area (m2 or ha): (from Section 4.1)
----------------------------------	-------------------------------------

Front yard set back: _____

d) Surplus farm dwelling date of construction:

- Prior to December 16, 2004 After December 16, 2004

e) Condition of surplus farm dwelling:

- Habitable Non-Habitable

f) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m2 or ha): (from Section 4.2)
----------------------------------	-------------------------------------

Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

A concurrent minor variance application is being submitted to address a reduction in lot area for the retained lands. Please refer to attached justification letter for detailed information on the consent and variance applications. A portion of the lands is additionally currently the subject of an ongoing subdivision application being processed by the city.

12 SKETCH (Use the attached Sketch Sheet as a guide)

12.1 The application shall be accompanied by a sketch showing the following in metric units:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features (for example, buildings, barns, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
 - i) are located on the subject land and on land that is adjacent to it, and
 - ii) in the applicant's opinion, may affect the application;
- (f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private

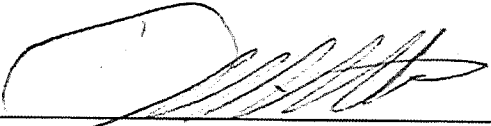
road or a right of way;

(h) the location and nature of any easement affecting the subject land.

13 ACKNOWLEDGEMENT CLAUSE

I acknowledge that The City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

FEBRUARY 12, 2020
Date


Signature of Owner

14 AFFIDAVIT OR SWORN DECLARATION

14.1 Declaration For the Prescribed Information


I, Gerry Tchisler of the City
of Hamilton make oath and

say (or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application in respect of the application is true.

Sworn (or declared) before me at the

Burlington
City of Hamilton this)

12th day of February, 2020)


Applicant's Signature


)

A Commissioner, etc. Doris Ann Answorth, a
Commissioner, etc., Province of
Ontario, for MHBC Planning Limited.
Expires August 2, 2022.

15 AUTHORIZATIONS

15.1 If the applicant is not the owner of the land that is the subject of this application, the authorization set out below must be completed.

Authorization of Owner for Agent to Provide Personal Information

I, PAUL SILVESTRI, am the owner of the land that is the subject of this application for consent to sever land and for the purpose of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I authorize MHBC /o/ Gerry Tchisler as my agent for this application, to provide any of my personal information that will be included in this application or collected during the processing of the application.

FEBRUARY 12, 2020
Date


Signature of Owner

16 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, [REDACTED], the Owner, hereby agree and acknowledge
(Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

FEBRUARY 12, 2020
Date

[REDACTED]
Signature of Owner

17 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone, 905-546-2424, ext.1284.

A File Number will be issued for complete applications and should be used in all communications with the City.

APPLICANT'S CHECKLIST

Please attach all items listed below:

- Two (2) copies of the completed application form (Ensure you have a copy for yourself);
- Three (3) copies of the prescribed sketch or survey (one (1) full scale size and two (2) no larger than ledger size paper 11" x 17"); and
- The required fee. (**A cheque or money order payable to the City of Hamilton**)



KITCHENER
WOODBRIDGE
LONDON
KINGSTON
BARRIE
BURLINGTON

February 11th, 2020

Mr. Scott Baldry, Secretary Treasurer
Committee of Adjustment
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, Ontario
L8P 4Y5

Dear Mr. Baldry:

**RE: Application for Consent and Minor Variance
140 Garner Road East, Ancaster
OUR FILE: 1594C**

On behalf of our client, Lea Silvestri Investments, we are pleased to submit an application for consent and minor variance to sever a parcel of land to create a new lot. The Subject Lands are located at Highway 6 and Garner Road East in Ancaster. The lot to be severed is Part of Lots 44 and 45, Concession 4 in the geographic township of Ancaster, known municipally as 140 Garner Road East (the "Subject Lands").

The following letter sets out the purpose of the proposed consent and minor variance. We have also provided a justification for the proposed consent and minor variance through an assessment of the current Provincial and municipal policy framework.

BACKGROUND

Existing Site

The Subject Lands are approximately 69.59 hectares in area and have 327.01 metres of combined frontage on Garner Road East. The Subject Lands straddle the Urban Boundary with approximately half of the lands falling within the Urban Area. The western portion of the Subject Lands falls within the Rural Hamilton Official Plan (RHOP) and contains a dwelling and agricultural uses, as well as a small pond adjacent to a natural area.

The eastern portion of the Subject Lands are currently vacant with a small wooded area to the south. This portion of the Subject Lands falls within the Urban Hamilton Official Plan (UHOP) and is currently subject to a Draft Plan of Subdivision application (25T201806) to facilitate the development of a business park in accordance with the existing Official Plan designation and zoning. The proposed Draft Plan of Subdivision was submitted on July 4, 2018 and applies only to the lands which are located within the Urban Area of the City of Hamilton. The Draft Plan of Subdivision application is currently in process, and 1st submission comments have been issued by the City of Hamilton. Draft plan approval has not been granted at the time of writing.

Surrounding Land Uses

The lands located to the north of the Subject Lands are located within the Urban Area of the City of Hamilton and consist of a low-density residential subdivision directly across Garner Road East, with low-rise residential development further east along Garner Road East.

The lands to the east of the Subject Lands are located within the Urban Area of the City of Hamilton, and consist of vacant agricultural lands awaiting development as well as Highway 6 which interchanges with Highway 403 to the north.

The lands to the south of the Subject Lands are outside of the Urban Area and largely consist of agricultural uses, with natural heritage features and an east-west hydro corridor directly along the south property line.

The lands to the west of the Subject Lands are outside of the Urban Area and consist of agricultural lands, a community church, as well as single detached residential dwellings and commercial and industrial uses.

PROPOSED CONSENT

The proposal seeks to sever the eastern portion of the lands along the Urban Boundary. The retained lands will have 166.13 m of frontage along Garner Road East, and will be wholly located outside of the Urban Area of the City of Hamilton. The severed lands will have 160.88 metres of frontage and will be wholly located within the Urban Area of the City of Hamilton, and will continue to be processed within the existing Draft Plan of Subdivision application (25T201806). The attached consent sketch describes the retained and severed lots.

	Retained Lot	Severed Lot
Lot Area	34.19 ha.	35.27 ha.
Lot Frontage	166.13 m	160.88 m
Proposed Use	Existing single-detached residential dwelling and agricultural land	Vacant land – future business park

PLANNING ANALYSIS AND JUSTIFICATION

Planning Act

Section 51(24) of the *Planning Act* requires that regard be had for the following considerations when creating new lots:

- *“the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality;”*

The proposed consent will not impact the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality. The proposed lands to be retained contain an existing dwelling and agricultural uses, and no new development is proposed on these lands. These issues will

be addressed on the severed lands during detailed design through the Draft Plan of Subdivision application and future site plan applications.

- *“the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;”*

The proposed consent is consistent with the matters of provincial interest listed in Section 2 of the *Planning Act*, including the protection of the agricultural resources of the Province, and the orderly development of safe and healthy communities.

- *“whether the proposed subdivision is premature or in the public interest;”*

The Subject Lands currently straddle the Urban Boundary. The proposed consent would create a retained lot wholly within the rural area and a severed lot wholly within the Urban Area. The consent would create new lots that better-reflect the Urban Boundary and the boundaries of the land use designation in the Official Plan. As such, the consent is not premature and is in the public interest.

- *“whether the plan conforms to the official plan and adjacent plans of subdivision, if any;”*

The retained and severed lots conform to the respective UHOP and RHOP policies, as discussed below.

- *“the suitability of the land for the purposes for which it is to be subdivided;”*

The retained and severed lots will be of an appropriate size and regular configuration. No development is intended for the retained lands, and the existing farm dwelling and agricultural use will be maintained. The severed lands will be developed for business park uses through the ongoing Draft Plan of Subdivision application.

- *“if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;”*

Not applicable to this application.

- *“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;”*

The Subject Lands have existing access to the surrounding road network via Garner Road East to which no changes are proposed.

- *“the dimensions and shapes of the proposed lots;”*

The proposed consent will divide the lands directly along the Urban Boundary which results in a more logical lot fabric consistent with the urban-rural boundary and the associated land use designations of the UHOP and RHOP. The resulting lots will be regular in shape and have ample frontage onto a public road.

- *“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;”*

Not applicable to this application.

- *“conservation of natural resources and flood control;”*

All natural resources will be retained and protected, and there are no proposed revisions to any flood regulation areas.

- *“the adequacy of utilities and municipal services;”*

Utilities and municipal services are not proposed to be altered on the retained lot containing a farm dwelling and agricultural uses. The severed lot’s servicing will be addressed through the Draft Plan of Subdivision.

- *“the adequacy of school sites;”*

The proposed consent does not propose any new residential uses and as such additional school sites are not required.

- *“the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;”*

Land dedications are not proposed through the consent application.

- *“the extent to which the plan’s design optimizes the available supply, means of supplying, efficient use and conservation of energy; and ”*

-

The lands to be retained are not proposed for additional development, and as such are not expected to impact the efficient use and conservation of energy.

- *“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).”*

The retained lands are not intended to be developed and as such the site plan control requirements are not applicable. The interrelationship with site plan control matters for the severed lands will be dealt with through the Draft Plan of Subdivision.

Provincial Policy Statement 2014

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development with the goal of enhancing the quality of life for all Ontarians. The *Planning Act* requires that decisions affecting a planning matter “be consistent with” the policies of the PPS. The proposed consent is consistent with the PPS in that it will serve to protect the environment and resources, including agricultural land and serves to implement the policies of the Urban Hamilton Official Plan on the severed lands which are within the Urban Area.

Growth Plan for the Greater Golden Horseshoe 2017

The Growth Plan for the Greater Golden Horseshoe (Growth Plan) provides a framework for implementing the provincial government's vision for building stronger, prosperous communities by better managing growth in the Greater Golden Horseshoe. The *Planning Act* also requires that decisions affecting a planning matter "conform with" the Growth Plan. Similar to the analysis above, the proposal conforms with the Growth Plan as it serves to implement the urban boundary of the City of Hamilton by dividing the Subject Lands into parcels that reflect the urban and rural area boundaries

Urban Hamilton Official Plan

The Subject Lands are subject to both the Urban and Rural Hamilton Official Plans due to its location straddling the Urban Boundary. The eastern portion of the Subject Lands (the severed lands) are within the Urban Hamilton Official Plan.

The eastern portion of the Subject Lands are designated "Business Park" in UHOP Volume 1 and "Airport Prestige Business" in the Airport Employment Growth District (AEGD) Secondary Plan.

The Business Park designation permits business and economic activities such as manufacturing, research and development, transportation terminals, building supply establishments, warehousing, and communication establishments. (E5.4). Within the Airport Prestige Business designation, a range of employment uses are also permitted, including manufacturing, warehousing, airport-related industrial uses, offices, high technology industry, and other employment related uses (B8.4.5.1).

The Urban Hamilton Official Plan contains policies that outline conditions which must be met when creating new lots. The following specific policies are provided for Employment Areas

"F.1.14.3.5 Consents for new lot creation for both the severed and retained lands for mixed uses, commercial, institutional, or open space uses in the Commercial/ Mixed Use and Institutional designation shall be permitted provided the following conditions are met:

a) the lots severed for commercial, institutional or open space uses shall comply with the policies of this Plan including secondary plans, where one exists;"

The severed lot will be located solely within the urban area. The lot is appropriate to implement the Business Park and Airport Prestige Business designations of the UHOP and AEGD Secondary Plan.

"b) The lots are in conformity with the Zoning By-law or a minor variance is approved;"

The in-effect M11 zone applicable to the severed lands permits a wide variety of industrial and employment uses that the active subdivision application intends to facilitate. As per the table below, the severed lot conforms with the lot frontage and area requirements of the in-effect zoning. Other aspects of zoning conformity will be determined through detailed design at the Site Plan Approval stage.

	Required	Provided (Severed)
Minimum Lot Area	0.4 ha.	35.27 ha.
Minimum Lot Width	60 m	160.88 m

The existing holding provision applicable to the Subject Lands will continue to be applicable after the lot has been conveyed and will require to be lifted prior to any development.

"c) the lots are fully serviced by municipal water and wastewater systems; and,"

There is an existing watermain in the Garner Road East R.O.W., and as a part of the Draft Plan of Subdivision application, full wastewater and stormwater servicing is proposed for the severed lands.

"d) the lots have frontage on a public road."

The severed parcel will retain 160.88 m of frontage on Garner Road East.

As per the above analysis, the proposed consent application conforms with the consent policies of the UHOP.

Rural Hamilton Official Plan

The RHOP applies to the western portion of the Subject Lands (the retained lot), and contains policies that outline conditions which must be met when creating new lots in the rural area of Hamilton. The Urban Boundary bisects the Subject Lands directly along the proposed consent line. Both general and land use specific policies are provided to regulate lot consents. It should be noted that while a lot is proposed to be created as a part of this application, no development or site alteration on the retained lot is proposed. Furthermore, as a result of this consent, no additional lots are being added to the rural area given that the severed lands will remain wholly within the Urban Area.

The Rural designation permits a variety of uses including resource-based uses, agricultural processing and storage, agricultural uses, and associated farm dwellings. (D4.1).

The RHOP additionally sets out regulations regarding the creation of new lots;

"F.1.14.2.3 The following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agriculture, Rural, Specialty Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D – Rural Land Use Designations: (Amended by OPA 18):

- a) Severances that create a new lot for the following purposes shall be prohibited:*
- i) Residential uses except in accordance with:

 - 1) Policies F.1.14.2.1 b) iii) and F.1.14.2.8, where a dwelling may be severed as a result of a farm consolidation; and,*
 - 2) Policies F.1.14.2.1 b) iv) and F.1.14.2.4, where a dwelling within a designated Rural Settlement Area may be severed;**
 - ii) On-farm secondary uses in accordance with Policy D.2.1.3;*

- iii) Severance of a lot for a farm labour residence or an existing dwelling that was permitted in a previous official plan and zoning by-law as a farm labour residence, farm help house, or help house;
- iv) Severance of any existing second dwelling on a lot, irrespective of the origin of the second dwelling, except in accordance with Section F.1.14.2.8, where a dwelling may be severed as a result of a farm consolidation."

The proposed consent will preserve the existing farm dwelling and agricultural uses that fall outside of the Urban Boundary while permitting efficient development of lands inside the Urban Boundary on the severed lands. The intent of policy F1.14.2.3 a), to limit the creation of net new residential lots or dwellings in a rural area, is maintained with the proposed consent as no new dwellings or lots are proposed in the rural area.

- "b) Severances that create a new lot(s) may be permitted for only the following purposes:
 - i) Agricultural uses in accordance with Policies F.1.14.2.1, F.1.14.2.2, and F.1.14.2.3;"

The proposed consent will not result in a net increase in the number of lots in the rural area. The proposed consent meets the intent of policy F1.14.2.3 b) by retaining the existing agricultural use on the property.

- "c) All proposed severances that create a new lot shall:
 - i) comply with the policies of this Plan including a rural settlement area plan where one exists;"

The proposed consent complies with the policies of the Rural Hamilton Official Plan. The proposed consent does not hinder the function of the permitted agricultural use, does not create a new lot in the rural area, and does not propose to modify the existing uses and structures in the rural area, retaining and continuing to provide a secure land base for agricultural activities.

- "ii) be compatible with and not hinder surrounding agricultural operations;"

The proposed lot is generous in size and retains an existing use that is compatible with and does not hinder surrounding agricultural operations. The consent does not result in the fragmentation of agricultural lands in the rural area and no new development is being proposed.

- "iii) conform to the Zoning By-law;"

The existing farm dwelling and agricultural uses are permitted in the applicable Rural (A2) zone under Zoning By-law 05-200. The retained lot and the existing farm dwelling comply with the minimum frontage and setback regulations of the A2 zone as noted in the table below. However, the retained lot is approximately 6.2 hectares below the minimum required lot area. A concurrent Minor Variance application has been submitted to address this non-conformity, the justification for which is discussed in the appropriate section below.

	Required	Provided (Retained)
Minimum Lot Area	40.4 ha.	34.19 ha.
Minimum Lot Width	60 m	166.13 m
Minimum Side yard	15.0m	Approx. 100m
Minimum Front Yard	15.0m	Approx. 320m
Minimum Rear Yard	15.0m	Approx. 565m

"iv) *only be permitted when both retained and severed lots have frontage on a public road; and,"*

Both retained and severed lots have frontage on Garner Road East.

"v) *meet the requirements of Section C.5.1, Private Water and Wastewater Services."*

The retained lands are currently serviced by municipal water and wastewater services. The severed lands are located in the Urban Area and are currently vacant. These lands will be serviced by municipal water and wastewater systems which will be designed and approved through the on-going subdivision application.

"F.1.14.2.3 *In the Rural designation, severances that create a new lot, except surplus farm dwelling severances, may be considered only for agricultural uses, agriculture related uses, existing rural resource-based commercial uses, existing rural resource-based industrial uses, and existing rural institutional uses, provided all of the relevant conditions of Section D.4.1 and the following conditions are met:*

- a) *New lots for agricultural uses and agricultural-related uses shall demonstrate by a report prepared by an accredited professional knowledgeable in farm economics, such as an agrologist or agronomist, that the proposed agricultural lot(s) is(are) of sufficient size and nature to be reasonably expected to:

 - i) *Sustain a commercially viable farm operation;*
 - ii) *Allow farm operators the flexibility to change the existing and proposed farm operation in the event of business failure;*
 - iii) *Allow farm operators the flexibility to diversify and intensify the production of agricultural commodities in response to changing economic conditions and trends in agriculture; and,"**

The proposed consent represents a unique situation where the whole property is bisected by the Urban Boundary resulting in approximately half of the lands carrying a "Rural" land use designation and the other half carrying a "Business Park" designation. The severance line will be along the Urban Boundary and will logically divide the retained and severed lands according to their land use designations. As such, the consent does not result in the fragmentation of agricultural lands. Furthermore, no development is proposed for the retained lands.

Zoning By-Law 05-200

The Subject Lands are currently split-zoned, with the zoning division occurring on the line of the proposed consent.

The eastern portion of the Subject Lands are zoned Airport Prestige Business (M11) with Special Exception 26 and Holding Provision 57 in Zoning By-law 05-200. The site specific M11 zone permits a variety of employment uses, including manufacturing, office, and warehouse uses. Exception 26 permits a banquet facility or conference and convention centre on the eastern portion of the Subject Lands. Holding provision 57 requires a functional servicing report, stormwater management report, wastewater generation assessment, external works agreement, and traffic impact statement to be provided to the City of Hamilton prior to the lifting of the holding provision. The proposed consent meets all regulations of the M11 zone.

The western portion of the Subject Lands are zoned Rural (A2) in Zoning By-law 05-200, as well as Conservation/Hazard Land (P8) which applies on the natural feature located on the western portion of the Subject Lands.

The P8 zone permits agricultural uses, existing single-detached dwellings, and other recreational and passive uses. The proposed consent meets all regulations of the P8 zone.

The A2 zone permits agricultural uses, as well as single detached dwellings. Agricultural uses must have a minimum lot area of 40.4 hectares and a minimum front, side, and rear yard of 15m. The proposed consent meets all regulations of the A2 zone, with the exception of the minimum lot area for an agricultural use, for which a concurrent minor variance application has been filed.

PROPOSED MINOR VARIANCE

REQUESTED VARIANCE:

In order to facilitate the consent application, the following variance for minimum lot area is required for the retained lands:

- To permit a minimum lot area for agricultural uses of 34 hectares, whereas the By-law requires a minimum lot area of 40.4 hectares.

Note that variances are not required for the severed lands.

MINOR VARIANCE TESTS:

The relief requested above from By-law 05-200 meets the four tests set out under Section 45(1) of the *Planning Act* as follows:

1. *The variance maintains the general intent and purpose of the Official Plan*

The retained land are designated Rural in the RHOP.

The intent of the Rural designation is to protect and maintain agricultural uses. The proposed reduction in minimum lot area from 40.4 hectares to 34 hectares maintains the general intent of the RHOP since it will not result in a reduction in the amount land area for agricultural purposes. As mentioned in the consent justification above, the property straddles the Urban Boundary splitting the property approximately equally between the Rural and Business Park land use designations. The proposed

consent line is along the Urban Boundary, thus dividing the properties according to their land use designations. If the land area of the retained lands were to be increased to the minimum area required by the zoning by-law and the severed lands decreased, the retained lands would have a split Rural and Business Park designation which would not contribute to meeting the intent of either designation.

Therefore, it is our opinion that the proposed variance meets the general intent and purpose of the Official Plan.

2. *The variances maintain the general intent and purpose of the Zoning By-law*

The retained lands are currently zoned Rural (A2) and Conservation / Hazard Land - Rural (P8) Zoning By-law 05-200.

The intent of By-law with respect to minimum lot area requirements for agricultural uses is to ensure that the lot is of sufficient area to maintain a viable agricultural operation. The boundaries of the proposed retained lot for which this variance is required are consistent with the portion of the Subject Lands which are zoned A2. Therefore, the portion of the lot which is zoned A2 will not be reduced from its current size which is actively being farmed. Furthermore, the agricultural uses on the Subject Lands do not operate as an independent agricultural operation today and would continue to be leased to adjoining agricultural operators, ensuring appropriate scale of operations to ensure economic feasibility.

Therefore, it is our opinion that the proposed variance meets the general intent and purpose of the Zoning By-law.

3. *The requested variance is desirable for the appropriate development or use of the land.*

The proposed variance would allow for the creation of the retained lands with boundaries that match the boundaries of the A2 zone, separating it from the balance of the Subject Lands which are zoned for business park uses. This would allow the future development and use of the retained and severed lands in accordance with their respective zoning categories while not being encumbered by each other's zoning regulations. Given that no development is proposed for the retained lands, the variance would allow lands to retain their existing use and character.

Therefore, it is our opinion that the proposed variance is desirable for the appropriate development and use of the land.

4. *The requested variances are minor in nature*

The lands will retain their exact use and operation as they do today, with no physical impact from the proposed consent. The variance would simply allow the portion of the Subject Lands currently designated as A2 to be a standalone lot, unencumbered by the business park zoning on the balance of the Subject Lands.

Therefore, it is our opinion that the proposed variance is minor in nature.

CONCLUSION

Based on the above analysis, the proposed consent and minor variance conforms with the current policy and regulatory framework. The proposed consent will preserve the existing uses on the retained lands, and enable future development as permitted in the Urban Hamilton Official Plan on the severed lands.

SUBMISSION MATERIALS

Please find attached the following materials in support of the consent application:

- 1) Consent Application form (2 copies)
- 2) Minor Variance Application form (1 copy)
- 3) Consent Application fee in the amount of \$2,845 (1 cheque)
- 4) Minor Variance Application fee in the amount of \$3,302 (1 cheque)
- 5) Consent Conservation Authority Review fee of \$805 (1 cheque)
- 6) Minor Variance Conservation Authority Review fee of \$495 (1 cheque)
- 7) Draft reference plan / consent sketch (4 reductions)

Please do not hesitate to contact us should you have any questions.

Yours truly,

MHBC

Gerry Tchisler, MPL, MCIP, RPP
Associate



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221 Fax (905) 546-4202

E-mail: samantha.costa@hamilton.ca or scott.baldry@hamilton.ca

NOTICE OF PUBLIC HEARING Minor Variance

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.: GL/A-19:105

APPLICANTS: Rocco & Tanya Pugliese, Owners

SUBJECT PROPERTY: Municipal address **8 Grassyplain Dr., (Glanbrook) City of Hamilton**

ZONING BY-LAW: Zoning By-law 464, as Amended

ZONING: "R3-158" (Residential "R3") Zone

PROPOSAL: To permit the construction of a 5.5m by 4.6m (25 square metre) roofed over patio in the rear yard notwithstanding that:

1. A minimum rear yard of 3.0 metres shall be permitted instead of the minimum 7.5 metre rear yard required.
2. A minimum distance of 1.5 metres shall be provided from the boundary of a transmission pipeline right-of-way instead of the minimum required 10 metres from the boundary of a transmission pipeline right-of-way.

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

DATE: Thursday, July 9th, 2020

TIME: 1:20 p.m.

PLACE: Via video link or call in (see attached sheet for details)

To be streamed at www.hamilton.ca/committeeofadjustment for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

GL/A-19:105

Page 2

MORE INFORMATION

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

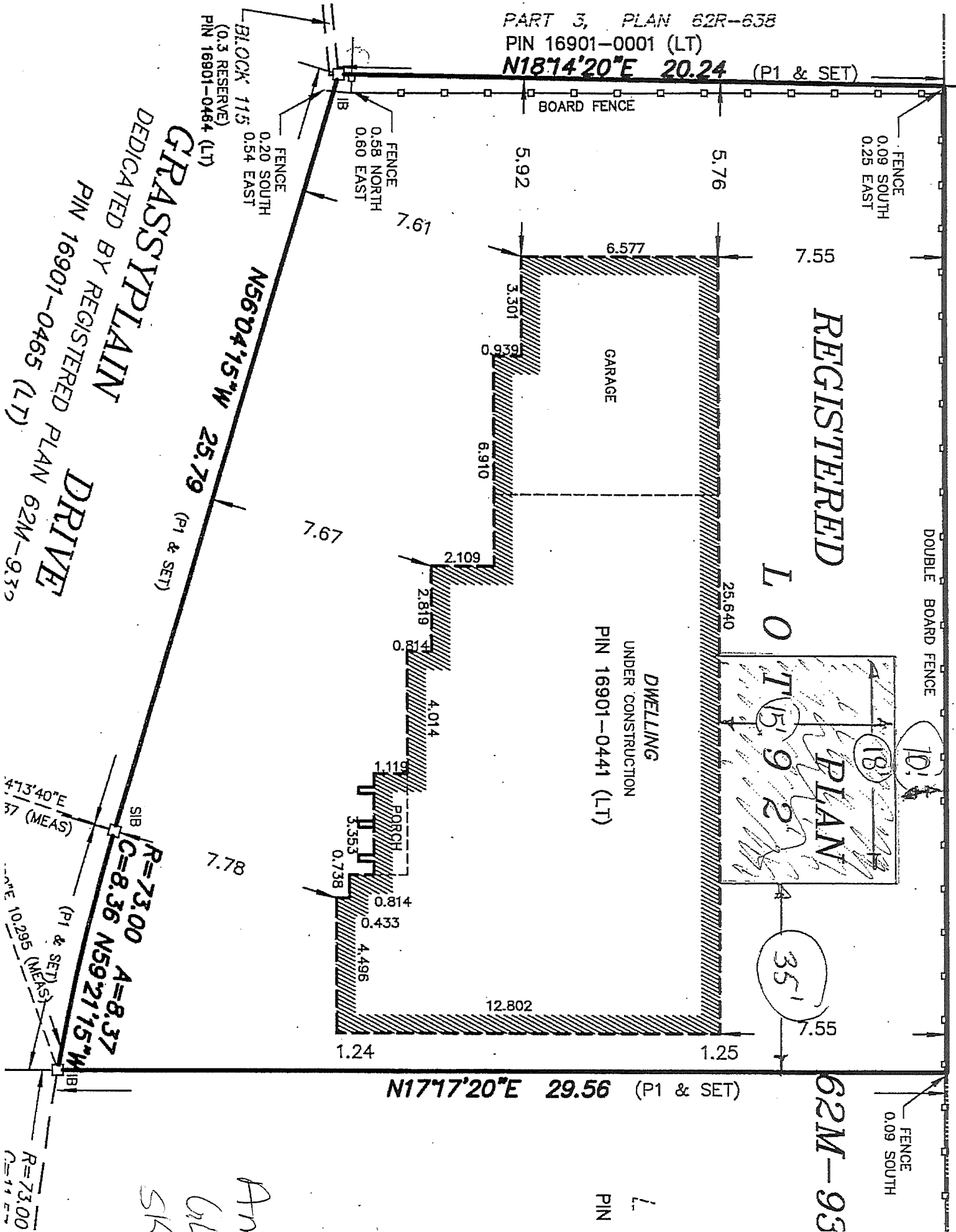
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: June 23rd, 2020.

Original Signed

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.



19-112778



Hamilton

Committee of Adjustment

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

Planning and Economic Development Department
Planning Division

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.

FOR OFFICE USE ONLY.

APPLICATION NO. 641A-19:105 DATE APPLICATION RECEIVED MAR 19 11 19

PAID _____ DATE APPLICATION DEEMED COMPLETE _____

SECRETARY'S SIGNATURE _____

CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the Planning Act, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.



- 3. Name of Agent _____ Telephone No. _____
FAX NO. _____ E-mail address. _____
- 4. Address _____
Postal Code _____

Note: Unless otherwise requested all communications will be sent to the agent, if any.

- 5. Names and addresses of any mortgagees, holders of charges or other encumbrances:
SCOTIA BANK Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:
- TO ALLOW FOR THE CONSTRUCTION
OF A COVERED PORCH (18'x20')
IN THE BACKYARD OF
8 GRASSY PLAIN DRIVE
7. Why it is not possible to comply with the provisions of the By-law?
- BUILDING WITHIN THE REAR YARD
SET BACKS IN TERMS OF ZONING
7.50 m.
8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
LOT 92 REGISTERED PLAN CDM-932
Plan 16901-0465 (LT)
8 GRASSY PLAIN DRIVE.
9. PREVIOUS USE OF PROPERTY
- Residential Industrial Commercial
Agricultural Vacant
Other _____
- 9.1 If Industrial or Commercial, specify use

- 9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
Yes No Unknown
- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?
Yes No Unknown
- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
Yes No Unknown
- 9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
Yes No Unknown
- 9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
Yes No Unknown
- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?
Yes No Unknown
- 9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
Yes No Unknown
- 9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
Yes No Unknown

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

INFORMATION PROVIDED BY DEVELOPER OF THE SAID BUILDING LOT.

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Date MARCH 12/19

[Redacted Signature]
Signature Property Owner

[Redacted Name]
Print Name of Owner

10. Dimensions of lands affected:

Frontage 25.79 m.
Depth 29.56 m EAST SIDE / 20.24 m WEST SIDE
Area _____
Width of street _____

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: A 200 sq/ft BUNGALOW WITH AN ATTACHED GARAGE. 9' INTERIOR CEILING. WIDTH OF 25.640m.

Proposed: AN 18' X 20' COVERED PORCH IN THE REAR YARD.

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing: _____
SUB SURVEY PLAN PROVIDED

Proposed: _____

- 13. Date of acquisition of subject lands:
JUNE 6/2003
- 14. Date of construction of all buildings and structures on subject lands:
~~JUNE 6/2003~~ OCT 2003 - SEPT 2018
- 15. Existing uses of the subject property: SINGLE FAMILY DWELLING
- 16. Existing uses of abutting properties: SINGLE FAMILY DWELLINGS + HURON CORRIDOR TO THE REAR
- 17. Length of time the existing uses of the subject property have continued:
- OVER 10 YEARS.
- 18. Municipal services available: (check the appropriate space or spaces)
 Water ✓ Connected ✓
 Sanitary Sewer ✓ Connected ✓
 Storm Sewers ✓
- 19. Present Official Plan/Secondary Plan provisions applying to the land:
NEIGHBOURHOODS.
- 20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
R3-158 GAMBROOK BY-LAW 164
- 21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.

- 22. Is the subject property the subject of a current application for consent under Section 53 of The Planning Act?
 Yes No
- 23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.

PART 24 AFFIDAVIT OR SWORN DECLARATION

This declaration to be sworn by a Commissioner of Oaths.

x I, Lucio P. LAZZESE/Commissioner of the _____ of _____ in the _____ of _____

solemnly declare that:

All of the above statements are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the _____
at the City of Hamilton
in the Province
of Ontario
this 19 day of March A.D. 2019

x [Redacted] Applicant

[Redacted]

[Signature]
A Commissioner, etc.

MARTHA MIGNANO, a
Commissioner, etc., Province of
Ontario, for the City of Hamilton.
Expires October 16, 2021.

PART 25 OWNERS AUTHORIZATION

As of the date of this application, I (NAME) [Redacted] am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

_____ of _____

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE MARCH 1/2019 SIGNED [Redacted]

PART 26 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

x I, [Redacted] the Owner, hereby agree and acknowledge
(Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

[Redacted Signature]

Date

Signature of Owner

PART 27 PERMISSION TO ENTER

X Date: March 1/19

Secretary/Treasurer
Committee of Adjustment
City of Hamilton,
City Hall

Dear Secretary/Treasurer;

Re: Application to Committee of Adjustment

Location of Land: 8 GRASSY PLAIN DRIVE
(Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited purposes of evaluating the merits of this application.

[Redacted Signature]

Signature of Owner or Authorized agent

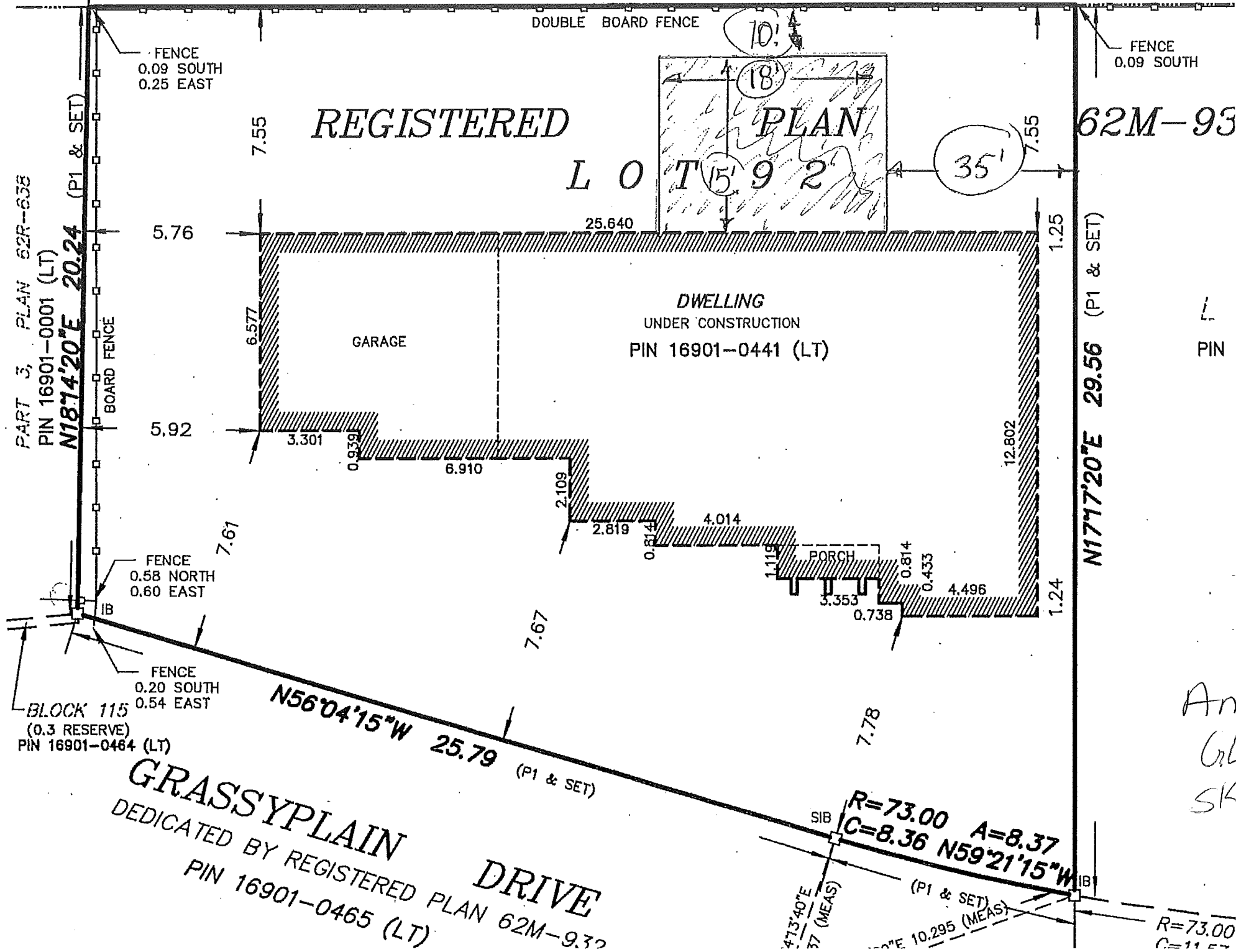
[Redacted Name]

Please print name

Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee's policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.

PART 28 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1324.



PART 3, PLAN 62R-638
 PIN 16901-0001 (LT)
 N18°14'20"E 20.24 (P1 & SET)

FENCE
 0.58 NORTH
 0.60 EAST

FENCE
 0.20 SOUTH
 0.54 EAST

BLOCK 115
 (0.3 RESERVE)
 PIN 16901-0464 (LT)

GRASSYPLAIN DRIVE
 DEDICATED BY REGISTERED PLAN 62M-932
 PIN 16901-0465 (LT)

R=73.00 A=8.37
 C=8.36 N59°21'15"W

Amended
 GL/A-19:105
 SKETCH (1)

47°34'0"E
 37 (MEAS)

(P1 & SET)

10.295 (MEAS)

R=73.00
 C=11.57



FRONT ELEVATION

NOTE: ALL STEPS IN EXCESS OF 6" O.C. SHALL BE 72" WIDE O.C.
 STEPS, GUARDS, RAILS AS PER OBC 9.8

NOTE: ALL WINDOWS AND DOORS SHALL BE RESISTANT TO FORCED ENTRY.

NOTE: PROVIDE FLASHING AND BRICK VENTS ABOVE WINDOWS TYPICAL.

NOTE: ALL DOORS + WINDOWS TO BE RESISTANT TO FORCED ENTRY!

NOTES FOR THE CONTRACTOR:

- USE HOOKED REINFORCING IN PREFERENC TO SQAIRS BRACKETS.
- VERIFY AND CHECK ALL DIMENSIONS FROM TO AND DURING ALL PHASES OF CONSTRUCTION. NO VARIATION OR MODIFICATION OF DIMENSIONS SHALL BE PERMITTED WITHOUT THE DESIGNER'S PRIOR WRITTEN APPROVAL.
- ALL PLANS, SPECIFICATIONS AND NOTES ARE SUBJECT TO APPROVAL BY DEPARTMENT OF LAND AND FORESTRY (L&F) AND MUST CONFORM TO ALL ASPECTS OF THE CURRENT BUILDING CODE CURRENTLY IN EFFECT.
- ALL PREVIOUS EDITIONS OF THIS DRAWING ARE HEREBY SUPERSEDED.
- ANY CHANGES, OMISSIONS OR ADDITIONS SHALL BE REPORTED TO AND BY THE DESIGNER BEFORE PROCEEDING.

NOTES FOR DRAINAGE:

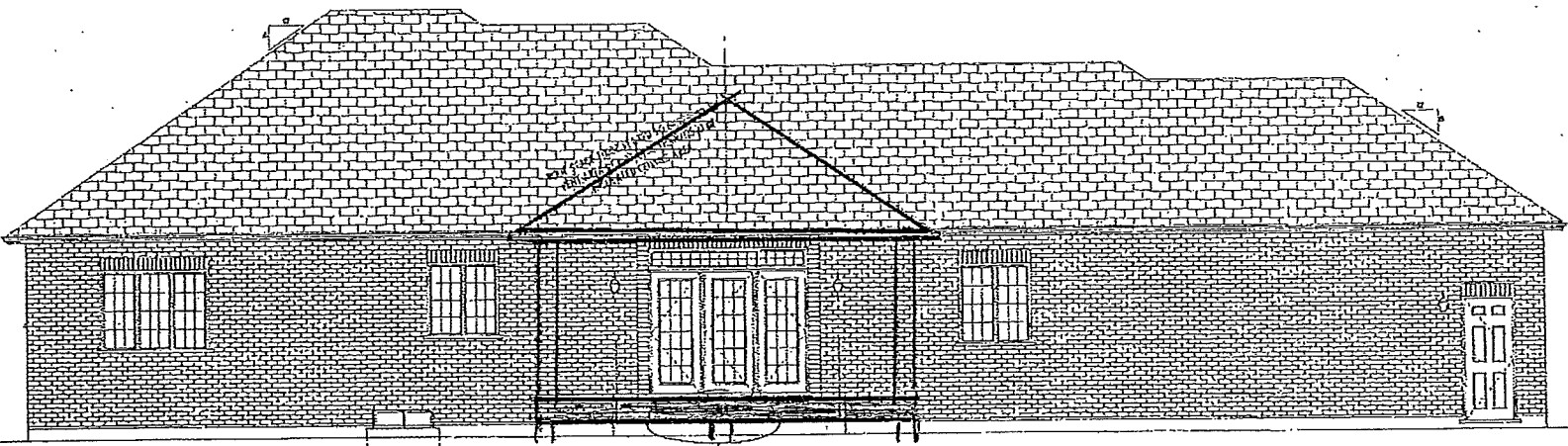
- ALL DRAINAGE TO BE PLACED IN ALL BATHROOMS AND WHERE APPLICABLE.
- DOUBLE JOISTS UNDER ALL PARALLEL PARTITIONS.
- ALL CONSTRUCTION BETWEEN DUELL'S UNIT MUST PROVIDE AN EFFECTIVE BARRIER TO GAS AND FUMES.
- ALL GROUNDWORK SHALL BE TIGHT FITTING AND WEATHER STRIPPED TO PROVIDE AN EFFECTIVE BARRIER AGAINST GAS AND FUMES.
- STAIRS TO HAVE A FAVORABLE RISE OF NOT MORE THAN 7"6" AND A TREAD RUN OF NOT LESS THAN 11"6".

ALL CONSTRUCTION UNLESS SPECIFIED WITH THE DUTY AND OBLIGATIONS

SPRUCE LINTELS FOR ROOF, CEILING AND 1 STOREY	
LINTEL SIZE	SUPPORTED LENGTH
24" x 8"	5'-0"
24" x 10"	7'-0"
24" x 12"	8'-0"

SPRUCE LINTELS FOR ROOF, CEILING AND 2 STOREYS	
LINTEL SIZE	SUPPORTED LENGTH
24" x 8"	5'-0"
24" x 10"	6'-0"
24" x 12"	7'-0"

Amended
 GL/A-19: 105
 SKETCH (2)



REAR ELEVATION

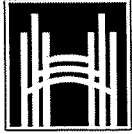
NOTE: PROVIDE FLASHING AND BRICK VENTS ABOVE WINDOWS TYPICAL.

NOTE: WINDOW SILL TO DRAIN TO FOOTING.

NOTE: STAIRS TO BE REFERENCED UNTIL CHECK ON STAIR IS COMPLETED.

STAIRS TO CONFORM WITH OBC 9.8

SEE NOTE



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221 Fax (905) 546-4202

E-mail: morgan.evans@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.: SC/A-20:49

APPLICANTS: Brien Young

SUBJECT PROPERTY: Municipal address **73 Pinelands Ave., (Stoney Creek) City of Hamilton**

ZONING BY-LAW: Zoning By-law 3692-92, as Amended

ZONING: "R2" (Single Residential) Zone

PROPOSAL: To permit the construction of an 88.4 square metre detached garage in the rear yard of the existing single detached dwelling notwithstanding that:

1. A maximum accessory building height of 6.7m shall be permitted for the proposed detached garage instead of the maximum required accessory building height of 4.5m.

NOTES:

1. The existing single detached dwelling has not been reviewed for zoning compliance.
2. Human habitation is prohibited within the accessory building. Any proposed storage shall be incidental and associated only with the existing single detached dwelling. Any use or storage not associated with the principal use is not permitted including home occupations, commercial and industrial uses.

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

DATE: Thursday, July 9th, 2020

TIME: 1:25 p.m.

PLACE: Via video link or call in (see attached sheet for details)

To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

SC/A-20:49
Page 2

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: June 23rd, 2020.

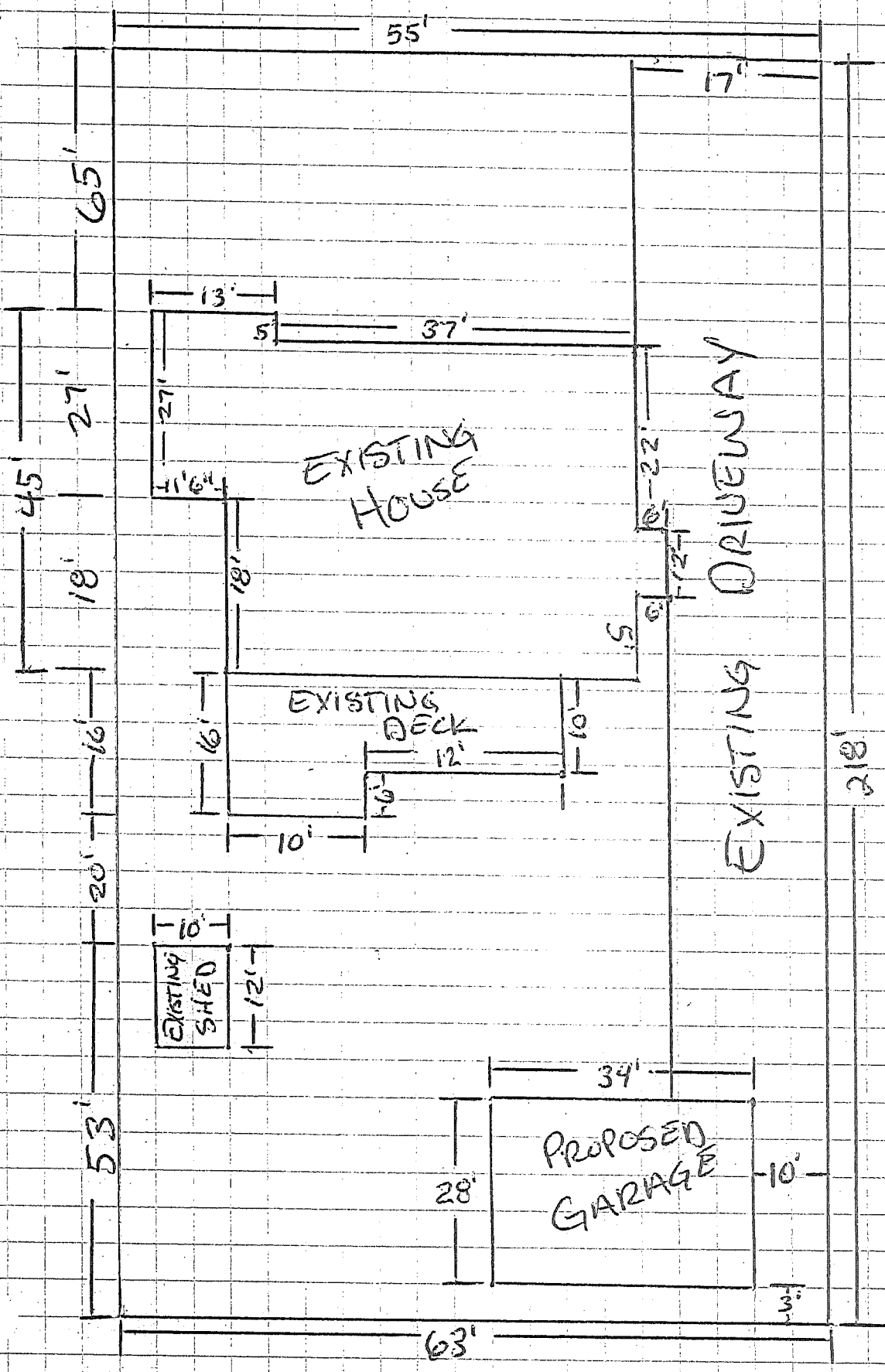
Original Signed

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

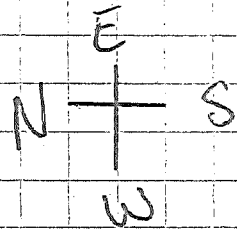
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.

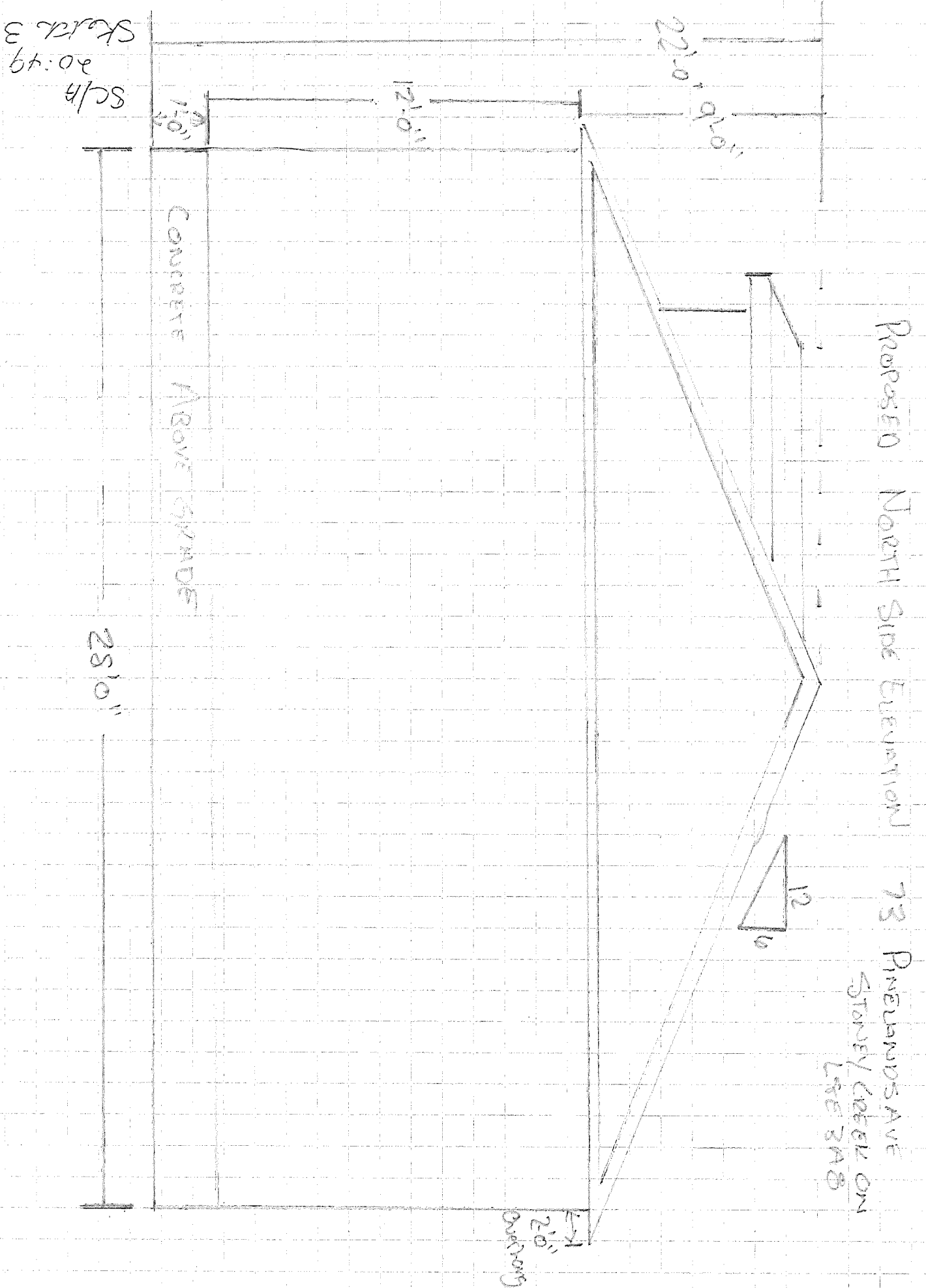
ROAD

73 PINELANDS AVE
STONEY CREEK, ON
LBE 3A8



SC/A 20.49
Sketch 1







Hamilton

Planning and Economic Development Department
Planning Division

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

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

FOR OFFICE USE ONLY.	
APPLICATION NO. <u>SC/A-20:49</u>	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

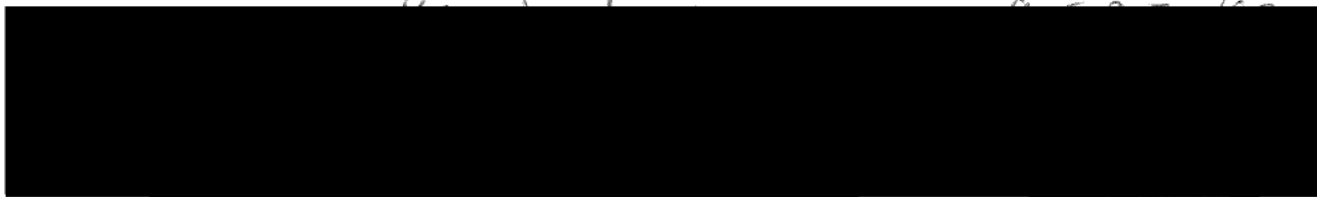
RECEIVED
FEB 05 2020
CITY OF HAMILTON

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.



3. Name of Agent _____ Telephone No. _____
FAX NO. _____ E-mail address. _____

4. Address _____
Postal Code _____

Note: Unless otherwise requested all communications will be sent to the agent, if any.

5. Names and addresses of any mortgagees, holders of charges or other encumbrances:
SCOTIA BANK

Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:

Variance due to height issues.
- Had previous variance to allow 19' to
peak of roof. Miscommunications during
framing resulted in height of 22' to peak.

7. Why it is not possible to comply with the provisions of the By-law?

Framing is completed

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

73 Pinelands ave Storey Creek.

9. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
 Agricultural Vacant
 Other _____

9.1 If Industrial or Commercial, specify use

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
Yes _____ No Unknown _____


9.11 What information did you use to determine the answers to 9.1 to 9.10 above?
- Speaking with long time residents in the area
- Have found no evidence of the concerns on property
- Property always zoned residential.

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
Is the previous use inventory attached? Yes _____ No

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

01/24/2020
Date


[Redacted]
Print Name of Owner

10. Dimensions of lands affected:
Frontage 14 METERS
Depth 56 METERS
Area 786.5² METERS
Width of street 23 METERS.

11. Particulars of all buildings and structures on or proposed for the subject lands:
(Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)
Existing: SEE ATTACHED DRAWINGS

Proposed: _____

12. Location of all buildings and structures on or proposed for the subject lands;
(Specify distance from side, rear and front lot lines)
Existing: SEE ATTACHED DRAWINGS.


Proposed: _____

13. Date of acquisition of subject lands:
OCT. 2010
14. Date of construction of all buildings and structures on subject lands:
1950's
15. Existing uses of the subject property: _____
SINGLE FAMILY DWELLING
16. Existing uses of abutting properties: RESIDENTIAL
17. Length of time the existing uses of the subject property have continued:
70 + YEARS
18. Municipal services available: (check the appropriate space or spaces)
 Water ✓ Connected _____
 Sanitary Sewer ✓ Connected _____
 Storm Sewers _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
NEIGHBOURHOODS
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
SINGLE RESIDENTIAL (R2) STONEY CREEK
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.
MAY 2019 - Applied for Minor Variance to exceed height of 14'9"
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.

PART 24 AFFIDAVIT OR SWORN DECLARATION

This declaration to be sworn by a Commissioner of Oaths.

 of the City of Hamilton in the Province of Ontario

solemnly declare that:

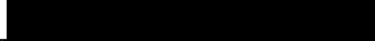
All of the above statements are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the
at the City of Hamilton)
in the Province)
of Ontario)
this 5th day of February A.D. 20 20)


Applicant

A Commissioner, etc.

PART 25 OWNERS AUTHORIZATION

As of the date of this application, I (NAME)  am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

_____ of _____

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

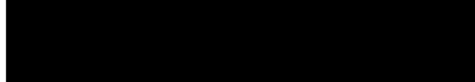
DATE _____ SIGNED _____

PART 26 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

, the Owner, hereby agree and acknowledge
(Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

01/24/2020
Date


Signature of Owner

PART 27 PERMISSION TO ENTER

Date: 02/05/2020

Secretary/Treasurer
Committee of Adjustment
City of Hamilton,
City Hall

Dear Secretary/Treasurer;

Re: Application to Committee of Adjustment

Location of Land: 73 PINELANDS AVE
(Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited purposes of evaluating the merits of this application.

[Redacted signature area]

Signature of Owner or Authorized agent

[Redacted name area]

Please print name

Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee's policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.

PART 28 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1284.

CITY OF HAMILTON
COST ACKNOWLEDGEMENT AGREEMENT

This Agreement made this _____ day of _____, 20_____.

BETWEEN:

Applicant's name(s)
hereinafter referred to as the "Developer"

-and-

City of Hamilton
hereinafter referred to as the "City"

WHEREAS the Developer represents that he/she is the registered owner of the lands described in Schedule "A" attached hereto, and which lands are hereinafter referred to as the "lands";

AND WHEREAS the Developer has filed for an application for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval/minor variance.

AND WHEREAS it is a policy of the City that any City costs associated with an appeal to the Local Planning Appeal Tribunal, by a party other than the Developer, of an approval of a consent, rezoning, official plan amendment, plan of subdivision, and/or minor variance, such as, but not limited to, legal counsel costs, professional consultant costs and City staff costs, shall be paid by the Developer.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of two dollars (\$2.00) now paid by the City to the Developer, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. In this Agreement:
 - (a) "application" means the application(s) for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval or minor variance dated _____ with respect to the lands described in Schedule "A" hereto.
 - (b) "Expenses" means all expenses incurred by the City if the application is: (a) approved by the City; (b) appealed to the Local Planning Appeal Tribunal by a party other than the developer; and (c) the City appears before the Local Planning Appeal Tribunal or any other tribunal or Court in support of the application, including but not limited to: City staff time, City staff travel expenses and meals, City disbursements, legal counsel fees and disbursements and all consultant fees and disbursements including, without limiting the generality of the foregoing planning, engineering or other professional expenses
2. The City agrees to process the application and, where the application is approved by the City but appealed to the Local Planning Appeal Tribunal by a party other than the Developer, the Developer shall file an initial deposit, in the form of certified cheque or cash with the General Manager, Finance & Corporate Services within fifteen days of the date of the appeal of the application by a third party in the amount of 50% of the estimated expenses associated with the appeal as estimated by the City Solicitor in his sole discretion which shall be credited against the Expenses.
3. It is hereby acknowledged that if the deposit required pursuant to section 2 of this Agreement is not paid by the Developer the City shall have the option, at its sole discretion, of taking no further steps in supporting the Developer's application before the Local Planning Appeal Tribunal.

4. It is hereby acknowledged that all expenses shall be paid for by the Developer. The Developer shall reimburse the City for all expenses the City may be put to in respect of the application upon demand.
5. It is hereby acknowledged and agreed that all expenses shall be payable by the Developer whether or not the Developer is successful before the Local Planning Appeal Tribunal or any other tribunal or Court in obtaining approval for their application.
6. The City shall provide the Developer with copies of all invoices of external legal counsel or consultants included in the expenses claimed by the City.
7. The City shall provide the Developer with an accounting of all staff costs and City disbursements included in the expenses claimed by the City.
8. The City may, at any time, draw upon the funds deposited in accordance with sections 2 and 9 of this Agreement to satisfy expenses incurred pursuant to the appeal of the application.
9. In the event that the amount deposited pursuant to section 2 of this Agreement is reduced to less than 10% of the initial deposit, the City may halt all work in respect of the appeal of the application until the Developer deposits with the City a sum sufficient to increase the deposit to an amount which is equal to 100% of the expenses estimated pursuant to paragraph 2 of this Agreement and still to be incurred by the City.
10. Within 60 days of: (a) a decision being rendering in respect of the appeal or any legal proceedings resulting from the decision, whichever is later; or (b) the termination of all legal proceedings in respect of the application, the City shall prepare and submit a final account to the Developer. If there are any deposit funds remaining with the City they shall be applied against the account. Any amount owing in respect of the final account in excess of deposit funds shall be paid by the Developer within 30 days of the date of the final account. If any deposit funds are remaining after the final account has been paid they shall be returned to the developer within 30 days of the date of the final account.
11. This Agreement shall not be construed as acceptance of the application and nothing herein shall require or be deemed to require the City to approve the application.
12. This Agreement shall not stand in lieu of or prejudice the rights of the City to require such further and other agreements in respect of the application that the City may deem necessary.
13. Every term, covenant, obligation and condition in this Agreement ensures to the benefit of and is binding upon the parties hereto and their respective heirs, executors, administrators, successors, trustees and assigns.
14. When the context so requires or permits, the singular number is to be read as if the plural were expressed, and the masculine gender as if the feminine, as the case may be, were expressed; and,
15. This Agreement and the schedules hereto constitute the entire agreement between the parties in respect of the subject matter contained herein and is not subject to, or in addition to, any other agreements, warranties or understandings, whether written, oral or implied. This Agreement may not be modified or amended except by instrument in writing signed by the Developer and the City, and,
16. The waiver or acquiescence by the City of any default by the Developer under any obligation to comply with this Agreement shall not be deemed to be a waiver of that obligation or any subsequent or other default under this Agreement.
17. The Developer covenants and agrees to be bound by the terms and conditions of this Agreement and not to seek a release from the provisions thereof until such time as the Developer's obligations hereunder have been assumed by its successor,

assignee or transferee by way of written agreement in the form set out in Schedule "B" to this Agreement.

IN WITNESS WHEREOF the parties hereto have set their corporate seals under the hands of their duly authorized officers.

DATED at _____ this _____ day of _____, 20 ____.

WITNESS

Per:
I have authority to bind the corporation.

WITNESS

Per:
I have authority to bind the corporation

DATED at Hamilton, Ontario this ___ day of _____, 20____.

City of Hamilton

Per: _____
Mayor

Per: _____
Clerk

Schedule "A"
Description of Lands

SCHEDULE "B"
FORM OF ASSUMPTION AGREEMENT

THIS AGREEMENT dated the _____ day of _____ 20 ____ .

BETWEEN

(hereinafter called the "Owner")

OF THE FIRST PART

-and-

(hereinafter called the "Assignee")

OF THE SECOND PART

-and-

CITY OF HAMILTON
(hereinafter called the "Municipality")

OF THE THIRD PART

WHEREAS the owner and the Municipality entered into and executed a Cost Acknowledgement Agreement dated _____.

AND WHEREAS Assignee has indicated that it will assume all of the Owner's duties, liabilities and responsibilities as set out in the Cost Acknowledgement Agreement.

AND WHEREAS Council for the Municipality has consented to releasing the Owner from its duties, liabilities and responsibilities under said Cost Acknowledgement Agreement subject to the Assignee accepting and assuming the Owner's duties, liabilities and responsibilities and subject to the Assignee the Owner and the Municipality entering into and executing an Assumption Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the mutual covenants hereinafter expressed and other good and valuable consideration, the parties hereto agree as follows.

1. The Assignee covenants and agrees to accept, assume and to carry out the Owner's duties, liabilities and responsibilities under the Cost Acknowledgement Agreement and in all respects to be bound under said Cost Acknowledgement Agreement as if the Assignee had been the original party to the agreement in place of the Owner.
2. The Municipality hereby releases the Owner from all claims and demands of any nature whatsoever against the Owner in respect of the Cost Acknowledgement Agreement. The Municipality hereby accepts the Assignee as a party to the Cost Acknowledge Agreement in substitution of the Owner, and agrees with the Assignee that the Assignee will be bound by all the terms and conditions of the Cost Acknowledgement Agreement as if the Assignee had been the original executing party in place of the Owner.
3. All of the terms, covenants, provisos and stipulations in the said Cost Acknowledgement Agreement are hereby confirmed in full force save and except for such modifications as are necessary to make said clauses applicable to the Assignee.

IN WITNESS WHEREOF the Parties have hereunto affixed their corporate seals duly attested to by their proper signing officers in that behalf.

SIGNED, SEALED AND DELIVERED

 _____ c/s

Owner: ✓
Title:
I have authority to bind the corporation

_____ c/s

Assignee:
Title:
I have authority to bind the corporation

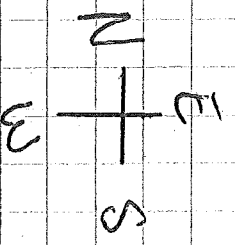
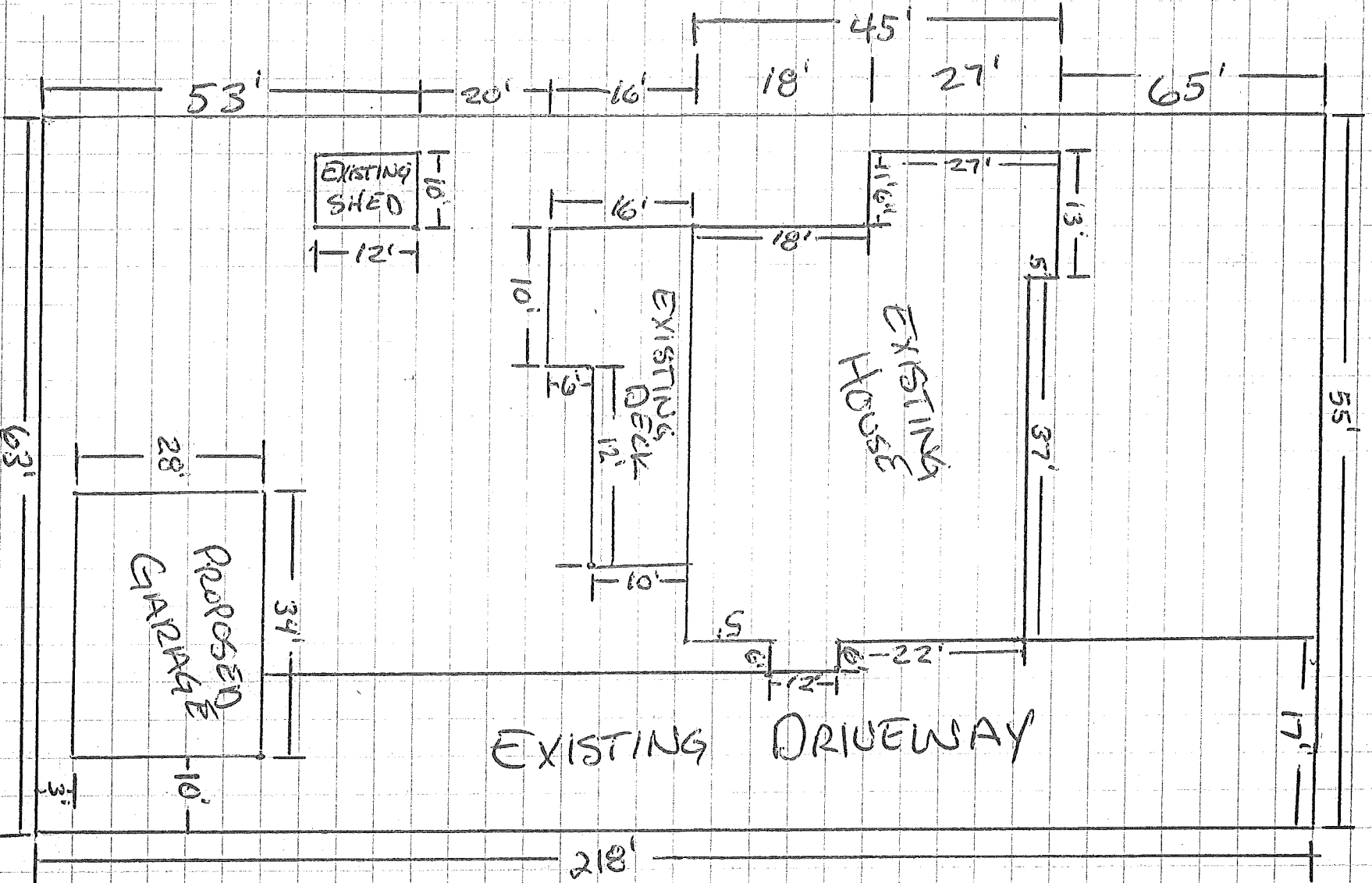
CITY OF HAMILTON

Mayor

Clerk

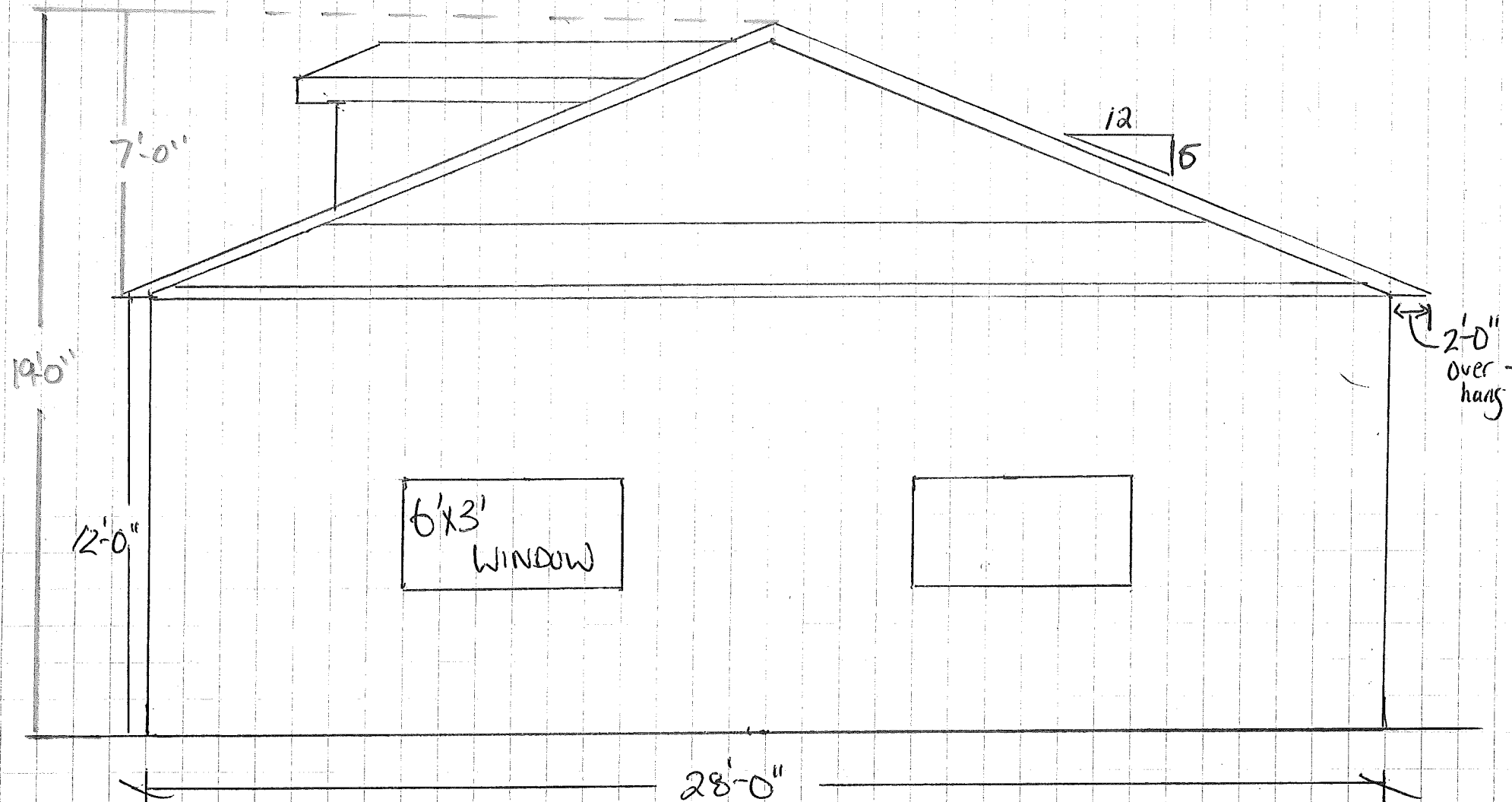
ROAD

73 PINELANDS AVE
STONEY CREEK, ON
L&E 3A8



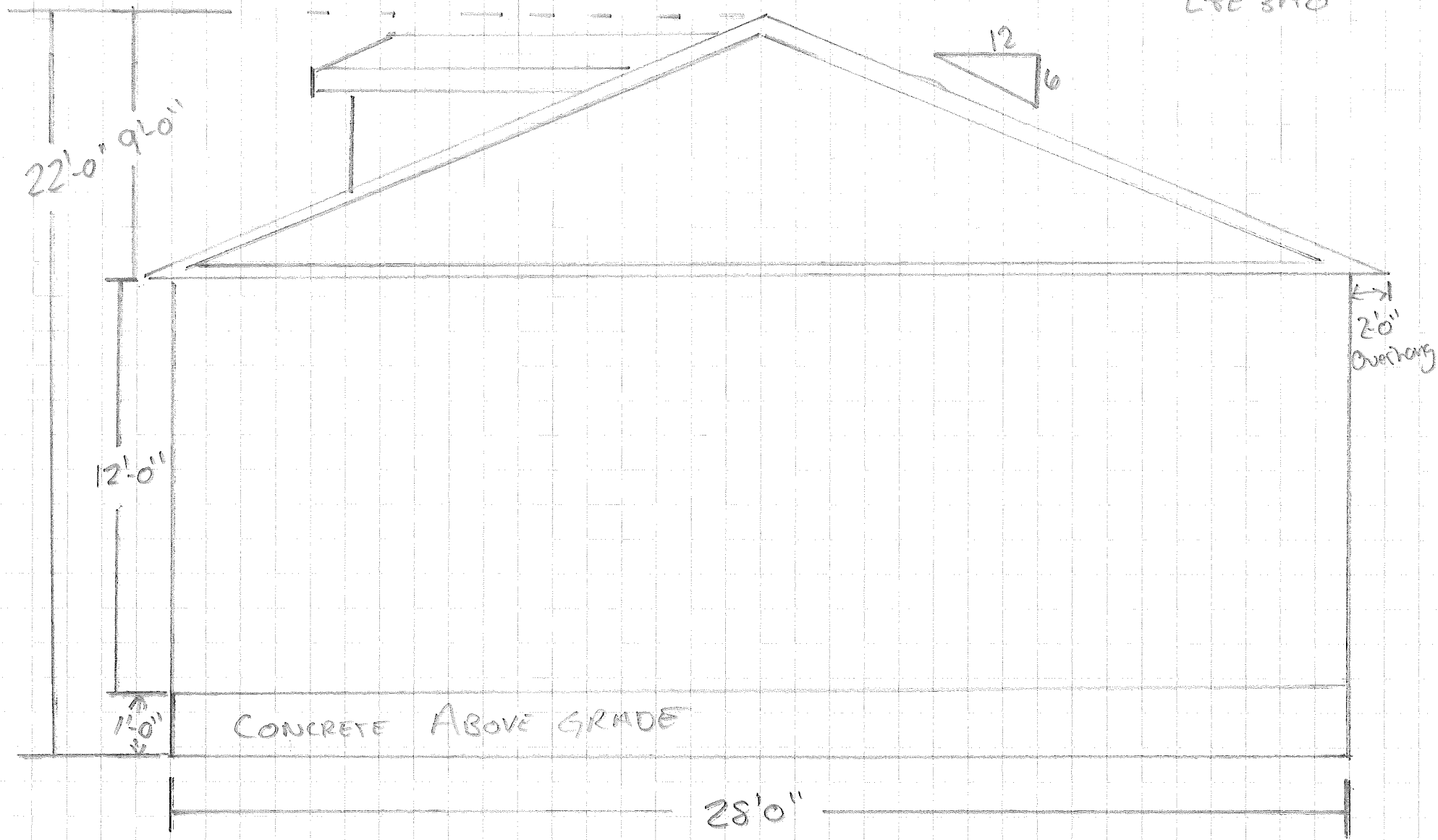
Previous

NORTH SIDE ELEVATION
73 PINELANDS AVE
STONEY CREEK, ON
LSE 3A8



PROPOSED NORTH SIDE ELEVATION

73 PINELANDS AVE
STONE CREEK ON
LSE 3A8





Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221 Fax (905) 546-4202

E-mail: morgan.evans@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
 - Applicant/agent on file, or
 - Person likely to be interested in this application
-

APPLICATION NO.: SC/A-20:59

APPLICANTS: Agent SMPL Design Studio on behalf of the owners Lacey VanDerMarel and Jason Rhodes

SUBJECT PROPERTY: Municipal address **111 Teal Avenue (Stoney Creek) City of Hamilton**

ZONING BY-LAW: Zoning By-law 3692-92, as Amended

ZONING: "R2" (Single Residential) district

PROPOSAL: To permit the construction of a new two-storey single detached dwelling notwithstanding that:

1. A minimum front yard of 4.1m shall be provided instead of the minimum required 6.0m front yard setback.
2. A roofed-over unenclosed front porch shall project 3.0m into the required front yard instead of the maximum permitted projection of 1.5m.
3. A minimum southerly side yard of 1.0m shall be provided instead of the minimum required 1.25m side yard setback.

NOTES:

- i. In the event variance #1 and #2 are granted, the roofed-over unenclosed front porch will be permitted to project 3.0m into the 4.1m required front yard setback, therefore may be as close as 1.1m from the front lot line. The location of the front porch is unclear on the submitted site plan in order to confirm zoning compliance therefore variances have been written as requested by the applicant.
- ii. Please be advised that a maximum building height of 11.0m is permitted. Insufficient information has been provided to determine zoning compliance. As such, further variances may be required if compliance with this provision cannot be achieved.

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

DATE: Thursday, July 9th, 2020

TIME: 1:30 p.m.

PLACE: Via video link or call in (see attached sheet for details)

**To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only**

SC/A-20:59

Page 2

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: June 23rd, 2020.

Original Signed

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.



Hamilton

Planning and Economic Development Department
Planning Division

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

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

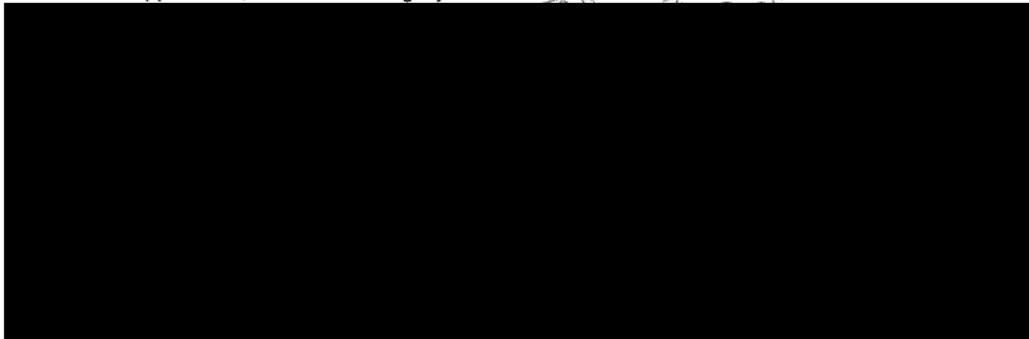
FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.



Note: Unless otherwise requested all communications will be sent to the agent, if any.

5. Names and addresses of any mortgagees, holders of charges or other encumbrances:

Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:
FRONT YARD SETBACK - REQUIRED = 6m ; PROPOSED = 4.15m
FRONT PORCH ENCROACHMENT - ALLOWABLE = 1.5m ; PROPOSED = 3 m

7. Why it is not possible to comply with the provisions of the By-law?
EXISTING LOT OF RECORD WITH LIMITED DEPTH AND REQUIRED
SETBACKS FROM THE OPEN WATER AT THE REAR OF THE PROPERTY AND
THE DESIRE TO HAVE A USEABLE BACK YARD

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
LOT 61 AND PART OF LOT 62 - REGISTERED PLAN 647A - CITY OF HAMILTON
111 TEAL AVENUE, STONEY CREEK

9. PREVIOUS USE OF PROPERTY
 Residential Industrial _____ Commercial _____
 Agricultural _____ Vacant _____
 Other _____
- 9.1 If Industrial or Commercial, specify use

- 9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
 Yes _____ No Unknown _____
- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes _____ No Unknown _____
- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes _____ No Unknown _____
- 9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes _____ No Unknown _____
- 9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
 Yes _____ No Unknown _____
- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?
 Yes _____ No Unknown _____
- 9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes _____ No Unknown _____
- 9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
 Yes _____ No Unknown _____

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes ___ No Unknown ___

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

OWNER HISTORY AND AIR PHOTOS


9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.


Is the previous use inventory attached? Yes ___ No ___

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

x Feb. 10, 2020.
Date


Signature Property Owner


Print Name of Owner

10. Dimensions of lands affected:

Frontage 18.29m
Depth 51.82m (IRREGULAR)
Area 1107.37m²
Width of street _____

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: _____
1 STOREY STUCCO DWELLING
APPROX 85m²

Proposed: _____
2 STOREY SINGLE FAMILY DWELLING
APPROX. 170m²

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing: _____
FRONT YARD = 3.6m
REAR YARD = 36.6m
SIDE YARDS = 6.6m / 4.2m

Proposed: _____
FRONT YARD = 4.155m
REAR YARD = 46.10m
SIDE YARDS = 1.25m / 1m

13. Date of acquisition of subject lands:
JUNE 2013
14. Date of construction of all buildings and structures on subject lands:
1960'S
15. Existing uses of the subject property: _____
RESIDENTIAL - SINGLE FAMILY
16. Existing uses of abutting properties: _____
RESIDENTIAL - SINGLE FAMILY
17. Length of time the existing uses of the subject property have continued:
60+ years
18. Municipal services available: (check the appropriate space or spaces)
 Water X _____ Connected X _____
 Sanitary Sewer X _____ Connected X _____
 Storm Sewers X _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
NEIGHBOURHOODS
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
R2 (STONE CREEK)
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.

22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.

PART 24 AFFIDAVIT OR SWORN DECLARATION

This declaration to be sworn by a Commissioner of Oaths.

[Redacted] of the City of Burlington in the Province of Ontario

solemnly declare that:

All of the above statements are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the
at the City of Hamilton
in the Province
of Ontario
this 12th day of February, A.D. 2020

[Redacted]
Applicant

KATRINA JAMILA SHEFFIELD,
A Commissioner, etc., Province of Ontario, for the City of Hamilton.
Expires [Redacted]

PART 25 OWNERS AUTHORIZATION

As of the date of this application, I (NAME) X [Redacted] registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize: LINDSEY BRUCE AND/OR JOEL TANNER of SMPL DESIGN STUDIO

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE X Feb. 10 2020. SIGNED [Redacted]

PART 26 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.
Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

[Redacted], hereby agree and acknowledge
(Print name of Owner)
that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

X Feb. 10 2020.
Date [Redacted]
Signature of Owner [Redacted]

PART 27 PERMISSION TO ENTER

Date: X Feb. 10 2020.

Secretary/Treasurer
Committee of Adjustment
City of Hamilton,
City Hall

Dear Secretary/Treasurer;

Re: Application to Committee of Adjustment

Location of Land: 111 TEAL AVENUE, STONEY CREEK
(Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited purposes of evaluating the merits of this application.

[Redacted Signature]

[Redacted Name and Title]

Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee's policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.

PART 28 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1284.

CITY OF HAMILTON
COST ACKNOWLEDGEMENT AGREEMENT

This Agreement made this _____ day of _____, 20_____.

BETWEEN:

Applicant's name(s)
hereinafter referred to as the "Developer"

-and-

City of Hamilton
hereinafter referred to as the "City"

WHEREAS the Developer represents that he/she is the registered owner of the lands described in Schedule "A" attached hereto, and which lands are hereinafter referred to as the "lands";

AND WHEREAS the Developer has filed for an application for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval/minor variance.

AND WHEREAS it is a policy of the City that any City costs associated with an appeal to the Local Planning Appeal Tribunal, by a party other than the Developer, of an approval of a consent, rezoning, official plan amendment, plan of subdivision, and/or minor variance, such as, but not limited to, legal counsel costs, professional consultant costs and City staff costs, shall be paid by the Developer.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of two dollars (\$2.00) now paid by the City to the Developer, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. In this Agreement:
 - (a) "application" means the application(s) for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval or minor variance dated _____ with respect to the lands described in Schedule "A" hereto.
 - (b) "Expenses" means all expenses incurred by the City if the application is: (a) approved by the City; (b) appealed to the Local Planning Appeal Tribunal by a party other than the developer; and (c) the City appears before the Local Planning Appeal Tribunal or any other tribunal or Court in support of the application, including but not limited to: City staff time, City staff travel expenses and meals, City disbursements, legal counsel fees and disbursements and all consultant fees and disbursements including, without limiting the generality of the foregoing planning, engineering or other professional expenses
2. The City agrees to process the application and, where the application is approved by the City but appealed to the Local Planning Appeal Tribunal by a party other than the Developer, the Developer shall file an initial deposit, in the form of certified cheque or cash with the General Manager, Finance & Corporate Services within fifteen days of the date of the appeal of the application by a third party in the amount of 50% of the estimated expenses associated with the appeal as estimated by the City Solicitor in his sole discretion which shall be credited against the Expenses.
3. It is hereby acknowledged that if the deposit required pursuant to section 2 of this Agreement is not paid by the Developer the City shall have the option, at its sole discretion, of taking no further steps in supporting the Developer's application before the Local Planning Appeal Tribunal.

4. It is hereby acknowledged that all expenses shall be paid for by the Developer. The Developer shall reimburse the City for all expenses the City may be put to in respect of the application upon demand.
5. It is hereby acknowledged and agreed that all expenses shall be payable by the Developer whether or not the Developer is successful before the Local Planning Appeal Tribunal or any other tribunal or Court in obtaining approval for their application.
6. The City shall provide the Developer with copies of all invoices of external legal counsel or consultants included in the expenses claimed by the City.
7. The City shall provide the Developer with an accounting of all staff costs and City disbursements included in the expenses claimed by the City.
8. The City may, at any time, draw upon the funds deposited in accordance with sections 2 and 9 of this Agreement to satisfy expenses incurred pursuant to the appeal of the application.
9. In the event that the amount deposited pursuant to section 2 of this Agreement is reduced to less than 10% of the initial deposit, the City may halt all work in respect of the appeal of the application until the Developer deposits with the City a sum sufficient to increase the deposit to an amount which is equal to 100% of the expenses estimated pursuant to paragraph 2 of this Agreement and still to be incurred by the City.
10. Within 60 days of: (a) a decision being rendered in respect of the appeal or any legal proceedings resulting from the decision, whichever is later; or (b) the termination of all legal proceedings in respect of the application, the City shall prepare and submit a final account to the Developer. If there are any deposit funds remaining with the City they shall be applied against the account. Any amount owing in respect of the final account in excess of deposit funds shall be paid by the Developer within 30 days of the date of the final account. If any deposit funds are remaining after the final account has been paid they shall be returned to the developer within 30 days of the date of the final account.
11. This Agreement shall not be construed as acceptance of the application and nothing herein shall require or be deemed to require the City to approve the application.
12. This Agreement shall not stand in lieu of or prejudice the rights of the City to require such further and other agreements in respect of the application that the City may deem necessary.
13. Every term, covenant, obligation and condition in this Agreement ensures to the benefit of and is binding upon the parties hereto and their respective heirs, executors, administrators, successors, trustees and assigns.
14. When the context so requires or permits, the singular number is to be read as if the plural were expressed, and the masculine gender as if the feminine, as the case may be, were expressed; and,
15. This Agreement and the schedules hereto constitute the entire agreement between the parties in respect of the subject matter contained herein and is not subject to, or in addition to, any other agreements, warranties or understandings, whether written, oral or implied. This Agreement may not be modified or amended except by instrument in writing signed by the Developer and the City, and,
16. The waiver or acquiescence by the City of any default by the Developer under any obligation to comply with this Agreement shall not be deemed to be a waiver of that obligation or any subsequent or other default under this Agreement.
17. The Developer covenants and agrees to be bound by the terms and conditions of this Agreement and not to seek a release from the provisions thereof until such time as the Developer's obligations hereunder have been assumed by its successor,

assignee or transferee by way of written agreement in the form set out in Schedule "B" to this Agreement.

IN WITNESS WHEREOF the parties hereto have set their corporate seals under the hands of their duly authorized officers.

DATED at _____ this _____ day of _____, 20 ____.

WITNESS

Per:
I have authority to bind the corporation.

WITNESS

Per:
I have authority to bind the corporation

DATED at Hamilton, Ontario this ____ day of _____, 20 ____.

City of Hamilton

Per: _____
Mayor

Per: _____
Clerk

Schedule "A"
Description of Lands

SCHEDULE "B"
FORM OF ASSUMPTION AGREEMENT

THIS AGREEMENT dated the _____ day of _____ 20 ____ .

BETWEEN

(hereinafter called the "Owner")

OF THE FIRST PART

-and-



(hereinafter called the "Assignee")

-and-

OF THE SECOND PART

CITY OF HAMILTON
(hereinafter called the "Municipality")

OF THE THIRD PART

WHEREAS the owner and the Municipality entered into and executed a Cost Acknowledgement Agreement dated _____.

AND WHEREAS Assignee has indicated that it will assume all of the Owner's duties, liabilities and responsibilities as set out in the Cost Acknowledgement Agreement.

AND WHEREAS Council for the Municipality has consented to releasing the Owner from its duties, liabilities and responsibilities under said Cost Acknowledgement Agreement subject to the Assignee accepting and assuming the Owner's duties, liabilities and responsibilities and subject to the Assignee the Owner and the Municipality entering into and executing an Assumption Agreement.


NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the mutual covenants hereinafter expressed and other good and valuable consideration, the parties hereto agree as follows.

1. The Assignee covenants and agrees to accept, assume and to carry out the Owner's duties, liabilities and responsibilities under the Cost Acknowledgement Agreement and in all respects to be bound under said Cost Acknowledgement Agreement as if the Assignee had been the original party to the agreement in place of the Owner.
2. The Municipality hereby releases the Owner from all claims and demands of any nature whatsoever against the Owner in respect of the Cost Acknowledgement Agreement. The Municipality hereby accepts the Assignee as a party to the Cost Acknowledgement Agreement in substitution of the Owner, and agrees with the Assignee that the Assignee will be bound by all the terms and conditions of the Cost Acknowledgement Agreement as if the Assignee had been the original executing party in place of the Owner.
3. All of the terms, covenants, provisos and stipulations in the said Cost Acknowledgement Agreement are hereby confirmed in full force save and except for such modifications as are necessary to make said clauses applicable to the Assignee.

IN WITNESS WHEREOF the Parties have hereunto affixed their corporate seals duly attested to by their proper signing officers in that behalf.

SIGNED, SEALED AND DELIVERED

Owner: c/s
Title:
I have authority to bind the corporation

_____
c/s
Title:
I have authority to bind the corporation

CITY OF HAMILTON

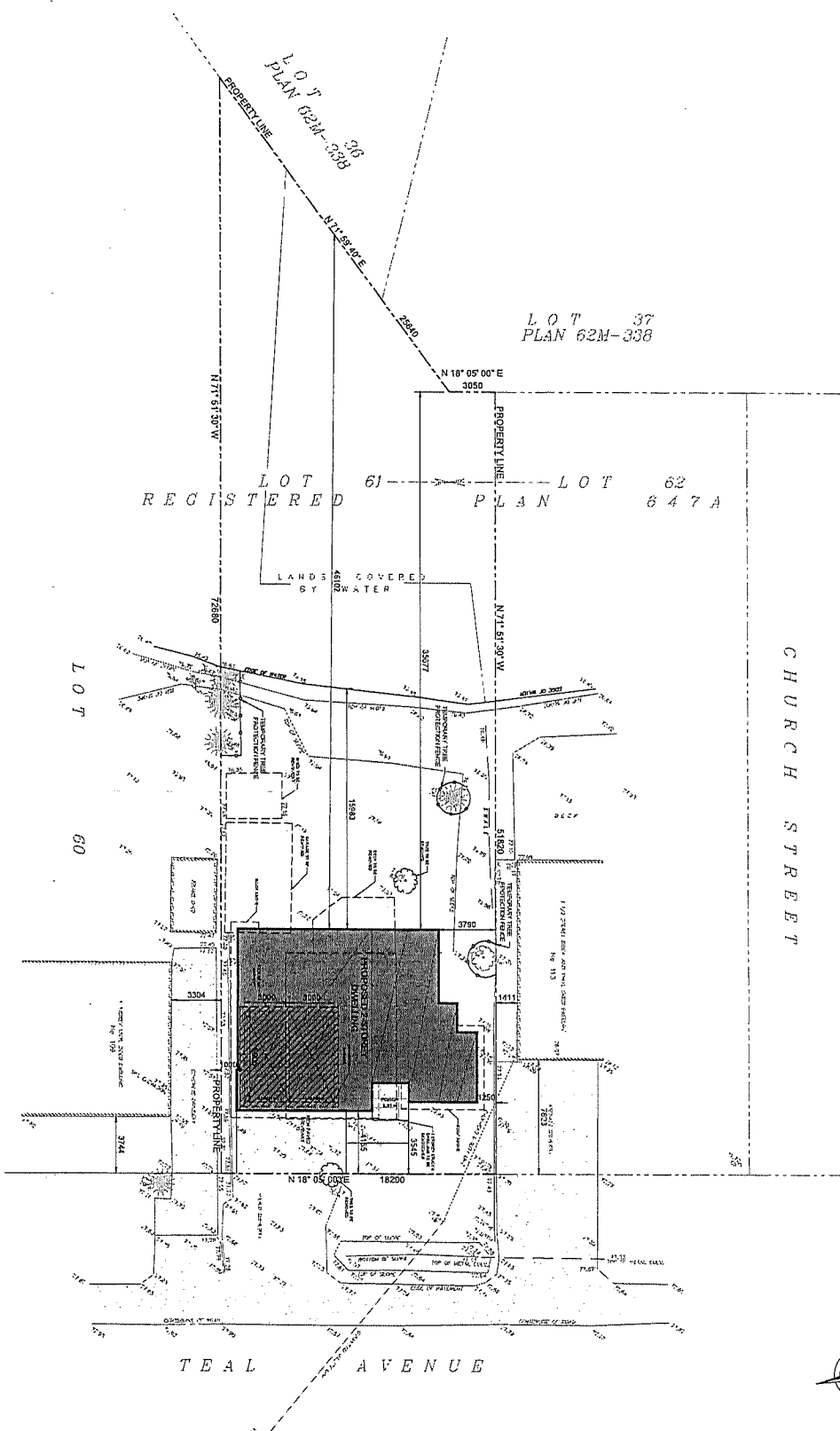
Mayor

Clerk

LOT STATISTICS	
111 Teal Avenue, Stoney Creek	
Zoned R2 (Stoney Creek 3892-92)	
Lot Area 1107.37m ²	
Front Yard: Required: 6m, Proposed: 4.15 (VARIANCE)	
Rear Yard: Required: 7.5m, Proposed: 15.99m (OK)	
Side Yards: Required: 1m / 1.25m (with attached garage), Proposed: 1m / 1.25m (OK)	
Eave Encroachments (Side Yard): Allowable: 0.5m, Proposed: 0.5m (OK)	
Parking Spaced: Required: 2, Proposed: 2 (OK)	
Lot Coverage: Allowable: 40% (442.94m ²); Proposed: 15.23% (169.27 m ²) (OK)	

	NEW ADDITION
	EXISTING
	PORCH/PATIO
	DRIVEWAY
	DECK

NOTE:
ALL DIMENSIONS SHOWN
IN MILLIMETERS UNLESS
NOTED OTHERWISE



SP1.01

Proposed Site Plan

Scale 1:200

sc/A 20:59
SK/LL 2

111 Teal Ave
Stoney Creek, Ontario

Drawing Submittal:	Date	Type
Jan. 09, 2000	Construction Site Plan	Concept
Feb. 03, 2000	Construction Site Plan	Major Variance
Feb. 12, 2000		

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Architectural Design Services
www.smpldesignstudio.com

DO NOT SCALE DRAWINGS
Note: Contractor to check all dimensions, materials, etc. and shall be responsible for any discrepancies. The contractor shall be responsible for any discrepancies. The contractor shall be responsible for any discrepancies. The contractor shall be responsible for any discrepancies.

Reviewed By	JT
Drawn By	SS, MA
Plot Date	
Page	SP1.01
Site Plan	

LOT STATISTICS

111 Teal Avenue, Stoney Creek
Zoned R2 (Stoney Creek 3692-92)
Lot Area: 1107.37m²

Front Yard: Required: 6m; Proposed: 4.15 (VARIANCE)
Rear Yard: Required: 7.5m; Proposed: 15.98m (OK)
Side Yards: Required 1m / 1.25m (with attached garage); Proposed: 1m / 125m (OK)
Eave Encroachments (Side Yard): Allowable: 0.5m; Proposed: 0.5m (OK)
Parking Spaced: Required: 2; Proposed: 2 (OK)
Lot Coverage: Allowable: 40% (442.94m²); Proposed: 15.29% (169.27 m²) (OK)

NEW ADDITION

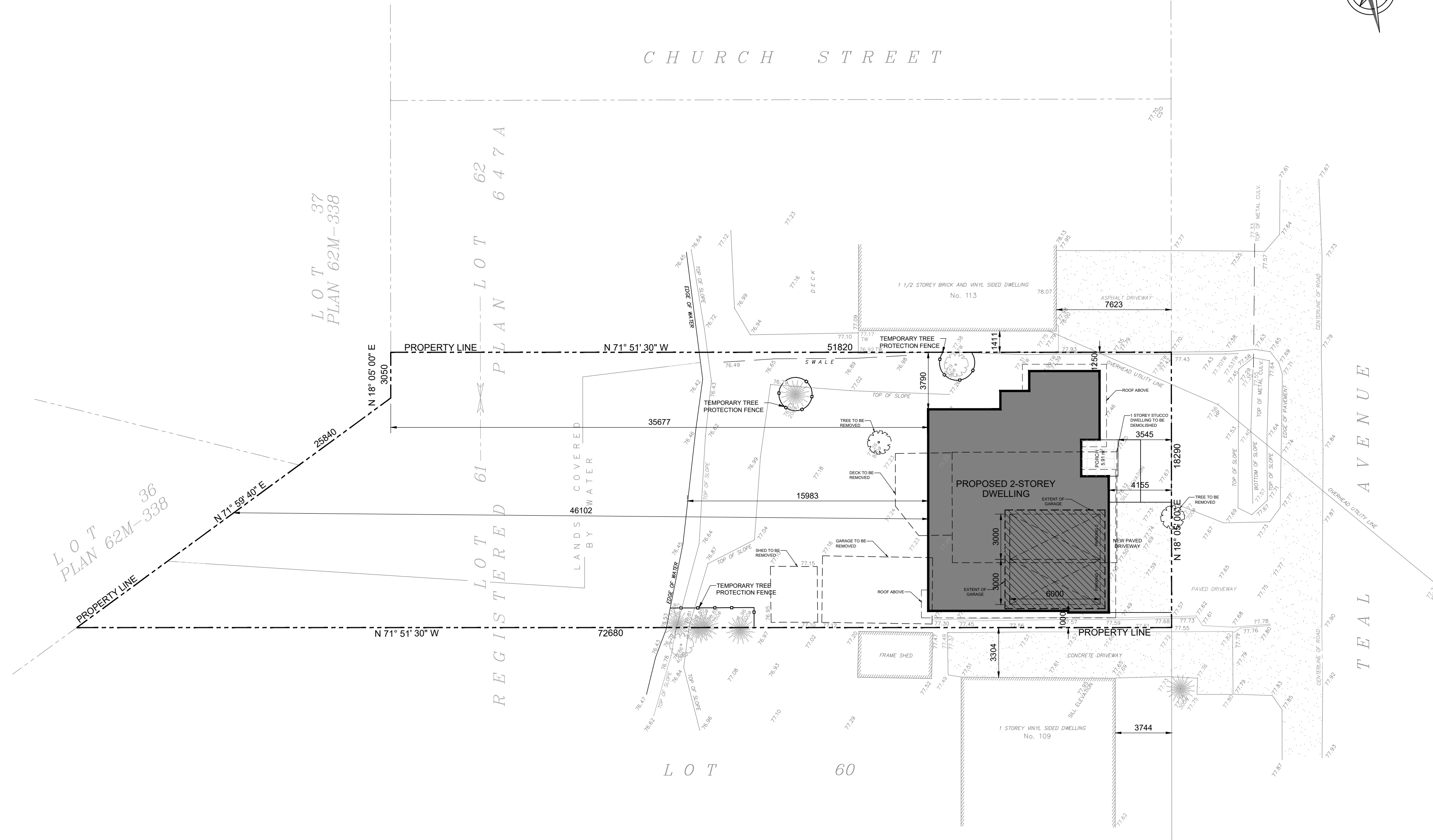
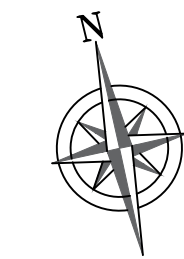
EXISTING

PORCH/ PATIO

DRIVEWAY

DECK

NOTE:
ALL DIMENSIONS SHOWN
IN MILLIMETERS UNLESS
NOTED OTHERWISE



DO NOT SCALE DRAWINGS

Note:

- Contractor to check all dimensions, specifications, ect on site and shall be responsible for reporting any discrepancy to the engineer and/ or designer.
- These plans are to remain and the property of the designer and must be returned upon request. These plans must not be used in any other location without the written approval of the designer.
- All works to be in accordance with the Ontario Building Code.

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Drawing Submissions:

Date:	Type:
Jan, 09, 2020	Conservation site plan
Feb, 10, 2020	Concepts
Feb, 12, 2020	Minor Variance

111 Teal Ave
Stoney Creek, Ontario

Reviewed By JT
Drawn By SS, HA
Plot Date

Page
SP1.01

Site Plan



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221 Fax (905) 546-4202

E-mail: morgan.evans@hamilton.ca

NOTICE OF PUBLIC HEARING Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
 - Applicant/agent on file, or
 - Person likely to be interested in this application
-

APPLICATION NO.: SC/A-20:65

APPLICANTS: Schilstra Builders Inc. on behalf of the owner Milian Petko

SUBJECT PROPERTY: Municipal address 1091 Hwy #8 (Stoney Creek) City of Hamilton

ZONING BY-LAW: Zoning By-law 3692-92, as Amended

ZONING: "RC-2(T) & AS-10(T) (Agricultural Specialty & Rural Commercial) district

PROPOSAL: To to permit the expansion of the existing legal non-conforming single detached dwelling by constructing a new 10.79m x 9.14m addition in the rear yard notwithstanding that:

1. The use of a single detached dwelling is not permitted.
2. A side yard setback of 4.0m shall be provided instead of the minimum required 10.0m side yard.

NOTES:

- i. This property is zoned RC-2(T) and AS-10(T). The existing dwelling as well as the proposed addition appears to be located entirely within the portion of the property zoned RC-2(T).

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

DATE: Thursday, July 9th, 2020
TIME: 1:35 p.m.
PLACE: Via video link or call in (see attached sheet for details)
To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

SC/A-20:65

Page 2

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: June 23rd, 2020.

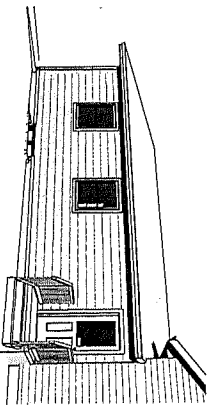
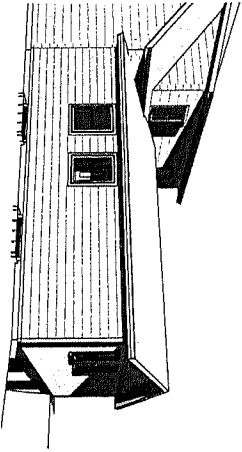
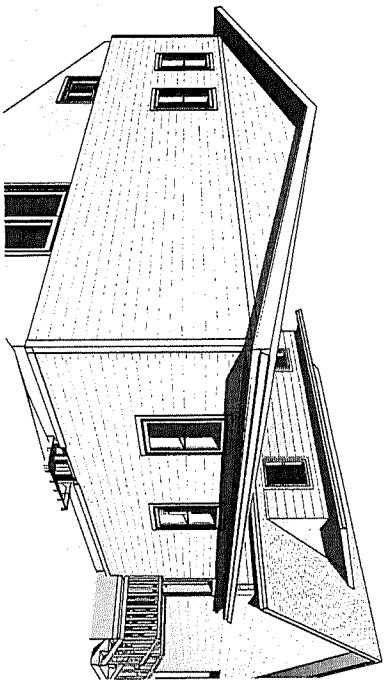
Original Signed

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.

MILAN PETKO HOME ADDITION

1091 HWY 8,
STONEY CREEK



GENERAL NOTES:

1. THE PERIOD AND EXTENT OF THE INVESTIGATION FOR THE PREPARATION OF THIS REPORT IS LIMITED TO THE INFORMATION PROVIDED BY THE CLIENT AND THE FIELD NOTES OF THE INVESTIGATOR. ALL OCCURRENCES ARE TO BE INTERPRETED AT THE DISCRETION OF THE INVESTIGATOR AND ARE NOT TO BE CONSIDERED AS A GUARANTEE OF THE ACCURACY OF THE REPORT. THE INVESTIGATOR IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT OR THE FIELD NOTES OF THE INVESTIGATOR.

2. THE INVESTIGATOR HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND HAS OBSERVED THE EXISTING CONDITIONS. THE INVESTIGATOR HAS NOT CONDUCTED ANY TESTS OR ANALYSES OF THE PROPERTY OR THE MATERIALS FOUND THEREON. THE INVESTIGATOR IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT OR THE FIELD NOTES OF THE INVESTIGATOR.

3. THE INVESTIGATOR HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND HAS OBSERVED THE EXISTING CONDITIONS. THE INVESTIGATOR HAS NOT CONDUCTED ANY TESTS OR ANALYSES OF THE PROPERTY OR THE MATERIALS FOUND THEREON. THE INVESTIGATOR IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT OR THE FIELD NOTES OF THE INVESTIGATOR.

PROJECT NAME:
HOME ADDITION

CLIENT NAME:
MILAN PETKO

LOCATION:
1091 HWY 8,
STONEY CREEK

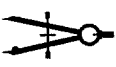
NO.	DESCRIPTION	DATE
1	PROJECT START	2014-01-07
2	PROJECT END	2014-01-17
3	PROJECT TOTAL	10

TITLE PAGE

ISSUE DATE:
2014-01-07 11:04:17 AM

PREPARED BY:
BRIANNA BODORKOS

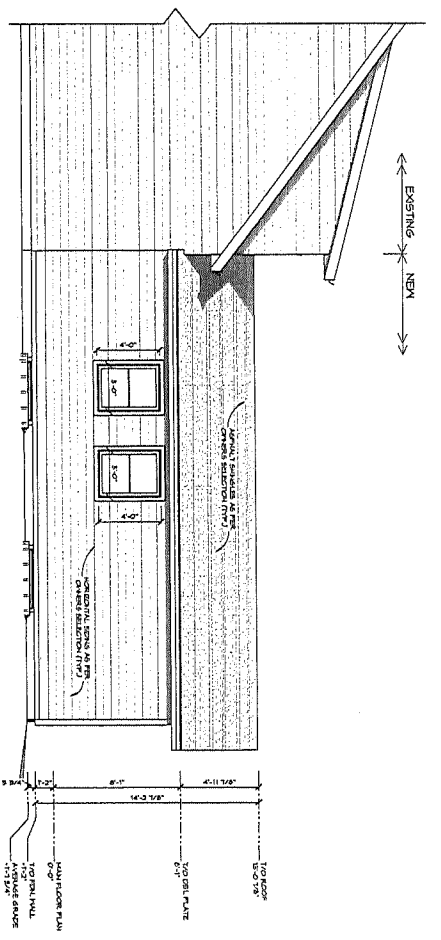
CHECKED BY:
[Signature]



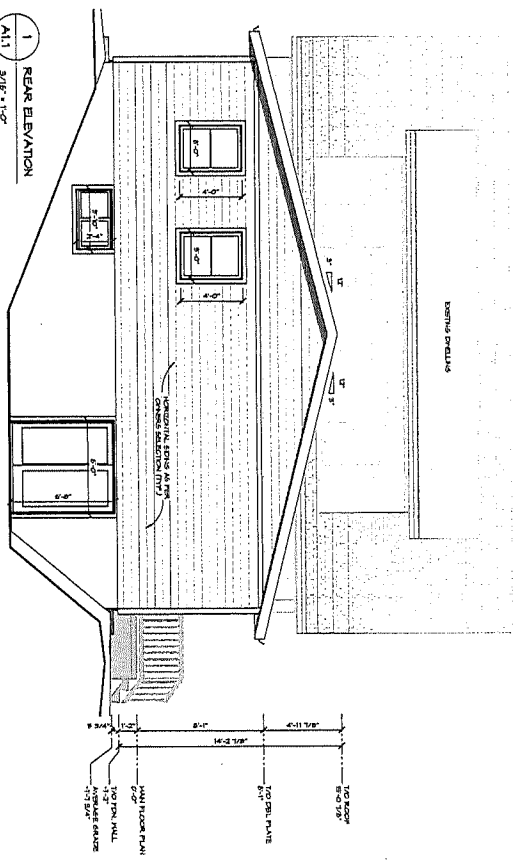
SCALE:
1" = 10'-0"

DATE:
2014-01-07

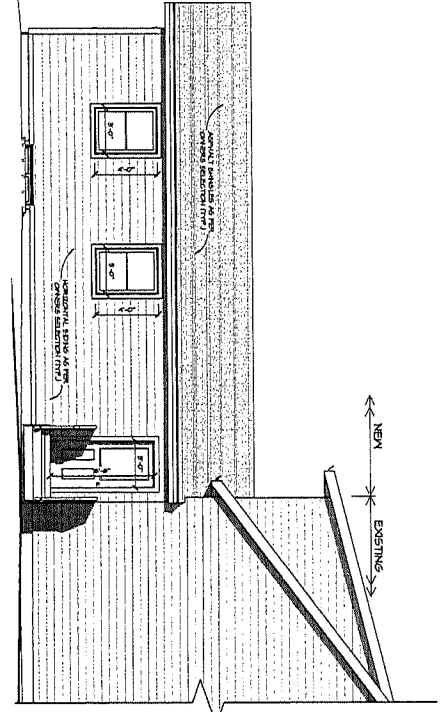
Sel A-30:65
Stalen (1)



2 LEFT ELEVATION
A1.1 3/16" = 1'-0"



1 REAR ELEVATION
A1.1 3/16" = 1'-0"



3 RIGHT ELEVATION
A1.1 3/16" = 1'-0"

GENERAL ELEVATION NOTES:

1. CONTRACTOR TO VERIFY ALL DIMENSIONS AND FINISHES OF SITE.
2. ALL FINISHES TO BE AS SHOWN UNLESS OTHERWISE NOTED.
3. ALL EXTERIOR WINDOWS, ENTRY, DOORS, AND SILLINGS TO BE CONFORMED TO STROKE CODES.
4. ALL EXTERIOR SURFACES TO BE CONFORMED TO STROKE CODES.
5. PROVIDE 1/2" AND WHITE PLYWOOD OVER EXISTING ROOFING TO BE CONFORMED TO STROKE CODES.
6. ALL ROOFING TO BE CONFORMED TO STROKE CODES.
7. ALL ROOFING TO BE CONFORMED TO STROKE CODES.
8. ALL ROOFING TO BE CONFORMED TO STROKE CODES.
9. ALL ROOFING TO BE CONFORMED TO STROKE CODES.
10. ALL ROOFING TO BE CONFORMED TO STROKE CODES.

GENERAL NOTES:

THESE DOCUMENTS ARE NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. ALL RIGHTS ARE RESERVED. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THESE DOCUMENTS. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHERS. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHERS. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHERS.

PROJECT NAME:
HOME ADDITION

CLIENT NAME:
MILAN PETKO

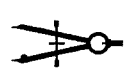
LOCATION:
1041 HWY 8,
STONEY CREEK

DATE:
2019-01-07 11:04:19 AM

DESIGNED BY:
BRIANNA BODORKOS

DRAWN BY:
A1.1

SCALE:
As Indicated



PROJECT:
HOME ADDITION

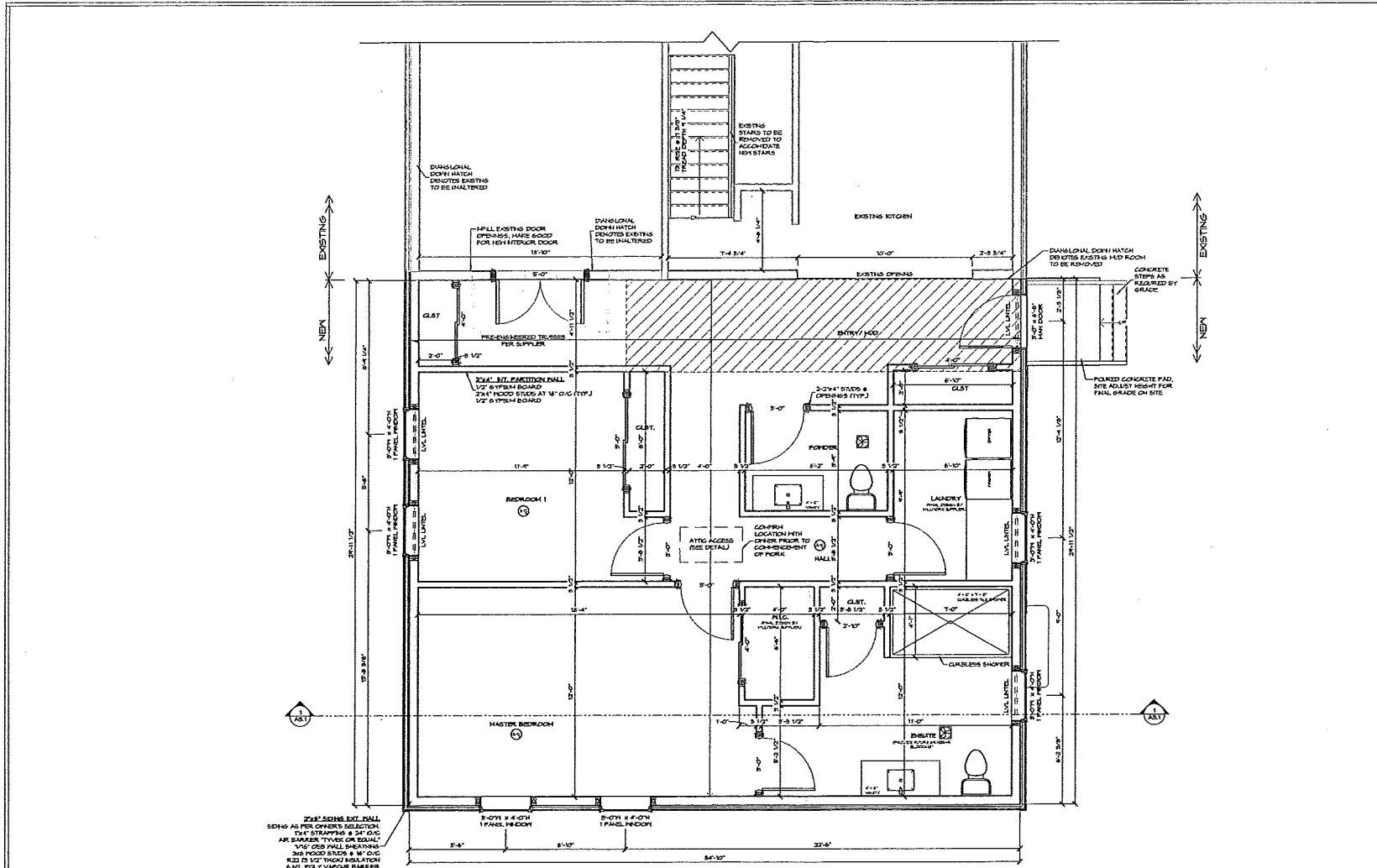
DATE:
2019-01-07 11:04:19 AM

DESIGNED BY:
BRIANNA BODORKOS

DRAWN BY:
A1.1

SCALE:
As Indicated

SC/A-20:65
Sketch(2)



1 MAIN FLOOR PLAN
A2.2 1/4" = 1'-0"

ZONE 1 SB-12 COMPLIANCE PACKAGE A1 AS PER O.B.C. TABLE 3.1.1.2(A)(F)

- CEILINGS WITH ATTIC SPACE - MIN. R10
- CEILINGS WITHOUT ATTIC SPACE - MIN. R51
- EXPOSED FLOOR - MIN. R51
- WALLS ABOVE GRADE - MIN. R22
- BASEMENT WALLS - MIN. R20 G1
- EDGES OF BELOW GRADE SLAB - 600 MM BELOW GRADE MIN. R10
- HEATED SLAB OR SLAB - 600MM BELOW GRADE MIN. R10
- WINDOWS & SLIDING GLASS DOORS - MAX. 0.25 U25 ENERGY RATINGS
- SKYLIGHTS - MAX. 0.4 U25
- SPACE HEATING EQUIPMENT MIN. 95% AFUE
- HRV EFFICIENCY MIN. 75% SRE
- DOMESTIC HOT WATER HEATER - MIN. 0.80 EF

G1- CONTINUOUS INSULATION IN THE CASE OF BASEMENT WALL ASSEMBLIES, WHERE R20 G1 IS REQUIRED R12 1/2 G1 IS PERMITTED TO BE USED OR VICE VERSA, OR WHERE R15 + 3/8 G1 IS REQUIRED R15 G1 IS PERMITTED TO BE USED OR VICE VERSA.

GENERAL NOTES:

1. USE SUPPLIER DIMENSIONS DATA FOR ALL PRE-ENGINEERED FLOOR, HEADERS, BEAMS, COLUMNS, AND WOOD FR.
2. ALL WINDOW AND DOOR UNITS SHALL BE 1/2" GRADE 2-2x10" UNLESS NOTED OTHERWISE ON THESE PLANS.
3. ROOF SUPPLIER TO PROVIDE UNITS SUPPORT CORROSIONS WHERE ROOF TRUSS SPANS EXCEED 15M (50'-0") UNLESS NOTED OTHERWISE ON THESE PLANS.
4. ALL EXTERIOR CONCRETE TO BE MIN. 30 MPa WITH 50-50% AIR ENTRAINMENT.
5. ALL INTERIOR & EXTERIOR STAIRS TO CONFORM WITH O.B.C. ALL AND HAVE A MINIMUM HEADROOM OF 1950 MM (6'-5") WITH 1000 MM CLEARANCE.
6. ALL INTERIORS AND EXTERIORS TO BE INSTALLED AS PER O.B.C. ALL AND CONFORM WITH O.B.C. ALL. TWO ANCHORS ARE TO BE INSTALLED ON ALL STAIRS OVER 500 MM.

SYMBOL LEGEND:

- ☉ INTERCONNECTED SMOKE ALARM & CO2 DETECTOR, SMOKE ALARMS TO HAVE A 1 DAY BATTERY BACKUP (150 MIN)
- ☒ RAINSHOOD WITH EXHAUST FAN TO OUTSIDE
- ☒ EXHAUST FAN TO OUTSIDE

GENERAL NOTES:

THESE DOCUMENTS ARE NOT TO BE SCALED.

THE DESIGN AND DOCUMENTS REMAIN THE PROPERTY OF "J.V. HOME DESIGN" AND ARE PROTECTED BY LAW. THEY MAY NOT BE ALTERED, REPRODUCED, COPIED, OR REPRODUCED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF THE DESIGNER AND "J.V. HOME DESIGN". ALL DOCUMENTS ARE TO BE RETURNED AT THE COMPLETION OF WORK.

CONTRACTOR TO SITE VERIFY ANY AND ALL DETAILS AND CONDITIONS AND REPORT ANY AND ALL DISCREPANCIES TO THE DESIGNER BEFORE COMMENCING WITH THAT RELATED PORTION OF THE WORK.

ONLY SHARED SEALED AND STAMPED DOCUMENTS ARE TO BE USED FOR THE CONSTRUCTION PURPOSES.

ANY DEVIATIONS FROM THESE PLANS AND DETAILS SHALL BE MADE BY THE CONTRACTOR AND APPROVED BY THE BUILDING DEPARTMENT.

ALL CONSTRUCTION MATERIALS SHALL CONFORM TO THE LATEST EDITION OF THE CANADIAN BUILDING CODES UNLESS OTHERWISE SPECIFIED OR OTHERWISE NOTED BY THE DESIGNER.

ALL DIMENSIONS ARE IMPERIAL UNLESS OTHERWISE NOTED.

PROJECT NAME:
HOME ADDITION

CLIENT NAME:
MILAN PETKO

LOCATION:
1091 HWY B,
STONE CREEK

NO.	DESCRIPTION	DATE
1.	ISSUED FOR CLIENT REVIEW	2019-01-07
2.	REVISE ADJUSTMENT	2019-01-07
3.	ISSUED FOR EXTERIOR REVIEW	NOV 2018
4.	ISSUED FOR FINAL REVIEW	NOV 2018

SHEET NAME:
MAIN FLOOR PLAN

PROJECT NUMBER:

ISSUE DATE:
2019-01-07 11:04:21 AM

DESIGNED BY:
BRIANA BODORKOS

DRAWING NUMBER: A2.2 **SCALE:** 1/4" = 1'-0"



ADDRESS: 1000 VICTORIA PARK BLVD, SUITE 1000
MILAN PETKO DESIGN GROUP INC.
1400 WARDEN AVE. UNIT 100
JACKSONVILLE, ONTARIO
M5M 1A5

Sc1A-20:65
Sketch (4)



Hamilton

Planning and Economic Development Department
Planning Division

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

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.

FOR OFFICE USE ONLY.	
APPLICATION NO. <u>SC/A-20:65</u>	DATE APPLICATION RECEIVED <u>Feb. 18/20</u>
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the Planning Act, R.S.O. 1990, Chapter P.13 for relief, as described in this application form.



Note: Unless otherwise requested all communications will be sent to the agent, if any.

5. Names and addresses of any mortgagees, holders of charges or other encumbrances:

N/A

Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:
1. To build a main floor addition with basement underneath, in order to expand the accessible living area within subject home. The house on the property is legal non-conforming status, and requires relief to build the 30'x35' main floor addition off the back of the existing house.
 2. Also to allow east setback of proposed addition to be allowed to have 4m as proposed in site plan.
 3. Required relief for existing lot frontage of 45m, is not allowed within RC zoning for new addition.
7. Why it is not possible to comply with the provisions of the By-law?
- The subjects require living in medical care because of illness and mobility issues.
Currently the only bedrooms and bathrooms in the house are only accessible by stairs, the proposed work will allow the subjects to continue living with dignity in their life long family home.
8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
- 1091 HWY 8, Stoney Creek, ON
Lot 7 - Concession 2, City of Hamilton
Type your text
9. PREVIOUS USE OF PROPERTY
- Residential Industrial Commercial
Agricultural Vacant
Other _____
- 9.1 If Industrial or Commercial, specify use
Restaurant built in June 1983.
- 9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
Yes No Unknown
- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?
Yes No Unknown
- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
Yes No Unknown
- 9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
Yes No Unknown
- 9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
Yes No Unknown
- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?
Yes No Unknown
- 9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
Yes No Unknown
- 9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
Yes No Unknown

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Research obtained during the application for legal non-conforming status used areal photography.

Restaurant was built in June 1983, previous 100 years were agricultural use and fruit stand.


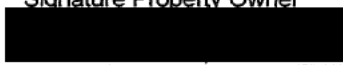
9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

December 22nd, 2019
Date


Signature Property Owner

Print Name of Owner

10. Dimensions of lands affected:

Frontage 45.72m
Depth 357.67m
Area 16,352.67m
Width of street _____

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: 1 Storey Restaurant: 22.3m x 10.5m = 234m²
2 Storey Dwelling: 10.79m x 8.37m = 90.3m². Total floor area = 180.6m
1 Storey Metal Clad Barn: 11m x 8.96m = 98.6m²

Proposed: _____
1 Storey Residential Addition North of Existing: 10.79m x 9.14m = 98.62m²

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing: Restaurant: South - 15.62m, East - 14.4m, West - 3.58m, North - 339m
Residential: South - 48m, East - 4m, West - 26m, North - 298.14m
Metal Clad: South - 86m, East - 29.64m, West 1.21m, North - 285m

Proposed: Residential Addition: South - 56.37m, East - 4m, West 26m, North 289m

13. Date of acquisition of subject lands:
June 30, 1978
14. Date of construction of all buildings and structures on subject lands:
Restaurant, June 1983. Fruit Cellar/Barn 1930.
15. Existing uses of the subject property: Restaurant (Memphis Fire BBQ)
Residential (Subject's Home), Fruit Stand, Agricultural.
16. Existing uses of abutting properties: Agricultural (zoned - AS) Vacant
17. Length of time the existing uses of the subject property have continued:
Restaurant has been in use for 37 years. Fruit stand has been in continuous use for 40 years.
Residential use has been continuous for greater than 100 years.
18. Municipal services available: (check the appropriate space or spaces)
 Water Yes Connected _____
 Sanitary Sewer Yes Connected _____
 Storm Sewers Yes
19. Present Official Plan/Secondary Plan provisions applying to the land:
~~Lot is split and zone as - RC-2(T) & AS-10, please see supporting documentation for restrictions.~~ Local Commercial & LDR 3
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
~~Lot is split and zone as - RC-2(T) & AS-10, please see supporting documentation for restrictions.~~
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.

22. Is the subject property the subject of a current application for consent under Section 53 of The Planning Act?
 Yes No
23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.

PART 24 AFFIDAVIT OR SWORN DECLARATION

This declaration to be sworn by a Commissioner of Oaths.

[Redacted] of the City of Hamilton in the Province of Ontario

solemnly declare that:

All of the above statements are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the
at the City of Hamilton
in the Province
of Ontario
this 18 day of February A.D. 20 20

[Redacted Signature]
Applicant

[Signature]
A Commissioner, etc.

Katelyn Elizabeth Thompson, a Commissioner, etc.
Province of Ontario, for the City of Hamilton.
Expires January 3, 2023.

PART 25 OWNERS AUTHORIZATION

As of the date of this application, I (NAME) Milan Petko am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

Jeremy Brown and Philip Schilstra of Schilstra Builders Inc.

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE December 22, 2019 SIGNED [Redacted]

PART 26 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, [Redacted], the Owner, hereby agree and acknowledge
(Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

December 22, 2019 [Redacted]

Date

Signature of Owner

PART 27 PERMISSION TO ENTERDate: December 22, 2019

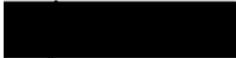
Secretary/Treasurer
 Committee of Adjustment
 City of Hamilton,
 City Hall

Dear Secretary/Treasurer;

Re: Application to Committee of Adjustment

Location of Land: 1091 Hwy 8, Stoney Creek
 (Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited purposes of evaluating the merits of this application.



 Signature of Owner or Authorized agent

Please print name

Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee's policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.

PART 28 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1324.

CITY OF HAMILTON
COST ACKNOWLEDGEMENT AGREEMENT

This Agreement made this 18th day of February, 20 20.

BETWEEN



Applicant's name(s)

hereinafter referred to as the "Developer"

-and-

City of Hamilton

hereinafter referred to as the "City"

WHEREAS the Developer represents that he/she is the registered owner of the lands described in Schedule "A" attached hereto, and which lands are hereinafter referred to as the "lands";

AND WHEREAS the Developer has filed for an application for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval/minor variance.

AND WHEREAS it is a policy of the City that any City costs associated with an appeal to the Ontario Municipal Board, by a party other than the Developer, of an approval of a consent, rezoning, official plan amendment, plan of subdivision, and/or minor variance, such as, but not limited to, legal counsel costs, professional consultant costs and City staff costs, shall be paid by the Developer.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of two dollars (\$2.00) now paid by the City to the Developer, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. In this Agreement:
 - (a) "application" means the application(s) for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval or minor variance dated _____ with respect to the lands described in Schedule "A" hereto.
 - (b) "Expenses" means all expenses incurred by the City if the application is: (a) approved by the City; (b) appealed to the Ontario Municipal Board by a party other than the developer; and (c) the City appears before the Ontario Municipal Board or any other tribunal or Court in support of the application, including but not limited to: City staff time, City staff travel expenses and meals, City disbursements, legal counsel fees and disbursements and all consultant fees and disbursements including, without limiting the generality of the foregoing planning, engineering or other professional expenses
2. The City agrees to process the application and, where the application is approved by the City but appealed to the Ontario Municipal Board by a party other than the Developer, the Developer shall file an initial deposit, in the form of certified cheque or cash with the General Manager, Finance & Corporate Services within fifteen days of the date of the appeal of the application by a third party in the amount of 50% of the estimated expenses associated with the appeal as estimated by the City Solicitor in his sole discretion which shall be credited against the Expenses.
3. It is hereby acknowledged that if the deposit required pursuant to section 2 of this Agreement is not paid by the Developer the City shall have the option, at its sole discretion, of taking no further steps in supporting the Developer's application before the Ontario Municipal Board.
4. It is hereby acknowledged that all expenses shall be paid for by the Developer. The Developer shall reimburse the City for all expenses the City may be put to in respect of the application upon demand.

5. It is hereby acknowledged and agreed that all expenses shall be payable by the Developer whether or not the Developer is successful before the Ontario Municipal Board or any other tribunal or Court in obtaining approval for their application.
6. The City shall provide the Developer with copies of all invoices of external legal counsel or consultants included in the expenses claimed by the City.
7. The City shall provide the Developer with an accounting of all staff costs and City disbursements included in the expenses claimed by the City.
8. The City may, at any time, draw upon the funds deposited in accordance with sections 2 and 9 of this Agreement to satisfy expenses incurred pursuant to the appeal of the application.
9. In the event that the amount deposited pursuant to section 2 of this Agreement is reduced to less than 10% of the initial deposit, the City may halt all work in respect of the appeal of the application until the Developer deposits with the City a sum sufficient to increase the deposit to an amount which is equal to 100% of the expenses estimated pursuant to paragraph 2 of this Agreement and still to be incurred by the City.
10. Within 60 days of: (a) a decision being rendered in respect of the appeal or any legal proceedings resulting from the decision, whichever is later; or (b) the termination of all legal proceedings in respect of the application, the City shall prepare and submit a final account to the Developer. If there are any deposit funds remaining with the City they shall be applied against the account. Any amount owing in respect of the final account in excess of deposit funds shall be paid by the Developer within 30 days of the date of the final account. If any deposit funds are remaining after the final account has been paid they shall be returned to the developer within 30 days of the date of the final account.
11. This Agreement shall not be construed as acceptance of the application and nothing herein shall require or be deemed to require the City to approve the application.
12. This Agreement shall not stand in lieu of or prejudice the rights of the City to require such further and other agreements in respect of the application that the City may deem necessary.
13. Every term, covenant, obligation and condition in this Agreement ensures to the benefit of and is binding upon the parties hereto and their respective heirs, executors, administrators, successors, trustees and assigns.
14. When the context so requires or permits, the singular number is to be read as if the plural were expressed, and the masculine gender as if the feminine, as the case may be, were expressed; and,
15. This Agreement and the schedules hereto constitute the entire agreement between the parties in respect of the subject matter contained herein and is not subject to, or in addition to, any other agreements, warranties or understandings, whether written, oral or implied. This Agreement may not be modified or amended except by instrument in writing signed by the Developer and the City, and,
16. The waiver or acquiescence by the City of any default by the Developer under any obligation to comply with this Agreement shall not be deemed to be a waiver of that obligation or any subsequent or other default under this Agreement.
17. The Developer covenants and agrees to be bound by the terms and conditions of this Agreement and not to seek a release from the provisions thereof until such time as the Developer's obligations hereunder have been assumed by its successor, assignee or transferee by way of written agreement in the form set out in Schedule "B" to this Agreement.

IN WITNESS WHEREOF the parties hereto have set their corporate seals under the hands of their duly authorized officers.

DATED at _____ this _____ day of _____, 20 ____.

WITNESS

Per:
I have authority to bind the corporation.

WITNESS

Per:
I have authority to bind the corporation

DATED at Hamilton, Ontario this ___ day of _____, 20 ____.

City of Hamilton

Per: _____
Mayor

Per: _____
Clerk

Schedule "A"
Description of Lands

SCHEDULE "B"
FORM OF ASSUMPTION AGREEMENT

THIS AGREEMENT dated the _____ day of _____ 20 ____.

BETWEEN

(hereinafter called the "Owner")

OF THE FIRST PART

-and-

(hereinafter called the "Assignee")

OF THE SECOND PART

-and-

CITY OF HAMILTON
(hereinafter called the "Municipality")

OF THE THIRD PART

WHEREAS the owner and the Municipality entered into and executed a Cost Acknowledgement Agreement dated _____.

AND WHEREAS Assignee has indicated that it will assume all of the Owner's duties, liabilities and responsibilities as set out in the Cost Acknowledgement Agreement.

AND WHEREAS Council for the Municipality has consented to releasing the Owner from its duties, liabilities and responsibilities under said Cost Acknowledgement Agreement subject to the Assignee accepting and assuming the Owner's duties, liabilities and responsibilities and subject to the Assignee the Owner and the Municipality entering into and executing an Assumption Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the mutual covenants hereinafter expressed and other good and valuable consideration, the parties hereto agree as follows.

1. The Assignee covenants and agrees to accept, assume and to carry out the Owner's duties, liabilities and responsibilities under the Cost Acknowledgement Agreement and in all respects to be bound under said Cost Acknowledgement Agreement as if the Assignee had been the original party to the agreement in place of the Owner.
2. The Municipality hereby releases the Owner from all claims and demands of any nature whatsoever against the Owner in respect of the Cost Acknowledgement Agreement. The Municipality hereby accepts the Assignee as a party to the Cost Acknowledge Agreement in substitution of the Owner, and agrees with the Assignee that the Assignee will be bound by all the terms and conditions of the Cost Acknowledgement Agreement as if the Assignee had been the original executing party in place of the Owner.
3. All of the terms, covenants, provisos and stipulations in the said Cost Acknowledgement Agreement are hereby confirmed in full force save and except for such modifications as are necessary to make said clauses applicable to the Assignee.

IN WITNESS WHEREOF the Parties have hereunto affixed their corporate seals duly attested to by their proper signing officers in that behalf.

SIGNED, SEALED AND DELIVERED

Owner: c/s
Title:
I have authority to bind the corporation

Assignee: c/s
Title:
I have authority to bind the corporation

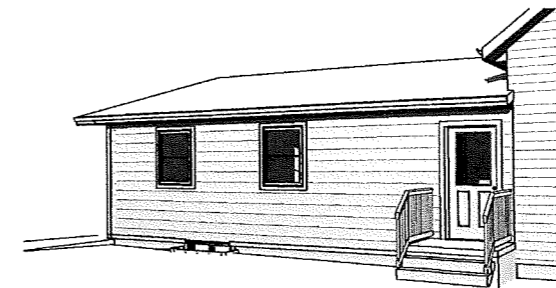
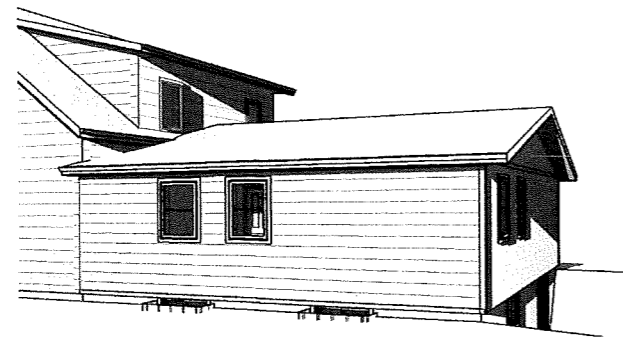
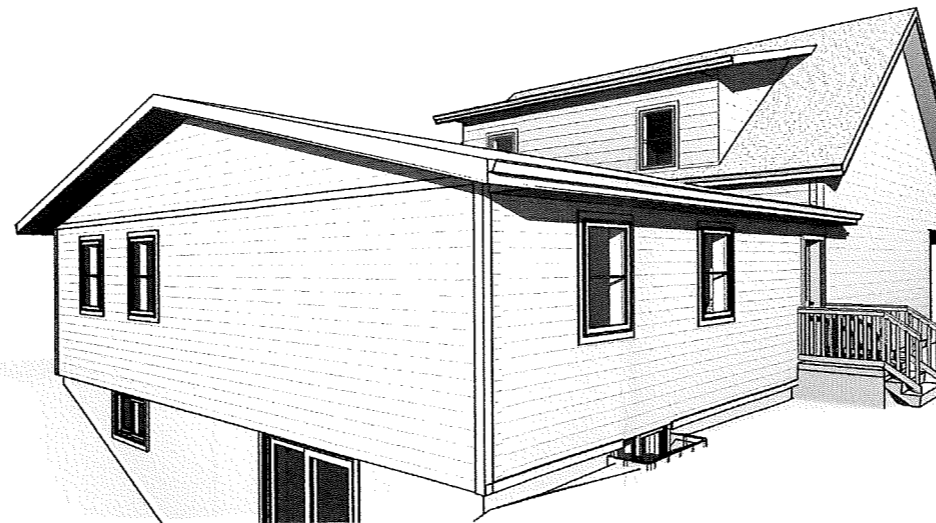
CITY OF HAMILTON

Mayor

Clerk

MILAN PETKO HOME ADDITION

1091 HWY 8,
STONEY CREEK



GENERAL NOTES

- THESE DOCUMENTS ARE NOT TO BE SCALED.
- THE DESIGN AND DOCUMENTS REMAIN THE PROPERTY OF "JV HOME DESIGNS" AND ARE PROTECTED BY LAW. THEY MAY NOT BE ALTERED, ISSUED, OR REPRODUCED IN ANY WAY WITHOUT THE WRITTEN CONSENT OF THE DESIGNER AND "JV HOME DESIGNS". ALL DOCUMENTS ARE TO BE RETURNED AT THE COMPLETION OF WORK.
- CONTRACTOR TO SITE VERIFY ANY AND ALL DETAILS AND DIMENSIONS AND REPORT ANY AND ALL DISCREPANCIES TO THE DESIGNER BEFORE COMMENCING WITH THAT RELATED PORTION OF THE WORK.
- ONLY SIGNED SEALED AND STAMPED DOCUMENTS ARE TO BE USED FOR THE CONSTRUCTION PURPOSES.
- ANY DEVIATIONS FROM THESE PLANS AND DETAILS WILL REQUIRE REVISED DRAWINGS AND CLEARANCE BY THE BUILDING DEPARTMENT.
- ALL CONSTRUCTION & MATERIALS SHALL CONFORM TO THE LATEST EDITION OF THE ONTARIO BUILDING CODE ANY CHANGES TO DESIGN OR USE OF OTHER BUILDING MATERIALS SHALL BE APPROVED BY THE DESIGNER AND/OR APPROVED BY THE ENGINEER.
- ALL DIMENSIONS ARE IMPERIAL UNLESS OTHERWISE NOTED.

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be an engineer.

PROJECT NAME:
HOME ADDITION

CLIENT NAME:
MILAN PETKO

LOCATION:
1091 HWY 8,
STONEY CREEK

NO.	DESCRIPTION	DATE
1	ISSUED FOR CLIENT REVIEW	OCT 20/18
2	ISSUATE ADJUSTMENT	OCT 24/18
3	ISSUED FOR ELEVATION REVIEW	NOV 6/18
4	ISSUED FOR FINAL REVIEW	NOV 11/18

SHEET NAME:
TITLE PAGE

PROJECT NUMBER:

ISSUED DATE:
2019-01-07 11:04:17 AM

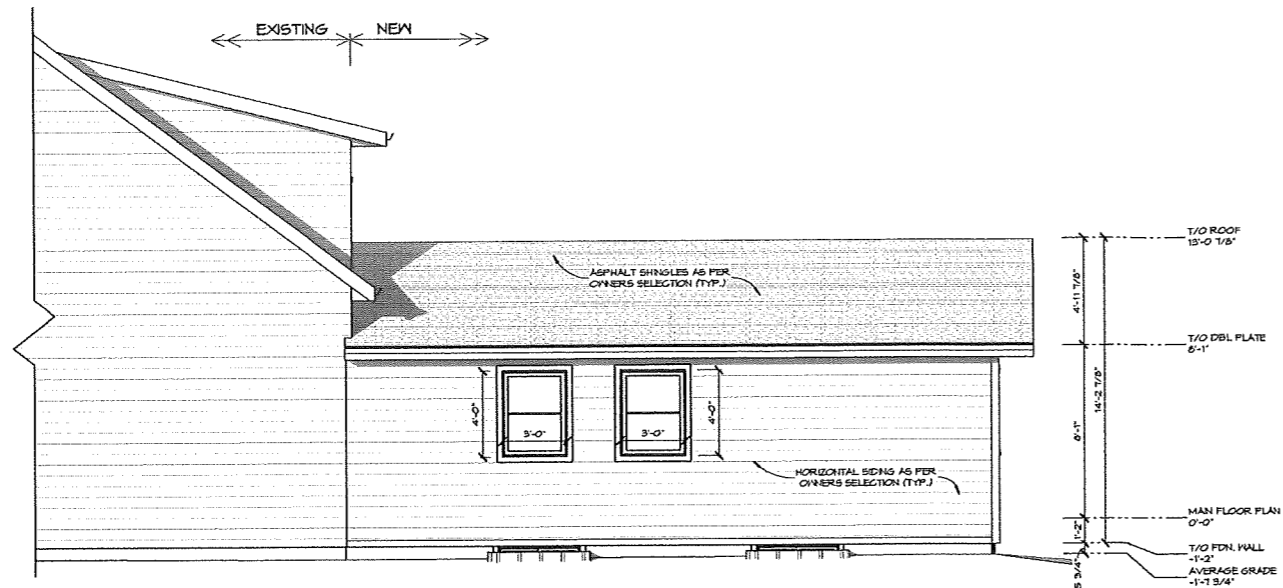
DRAWN BY:
BRIANNA BODORKOS

DRAWING NUMBER: **SCALE:**

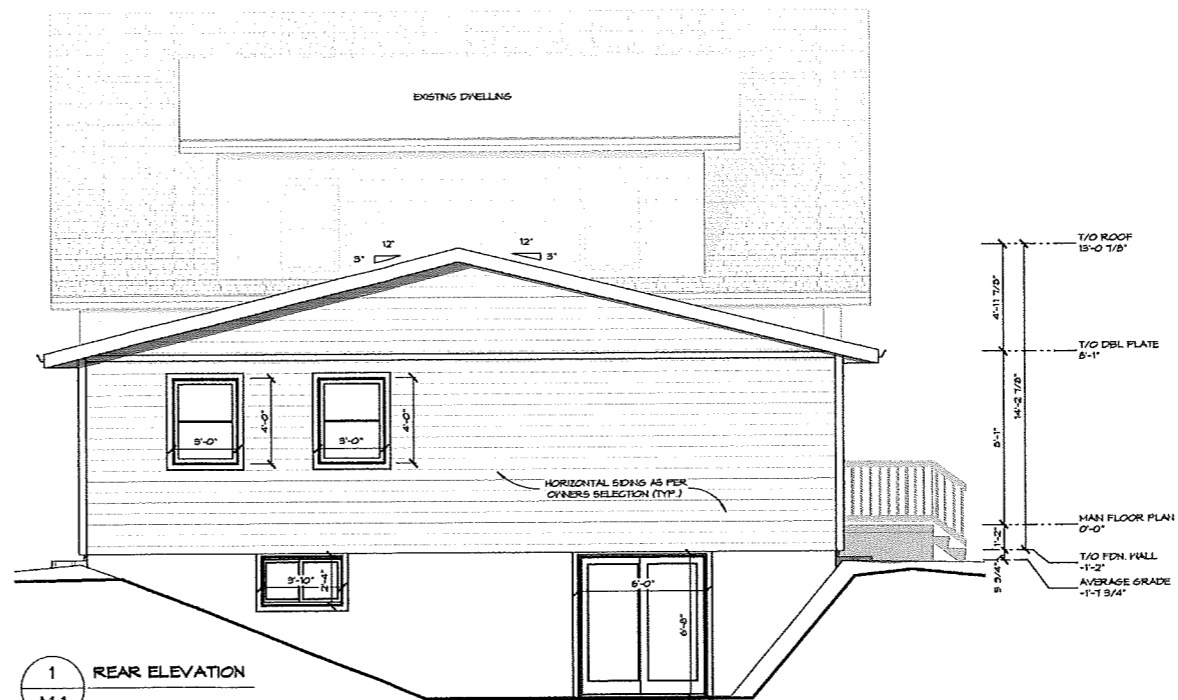


JV Home Design
OUR DESIGNS, YOUR FUTURE

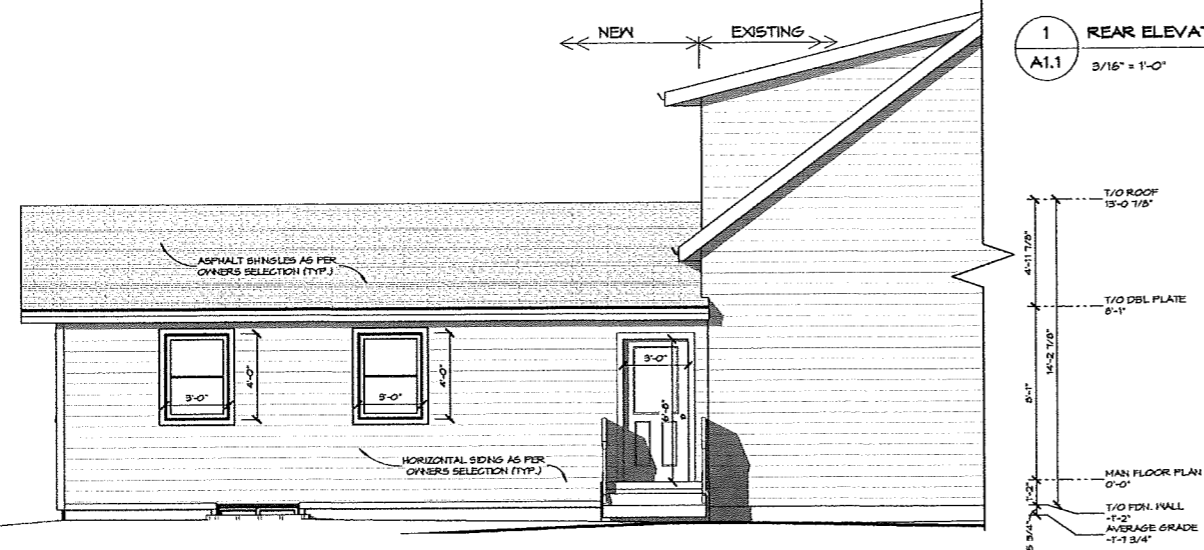
ADDITIONS, RENOVATIONS, NEW HOMES, COMMERCIAL
INDUSTRIAL AND AGRICULTURAL DESIGN ACROSS THE
NIAGARA REGION
JVHOMEDESIGN@SHAL.COM
(224) 214-1953



2 LEFT ELEVATION
A1.1 3/16" = 1'-0"



1 REAR ELEVATION
A1.1 3/16" = 1'-0"



3 RIGHT ELEVATION
A1.1 3/16" = 1'-0"

- GENERAL ELEVATION NOTES:**
1. CONTRACTOR TO VERIFY ALL EXISTING GRADES ON SITE.
 2. TOP OF FOUNDATION TO FINISHED GRADE TO BE A MIN. 6" AND SLOPE AWAY FROM HOUSE.
 3. ALL EXTERIOR FINISHES, DETAILS, COLORS, AND STYLES TO BE CONFIRMED BY HOME OWNER.
 4. CONTRACTOR TO CONFIRM STYLE OF WINDOWS AND DOORS PRIOR TO COMMENCEMENT OF WORK.
 5. PROVIDE 'ICE AND WATER SHIELD' LAYER OVER ROOF SLOPES OF 3/12 AND LESS, AND ALL VALLEYS.
 6. ALL TRANSOM HEIGHTS TO BE CONFIRMED BY WINDOW MANUFACTURER.
 7. WINDOW WELLS MAY BE REQUIRED DUE TO FINAL GRADE. PROVIDE KEPPER IN ALL WINDOW WELLS, FILL WITH 3/4" CLEAR STONE AND TO DRAIN TO FOOTING LEVEL.

GENERAL NOTES

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The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be an engineer.

PROJECT NAME:
HOME ADDITION

CLIENT NAME:
MILAN PETKO

LOCATION:
1091 HWY 8,
STONE CREEK

NO.	DESCRIPTION	DATE
1	ISSUED FOR CLIENT REVIEW	OCT 20/18
2	DESIGN ADJUSTMENT	OCT 24/18
3	ISSUED FOR ELIMINATION REVIEW	NOV 6/18
4	ISSUED FOR FINAL REVIEW	NOV 11/18

SHEET NAME:
ELEVATIONS

PROJECT NUMBER:

ISSUED DATE:
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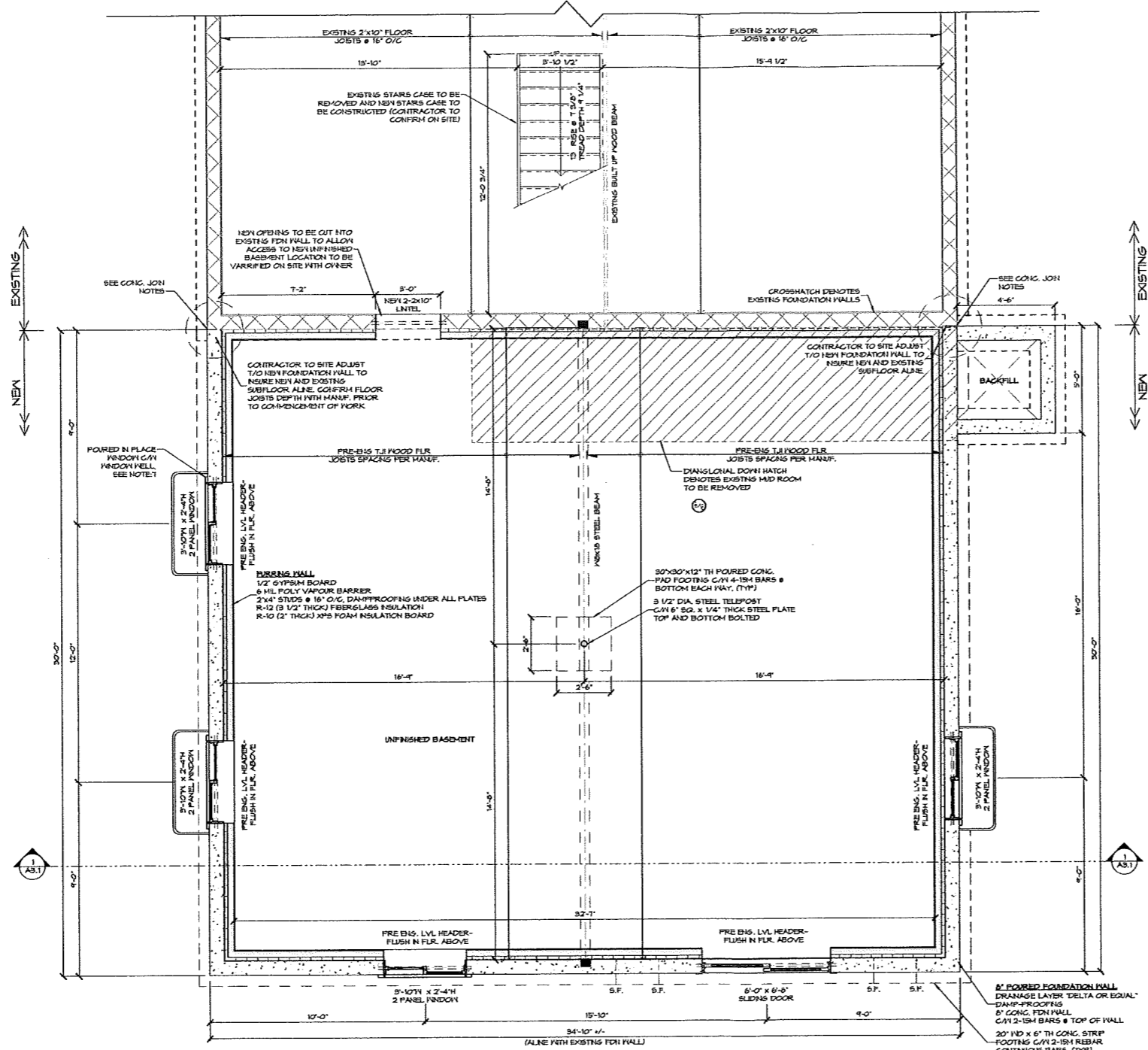
DRAWN BY:
BRIANNA BODORKOS

DRAWING NUMBER: A1.1 **SCALE:** As indicated



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(249) 214-1953



GENERAL FOUNDATION NOTES:

- CONTRACTOR TO VERIFY ALL EXISTING GRADES ON SITE.
- IF NEW FOOTINGS TO EXISTING FOOTINGS WITH A MINIMUM OF 3-1/2" REBAR DOWELS 24" LONG. IF NEW FOUNDATION WALLS TO EXISTING WITH A MINIMUM OF 1-1/2" REBAR DOWEL # 12" O/C 18" LONG. GROUT REBAR AND HOLES PRIOR TO INSERTING REBAR.
- UNDERSIDE OF NEW FOOTING TO MATCH EXISTING FOOTING DEPTH UNLESS NOTED OTHERWISE.
- ALL DIMENSIONS ARE APPROXIMATE. CONTRACTOR TO VERIFY ALL DIMENSIONS/ROOF PITCHES ON SITE.
- CONTRACTOR TO SITE ADJUST WALL HEIGHTS TO ALLOW FOR NEW EXISTING FLOORS TO BE EVEN.
- TOP OF FOUNDATION TO FINISHED GRADE TO BE A MIN. 6" AND SLOPE AWAY FROM BUILDING.
- ALL FOOTINGS TO BEAR ON NATIVE UNDISTURBED SOIL AND BE A MINIMUM 4"-0" BELOW FINISHED GRADE. SOIL BEARING CAPACITY TO BE A MINIMUM OF 3000 PSF.
- REMOVE ALL TOP SOIL AND ORGANIC MATERIAL PRIOR TO EXCAVATION.
- ALL PRE-ENGINEERED HOOD, HEADERS, BEAMS, COLUMNS, AND HOOD IS TO BE SIZED BY SUPPLIER.
- ALL BASEMENT WINDOWS ARE TO BE "POURED IN PLACE".
- WINDOW WELLS MAY BE REQUIRED DUE TO FINAL GRADE. CONFORM WITH BUILDER. WINDOW WELLS MUST CONFORM WITH O.B.C. 11.4.6.3. PROVIDE KEEPING TILE IN ALL WINDOW WELLS & FILL WITH A MIN. OF 6" GRAVEL OR CLEAR STONE.
- ALL INTERIOR & EXTERIOR STAIRS TO CONFORM WITH O.B.C. 11.2.2. MIN. HEADROOM TO BE 6'-0" MEASURED FROM EDGE OF NOSING TO CEILING.
- STEP FOOTINGS VERTICAL REE-23 5/8" MAX FOR FIRM SOILS AND 15 5/8" MAX FOR SAND OR GRAVEL. HORIZONTAL RUN-23 5/8" MIN.
- ALL CONCRETE TO HAVE ULTIMATE COMPRESSIVE STRENGTH # 20 DAYS OF:
 - 30 MPA FOR FOOTINGS AND WALLS
 - 32 MPA FOR GARAGE FLOORS AND ALL EXTERIOR CONCRETE WITH 5% AIR ENTRAINMENT.

1 FOUNDATION PLAN
A2.1 1/4" = 1'-0"

SYMBOL LEGEND

	INTERCONNECTED SMOKE ALARM & CO2 DETECTOR. SMOKE ALARMS TO HAVE A 1 DAY BATTERY BACKUP (R10.14)
	RANSHOOD WITH EXHAUST FAN TO OUTSIDE
	EXHAUST FAN TO OUTSIDE

- ZONE 1 SB-12 COMPLIANCE PACKAGE A1 AS PER O.B.C TABLE 3.1.1.2.A(P)**
- CEILING WITH ATTIC SPACE - MIN. R60
 - CEILING WITHOUT ATTIC SPACE - MIN. R31
 - EXPOSED FLOOR - MIN. R31
 - WALLS ABOVE GRADE - MIN. R22
 - BASEMENT WALLS - MIN. R20 CI
 - EDGE OF BELOW GRADE SLAB < 600 MM BELOW GRADE MIN. R10
 - HEATED SLAB OR SLAB < 600MM BELOW GRADE MIN. R10
 - WINDOWS & SIDING GLASS DOORS- MAX. 0.28U 25 ENERGY RATING
 - SKYLIGHTS - MAX. 0.49U
 - SPACE HEATING EQUIPMENT MIN. 95% AFUE
 - HRV EFFICIENCY MIN. 75% SRE
 - DOMESTIC HOT WATER HEATER - MIN. 0.80 EF
- CI- CONTINUOUS INSULATION
IN THE CASE OF BASEMENT WALL ASSEMBLIES, WHERE R20 CI IS REQUIRED R12 + 10 CI IS PERMITTED TO BE USED OR VICE VERSA; OR WHERE R12 + 5 CI IS REQUIRED R15 CI IS PERMITTED TO BE USED OR VICE VERSA.

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PROJECT NAME:
HOME ADDITION

CLIENT NAME:
MILAN PETKO

LOCATION:
1091 HWY 8,
STONEY CREEK

NO	DESCRIPTION	DATE
1	ISSUED FOR CLIENT REVIEW	OCT 20/15
2	ISSUE ADJUSTMENT	OCT 24/15
3	ISSUED FOR ELEVATION REVIEW	NOV 6/15
4	ISSUED FOR FINAL REVIEW	NOV 11/15

SHEET NAME:
FOUNDATION PLAN

PROJECT NUMBER:

ISSUED DATE:
2019-01-07 11:04:20 AM

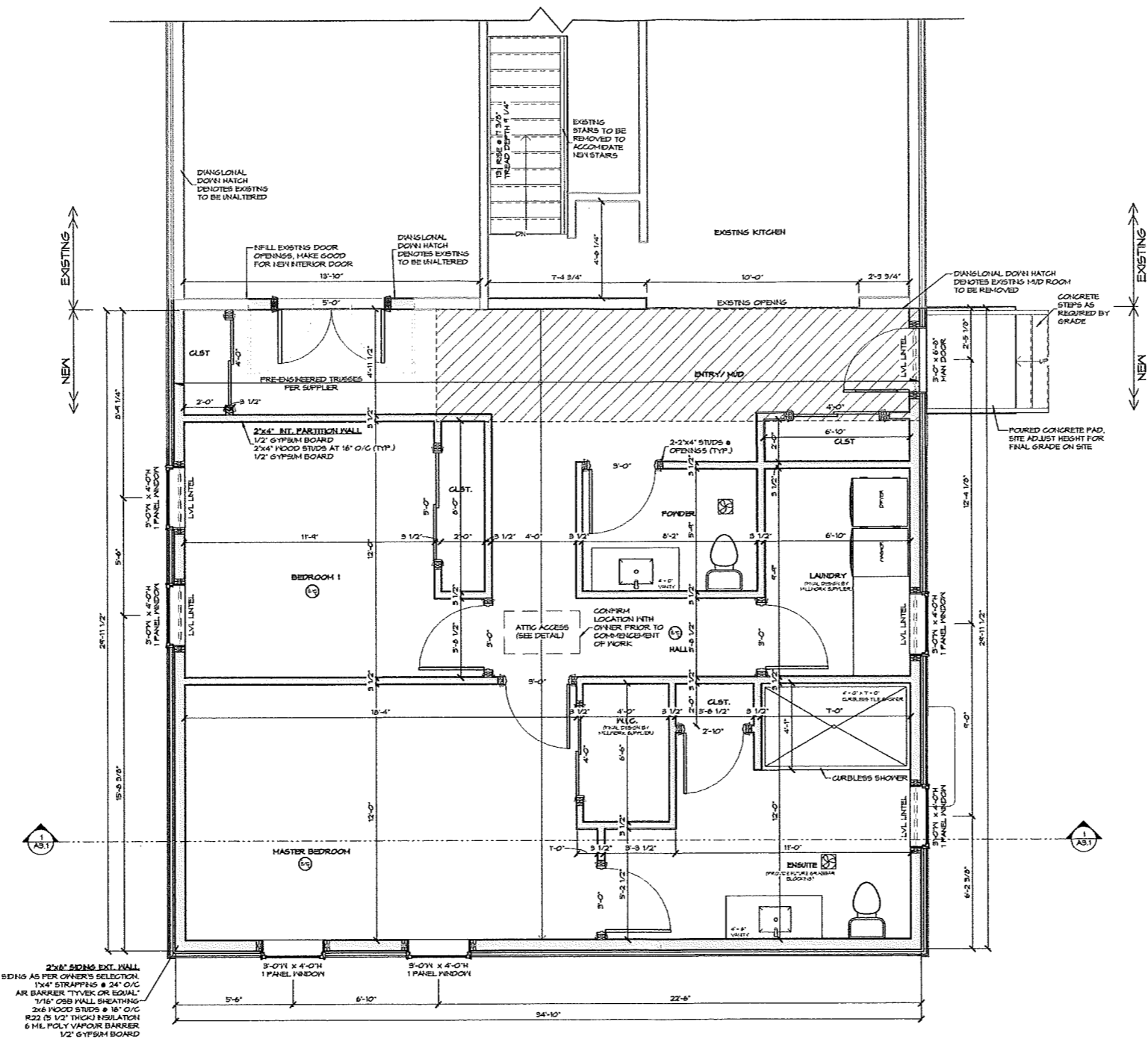
DRAWN BY:
BRIANNA BODORKOS

DRAWING NUMBER: A2.1 **SCALE:** 1/4" = 1'-0"



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1 MAIN FLOOR PLAN
A2.2 1/4" = 1'-0"

ZONE 1 SB-12 COMPLIANCE PACKAGE A1 AS PER O.B.C. TABLE B.1.1.2.A(IF)

- CEILING WITH ATTIC SPACE - MIN. R60
- CEILING WITHOUT ATTIC SPACE - MIN. R31
- EXPOSED FLOOR - MIN. R31
- WALLS ABOVE GRADE - MIN. R22
- BASEMENT WALLS - MIN. R20 C1
- EDGE OF BELOW GRADE SLAB + 600MM BELOW GRADE MIN. R10
- HEATED SLAB OR SLAB + 600MM BELOW GRADE MIN. R10
- WINDOWS + SIDING GLASS DOORS - MAX. 0.2BU 25 ENERGY RATING
- SKYLIGHTS - MAX. 0.4UJ
- SPACE HEATING EQUIPMENT MIN. 96% AFUE
- HRV EFFICIENCY MIN. 75% SRE
- DOMESTIC HOT WATER HEATER - MIN. 0.60 EF

C1- CONTINUOUS INSULATION
IN THE CASE OF BASEMENT WALL ASSEMBLIES, WHERE R20 C1 IS REQUIRED R12 + 10 C1 IS PERMITTED TO BE USED OR VICE VERSA; OR WHERE R12 + 5 C1 IS REQUIRED R15 C1 IS PERMITTED TO BE USED OR VICE VERSA.

GENERAL NOTES:

1. SEE SUPPLIER ENGINEERING DATA FOR ALL PRE-ENGINEERED FLOOR, HEADERS, BEAMS, COLUMNS, AND ROOF IS.
2. ALL WINDOW AND DOOR LINTELS SHALL BE #2 GRADE 2-2x10" UNLESS NOTED OTHERWISE ON THESE PLANS.
3. ROOF SUPPLIER TO PROVIDE LINTEL SUPPORT OVERCLOSINGS WHERE ROOF TRUSS SPANS EXCEED 4.8M (16'-2") IN ACCORDANCE WITH OBC 12.9.12.3.
4. ALL EXTERIOR CONCRETE TO BE MINIMUM 32 MPA WITH 5%-6% AIR ENTRAINMENT.
5. ALL INTERIOR + EXTERIOR STAIRS TO CONFORM WITH O.B.C. 4.8.2, AND HAVE A MINIMUM HEADROOM OF 6'-5" WITHIN DWELLING UNITS.
6. ALL HANDRAILS AND GUARDS TO BE INSTALLED AS PER O.B.C. 8.8.1, AND CONFORM WITH O.B.C. 4.6.7. TWO HANDRAILS ARE TO BE INSTALLED ON ALL STAIRS OVER 9'-7" WIDE.

SYMBOL LEGEND

- ☉ INTERCONNECTED SMOKE ALARM + CO2 DETECTOR. SMOKE ALARMS TO HAVE A 7 DAY BATTERY BACKUP (4.10.14)
- ☒ RANGEHOOD WITH EXHAUST FAN TO OUTSIDE
- ☒ EXHAUST FAN TO OUTSIDE

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PROJECT NAME:
HOME ADDITION

CLIENT NAME:
MILAN PETKO

LOCATION:
1091 HWY 8,
STONE CREEK

NO.	DESCRIPTION	DATE
1	ISSUED FOR CLIENT REVIEW	OCT 20/18
2	ENSURE ADJUSTMENT	OCT 25/18
3	ISSUED FOR ELEVATION REVIEW	NOV 6/18
4	ISSUED FOR FINAL REVIEW	NOV 11/18

PROJECT NAME:
MAIN FLOOR PLAN

PROJECT NUMBER:

ISSUED DATE:
2019-01-07 11:04:21 AM

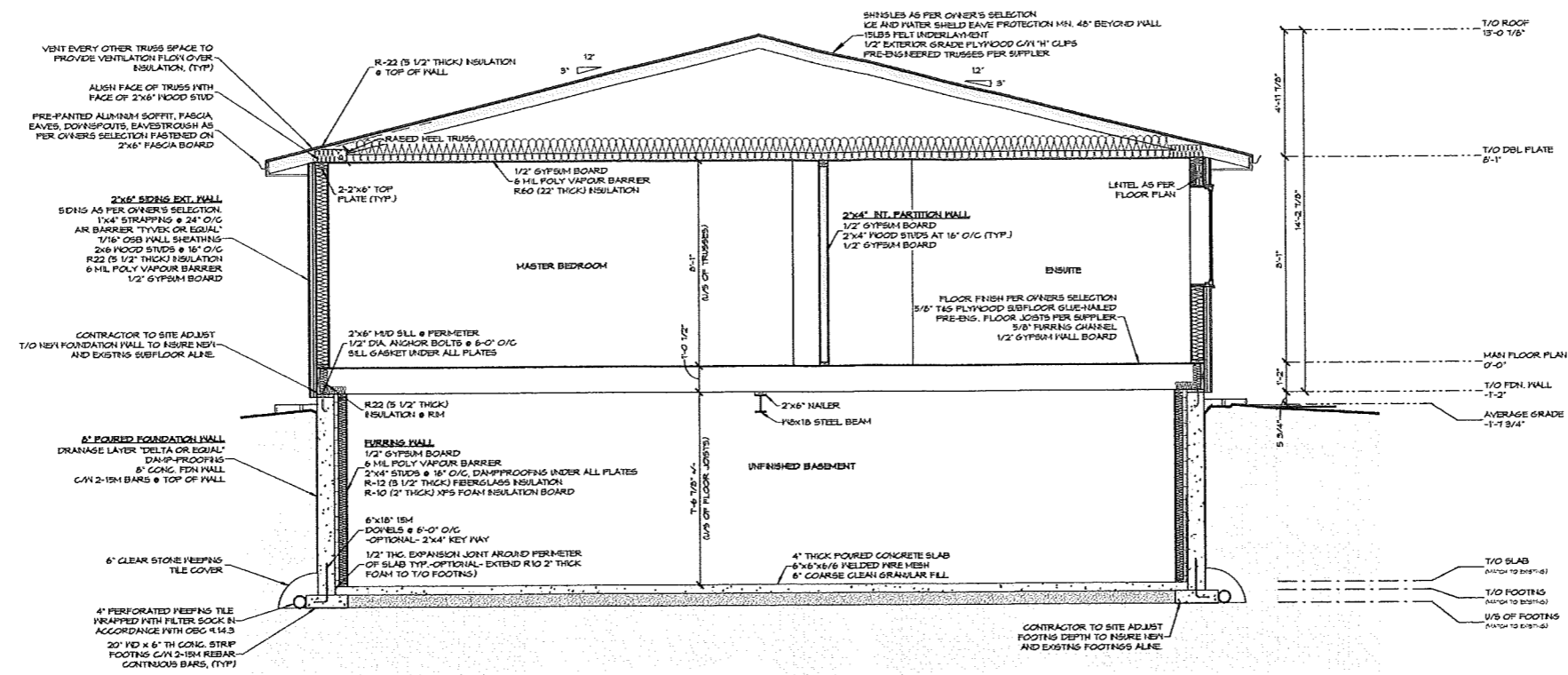
DRAWN BY:
BRIANNA BODORKOS

DRAWING NUMBER: A2.2 **SCALE:** 1/4" = 1'-0"



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1 SECTION THROUGH MASTER TO ENSUITE
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PROJECT NAME:
HOME ADDITION

CLIENT NAME:
MILAN PETKO

LOCATION:
1091 HWY 8,
STONE CREEK

NO.	DESCRIPTION	DATE
1	ISSUED FOR CLIENT REVIEW	OCT 20/18
2	ENSUITE ADJUSTMENT	OCT 24/18
3	ISSUED FOR ELEVATION REVIEW	NOV 6/18
4	ISSUED FOR FINAL REVIEW	NOV 15/18

SHEET NAME:
BUILDING SECTION

PROJECT NUMBER:

ISSUED DATE:
2019-01-07 11:04:21 AM

DRAWN BY:
BRIANNA BODORKOS

DRAWING NUMBER: A3.1 **SCALE:** 1/4" = 1'-0"



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CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS AND FOR MAKING ARRANGEMENTS FOR ALL REQUIRED INSPECTIONS. ALL CONSTRUCTION MATERIALS SHALL CONFORM TO THE LATEST EDITION OF THE ONTARIO BUILDING CODE. ANY CHANGES TO DESIGN OR USE OF OTHER BUILDING MATERIALS SHALL BE APPROVED BY THE DESIGNER AND/OR APPROVED BY THE ENGINEER. IF DURING THE COURSE OF THE WORK UNUSUAL CONDITIONS ARE DISCOVERED WHICH COULD NOT BE REASONABLY ASSUMED TO HAVE BEEN PRESENT OR ANTICIPATED, THE CONTRACTOR SHALL NOTIFY THE DESIGNER.
ALL DIMENSIONS ARE IMPERIAL, UNLESS OTHERWISE NOTED.

EXCAVATION AND BACKFILL
EXCAVATION SHALL BE UNDERTAKEN IN SUCH A MANNER SO AS TO PREVENT DAMAGE TO EXISTING STRUCTURES, ADJACENT PROPERTY AND UTILITIES.
THE TOPSOIL AND VEGETABLE MATTER IN UNEXCAVATED AREAS UNDER A BUILDING SHALL BE REMOVED. THE BOTTOM OF EXCAVATIONS FOR FOUNDATIONS SHALL BE FREE OF ORGANIC MATERIAL.
IF PERMITS ARE KNOWN TO EXIST, ALL STUMPS, ROOTS AND FLOOD DEBRIS SHALL BE REMOVED TO A MINIMUM DEPTH OF 11" IN EXCAVATED AREAS UNDER A BUILDING, AND THE CLEARANCE BETWEEN UNTREATED STRUCTURAL WOOD ELEMENTS AND THE GROUND SHALL BE NO LESS THAN 11".
BACKFILL WITHIN 23 5/8" OF THE FOUNDATION WALLS SHALL BE FREE OF DELETERIOUS DEBRIS AND BOULDERS OVER 1 1/8" IN DIAMETER.

FOOTINGS
ALL FOOTINGS TO BEAR ON NATIVE UNDISTURBED SOIL AND BE A MINIMUM 4'-0" BELOW FINISHED GRADE. SOIL BEARING CAPACITY TO BE A MINIMUM OF 3000 PSF.

STEP FOOTINGS:
VERTICAL REE-23 5/8" MAX FOR FRM SOILS AND 15 3/4" MAX FOR SAND OR GRAVEL. HORIZONTAL RUN-23 5/8" MIN.

STANDARD FOOTINGS
MINIMUM 20"x6" CONTINUOUS KEYED POURED CONCRETE FOOTINGS, UNLESS NOTED OTHERWISE.
MINIMUM 4'-0" BELOW FINISHED GRADE IN ACCORDANCE WITH O.B.C. TABLE 4.12.2.
FOOTINGS SHALL BEAR ON NATURAL UNDISTURBED SOIL, ROCK OR COMPACTED GRANULAR FILL WITH MINIMUM BEARING CAPACITY OF 1570 PSF.
THE PROJECTION OF AN UNREINFORCED FOOTING BEYOND THE WALL SUPPORTED SHALL BE GREATER OR EQUAL THAN ITS THICKNESS.

FOUNDATION WALLS
TO BE POURED CONCRETE OR UNIT MASONRY (REFER TO DRAWINGS FOR TYPE AND THICKNESS).
DAMP-PROOFING SHALL BE A HEAVY COAT OF BITUMINOUS MATERIAL.
FOUNDATION WALL TO EXTEND MINIMUM 6" ABOVE FINISHED GRADE.
A DRAINAGE LAYER IS REQUIRED ON THE OUTSIDE OF A FOUNDATION WALL WHERE THE INTERIOR INSULATION EXTENDS MORE THAN 2'-11" BELOW EXTERIOR GRADE. A DRAINAGE LAYER SHALL CONSIST OF:
1. MIN. 1/2" MINERAL FIBER INSULATION WITH MIN. DENSITY OF 3.5 LB/FT³ OR
2. MIN. 4" OF FREE DRAINAGE GRANULAR MATERIAL OR
3. AN APPROVED SYSTEM WHICH PROVIDES EQUIVALENT PERFORMANCE.
FOUNDATION WALLS SHALL BE BRACED OR HAVE THE FLOOR JOISTS INSTALLED BEFORE BACKFILLING.
SILL PLATES SHALL BE PROVIDED WHERE FLOOR WALLS DIRECTLY BEAR ON THE FOUNDATION WALLS. SILL PLATES SHALL BE CONTINUOUS 2"x4" OR 2"x6" WOOD (REFER TO DRAWINGS) MOUNTED ON A CONTINUOUS SILL GASKET OR 1/2" DIAMETER ANCHOR BOLTS 12" LONG, EMBEDDED A MINIMUM OF 4" INTO THE CONCRETE OR 1-1/2" O/C AND BE DESIGNED TO PREVENT TIGHTENING WITHOUT INTRODUCING THEM FROM THE FOUNDATION.

DAMP-PROOFING AND DRAINAGE
IF NORMAL SOIL CONDITIONS, THE EXTERIOR SURFACES OF FOUNDATION WALLS ENCLOSING BASEMENTS AND CRAWL SPACES SHALL BE DAMP-PROOFED. WHERE HYDROSTATIC PRESSURE OCCURS, A WATER-PROOFING SYSTEM IS REQUIRED.
MASONRY FOUNDATION WALLS SHALL BE PARKED WITH 1/2" OF MORTAR COVERED OVER THE FOOTING PRIOR TO DAMP-PROOFING.
4" DIA. PERFORATED KEEPING TILE WRAPPED WITH FILTER SOCK IN ACCORDANCE WITH O.B.C. 4.14.3 FOUNDATION DRAINS SHALL BE Laid ON LEVEL, UNDISTURBED GROUND ADJACENT TO THE FOOTING AT OR BELOW THE TOP OF THE BASEMENT SLAB OR CRAWL SPACE FLOOR, AND SHALL BE COVERED WITH 6" OF CRUSHED STONE.
FOUNDATION DRAINS SHALL DRAIN TO A STORM SEWER, DRAINAGE DITCH, DRY WELL OR SUMP.
WINDOW WELLS SHALL BE DRAINED TO FOOTING.
DOWNSPOUTS NOT DIRECTLY CONNECTED TO A STORM SEWER SHALL HAVE EXTENSIONS TO CARRY WATER AWAY FROM THE BUILDING AND PROVISIONS SHALL BE MADE TO PREVENT SOIL EROSION.
CONCRETE SLABS IN ATTACHED GARAGES SHALL BE SLOPED TO DRAIN TO EXTERIOR.
THE BUILDING SITE SHALL BE GRADED SO THAT SURFACE, SUMP AND ROOF DRAINAGE WILL NOT ACCUMULATE AT OR NEAR THE BUILDING AND WILL NOT ADVERSELY AFFECT ADJACENT PROPERTIES.

CONCRETE
ALL CONCRETE TO HAVE ULTIMATE COMPRESSIVE STRENGTH @ 28 DAYS OF:
30 MPa FOR FOOTINGS AND WALLS
25 MPa FOR BASEMENT FLOORS
32 MPa FOR GARAGE FLOORS AND ALL EXTERIOR CONCRETE WITH 5%-8% AIR ENTRAINMENT.
CONCRETE JOINTS
THE NEW FOOTINGS TO EXISTING WITH A MINIMUM OF 9-18M REBAR DOVELS 24" LONG.
THE NEW FOUNDATION WALLS TO EXISTING WITH A MINIMUM OF 1-18M REBAR DOVEL @ 12" O/C 18" LONG.
ALL REBAR TO BE GROUDED INTO EXISTING.
UNLESS OF NEW FOOTINGS TO MATCH EXISTING FOOTINGS DEPTH UNLESS NOTED OTHERWISE.
CONCRETE FLOOR SLABS
GARAGE CARPORT, EXTERIOR SLABS AND STEPS SHALL BE 32-MPA, 4650 PSI CONCRETE (AFTER 28 DAYS) WITH 5-8% AIR ENTRAINMENT UNLESS NOTED OTHERWISE.
BASEMENT SLABS TO BE 4" THICK 20-MPA POURED CONCRETE WITH DAMP-PROOFING (REFER TO SECTIONS) ON 6" COURSE CLEAN GRANULAR MATERIAL OR 4" THICK 25-MPA POURED CONCRETE ON 6" COURSE CLEAN GRANULAR MATERIAL.
GARAGE SLABS TO BE 5" THICK 32-MPA WITH 5-8% AIR ENTRAINMENT, SLOPED MIN. 1% TO EXTERIOR TO DRAIN, ON 6" COURSE CLEAN GRANULAR MATERIAL.
ALL FILL OTHER THAN COARSE CLEAN MATERIAL PLACED BETWEEN CONCRETE SLABS SHALL BE COMPACTED TO PROVIDE UNIFORM SUPPORT.
SOIL GAS CONTROL
WHERE METHANE OR RADON GASES ARE KNOWN TO BE PRESENT, A SOIL GAS BARRIER SHALL BE INSTALLED AT WALLS, FLOORS AND ROOFS IN CONTACT WITH THE GROUND ACCORDING TO SUPPLEMENTARY STANDARDS.
REINFORCED CONCRETE SLABS
REINFORCED CONCRETE SLABS (PORCHES OVER COLD ROOMS IN BASEMENTS) TO BE CONSTRUCTED IN STRICT ACCORDANCE WITH O.B.C. SECTION 4.4, UNLESS OTHERWISE DESIGNED BY ENGINEER. THE SLAB SHALL NOT SPAN MORE THAN 8'-2" IN THE SHORTEST DIRECTION, BE NOT LESS THAN 4, 1/8" THICK.
SLABS TO BE REINFORCED WITH 10M BARS @ 17 1/2" ON CENTER MAX IN EACH DIRECTION WITH 1 1/4" CLEAR CONCRETE COVER. THE SLAB SHALL BEAR NOT LESS THAN 5" ON THE SUPPORTING FOUNDATION WALLS AND BE ANCHORED TO THE WALLS WITH 36-36S BENT DOVELS SPACED NOT MORE THAN 24" ON CENTER.
STEEL BARS SHALL CONFORM TO GRADE 400 IN CAN/CSA-630 16M "DELTA" STEEL BARS FOR CONCRETE REINFORCEMENT".
CONCRETE FROM WORK SHALL CONFORM WITH CAN/CSA-A308 M, CONCRETE MATERIALS AND METHODS OF CONCRETE CONSTRUCTION".

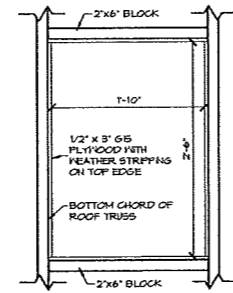
INSULATION/VENTILATION / WEATHERPROOFING
INSULATION SHALL BE PROTECTED WITH GYPSUM BOARD OR AN EQUIVALENT INTERIOR FINISH, EXCEPT FOR UNFINISHED BASEMENTS WHERE 6 MIL POLY IS SUFFICIENT FOR FIBERGLASS TYPE INSULATIONS.
DUCTS PASSING THROUGH UNHEATED SPACE SHALL BE MADE AIRTIGHT WITH TAPE AND SEALANT.
GULLINGS SHALL BE PROVIDED FOR ALL EXTERIOR DOORS AND ACCESS HATCHES TO THE EXTERIOR, EXCEPT DOORS FROM A GARAGE TO THE EXTERIOR.
WEATHER STRIPPING SHALL BE PROVIDED ON ALL DOORS AND ACCESS HATCHES TO THE EXTERIOR, EXCEPT DOORS FROM A GARAGE TO THE EXTERIOR.
EXTERIOR WALLS, CELLINGS AND FLOORS SHALL BE CONSTRUCTED SO AS TO PROVIDE A CONTINUOUS BARRIER TO THE PASSAGE OF WATER VAPOR FROM THE INTERIOR AND TO THE LEAKAGE OF AIR FROM THE EXTERIOR.
NATURAL VENTILATION
EVERY ROOF SPACE ABOVE AN INSULATED CEILING SHALL BE VENTILATED WITH UNOBSTRUCTED OPENINGS EQUAL TO AND/OR NOT LESS THAN 1/200 OF INSULATED AREA.
INSULATED ROOF SPACES NOT INCORPORATING AN ATTIC SHALL BE VENTILATED WITH NOT LESS THAN 1/150 OF INSULATED AREA.
ROOF VENTS SHALL BE UNIFORMLY DISTRIBUTED AND DESIGNED TO PREVENT THE ENTRY OF RAIN, SNOW OR INSECTS.
UNHEATED CRAWL SPACES SHALL BE PROVIDED WITH 1.1 FT² OF VENTILATION FOR EACH 500 FT².
DOORS & WINDOWS
EVERY FLOOR LEVEL CONTAINING A BEDROOM AND NOT SERVED BY AN EXTERIOR DOOR SHALL CONTAIN AT LEAST 1 WINDOW HAVING AN UNOBSTRUCTED OPEN AREA OF 5.6 FT² AND NO DIMENSION LESS THAN 15" INCH IS OBTAINABLE WITHOUT TOOLS.
EXTERIOR HOUSE DOORS AND WINDOWS WITH 6"-TYPICAL GRADE SHALL BE CONSTRUCTED TO RESIST FORCED ENTRY. DOORS SHALL HAVE A DEADBOLT LOCK.
THE PRINCIPAL ENTRY DOOR SHALL HAVE A DOOR VENER, TRANSPARENT GLAZING OR A SLEDGELock.

SMOKE ALARMS / DETECTORS
SHALL BE INSTALLED ON ANY STOREY OF A DWELLING UNIT CONTAINING SLEEPING ROOMS AS PER O.B.C. 4.10.14.3.
EACH SLEEPING ROOM.
IN A LOCATION BETWEEN THE SLEEPING ROOMS AND THE REMAINDER OF THE STOREY, AND IF THE SLEEPING ROOMS ARE SERVED BY A HALLWAY, THE SMOKE ALARM SHALL BE LOCATED IN THE HALLWAY.
ALL SMOKE ALARMS ARE TO BE INSTALLED AND PROVIDED WITH 7 DAYS OF BATTERY BACKUP O.B.C. 4.10.14.
CO2 DETECTOR SHALL BE INSTALLED AS PER O.B.C. 4.93.4.2.
SHALL BE INSTALLED ON OR NEAR THE CEILING ON EACH FLOOR AND BASEMENT LEVEL 2'-11" OR MORE ABOVE AN ADJACENT LEVEL.

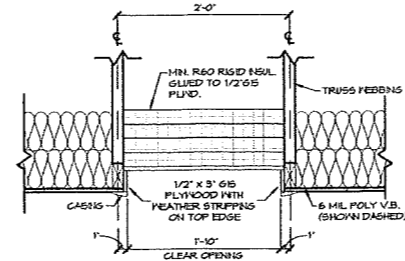
ACCESS
ACCESS TO CRAWL SPACES
ACCESS HATCH MINIMUM 18 IN X 2'-4" TO BE PROVIDED TO EVERY CRAWL SPACE.
HEATED CRAWL SPACES SHALL BE FITTED WITH A DOOR OR HATCH EXCEPT WHEN THE ACCESS OPENING INTO THE CRAWL SPACE IS FROM THE ADJACENT HEATED SPACE.
ACCESS WAY TO SERVICES
EQUIPMENT REQUIRING SERVICES SUCH AS PLUMBING, CLEANOUTS, TRAPS AND BURNERS LOCATED IN CRAWL SPACES SHALL BE PROVIDED WITH A ACCESS WAY WITH A HEIGHT AND WIDTH OF NOT LESS THAN 23 3/4" AND 35 1/2" HEIGHT AND/OR THE WIDTH OF THE EQUIPMENT TO BE SERVICED.
ACCESS TO ATTIC
ACCESS HATCH MINIMUM 21 5/8" X 2'-11" TO BE PROVIDED TO EVERY ATTIC ROOF SPACE WHICH IS 108 FT² OR MORE IN AREA AND MORE THAN 23 5/8" IN HEIGHT OVER THAT AREA.

NOTES:

1. MINIMUM CLEAR ACCESS OPENINGS SHALL BE 3.5 SQ.FT. WITH NO DIMENSION LESS THAN 21 1/2" THE CLEAR ACCESS SHOWN IS 4.5 SQ.FT.
2. POLY VAPOUR BARRIER TO BE SEALED AROUND TRUSS OPENINGS.



SECTION



SECTION

1 ATTIC ACCESS DETAIL
A3.2 3/4" x 1'-0"

LIGHTING/ELECTRICAL

- LIGHTING**
- CONFIRM ALL PLACEMENT OF OUTLETS, SWITCHES AND LIGHT FIXTURES WITH HOME OWNER PRIOR TO INSTALLATION.
 - PROVIDE EXTERIOR LIGHTS AT ALL EXITS
 - AN EXTERIOR LIGHT CONTROLLED BY AN INTERIOR SWITCH IS REQUIRED AT EVERY ENTRANCE AS PER O.B.C. 4.34.2.1.
 - A LIGHT CONTROLLED BY A SWITCH IS REQUIRED IN EVERY KITCHEN, BEDROOM, LIVING ROOM, UTILITY ROOM, LAUNDRY ROOM, DINING ROOM, BATHROOM, VESTIBULE, HALLWAY, GARAGE AND CARPORT. A SWITCHED RECEPTACLE MAY BE PROVIDED INSTEAD OF A LIGHT IN BEDROOMS AND LIVING ROOMS.
 - STAIRS SHALL BE LIGHTED, AND EXCEPT WHERE SERVING AN UNFINISHED BASEMENT SHALL BE CONTROLLED BY A 3-WAY SWITCH AT THE HEAD AND FOOT OF THE STAIRS.
 - BASEMENTS REQUIRE A LIGHT FOR EACH 523 F.T. CONTROLLED BY A SWITCH AT THE HEAD OF THE STAIRS.
 - EVERY STAIR WAY SHALL BE LIGHTED AND CONTROLLED WITH A 3-WAY SWITCH FOR STAIRWAYS MORE THAN 4 RISERS IN DWELLING UNITS 4.34.2.3.
- ELECTRICAL**
- ALL ELECTRICAL TO CONFORM WITH O.B.C. 4.34, AND BE COMPLETED & INSPECTED AS PER I.E.S.A.

ELECTRIC VEHICLE CHARGING SYSTEMS

- ELECTRIC VEHICLE CHARGING SYSTEMS
- ELECTRICAL OUTLET BOX SHALL BE INSTALLED IN THE GARAGE OR CARPORT OR ADJACENT TO THE DRIVEWAY AND TO BE PROVIDED WITH A MIN.
 - 200 AMP PANEL BOARD
 - CONDUIT NOT LESS THAN 21 MM TRADE SIZE AND IS EQUIPPED WITH A MEANS TO ALLOW CABLES TO BE PULLED INTO THE CONDUIT, AND
 - A SQUARE 4 1/8" TRADE SIZE ELECTRICAL OUTLET BOX.

DRAIN WATER HEAT RECOVERY UNITS

- DRAIN WATER HEAT RECOVERY UNITS
- A DRAIN WATER HEAT RECOVERY UNIT SHALL BE INSTALLED IN EACH DWELLING UNIT TO RECOVER DRAIN WATER FROM ALL SHOWERS OR FROM AT LEAST TWO SHOWERS WHERE THERE ARE TWO OR MORE SHOWERS IN THE DWELLING UNIT, AS PER O.B.C. 9.9-12.3.11.12.
 - DWIR UNITS NEED NOT BE INSTALLED IN AREAS WHERE THERE IS NO GRAVE SPACE ACCESS BELOW ANY OF THE SHOWERS AND/OR WHERE SHOWERS ARE INSTALLED ON CONCRETE SLABS.
 - DWIR UNITS SHALL BE INSTALLED IN AN UPRIGHT POSITION AND NOT DIVERGE MORE THAN 5 DEG. FROM VERTICAL.
 - IN A CONDITIONED SPACE OR ON THE WARM SIDE OF THE DIVISION OF THE WALL ASSEMBLY.

MECHANICAL VENTILATION

- MECHANICAL VENTILATION
- PROVIDE MECHANICAL VENTILATION SYSTEM AS PER O.B.C. 4.32.
 - EXHAUST FANS TO CONFORM TO PART 6 OF O.B.C.
 - SUPPLEMENTAL EXHAUST SHALL BE INSTALLED SO THAT THE TOTAL CAPACITY OF ALL KITCHEN, BATHROOM AND OTHER EXHAUSTS, LESS THE PRINCIPAL EXHAUST, IS NOT LESS THAN THE TOTAL REQUIRED CAPACITY.
 - ALL EXHAUST FANS SHALL BE DIRECTLY VENTED TO THE OUTDOORS.
 - A HEAT RECOVERY VENTILATOR MAY BE EMPLOYED IN LIEU OF EXHAUST TO PROVIDE VENTILATION, AN HRV IS REQUIRED IF ANY SOLID FUEL BURNING APPLIANCES ARE INSTALLED.
 - SUPPLY AIR INTAKES SHALL BE LOCATED SO AS TO AVOID CONTAMINATION FROM EXHAUST OUTLETS.
 - GAS FIREPLACES
 - ZERO CLEARANCE GAS FIREPLACES TO BE INSTALLED IN STRICT ACCORDANCE WITH THE MANUFACTURERS SPECIFICATIONS (DIRECT VENT IN ACCORDANCE WITH O.B.C. AND AUTHORITIES HAVING JURISDICTION).
 - CONSTRUCTION AIR SUPPLY TO FIREPLACES SHALL BE 4" DIAMETER INSULATED NON-COMBUSTIBLE DUCT WITH OPERABLE DAMPER AND INSECT SCREEN, MIN. 2" CLEARANCE TO COMBUSTIBLES.

BASEMENT WINDOWS

- BASEMENT WINDOWS
- PROVIDE REEFING TILE AT ALL WINDOWS AS PER O.B.C.
 - ALL BASEMENT BEDROOMS SHALL HAVE A WINDOW CONFORMING TO O.B.C. 4.14.10.1
 - IS OPERABLE FROM THE INSIDE WITHOUT THE USE OF TOOLS.
 - PROVIDES AN INDIVIDUAL UNOBSTRUCTED OPEN PORTION HAVING A MINIMUM AREA OF 3.75 SQ.FT WITH NO DIMENSIONS LESS THAN 1'-3"
 - WINDOW SILL HEIGHT TO BE A MINIMUM OF 34 3/8" ABOVE THE FLOOR.

WINDOW WELLS

- WINDOW WELLS
- WINDOW WELLS MAY BE REQUIRED DUE TO FINAL GRADE CONFORM WITH BULDER.
 - WINDOW WELLS MUST CONFORM WITH O.B.C. 4.14.6.3.
 - PROVIDE REEFING TILE IN ALL WINDOW WELLS TO FILL WITH A MIN. OF 6" CRUSHED CLEAR STONE.

STRUCTURAL

- STRUCTURAL
- TRUSSES AND LVL MEMBERS
 - SUPPLIERS OF ALL LVL MEMBERS AND TRUSS JOISTS SYSTEMS TO PROVIDE ENGINEERED SHOP DRAWINGS. NEW FIRE ENGINEERED TRUSSES TO BE DESIGNED BY TRUSS MANUFACTURER. MANUFACTURER TO SUBMIT STAMPED ENGINEERED SHOP DRAWINGS TO THE CONTRACTOR/OWNER FOR APPROVAL.

POINT LOADS

- POINT LOADS
- POINT LOADS IN WALLS DUE TO GORDER TRUSSES OR BEAM ENDS TO HAVE TRIPLE STUDS WHICH ARE TO BE CARRIED DOWN TO THE FOUNDATION.

WOOD LINTELS/HEADERS

- WOOD LINTELS/HEADERS
- ALL LINTELS SUPPORTING TRUSS SPANS THAT EXCEED 32'-0" OF SUPPORTED TRUSS LENGTH ARE TO BE PRE-ENGINEERED LVL HEADERS AS PER O.B.C. 4.23.12.

DECORATIVE TRIM

- DECORATIVE TRIM
- TRIM AS PER THE DRAWINGS AND OWNER'S FINAL SELECTION. DIMENSION AND MOUNTING HEIGHTS TO BE COORDINATED WITH ONSITE.
 - DIMENSIONS AND ALL WORK TO BE PROPORTIONED ACCORDINGLY.

END BEARINGS

- END BEARINGS
- ALL WOOD AND STEEL BEAMS SHALL HAVE EVEN AND LEVEL BEARINGS AND SHALL HAVE NOT LESS THAN 3 1/2" LENGTH OF BEARINGS AT END SUPPORTS AS PER O.B.C. 4.23.1.1.
 - EXCEPT WHEN SUPPORTED ON RIBBON BOARDS, ALL FLOOR JOISTS SHALL HAVE NOT LESS THAN 1 1/2" LENGTH OF END BEARINGS AS PER O.B.C. 4.23.1.1(1)

WOOD FRAME CONSTRUCTION

- WOOD FRAME CONSTRUCTION
- ALL LUMBER SHALL BE SPRUCE-PINE-FIR NO. 2 OR BETTER AND SHALL BE IDENTIFIED BY A GRADE STAMP.
 - MAXIMUM MOISTURE CONTENT 19% AT TIME OF INSTALLATION.
 - WOOD FRAMING MEMBERS, WHICH ARE SUPPORTED ON CONCRETE IN DIRECT CONTACT WITH SOIL, SHALL BE SEPARATED FROM THE CONCRETE WITH 6-MIL. POLYETHYLENE.

DECK CONSTRUCTION

- DECK CONSTRUCTION
- ALL DECK CONSTRUCTION CONFORM WITH 6.8-1 SECTION 1.
 - ALL FASTENERS IN CONTACT WITH PRESSURE TREATED MATERIALS ARE TO BE COMPATIBLE WITH PRESSURE TREATING CHEMICALS.
 - ALL EXTERIOR LUMBER TO BE PRESSURE TREATED SPF NO.1 OR NO.2 GRADE.

FLOOR CONSTRUCTION

- FLOOR CONSTRUCTION
- REFER TO DRAWINGS FOR TYPICAL ASSEMBLIES.
 - SEE SUPPLIER STRUCTURAL DRAWINGS FOR FLOOR SYSTEM DESIGN (WHERE APPLICABLE).
 - JOISTS TO HAVE MINIMUM 1 1/2" END BEARINGS
 - JOISTS SHALL BEAR ON A SILL PLATE NEEDED TO FOUNDATION (REFER TO FOUNDATION WALL NOTES)
 - HEADER JOISTS BETWEEN 5'-11" AND 10'-6" IN LENGTH SHALL BE DOUBLED. HEADER JOISTS EXCEEDING 10'-6" SHALL BE SIZED BY CALCULATIONS
 - TRIMMER JOISTS SHALL BE DOUBLED WHEN SUPPORTED HEADER IS BETWEEN 2'-7" AND 6'-7". TRIMMER JOISTS SHALL BE SIZED BY CALCULATIONS WHEN SUPPORTED HEADER EXCEEDS 6'-7".
 - 2"x2" CROSS BRIDGINGS REQUIRED NOT MORE THAN 6'-11" FROM EACH SUPPORT AND FROM OTHER ROWS OF BRIDGINGS.
 - PROVIDE SOLID BLOCKING @ 4'-0" MAX. BELOW WALLS RUNNING PARALLEL TO JOISTS OR AS PER ENGINEERED FLOOR MANUFACTURERS SPECIFICATIONS.
 - JOISTS SHALL BE SUPPORTED ON JOIST HANGERS AT ALL FLUSH BEAMS, TRIMMERS, AND HEADERS.
 - JOISTS LOCATED UNDER PARALLEL NON-LOADBEARING PARTITIONS SHALL BE DOUBLED
 - SUBFLOOR SHEATHING (REFER TO DRAWINGS) TO BE GLUED, WALLED AND SCREWED, WITH STAGGERED JOISTS.
 - CEILING FINISH TO BE 1/2" GYPSUM BOARD, UNLESS NOTED OTHERWISE.

ROOF AND CEILING

- ROOF AND CEILING
- REFER TO DRAWINGS AND ENGINEERED ROOF TRUSS SHOP DRAWINGS FOR ROOF SHEATHING, ROOF RAFTER, ROOF JOIST AND CEILING JOIST SIZE AND SPACING REQUIREMENTS.
 - HP AND VALLEY RAFTER SHALL BE 2" DEEPER THAN COMMON RAFTERS.
 - 2"x4" COLLAR TIES @ RAFTER SPACING WITH 1"x6" CONTINUOUS BRACE AT MID SPAN IF COLLAR TIE EXCEEDS 7'-0" IN LENGTH.

NOTCHING AND DRILLING OF TRUSSES, JOISTS AND RAFTERS

- NOTCHING AND DRILLING OF TRUSSES, JOISTS AND RAFTERS
- HOLES IN ENGINEERED FLOOR, ROOF AND CEILING MEMBERS TO BE AS PER MANUFACTURERS SPECIFICATIONS.
 - HOLES IN DIMENSIONED FLOOR, ROOF AND CEILING MEMBERS TO BE MAXIMUM 1" X ACTUAL DEPTH OF MEMBER AND NOT LESS THAN 2" FROM EDGES
 - NOTCHES IN FLOOR, ROOF AND CEILING MEMBERS TO BE LOCATED ON TOP OF MEMBER WITHIN 1/2 THE ACTUAL DEPTH FROM THE EDGE OF BEARING AND NOT GREATER THAN 1/3 JOIST DEPTH.
 - WALL STUDS MAY BE NOTCHED OR DRILLED PROVIDED THAT NO LESS THAN 2/3 THE DEPTH OF THE STUD REMAINS, IF LOADBEARING, AND 1 1/4" IF NON-LOADBEARING.
 - ROOF TRUSS MEMBERS AND ENGINEERED WOOD PRODUCTS SHALL NOT BE NOTCHED, DRILLED OR HEADENED UNLESS ACCOMMODATED IN THE DESIGN.

COLUMNS, BEAMS & LINTELS

- COLUMNS, BEAMS & LINTELS
- STEEL BEAMS AND COLUMNS SHALL BE SHOP PRIMED.
 - MINIMUM 3 1/2" END BEARINGS FOR WOOD AND STEEL BEAMS, WITH 1 7/8" SOLID MASONRY BENEATH THE BEAM.
 - STEEL COLUMNS TO HAVE MINIMUM OUTSIDE DIAMETER OF 2 7/8" AND MINIMUM WALL THICKNESS OF 3/16" 5 1/2"x3 1/2" OR 1" X 1" RIMMED, UNLESS CALCULATIONS BASED ON ACTUAL LOADS SHOW LESSEER SIZES ARE ADEQUATE.
 - ALL COLUMNS SHALL NOT BE LESS THAN THE WIDTH OF THE SUPPORTED MEMBER.
 - MASONRY COLUMNS SHALL BE A MINIMUM OF 11 3/8"x11 3/8"
 - PROVIDE SOLID BLOCKING THE FULL WIDTH OF THE SUPPORTED MEMBER UNDER ALL CONCENTRATED LOADS.

WOOD BLOCKING

- WOOD BLOCKING
- WOOD BLOCKING SHALL BE PROVIDED WITHIN WALL FRAMES AT STAIR LOCATIONS FOR HANDRAILS IN ACCORDANCE WITH O.B.C. 4.13.1.
 - WOOD BLOCKING SHALL BE PROVIDED WITHIN WALL FRAMES AT THE MAIN BATHROOM TO PERMIT THE FUTURE INSTALLATION OF A GRAB BAR ON A WALL ADJACENT TO A WATER CLOSET, A SHOWER, AND A BATHING IN ACCORDANCE WITH O.B.C. SECTION 4.8.2.3.

STAIR DETAILS

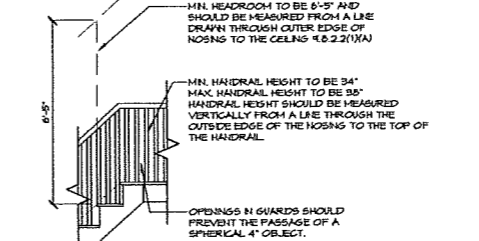
- STAIR DETAILS
- ALL INTERIOR & EXTERIOR STAIRS TO CONFORM WITH O.B.C. 4.8.2
 - MIN. STAIR WIDTH TO BE 2'-10" O.B.C. 4.8.2.1(2)
 - ALL STAIRS TO BE INFORM IN RISE & RUN
 - MIN. RISE = 4 1/8", MAX. RISE = 7 1/8"
 - MIN. RUN = 8 1/4", MAX. RUN = 14"
 - CARVED STAIRS MIN. RUN: 9 1/8" AVG. RUN 11 7/8"
 - NOSING TO BE 1" MAX.
 - INDIVIDUAL WINDER TREADS MAY TURN THRU AN ANGLE OF NOT LESS THAN 90 AND NOT MORE THAN 45 ADJACENT WINDER MUST TURN THROUGH SAME ANGLE O.B.C. 4.8.1.5

HANDRAILS AND GUARDS

- HANDRAILS AND GUARDS
- ALL HANDRAILS AND GUARDS TO BE INSTALLED AS PER O.B.C. 4.8-1.
 - HANDRAILS AS PER O.B.C. 4.8.1
 - HANDRAILS SHALL NOT BE LESS THAN 34" AND NOT MORE THAN 50" IN HEIGHT.
 - IF STAIRS ARE OPEN ON BOTH SIDES OF STAIRS, GUARDS ARE REQUIRED ON BOTH SIDES OF THE STAIRS AND HANDRAIL ON ONE SIDE. IF STAIR WIDTH EXCEEDS 43" RAILINGS ARE REQUIRED ON BOTH SIDES IN ADDITION TO GUARDS.
 - STAIRS WITH WALLS ON BOTH SIDES REQUIRE HANDRAIL ON ONE SIDE. IF STAIR WIDTH EXCEEDS MORE THAN 3'-7", RAILINGS ARE THEN REQUIRED ON BOTH SIDES OF THE STAIRS.

EXTERIOR GUARDS AS PER O.B.C. 4.8.2.1

- EXTERIOR GUARDS AS PER O.B.C. 4.8.2.1
- MIN. RAILING HEIGHT TO BE 34" IF DECK HEIGHT IS LESS THAN 5'-11" ABOVE GRADE.
 - MIN. RAILING HEIGHT TO BE 42" IF DECK HEIGHT IS MORE THAN 5'-11" ABOVE GRADE.
 - IF DECK



ABBREVIATIONS

- ABBREVIATIONS
- | | |
|---|-----------------------------------|
| ADJ. = ADJUSTABLE | JTS. = JOISTS |
| AFE = AIRSIAL FUEL UTILIZATION EFFICIENCY | MAX. = MAXIMUM |
| ETHN = EVIDENCE | MIN. = MINIMUM |
| GC = CENTER TO CENTER | N.T.S. = NOT TO SCALE |
| CLST. = CLOSET | O/C = ON CENTER |
| COM. = COMPLETE WITH | O.B.C. = ONTARIO BUILDING CODE |
| CONC. = CONCRETE | P.T. = PRESSURE TREATED |
| CONT. = CONTINUOUS | SEE = SEE ENGINEER'S INSTRUCTIONS |
| DRW. = DRAWING | SHTS. = SHEATHING |
| EF. = ENERGY FACTOR | S.P.F. = SPRUCE PINE FUR |
| ENG. = ENGINEERED | SQ. = SQUARE |
| EXT. = EXTERIOR | TH. = THICKNESS |
| FLR. = FLOOR | TMBR. = TRIMMER |
| FTG. = FOOTING | T&G. = TONGUE AND GROOVE |
| FDL. = FOUNDATION | TYP. = TYPICAL |
| HRV. = HEAT RECOVERY VENTILATOR | U/S = UNDERSIDE |
| IP. = ISOLATING CONCRETE FORM | VAP. = VAPOUR |
| | VERT. = VERTICAL |
| | VUM. = VELLDED FIRE MESH |

GENERAL NOTES

- THESE DOCUMENTS ARE NOT TO BE SCALED.
- THE DESIGN AND DOCUMENTS REMAIN THE PROPERTY OF "J.V. HOME DESIGNS" AND ARE PROTECTED BY LAW. THEY MAY NOT BE ALTERED, ISSUED, OR REPRODUCED IN ANY WAY WITHOUT THE WRITTEN CONSENT OF THE DESIGNER AND "J.V. HOME DESIGNS". ALL DOCUMENTS ARE TO BE RETURNED AT THE COMPLETION OF WORK.
- CONTRACTOR TO SITE VERIFY ANY AND ALL DETAILS AND DIMENSIONS AND REPORT ANY AND ALL DISCREPANCIES TO THE DESIGNER BEFORE COMMENCING WITH THAT RELATED PORTION OF THE WORK.
- ONLY SIGNED SEALED AND STAMPED DOCUMENTS ARE TO BE USED FOR THE CONSTRUCTION PURPOSES.
- ANY DEVIATIONS FROM THESE PLANS AND DETAILS WILL REQUIRE REVISED DRAWINGS AND CLEARANCE BY THE BUILDING DEPARTMENT.
- ALL CONSTRUCTION & MATERIALS SHALL CONFORM TO THE LATEST EDITION OF THE ONTARIO BUILDING CODE ANY CHANGES TO DESIGN OR USE OF OTHER BUILDING MATERIALS SHALL BE APPROVED BY THE DESIGNER AND/OR APPROVED BY THE ENGINEER.
- ALL DIMENSIONS ARE IMPERIAL, UNLESS OTHERWISE NOTED.

The undersigned has reviewed and has responsibility for the design and has the qualifications and meets the requirements set out in the Code of Building Code to be an engineer.

PROJECT NAME:

HOME ADDITION

CLIENT NAME:

MILAN PETKO

LOCATION:

1091 HWY 8,
STONE CREEK

NO.	DESCRIPTION	DATE
1	ISSUED FOR CLIENT REVIEW	OCT 20/18
2	DESIGNER ADJUSTMENT	OCT 29/18
3	ISSUED FOR REVISION REVIEW	NOV 6/18
4	ISSUED FOR FINAL REVIEW	NOV 11/18

SHEET NAME:

DETAILS

PROJECT NUMBER:

ISSUED DATE:

2019-01-07 11:04:22 AM

DRAWN BY:

BRIANNA BODORKOS

DRAWING NUMBER:

A3.2

SCALE:

As indicated



J.V. Home Design
OUR DESIGNS. YOUR FUTURE

ADDITIONS, RENOVATIONS, NEW HOMES, COMMERCIAL INDUSTRIAL AND AGRICULTURAL DESIGN ACROSS THE HURONIA REGION
J.V.HOMEDESIGN@GMAIL.COM
(226) 214-1199



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221 Fax (905) 546-4202

E-mail: morgan.evans@hamilton.ca

CORRECTED NOTICE OF PUBLIC HEARING
Minor Variance

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.: AN/A-20:48

APPLICANTS: Urban Solutions on behalf of the owner 1932376 Ontario Inc.

SUBJECT PROPERTY: Municipal address **610 Tradewind Dr., (Ancaster) City of Hamilton**

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-law 18-219

ZONING: "M2 and Exception 678" (General Business Park) district

PROPOSAL: To permit the construction of a new planned business centre comprising 2,495m² of gross floor area with the potential for nine (9) units, notwithstanding that:

1. The minimum width of a landscaped area abutting parking spaces, aisles and driveways shall be 5.5m instead of the required minimum landscaped area width of 6.0m.
2. The minimum number of parking spaces for the planned business centre shall be based on 1 parking space per 55 square metres of gross floor area for the provision of 45 parking spaces instead of the required 1 parking space per 50 square metres of gross floor area for the provision of 49 parking spaces.

NOTES:

1. The variances have been written as requested by the applicant. The lands are subject to DA-19-149 which received conditional approval on December 20, 2019.
2. The Zoning By-law defines Planned Business Centre as:

Planned Business Centre shall mean a group of business establishments within an Industrial Zone which is planned, developed, managed and operated as a unit with shared on-site parking, and containing four or more separated spaces for lease or occupancy, but shall not be considered as a Shopping Centre.
3. The Zoning By-law requires the landscaped area to include a minimum 3.0m wide planting strip. It is noted that the landscaped area to be addressed in Variance #1 would contain the required 3.0m planting strip.
4. Although dimensions were not identified for the proposed parallel parking spaces which abut the rear wall of the building, the applicant has advised that they would have dimensions of 3.0m x 6.7m which comply with the requirements of the Zoning By-law.
5. Special Exception 678, applicable to the subject property allows for the development of additional permitted uses in the M2 Zone which include a children's play gym and a gymnastics studio.

ANA-20:48

Page 2

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

DATE: Thursday, July 9th, 2020

TIME: 1:40 p.m.

PLACE: Via video link or call in (see attached sheet for details)
To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: June 23rd, 2020.

Original Signed

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.

20.150499



Hamilton

Planning and Economic Development Department
Planning Division

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

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

FOR OFFICE USE ONLY.	
APPLICATION NO. <u>N/A</u>	DATE APPLICATION RECEIVED <u>20:48 Feb. 4/20</u>
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

- Name of Owner 1932376 Ontario Inc. Telephone No.
-
- Name of Agent UrbanSolutions Telephone No.
-

Note: Unless otherwise requested all communications will be sent to the agent, if any.

- Names and addresses of any mortgagees, holders of charges or other encumbrances:
N/A

Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:

Please refer to cover letter.

7. Why it is not possible to comply with the provisions of the By-law?

Please refer to cover letter.

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

Part of lot 32, Concession 4, Former Township of Ancaster

610 Tradewind Dr.

9. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial Agricultural Vacant Other

9.1 If Industrial or Commercial, specify use

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?
 Consultation with the owner.

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed. N/A
 Is the previous use inventory attached? Yes No

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Jan 31/20
 Date


 Signature Property Owner
 1932376 Ontario Inc.
 Print Name of Owner

10. Dimensions of lands affected:
 Frontage +/- 88.00 metres
 Depth +/- 67.00 metres
 Area +/- 7,842.3 square metres
 Width of street +/-26.0 metres

11. Particulars of all buildings and structures on or proposed for the subject lands:
 (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)
 Existing: Existing site is vacant.

 Proposed: Proposed one storey business center with the potential of 9 separate units.
A total gross floor area is 2,495 square metres is proposed with 47 parking spaces including a barrier free space.

12. Location of all buildings and structures on or proposed for the subject lands;
 (Specify distance from side, rear and front lot lines)
 Existing: Existing site is vacant.

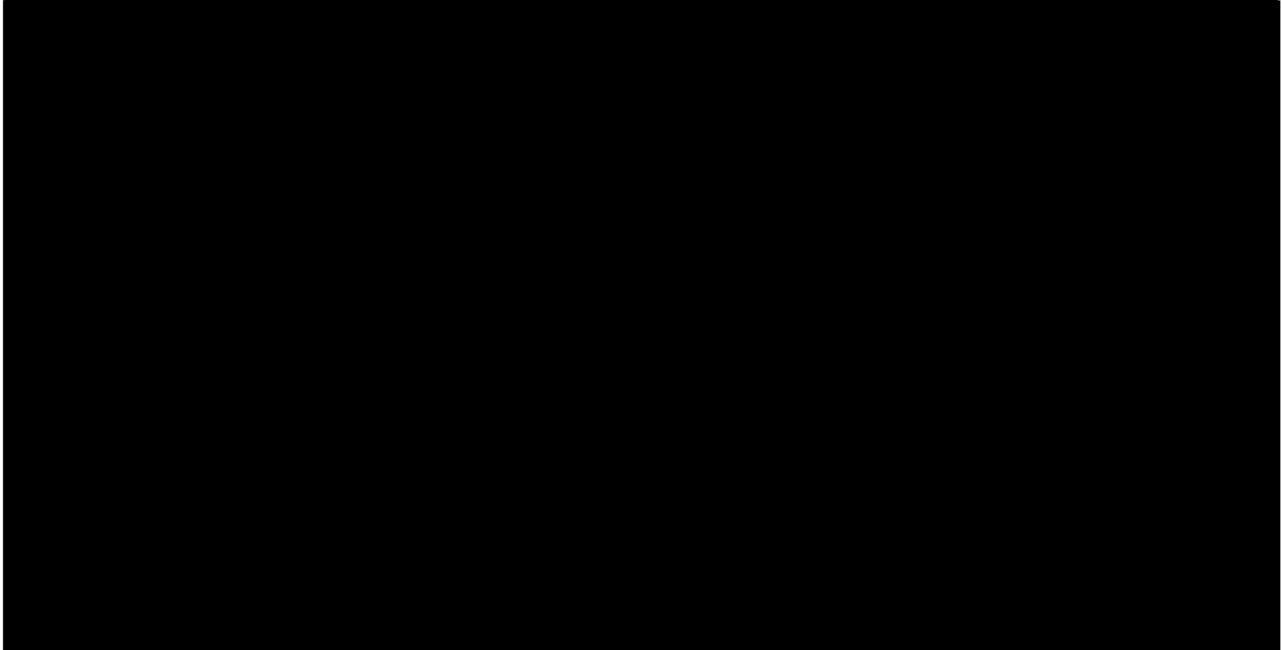
 Proposed: Please refer to enclosed Minor Variance sketch for location of building on subject lands.

13. Date of acquisition of subject lands:
 Unknown.
-
14. Date of construction of all buildings and structures on subject lands:
 Subject lands is currently vacant
-
15. Existing uses of the subject property: Subject lands is currently vacant.
-
-
16. Existing uses of abutting properties: Surrounding lands industrial business park.
-
17. Length of time the existing uses of the subject property have continued:
 Unknown.
-
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|-------------------------------------|-----------|--------------------------|
| Water | <input checked="" type="checkbox"/> | Connected | <input type="checkbox"/> |
| Sanitary Sewer | <input checked="" type="checkbox"/> | Connected | <input type="checkbox"/> |
| Storm Sewers | <input checked="" type="checkbox"/> | | |
19. Present Official Plan/Secondary Plan provisions applying to the land:
 Business Park, Urban Hamilton Official Plan
-
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
 General Business Park (M2,678) Zone, City of Hamilton Zoning By-law No. 05-200.
-
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.
-
-
-
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.

PART 24 AFFIDAVIT OR SWORN DECLARATION

This declaration to be sworn by a Commissioner of Oaths.

**PART 25 OWNERS AUTHORIZATION**

As of the date of this application, I (NAME) 1932376 Ontario Inc. am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

Sergio Manchia of UrbanSolutions

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application:

DATE Jan 31 20 SIGNED 

PART 26 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, 1932376 Ontario Inc., the Owner, hereby agree and acknowledge
(Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

Date Jan 31 20 Signature of Owner 

PART 27 PERMISSION TO ENTER

Date: _____

Secretary/Treasurer
Committee of Adjustment
City of Hamilton,
City Hall

Dear Secretary/Treasurer;

Re: Application to Committee of Adjustment

Location of Land: 610 Tradewind Drive
(Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited purposes of evaluating the merits of this application.



Signature of Owner or Authorized agent

Sergio Manchia

Please print name

Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee's policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.

PART 28 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1284.



February 4, 2020

178-16

Via Delivered

Scott Baldry
Secretary-Treasurer

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

Dear Mr. Baldry,

**RE: 610 Tradewind Drive, Ancaster
Minor Variance Application Submission**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf of 1932376 Ontario Inc., the registered owners of the lands municipally known as 610 Tradewind Drive, Ancaster (subject property). We are pleased to submit the enclosed Minor Variance application to facilitate this development.

The enclosed Minor Variance application implements Site Plan Amendment Application, SPA-19-149 that was submitted on August 29, 2019 that proposes minor changes to the previous Final Site Plan approval, DA-17-036 in 2017 for the subject lands.

The subject lands are currently vacant and is located on the west side of Tradewind Drive, south of Wilson Street and municipally known as 610 Tradewind Drive. The subject lands are designated "Business Park" in an Employment Area of the Urban Hamilton Official Plan and are zoned General Business Park (M2,678) in the City of Hamilton Zoning By-law No. 05-200.

Purpose of the Application

The purpose of this Minor Variance application is to facilitate the development to establish a one (1) storey, 2,495 m² business center with the potential for 9 separate units including 47 parking spaces (SPA-19-149) on the subject lands. The variances required to facilitate this development are described as follows:

- Variance No. 1 – To decrease the minimum landscaped area abutting parking/aisle/driveway and a street from 6.0 metres to 5.50 metres.

- Variance No. 2 – To reduce the parking ratio for a planned business center from 1 per 50 m² of gross floor area to 1 per 55 m² of gross floor area.

To assist in the evaluation of the Minor Variance application, please refer to the enclosed Minor Variance Plan prepared by UrbanSolutions dated January 22, 2020.

Analysis

Section 45(1) of the *Planning Act*, R.S.O., 1990, as amended, requires Minor Variances to satisfy four (4) tests. Justification for the proposed variances in keeping with these tests is provided below.

Test #1 – Is the proposed minor variance in keeping with the general purpose and intent of the Official Plan?

The subject property is designated *Business Park* in the Urban Hamilton Official which permits the proposed business center use of the lands. As outlined in Chapter E, Section 5.4.7 of the Official Plan, developments and redevelopment of existing sites shall contribute to a quality image for the business park by incorporating quality building and landscaping designs in those adjacent to and visible from public roads, and by complementing the landscape qualities of adjacent sites. The proposed development is in keeping with this policy as the requested minor variances will result in a built form that is consistent with the surrounding built form. The reduced landscape strip is generally maintained with the exception of two pinch points where the landscape is reduced from 6.0 metres to 5.63 metres.

The proposed Minor Variances do not seek to change the principle use of the subject property and in our opinion meets the general intent of the Official Plan.

Test #2 – Does the application conform to the general intent of the Zoning By-law?

The subject property is zoned General Business Park (M2,678) in the City of Hamilton Zoning By-law No. 05-200. The general intent of the (M2) Zone is to regulate development within the business park. The proposed Variance No. 1 is to decrease the minimum landscaped area abutting the parking/aisle/driveway and a street from 6.0 metres to 5.50 metres. The proposed landscape area is generally maintained with the exception of 2 pinch points. The requested Variance No. 1 fulfills the intent of the Zoning By-law as the 6.0 metre landscaped area will be maintained for the greater part of the site and provides adequate separation to the abutting property. The proposed Variance No. 2 is required to reduce the parking ratio for a planned business center from 1 per 50 m² of gross floor area to 1 per 55 m² of gross floor area. The intent of the parking requirement is to provide sufficient parking for the employees and visitors of the site. Due to the configuration of the building and required turning radii, it is not possible to include more parking than what is proposed.

It is our opinion the proposed development meets the general intent of the Zoning By-law.

Test #3 – Is the minor variance desirable for the appropriate development or use of the land, building or structure?

The requested Minor Variances are required in order to facilitate the development of the proposed one-storey business center which has been designed to be in keeping and compatible with the existing and planned character of the surrounding neighbourhood. It is our opinion the Minor Variance application facilitate a development that is desirable and appropriate for the subject property.

Test #4 – Is the proposed minor variance minor in nature?

The requested Minor Variances are minor in nature as the proposed development is in keeping with the existing and planned character of the neighbourhood. Subject to the required Minor Variance application, the proposed business center meets zoning regulations for the General Business Park (M2,678) Zone through City of Hamilton Zoning By-law 05-200.

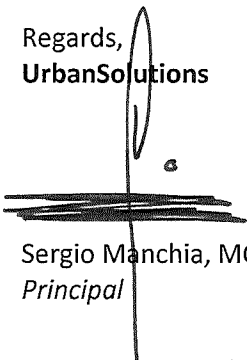
The proposed variances satisfy the four (4) tests outlined in Section 45(1) of the *Planning Act* as the relief requested is minor in nature, is desirable for the appropriate development of the lands, and meets the general intent and purpose of the UHOP and Zoning By-law.


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

- Two (2) copies of the completed Minor Variance Application form;
- Two (2) copies of the Minor Variance plan prepared by UrbanSolutions, dated January 22, 2019;
- One (1) cheque payable to the City of Hamilton in the amount of **\$3,302.00** representing the fees for the Minor Variance application.

We trust the enclosed is in order; however, please feel free to contact the undersigned if you have any questions or require additional information.

Regards,
UrbanSolutions


Sergio Manchia, MCIP, RPP
Principal


Spencer McKay, CPT
Project Manager

cc. Mr. Ted Valeri, 1932376 Ontario Inc.
Councillor Lloyd Ferguson, Ward 12, City of Hamilton (Cover Letter and Sketch only)
Mr. Matt Johnston, MCIP, RPP, UrbanSolutions



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221 Fax (905) 546-4202
 E-mail: morgan.evans@hamilton.ca or scott.baldry@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: AN/B-20:18

SUBJECT PROPERTY: 378 Harmony Hall Dr., Ancaster

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

APPLICANT(S): T. Johns Consulting Group c/o K. Gillis on behalf of the owner 1520896 Ontario Inc.

PURPOSE OF APPLICATION: To permit the severance of a parcel of land to be added to the adjacent property for residential purposes.

Severed lands:

4.11m[±] x 18.28m[±] and an area of 72.1m^{2±}

Retained lands:

18.31m[±] x 17m[±] and an area of 313.2m^{2±}

The Committee of Adjustment will hear this application on:

DATE: Thursday, July 9th , 2020

TIME: 1:50 p.m.

PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

Important note: If a person or public body that files an appeal of a decision of the Committee of Adjustment in respect of the proposed consent does not make written or oral submission

.../2

AN/B-20:18
Page 2

to the Committee of Adjustment before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal (LPAT) may dismiss the appeal.

MORE INFORMATION

For more information on this application, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: June 23rd, 2020

Original Signed

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

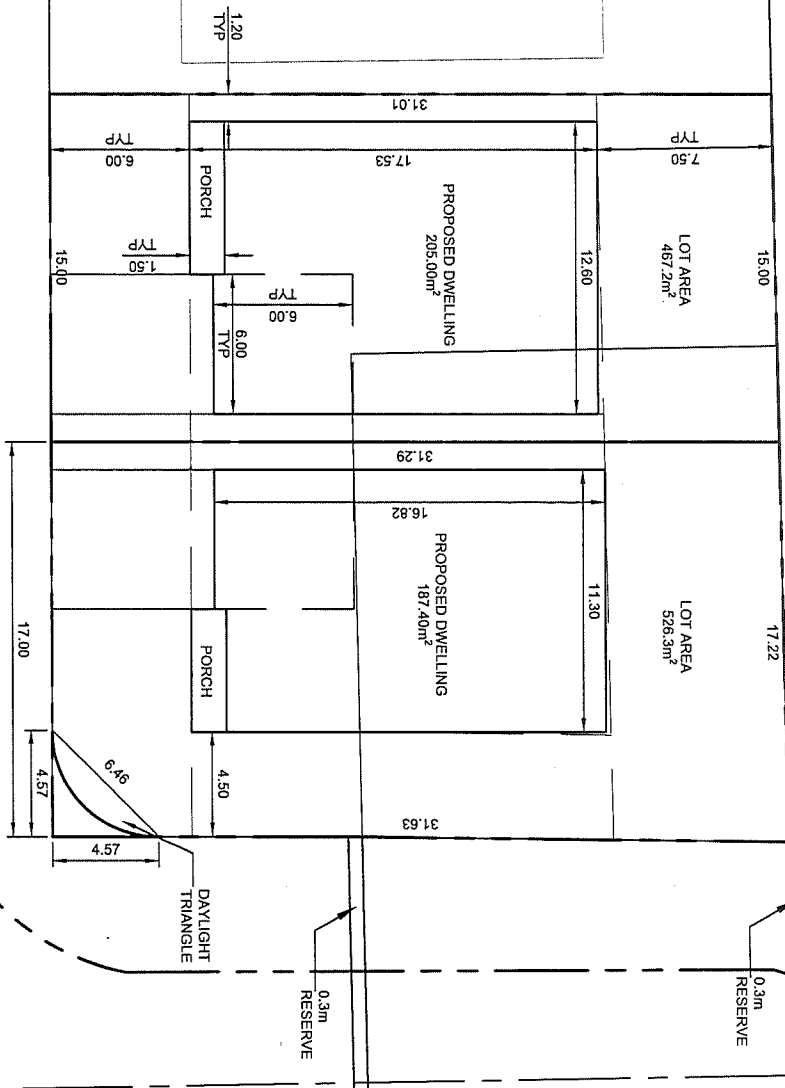
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.



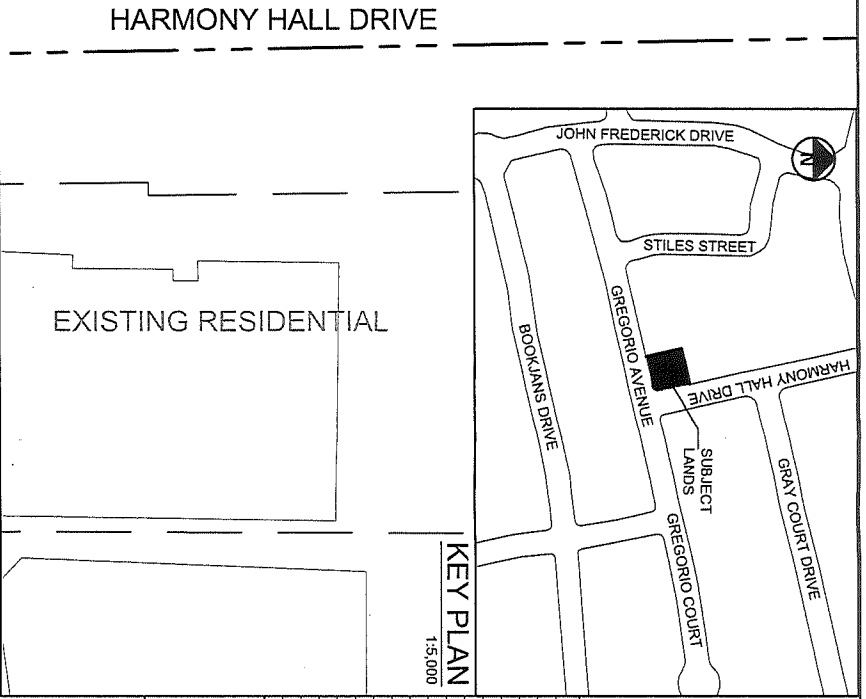
EXISTING RESIDENTIAL

GREGORIO AVE

EXISTING RESIDENTIAL



HARMONY HALL DRIVE



KEY PLAN
1:5,000

DESIGN NOTE: PLAN IS BASED ON S.D. MC LAREN SKETCH FOR LAND DIVISION
DRAWING NO. 33874-LDC, 2019.

PROVISION	REQUIRED PER R4-XX (ZAR-19-034)	PROPOSED	CONFORMITY
RESIDENTIAL 4 R4-XX DISTRICT, MODIFIED (ZONING BY-LAW NO. 87-57)			
PERMITTED USE	SINGLE-FAMILY DWELLING	SINGLE-FAMILY DWELLING	YES
MIN. LOT AREA CORNER LOT	450m ²	487.2m ²	YES
MIN. LOT FRONTAGE CORNER LOT	500m ²	526.3m ²	YES
MIN. LOT FRONTAGE	15.0m	15.0m	YES
MIN. LOT WIDTH	16.0m	17.0m	YES
MAX. LOT COVERAGE	40%	40%	YES
MIN. FRONT YARD	6.0m	6.0 m	YES
MIN. SIDE YARD (INTERIOR LOT WITH NO GARAGE CORNER LOT)	1.2m	1.2m	YES
CORNER LOT	6.0m	N/A	N/A
MIN. REAR YARD	4.5m	4.5m	YES
MIN. REAR YARD	7.5m	7.5m	YES
MAX. BUILDING HEIGHT	10.5m	10.5m	YES
PARKING	1 OF 2 PARKING SPACES WITHIN A PRIVATE GARAGE/ CARPORT	1 OF 2 PARKING SPACES WITHIN A PRIVATE GARAGE/ CARPORT	YES

LEGAL DESCRIPTION

PART OF BLOCK 117
PLAN 62M-1122
AND PART OF
LOT 47 CONVESSION 3
GEOGRAPHIC TOWNSHIP OF
ANCASTER
IN THE CITY OF HAMILTON

REVISIONS

REV.	DESCRIPTION	DATE	INT.
D	RESERVE	24-02-2020	JB
C	RESERVE	21-01-2020	JB
B	RESERVE	17-01-2020	JB
A	RESERVE	06-06-2019	JB

DISCLAIMER: AS THE UTILITY SERVICE PROVIDER OF THE PROJECT, T.J. JOHNS CONSULTING GROUP LTD. AND IS PROTECTED UNDER COPYRIGHT.
ANY DISCREPANCIES SHALL BE REPORTED TO T.J. JOHNS CONSULTING GROUP LTD. PRIOR TO THE START OF CONSTRUCTION.
THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNLESS OTHERWISE INDICATED.



PROJECT TITLE
378 HARMONY HALL DRIVE
ANCASTER, ONTARIO

DRAWING TITLE
CONCEPTUAL SITE PLAN

DRAWN BY	DESIGNED BY
JB	JB
PRINT DATE	PROJECT NUMBER
06-MAY-2019	1907
REVISION	DRAWING NUMBER
D	CSP1-1
SCALE	
1:250	

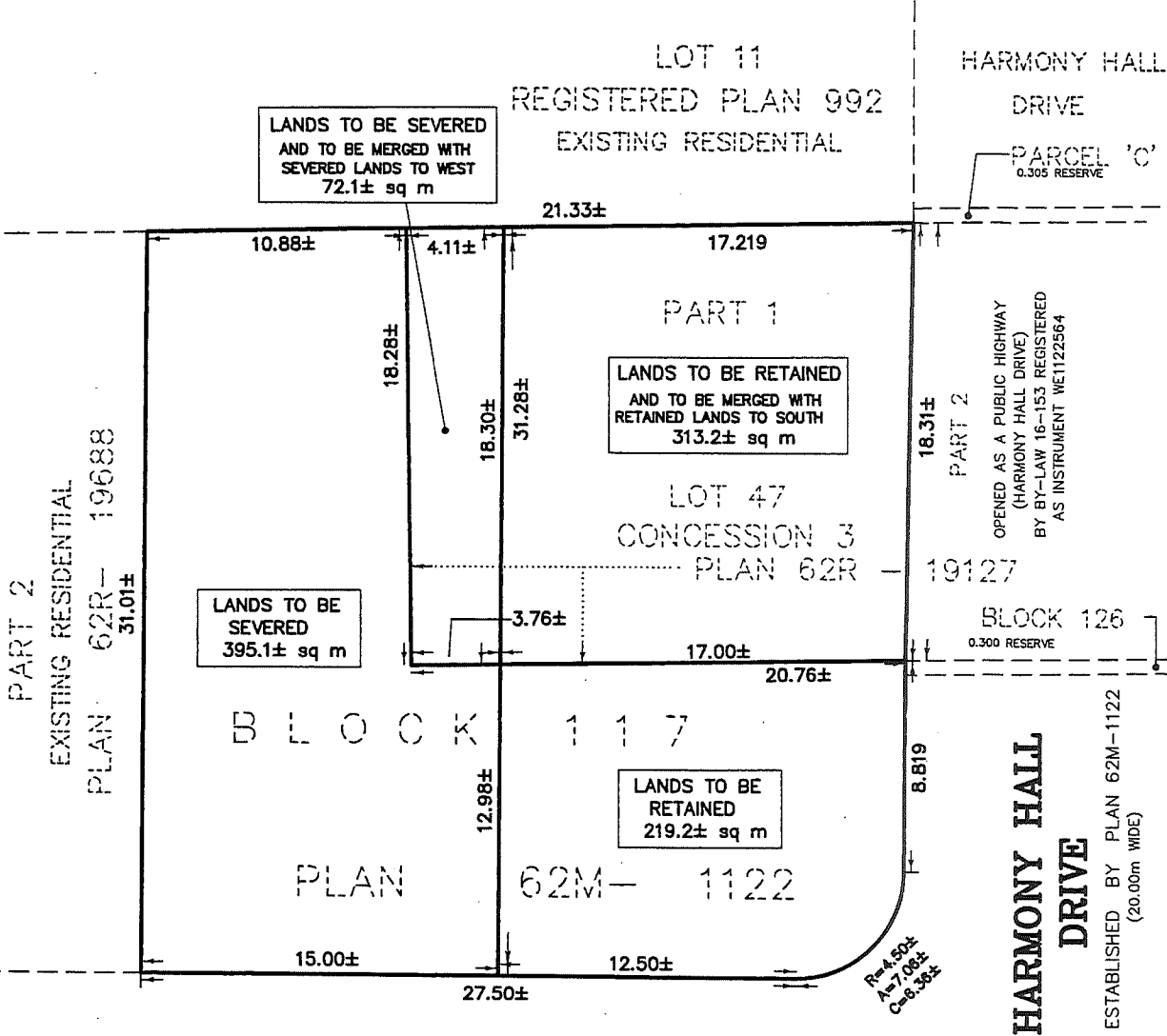
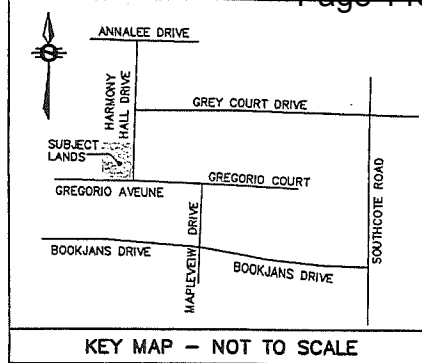
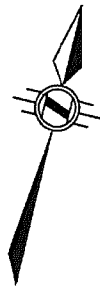
AN/8-20/18
AN/8-20/19
Sketch (1)

SKETCH FOR LAND DIVISION
 OF PART OF
BLOCK 117
PLAN 62M-1122
 AND PART OF
LOT 47
CONCESSION 3
 GEOGRAPHIC
TOWNSHIP OF ANCASTER
 IN THE
CITY OF HAMILTON

SCALE 1:200 METRIC



S.D. McLAREN, O.L.S. - 2019



GREGORIO AVENUE

ESTABLISHED BY PLAN 62M-1122
 (20.00m WIDE)

METRIC NOTE

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

APRIL 8, 2019
 DATE



A.T. McLaren Limited
 LEGAL AND ENGINEERING SURVEYS

69 JOHN STREET SOUTH, SUITE 230
 HAMILTON, ONTARIO, L8N 2B9

PHONE (905) 527-8559 FAX (905) 527-0032

Drawn KM	Checked RBM	Crew Chief DW	Scale 1:200	Dwg.No. 33874-LDC
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AN/B-2018
 AN/B-2019
 Sketch (2)

RECEIVED

FEB 25 2020

COM OF ADJUSTMT



Hamilton

Planning and Economic Development Department
Planning Division

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

Phone (905) 546-2424, ext. 4221
Fax (905) 546-4202

**APPLICATION FOR CONSENT TO SEVER LAND
UNDER SECTION 53 OF THE PLANNING ACT**

Office Use Only

Date Application Received: <i>Feb. 25/20</i>	Date Application Deemed Complete:	Submission No.: <i>AN/B-20:18</i>	File No.:
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1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS	PHONE/FAX
Registered Owners(s)	1520896 Ontario Inc.	[REDACTED]	[REDACTED]
Applicant(s)*	Same as above.	[REDACTED]	[REDACTED]
Agent or Solicitor	T. Johns Consulting Group c/o Katelyn Gillis	[REDACTED]	[REDACTED]

* Owner's authorisation required if the applicant is not the owner.

1.3 All correspondence should be sent to Owner Applicant Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality Geographic Township of Ancaster	Lot	Concession Concession 3	Former Township
Registered Plan N°. Plan 62R-19127	Lot(s) Part of Lot 47	Reference Plan N°.	Part(s) Part 1
Municipal Address 378 Harmony Hall Drive			Assessment Roll N°.

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)

a) Urban Area Transfer (do not complete Section 10):

- creation of a new lot
- addition to a lot
- an easement
- Other: a charge
- a lease
- a correction of title

b) **Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):**

- creation of a new lot
 creation of a new non-farm parcel
 (i.e. a lot containing a surplus farm dwelling
 resulting from a farm consolidation)
 addition to a lot
- Other: a charge
 a lease
 a correction of title
 an easement

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

1520896 Ontario Inc.

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

Block 117, of Registered Plan 62M-1122

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION4.1 Description of land intended to be **Severed**:

Frontage (m)	Depth (m)	Area (m ² or ha)
4.11m	18.28m	72.1m ²

Existing Use of Property to be severed:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) _____
- Industrial
 Agricultural-Related
- Commercial
 Vacant

Proposed Use of Property to be severed:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) _____
- Industrial
 Agricultural-Related
- Commercial
 Vacant

Building(s) or Structure(s):

Existing: Vacant

Proposed: Single detached dwelling

Type of access: (check appropriate box)

- provincial highway
 municipal road, seasonally maintained
 municipal road, maintained all year
- right of way
 other public road

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) _____

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) _____

4.2 Description of land intended to be **Retained**:

Frontage (m)	Depth (m)	Area (m ² or ha)
18.31m	17m	313.2m ²

Existing Use of Property to be retained:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) _____
- Industrial
 Agricultural-Related
- Commercial
 Vacant

Proposed Use of Property to be retained:

- Residential
 Industrial
 Commercial
 Agriculture (includes a farm dwelling)
 Agricultural-Related
 Vacant
 Other (specify) _____

Building(s) or Structure(s):

Existing: Vacant

Proposed: Single detached dwelling

Type of access: (check appropriate box)

- provincial highway
 right of way
 municipal road, seasonally maintained
 other public road
 municipal road, maintained all year

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
 lake or other water body
 privately owned and operated individual well
 other means (specify) _____

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): _____

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods, and Garner Neighbourhood Secondary Plan - Low Density Residential 1a.

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

The low-density residential infill is compatible and is appropriately integrated within the existing neighbourhood. The density is consistent with the existing uses in the immediate proximity consisting of single-detached dwellings, and conforms to the Urban Hamilton Official Plan, and the Garner Neighbourhood Secondary Plan.

5.2 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? Agriculture (A-216) Zone of Zoning By-Law No. 87-57 subject to ZAR-19-034 for R4-XX Zone.

5.3 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	<input type="checkbox"/>	

A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agriculture Vacant Other (specify)

- 6.1 If Industrial or Commercial, specify use _____
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
 Yes No Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
 Yes No Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes No Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes No Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?
City of Hamilton Engineering Department has ESA Ph 1 and Ph 2. Refer to File No. ZAR-19-034.
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
Is the previous use inventory attached?
 Yes No

7 PROVINCIAL POLICY

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)

Yes No

- b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)

This application is consistent with the Provincial Policy Statement in that growth is directed to Settlement
 Areas adjacent to existing residential development.

- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

This application is consistent with the Growth Plan as the site is located in a Built-Up area which is already
 serviced.

- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)
 Yes No

- e) Are the subject lands subject to the Niagara Escarpment Plan?
 Yes No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?
 Yes No
 (Provide Explanation)

- f) Are the subject lands subject to the Parkway Belt West Plan?
 Yes No

If yes, is the proposal in conformity with the Parkway Belt West Plan?
 Yes No (Provide Explanation)

- g) Are the subject lands subject to the Greenbelt Plan?
 Yes No

If yes, does this application conform with the Greenbelt Plan?
 Yes No (Provide Explanation)

- Rural Settlement Area Severance or Lot Addition
- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

10.3 Description of Lands

a) Lands to be Severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from in Section 4.1)
----------------------------------	--

Existing Land Use: _____ Proposed Land Use: _____

b) Lands to be Retained:

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

 (Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of consolidated farm (excluding lands intended to be severed for the surplus dwelling):

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use: _____ Proposed Land Use: _____

d) Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: _____

e) Surplus farm dwelling date of construction:

- Prior to December 16, 2004
- After December 16, 2004

f) Condition of surplus farm dwelling:

- Habitable
- Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

 (Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

Frontage (m):	Area (m2 or ha):
---------------	------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of surplus dwelling lands intended to be severed:

Frontage (m): (from Section 4.1)	Area (m2 or ha): (from Section 4.1)
----------------------------------	-------------------------------------

Front yard set back: _____

d) Surplus farm dwelling date of construction:

- Prior to December 16, 2004 After December 16, 2004

e) Condition of surplus farm dwelling:

- Habitable Non-Habitable

f) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m2 or ha): (from Section 4.2)
----------------------------------	-------------------------------------

Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

8.5 - Other property owned by 1520896 Ontario Inc. is 45 Secinaro Avenue, Ancaster.

12 SKETCH (Use the attached Sketch Sheet as a guide)

12.1 The application shall be accompanied by a sketch showing the following in metric units:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features (for example, buildings, barns, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
 - i) are located on the subject land and on land that is adjacent to it, and
 - ii) in the applicant's opinion, may affect the application;
- (f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private

road or a right of way;

(h) the location and nature of any easement affecting the subject land.

13 ACKNOWLEDGEMENT CLAUSE

I acknowledge that The City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Feb. 21, 2020
Date

[Redacted Signature]

14 AFFIDAVIT OR SWORN DECLARATION

14.1 Declaration For the Prescribed Information

[Redacted] of the City of Hamilton
make oath and say (or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application in respect of the application is true.

Sworn (or declared) before me at the

City of Hamilton this

24 day of February 2020

U. Krugel
A Commissioner, etc.

[Redacted Signature]

URSULA KRUGEL,
a Commissioner, etc., Province of Ontario,
for T. Johns Consulting Group Ltd.
Expires January 7, 2023.

15 AUTHORIZATIONS

15.1 If the applicant is not the owner of the land that is the subject of this application, the authorization set out below must be completed.

Authorization of Owner for Agent to Provide Personal Information

I, 1520896 Ontario Inc., am the owner of the land that is the subject of this application for consent to sever land and for the purpose of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I authorize T. Johns Consulting Group Ltd., as my agent for this application, to provide any of my personal information that will be included in this application or collected during the processing of the application.

Feb. 21, 2020
Date

[Redacted Signature]

16 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

_____, the Owner, hereby agree and acknowledge

(Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

Feb. 21, 2020
Date

17 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone, 905-546-2424, ext.1284.

A File Number will be issued for complete applications and should be used in all communications with the City.

APPLICANT'S CHECKLIST

Please attach all items listed below:

- Two (2) copies of the completed application form (Ensure you have a copy for yourself);
- Three (3) copies of the prescribed sketch or survey (one (1) full scale size and two (2) no larger than ledger size paper 11" x 17"); and
- The required fee. (**A cheque or money order payable to the City of Hamilton**)

CITY OF HAMILTON
COST ACKNOWLEDGEMENT AGREEMENT

This Agreement made this _____ day of _____, 20_____.

BETWEEN:

1520896 Ontario Inc.

Applicant's name(s) _____
hereinafter referred to as the "Developer"

-and-

City of Hamilton

hereinafter referred to as the "City"

WHEREAS the Developer represents that he/she is the registered owner of the lands described in Schedule "A" attached hereto, and which lands are hereinafter referred to as the "lands";

AND WHEREAS the Developer has filed for an application for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval/minor variance.

AND WHEREAS it is a policy of the City that any City costs associated with an appeal to the Local Planning Appeal Tribunal, by a party other than the Developer, of an approval of a consent, rezoning, official plan amendment, plan of subdivision, and/or minor variance, such as, but not limited to, legal counsel costs, professional consultant costs and City staff costs, shall be paid by the Developer.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of two dollars (\$2.00) now paid by the City to the Developer, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. In this Agreement:
 - (a) ~~"application"~~ means the application(s) for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval or minor variance dated _____ with respect to the lands described in Schedule "A" hereto.
 - (b) "Expenses" means all expenses incurred by the City if the application is: (a) approved by the City; (b) appealed to the Local Planning Appeal Tribunal by a party other than the developer; and (c) the City appears before the Local Planning Appeal Tribunal or any other tribunal or Court in support of the application, including but not limited to: City staff time, City staff travel expenses and meals, City disbursements, legal counsel fees and disbursements and all consultant fees and disbursements including, without limiting the generality of the foregoing planning, engineering or other professional expenses
2. The City agrees to process the application and, where the application is approved by the City but appealed to the Local Planning Appeal Tribunal by a party other than the Developer, the Developer shall file an initial deposit, in the form of certified cheque or cash with the General Manager, Finance & Corporate Services within fifteen days of the date of the appeal of the application by a third party in the amount of 50% of the estimated expenses associated with the appeal as estimated by the City Solicitor in his sole discretion which shall be credited against the Expenses.
3. It is hereby acknowledged that if the deposit required pursuant to section 2 of this Agreement is not paid by the Developer the City shall have the option, at its sole discretion, of taking no further steps in supporting the Developer's application before the Local Planning Appeal Tribunal.
4. It is hereby acknowledged that all expenses shall be paid for by the Developer. The Developer shall reimburse the City for all expenses the City may be put to in respect of the application upon demand.

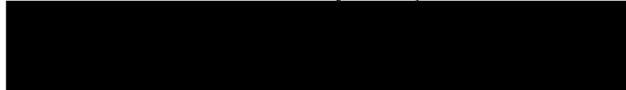
5. It is hereby acknowledged and agreed that all expenses shall be payable by the Developer whether or not the Developer is successful before the Local Planning Appeal Tribunal or any other tribunal or Court in obtaining approval for their application.
6. The City shall provide the Developer with copies of all invoices of external legal counsel or consultants included in the expenses claimed by the City.
7. The City shall provide the Developer with an accounting of all staff costs and City disbursements included in the expenses claimed by the City.
8. The City may, at any time, draw upon the funds deposited in accordance with sections 2 and 9 of this Agreement to satisfy expenses incurred pursuant to the appeal of the application.
9. In the event that the amount deposited pursuant to section 2 of this Agreement is reduced to less than 10% of the initial deposit, the City may halt all work in respect of the appeal of the application until the Developer deposits with the City a sum sufficient to increase the deposit to an amount which is equal to 100% of the expenses estimated pursuant to paragraph 2 of this Agreement and still to be incurred by the City.
10. Within 60 days of: (a) a decision being rendering in respect of the appeal or any legal proceedings resulting from the decision, whichever is later; or (b) the termination of all legal proceedings in respect of the application, the City shall prepare and submit a final account to the Developer. If there are any deposit funds remaining with the City they shall be applied against the account. Any amount owing in respect of the final account in excess of deposit funds shall be paid by the Developer within 30 days of the date of the final account. If any deposit funds are remaining after the final account has been paid they shall be returned to the developer within 30 days of the date of the final account.
11. This Agreement shall not be construed as acceptance of the application and nothing herein shall require or be deemed to require the City to approve the application.
12. This Agreement shall not stand in lieu of or prejudice the rights of the City to require such further and other agreements in respect of the application that the City may deem necessary.
13. Every term, covenant, obligation and condition in this Agreement ensures to the benefit of and is binding upon the parties hereto and their respective heirs, executors, administrators, successors, trustees and assigns.
14. When the context so requires or permits, the singular number is to be read as if the plural were expressed, and the masculine gender as if the feminine, as the case may be, were expressed; and,
15. This Agreement and the schedules hereto constitute the entire agreement between the parties in respect of the subject matter contained herein and is not subject to, or in addition to, any other agreements, warranties or understandings, whether written, oral or implied. This Agreement may not be modified or amended except by instrument in writing signed by the Developer and the City, and,
16. The waiver or acquiescence by the City of any default by the Developer under any obligation to comply with this Agreement shall not be deemed to be a waiver of that obligation or any subsequent or other default under this Agreement.
17. The Developer covenants and agrees to be bound by the terms and conditions of this Agreement and not to seek a release from the provisions thereof until such time as the Developer's obligations hereunder have been assumed by its successor, assignee or transferee by way of written agreement in the form set out in Schedule "B" to this Agreement.

IN WITNESS WHEREOF the parties hereto have set their corporate seals under the hands of their duly authorized officers.

DATED at City of Hamilton this 21 day of February, 2020.



WITNESS



I have authority to bind the corporation.

WITNESS

Per:

I have authority to bind the corporation

DATED at Hamilton, Ontario this ____ day of _____, 20____.

City of Hamilton

Per: _____
Mayor

Per: _____
Clerk

Schedule "A"
Description of Lands

Part of Lot 47, Concession 3, Part 1 of
Plan 62R-19127 in the former
Town of Ancaster, Now the City
of Hamilton.

SCHEDULE "B"
FORM OF ASSUMPTION AGREEMENT

THIS AGREEMENT dated the _____ day of _____, 20____.

BETWEEN

(hereinafter called the "Owner")

OF THE FIRST PART

-and-

(hereinafter called the "Assignee")

OF THE SECOND PART

-and-

CITY OF HAMILTON
(hereinafter called the "Municipality")

OF THE THIRD PART

WHEREAS the owner and the Municipality entered into and executed a Cost Acknowledgement Agreement dated _____.

AND WHEREAS Assignee has indicated that it will assume all of the Owner's duties, liabilities and responsibilities as set out in the Cost Acknowledgement Agreement.

AND WHEREAS Council for the Municipality has consented to releasing the Owner from its duties, liabilities and responsibilities under said Cost Acknowledgement Agreement subject to the Assignee accepting and assuming the Owner's duties, liabilities and responsibilities and subject to the Assignee the Owner and the Municipality entering into and executing an Assumption Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the mutual covenants hereinafter expressed and other good and valuable consideration, the parties hereto agree as follows.

1. The Assignee covenants and agrees to accept, assume and to carry out the Owner's duties, liabilities and responsibilities under the Cost Acknowledgement Agreement and in all respects to be bound under said Cost Acknowledgement Agreement as if the Assignee had been the original party to the agreement in place of the Owner.
2. The Municipality hereby releases the Owner from all claims and demands of any nature whatsoever against the Owner in respect of the Cost Acknowledgement Agreement. The Municipality hereby accepts the Assignee as a party to the Cost Acknowledge Agreement in substitution of the Owner, and agrees with the Assignee that the Assignee will be bound by all the terms and conditions of the Cost Acknowledgement Agreement as if the Assignee had been the original executing party in place of the Owner.
3. All of the terms, covenants, provisos and stipulations in the said Cost Acknowledgement Agreement are hereby confirmed in full force save and except for such modifications as are necessary to make said clauses applicable to the Assignee.

IN WITNESS WHEREOF the Parties have hereunto affixed their corporate seals duly attested to by their proper signing officers in that behalf.

SIGNED, SEALED AND DELIVERED

Owner:
Title:
I have authority to bind the corporation

Assignee:
Title:
I have authority to bind the corporation

CITY OF HAMILTON

Mayor

Clerk



February 25, 2020
Via Hand Delivery

City of Hamilton
Planning and Economic Development Department
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Received By:

ATTENTION: Scott Baldry, Secretary-Treasurer, Committee of Adjustment

Dear Mr. Baldry,

**RE: 378 Harmony Hall Drive & Block 117 of Plan 62M-112, Ancaster
Applications for Consent to Sever**

T. Johns Consulting Group Ltd. has been retained by the landowners of the above-referenced lands to submit two (2) Consent to Sever applications on their behalf.

The two (2) parcels are currently being reviewed under Routine Zoning By-law Application No. ZAR-19-034 to amend Zoning By-law No. 87-57 to rezone the lands from "R4-514", "A-216" and "P" to a Site Specific "R4-XX" Zone to permit the development of two (2) single detached dwellings. The application has been scheduled for a Statutory Public Meeting and Planning Committee on March 24, 2020. The Consent to Sever applications are required to assemble lands in a logical and orderly pattern to facilitate the proposed dwellings that will be constructed to meet the proposed "R4-XX" Zone.

The Consent to Sever applications are required to facilitate the following:

1. **Block 117, Plan 62-M1122** → Sever 395.1 square metres, retain 219.2 square metres. Lands to be retained are proposed to be merged with the retained lands of 378 Harmony Hall Drive.
2. **378 Harmony Hall Drive** → Sever 72.1 square metres to merge with severed lands to the west and retain 313.2 square metres to be merged with retained lands to the south.

T. Johns respectfully requests that the attached applications are scheduled for the April 2, 2020 Committee of Adjustment hearing. As the Consent to Sever applications are being submitted prior to a decision on Application No. ZAR-19-034, we further request that a condition is included that the "R4-XX" shall be in force and effect prior to registration should the application be approved.

T. Johns Consulting Group Ltd. respectfully requests for the circulation of this letter along with the following enclosed documents in support of the two (2) Consent to Sever applications.

Please find the enclosed:

- Two (2) copies of the completed Application Form for lands referred to as 378 Harmony Hall Drive;
- Two (2) copies of the completed Application Form for lands referred to as Block 117 of Plan 62M-1122;
- One (1) cheque in the amount of \$5,690.00 to satisfy the application fee for two (2) applications;
- Three (3) copies of the Consent Sketch;
- Three (3) copies of the Conceptual Site Plan;
- One (1) CD with electronic copies of the above referenced documents.

We trust this package is complete. Should you have any questions, please do not hesitate to contact Katelyn Gillis at 905-574-1993 ext. 207.

Respectfully submitted,
T. Johns Consulting Group Ltd.



Katelyn Gillis, BA
Planner



Terri Johns, BA, MCIP, RPP
President

Cc: Ms. Connie DiGregorio, 1520896 Ontario Inc.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221 Fax (905) 546-4202
 E-mail: morgan.evans@hamilton.ca or scott.baldry@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: AN/B-20:19

SUBJECT PROPERTY: 0 Harmony Hall Dr., Ancaster

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

APPLICANT(S): T. Johns Consulting Group c/o K. Gillis on behalf of the owner 1520896 Ontario Inc.

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land for residential purposes.

Severed lands:
 15m[±] x 31.01m[±] and an area of 395.1m^{2±}

Retained lands:
 13.5m[±] x 17m[±] and an area of 219.2m^{2±}

The Committee of Adjustment will hear this application on:

DATE: Thursday, July 9th , 2020

TIME: 1:50 p.m.

PLACE: **Via video link or call in (see attached sheet for details)**
To be streamed at
www.hamilton.ca/committeeofadjustment
for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

Important note: If a person or public body that files an appeal of a decision of the Committee of Adjustment in respect of the proposed consent does not make written or oral submission

.../2

AN/B-20:19
Page 2

to the Committee of Adjustment before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal (LPAT) may dismiss the appeal.

MORE INFORMATION

For more information on this application, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: June 23rd, 2020

Original Signed

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.



Hamilton

Planning and Economic Development Department
Planning Division

RECEIVED

FEB 25 2020

COM OF ADJUST

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

Phone (905) 546-2424, ext. 4221
Fax (905) 546-4202

**APPLICATION FOR CONSENT TO SEVER LAND
UNDER SECTION 53 OF THE PLANNING ACT**

Office Use Only

Date Application Received: Feb. 25/20	Date Application Deemed Complete:	Submission No.: AN/B	File No.: 20:19
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1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS	PHONE/FAX
Registered Owners(s)	1520896 Ontario Inc.	[REDACTED]	[REDACTED]
Applicant(s)*	Same as above.		
Agent or Solicitor	T. Johns Consulting Group c/o Katelyn Gillis		

* Owner's authorisation required if the applicant is not the owner.

1.3 All correspondence should be sent to Owner Applicant Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality City of Hamilton	Lot Block 117	Concession	Former Township Town of Ancaster
Registered Plan N°. Plan 62M-1122	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address			Assessment Roll N°.

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)

a) Urban Area Transfer (do not complete Section 10):

- creation of a new lot
- addition to a lot
- an easement

- Other: a charge
 a lease
 a correction of title

b) **Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):**

- | | |
|---|--|
| <input type="checkbox"/> creation of a new lot | Other: <input type="checkbox"/> a charge |
| <input type="checkbox"/> creation of a new non-farm parcel
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | <input type="checkbox"/> a lease |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a correction of title |
| | <input type="checkbox"/> an easement |

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

1520896 Ontario Inc.

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

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed**:

Frontage (m)	Depth (m)	Area (m ² or ha)
15m	31.01m	395.1m ²

Existing Use of Property to be severed:

- | | | |
|---|---|--|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input checked="" type="checkbox"/> Vacant |
| <input type="checkbox"/> Other (specify) _____ | | |

Proposed Use of Property to be severed:

- | | | |
|---|---|-------------------------------------|
| <input checked="" type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input type="checkbox"/> Vacant |
| <input type="checkbox"/> Other (specify) _____ | | |

Building(s) or Structure(s):

Existing: Vacant

Proposed: Single detached dwelling

Type of access: (check appropriate box)

- | | |
|---|--|
| <input type="checkbox"/> provincial highway | <input type="checkbox"/> right of way |
| <input type="checkbox"/> municipal road, seasonally maintained | <input type="checkbox"/> other public road |
| <input checked="" type="checkbox"/> municipal road, maintained all year | |

Type of water supply proposed: (check appropriate box)

- | | |
|--|--|
| <input checked="" type="checkbox"/> publicly owned and operated piped water system | <input type="checkbox"/> lake or other water body |
| <input type="checkbox"/> privately owned and operated individual well | <input type="checkbox"/> other means (specify) _____ |

Type of sewage disposal proposed: (check appropriate box)

- | |
|--|
| <input checked="" type="checkbox"/> publicly owned and operated sanitary sewage system |
| <input type="checkbox"/> privately owned and operated individual septic system |
| <input type="checkbox"/> other means (specify) _____ |

4.2 Description of land intended to be **Retained**:

Frontage (m)	Depth (m)	Area (m ² or ha)
13.5m	17m	219.2m ²

Existing Use of Property to be retained:

- | | | |
|---|---|--|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input checked="" type="checkbox"/> Vacant |
| <input type="checkbox"/> Other (specify) _____ | | |

A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agriculture Vacant Other (specify)

- 6.1 If Industrial or Commercial, specify use _____
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
 Yes No Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
 Yes No Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes No Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes No Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?
Owners Knowledge
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
Is the previous use inventory attached?
 Yes No

7 PROVINCIAL POLICY

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)

Yes No

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

Yes No (Provide explanation)

This application is consistent with the Provincial Policy Statement in that growth is directed to Settlement

Areas adjacent to existing residential development.

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

Yes No (Provide explanation)

This application is consistent with the Growth Plan as the site is located in a Built-Up area which is already

serviced.

d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)

Yes No

e) Are the subject lands subject to the Niagara Escarpment Plan?

Yes No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?

Yes No

(Provide Explanation)

f) Are the subject lands subject to the Parkway Belt West Plan?

Yes No

If yes, is the proposal in conformity with the Parkway Belt West Plan?

Yes No (Provide Explanation)

g) Are the subject lands subject to the Greenbelt Plan?

Yes No

If yes, does this application conform with the Greenbelt Plan?

Yes No (Provide Explanation)

- Rural Settlement Area Severance or Lot Addition
- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

10.3 Description of Lands

a) Lands to be Severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from in Section 4.1)
----------------------------------	--

Existing Land Use: _____ Proposed Land Use: _____

b) Lands to be Retained:

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

 (Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of consolidated farm (excluding lands intended to be severed for the surplus dwelling):

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use: _____ Proposed Land Use: _____

d) Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: _____

e) Surplus farm dwelling date of construction:

- Prior to December 16, 2004
- After December 16, 2004

f) Condition of surplus farm dwelling:

- Habitable
- Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

 (Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

Frontage (m):	Area (m2 or ha):
---------------	------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of surplus dwelling lands intended to be severed:

Frontage (m): (from Section 4.1)	Area (m2 or ha): (from Section 4.1)
----------------------------------	-------------------------------------

Front yard set back: _____

d) Surplus farm dwelling date of construction:

- Prior to December 16, 2004 After December 16, 2004

e) Condition of surplus farm dwelling:

- Habitable Non-Habitable

f) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m2 or ha): (from Section 4.2)
----------------------------------	-------------------------------------

Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

8.5 - Other property owned by 1520896 Ontario Inc. are 11 lots on Secinaro Aveanue.

12 SKETCH (Use the attached Sketch Sheet as a guide)

12.1 The application shall be accompanied by a sketch showing the following in metric units:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features (for example, buildings, barns, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
 - i) are located on the subject land an on land that is adjacent to it, and
 - ii) in the applicant's opinion, may affect the application;
- (f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private

road or a right of way;

(h) the location and nature of any easement affecting the subject land.

13 ACKNOWLEDGEMENT CLAUSE


I acknowledge that The City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Feb. 21, 2020
Date



14 AFFIDAVIT OR SWORN DECLARATION

14.1 Declaration For the Prescribed Information

 of the City of Hamilton
of Province of Ontario make oath and say (or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application in respect of the application is true.

Sworn (or declared) before me at the

City of Hamilton this

24 day of February, 2020

U. Krugel
A Commissioner, etc.



URSULA KRUGEL,
a Commissioner, etc., Province of Ontario,
for T. Johns Consulting Group Ltd.
Expires January 7, 2023.

15 AUTHORIZATIONS

15.1 If the applicant is not the owner of the land that is the subject of this application, the authorization set out below must be completed.

Authorization of Owner for Agent to Provide Personal Information

I, 1520896 Ontario Inc., am the owner of the land that is the subject of this application for consent to sever land and for the purpose of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I authorize T. Johns Consulting Group Ltd., as my agent for this application, to provide any of my personal information that will be included in this application or collected during the processing of the application.

Feb. 21, 2020
Date



Signature of Owner

16 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I,  _____, the Owner, hereby agree and acknowledge
(Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

Feb. 21, 2020
Date

17 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone, 905-546-2424, ext.1284.

A File Number will be issued for complete applications and should be used in all communications with the City.

APPLICANT'S CHECKLIST

Please attach all items listed below:

- Two (2) copies of the completed application form (Ensure you have a copy for yourself);
- Three (3) copies of the prescribed sketch or survey (one (1) full scale size and two (2) no larger than ledger size paper 11" x 17"); and
- The required fee. (**A cheque or money order payable to the City of Hamilton**)

CITY OF HAMILTON
COST ACKNOWLEDGEMENT AGREEMENT

This Agreement made this _____ day of _____, 20_____.

BETWEEN:

1520896 Ontario Inc.

Applicant's name(s)

hereinafter referred to as the "Developer"

-and-

City of Hamilton

hereinafter referred to as the "City"

WHEREAS the Developer represents that he/she is the registered owner of the lands described in Schedule "A" attached hereto, and which lands are hereinafter referred to as the "lands";

AND WHEREAS the Developer has filed for an application for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval/minor variance.

AND WHEREAS it is a policy of the City that any City costs associated with an appeal to the Local Planning Appeal Tribunal, by a party other than the Developer, of an approval of a consent, rezoning, official plan amendment, plan of subdivision, and/or minor variance, such as, but not limited to, legal counsel costs, professional consultant costs and City staff costs, shall be paid by the Developer.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of two dollars (\$2.00) now paid by the City to the Developer, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. In this Agreement:
 - (a) "application" means the application(s) for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval or minor variance dated _____ with respect to the lands described in Schedule "A" hereto.
 - (b) "Expenses" means all expenses incurred by the City if the application is: (a) approved by the City; (b) appealed to the Local Planning Appeal Tribunal by a party other than the developer; and (c) the City appears before the Local Planning Appeal Tribunal or any other tribunal or Court in support of the application, including but not limited to: City staff time, City staff travel expenses and meals, City disbursements, legal counsel fees and disbursements and all consultant fees and disbursements including, without limiting the generality of the foregoing planning, engineering or other professional expenses
2. The City agrees to process the application and, where the application is approved by the City but appealed to the Local Planning Appeal Tribunal by a party other than the Developer, the Developer shall file an initial deposit, in the form of certified cheque or cash with the General Manager, Finance & Corporate Services within fifteen days of the date of the appeal of the application by a third party in the amount of 50% of the estimated expenses associated with the appeal as estimated by the City Solicitor in his sole discretion which shall be credited against the Expenses.
3. It is hereby acknowledged that if the deposit required pursuant to section 2 of this Agreement is not paid by the Developer the City shall have the option, at its sole discretion, of taking no further steps in supporting the Developer's application before the Local Planning Appeal Tribunal.
4. It is hereby acknowledged that all expenses shall be paid for by the Developer. The Developer shall reimburse the City for all expenses the City may be put to in respect of the application upon demand.

5. It is hereby acknowledged and agreed that all expenses shall be payable by the Developer whether or not the Developer is successful before the Local Planning Appeal Tribunal or any other tribunal or Court in obtaining approval for their application.
6. The City shall provide the Developer with copies of all invoices of external legal counsel or consultants included in the expenses claimed by the City.
7. The City shall provide the Developer with an accounting of all staff costs and City disbursements included in the expenses claimed by the City.
8. The City may, at any time, draw upon the funds deposited in accordance with sections 2 and 9 of this Agreement to satisfy expenses incurred pursuant to the appeal of the application.
9. In the event that the amount deposited pursuant to section 2 of this Agreement is reduced to less than 10% of the initial deposit, the City may halt all work in respect of the appeal of the application until the Developer deposits with the City a sum sufficient to increase the deposit to an amount which is equal to 100% of the expenses estimated pursuant to paragraph 2 of this Agreement and still to be incurred by the City.
10. Within 60 days of: (a) a decision being rendering in respect of the appeal or any legal proceedings resulting from the decision, whichever is later; or (b) the termination of all legal proceedings in respect of the application, the City shall prepare and submit a final account to the Developer. If there are any deposit funds remaining with the City they shall be applied against the account. Any amount owing in respect of the final account in excess of deposit funds shall be paid by the Developer within 30 days of the date of the final account. If any deposit funds are remaining after the final account has been paid they shall be returned to the developer within 30 days of the date of the final account.
11. This Agreement shall not be construed as acceptance of the application and nothing herein shall require or be deemed to require the City to approve the application.
12. This Agreement shall not stand in lieu of or prejudice the rights of the City to require such further and other agreements in respect of the application that the City may deem necessary.
13. Every term, covenant, obligation and condition in this Agreement ensures to the benefit of and is binding upon the parties hereto and their respective heirs, executors, administrators, successors, trustees and assigns.
14. When the context so requires or permits, the singular number is to be read as if the plural were expressed, and the masculine gender as if the feminine, as the case may be, were expressed; and,
15. This Agreement and the schedules hereto constitute the entire agreement between the parties in respect of the subject matter contained herein and is not subject to, or in addition to, any other agreements, warranties or understandings, whether written, oral or implied. This Agreement may not be modified or amended except by instrument in writing signed by the Developer and the City, and,
16. The waiver or acquiescence by the City of any default by the Developer under any obligation to comply with this Agreement shall not be deemed to be a waiver of that obligation or any subsequent or other default under this Agreement.
17. The Developer covenants and agrees to be bound by the terms and conditions of this Agreement and not to seek a release from the provisions thereof until such time as the Developer's obligations hereunder have been assumed by its successor, assignee or transferee by way of written agreement in the form set out in Schedule "B" to this Agreement.

IN WITNESS WHEREOF the parties hereto have set their corporate seals under the hands of their duly authorized officers.

DATED at City of Hamilton this 21 day of February, 2020.



WITNESS

I have authority to bind the corporation.

WITNESS

Per:
I have authority to bind the corporation

DATED at Hamilton, Ontario this ____ day of _____, 20 ____.

City of Hamilton

Per: _____
Mayor

Per: _____
Clerk

Schedule "A"
Description of Lands

Block 117, Plan 62M-1122

SCHEDULE "B"
FORM OF ASSUMPTION AGREEMENT

THIS AGREEMENT dated the _____ day of _____, 20____ .

BETWEEN

(hereinafter called the "Owner")

OF THE FIRST PART

-and-

(hereinafter called the "Assignee")

OF THE SECOND PART

-and-

CITY OF HAMILTON
(hereinafter called the "Municipality")

OF THE THIRD PART

WHEREAS the owner and the Municipality entered into and executed a Cost Acknowledgement Agreement dated _____.

AND WHEREAS Assignee has indicated that it will assume all of the Owner's duties, liabilities and responsibilities as set out in the Cost Acknowledgement Agreement.

AND WHEREAS Council for the Municipality has consented to releasing the Owner from its duties, liabilities and responsibilities under said Cost Acknowledgement Agreement subject to the Assignee accepting and assuming the Owner's duties, liabilities and responsibilities and subject to the Assignee the Owner and the Municipality entering into and executing an Assumption Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the mutual covenants hereinafter expressed and other good and valuable consideration, the parties hereto agree as follows.

1. The Assignee covenants and agrees to accept, assume and to carry out the Owner's duties, liabilities and responsibilities under the Cost Acknowledgement Agreement and in all respects to be bound under said Cost Acknowledgement Agreement as if the Assignee had been the original party to the agreement in place of the Owner.
2. The Municipality hereby releases the Owner from all claims and demands of any nature whatsoever against the Owner in respect of the Cost Acknowledgement Agreement. The Municipality hereby accepts the Assignee as a party to the Cost Acknowledge Agreement in substitution of the Owner, and agrees with the Assignee that the Assignee will be bound by all the terms and conditions of the Cost Acknowledgement Agreement as if the Assignee had been the original executing party in place of the Owner.
3. All of the terms, covenants, provisos and stipulations in the said Cost Acknowledgement Agreement are hereby confirmed in full force save and except for such modifications as are necessary to make said clauses applicable to the Assignee.

IN WITNESS WHEREOF the Parties have hereunto affixed their corporate seals duly attested to by their proper signing officers in that behalf.

SIGNED, SEALED AND DELIVERED

Owner:
Title:
I have authority to bind the corporation

Assignee:
Title:
I have authority to bind the corporation

CITY OF HAMILTON

Mayor

Clerk

February 25, 2020
Via Hand Delivery

City of Hamilton
Planning and Economic Development Department
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Received By:

ATTENTION: Scott Baldry, Secretary-Treasurer, Committee of Adjustment

Dear Mr. Baldry,

**RE: 378 Harmony Hall Drive & Block 117 of Plan 62M-112, Ancaster
Applications for Consent to Sever**

T. Johns Consulting Group Ltd. has been retained by the landowners of the above-referenced lands to submit two (2) Consent to Sever applications on their behalf.

The two (2) parcels are currently being reviewed under Routine Zoning By-law Application No. ZAR-19-034 to amend Zoning By-law No. 87-57 to rezone the lands from "R4-514", "A-216" and "P" to a Site Specific "R4-XX" Zone to permit the development of two (2) single detached dwellings. The application has been scheduled for a Statutory Public Meeting and Planning Committee on March 24, 2020. The Consent to Sever applications are required to assemble lands in a logical and orderly pattern to facilitate the proposed dwellings that will be constructed to meet the proposed "R4-XX" Zone.

The Consent to Sever applications are required to facilitate the following:

1. **Block 117, Plan 62-M1122** → Sever 395.1 square metres, retain 219.2 square metres. Lands to be retained are proposed to be merged with the retained lands of 378 Harmony Hall Drive.
2. **378 Harmony Hall Drive** → Sever 72.1 square metres to merge with severed lands to the west and retain 313.2 square metres to be merged with retained lands to the south.

T. Johns respectfully requests that the attached applications are scheduled for the April 2, 2020 Committee of Adjustment hearing. As the Consent to Sever applications are being submitted prior to a decision on Application No. ZAR-19-034, we further request that a condition is included that the "R4-XX" shall be in force and effect prior to registration should the application be approved.

T. Johns Consulting Group Ltd. respectfully requests for the circulation of this letter along with the following enclosed documents in support of the two (2) Consent to Sever applications.

Please find the enclosed:

- Two (2) copies of the completed Application Form for lands referred to as 378 Harmony Hall Drive;
- Two (2) copies of the completed Application Form for lands referred to as Block 117 of Plan 62M-1122;
- One (1) cheque in the amount of \$5,690.00 to satisfy the application fee for two (2) applications;
- Three (3) copies of the Consent Sketch;
- Three (3) copies of the Conceptual Site Plan;
- One (1) CD with electronic copies of the above referenced documents.

We trust this package is complete. Should you have any questions, please do not hesitate to contact Katelyn Gillis at 905-574-1993 ext. 207.

Respectfully submitted,
T. Johns Consulting Group Ltd.



Katelyn Gillis, BA
Planner



Terri Johns, BA, MCIP, RPP
President

Cc: Ms. Connie DiGregorio, 1520896 Ontario Inc.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221 Fax (905) 546-4202

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: AN/B-20:20

SUBJECT PROPERTY: 455 Springbrook Ave., Ancaster

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

APPLICANT(S): GSP Group Inc. c/o S. Hastings on behalf of the owner Rotuka Developments Inc.

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land for residential purposes.

Severed lands:

12m[±] x 35.71m[±] and an area of 991.1m^{2±}

Retained lands:

35.56m[±] x 35.96m[±] and an area of 1,281.2m^{2±}

The Committee of Adjustment will hear this application on:

DATE: Thursday, July 9th , 2020

TIME: 1:55 p.m.

PLACE: **Via video link or call in (see attached sheet for details)**

To be streamed at

www.hamilton.ca/committeeofadjustment

for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

Important note: If a person or public body that files an appeal of a decision of the Committee of Adjustment in respect of the proposed consent does not make written or oral submission

AN/B-20:20

Page 2

to the Committee of Adjustment before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal (LPAT) may dismiss the appeal.

MORE INFORMATION

For more information on this application, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: June 23rd, 2020

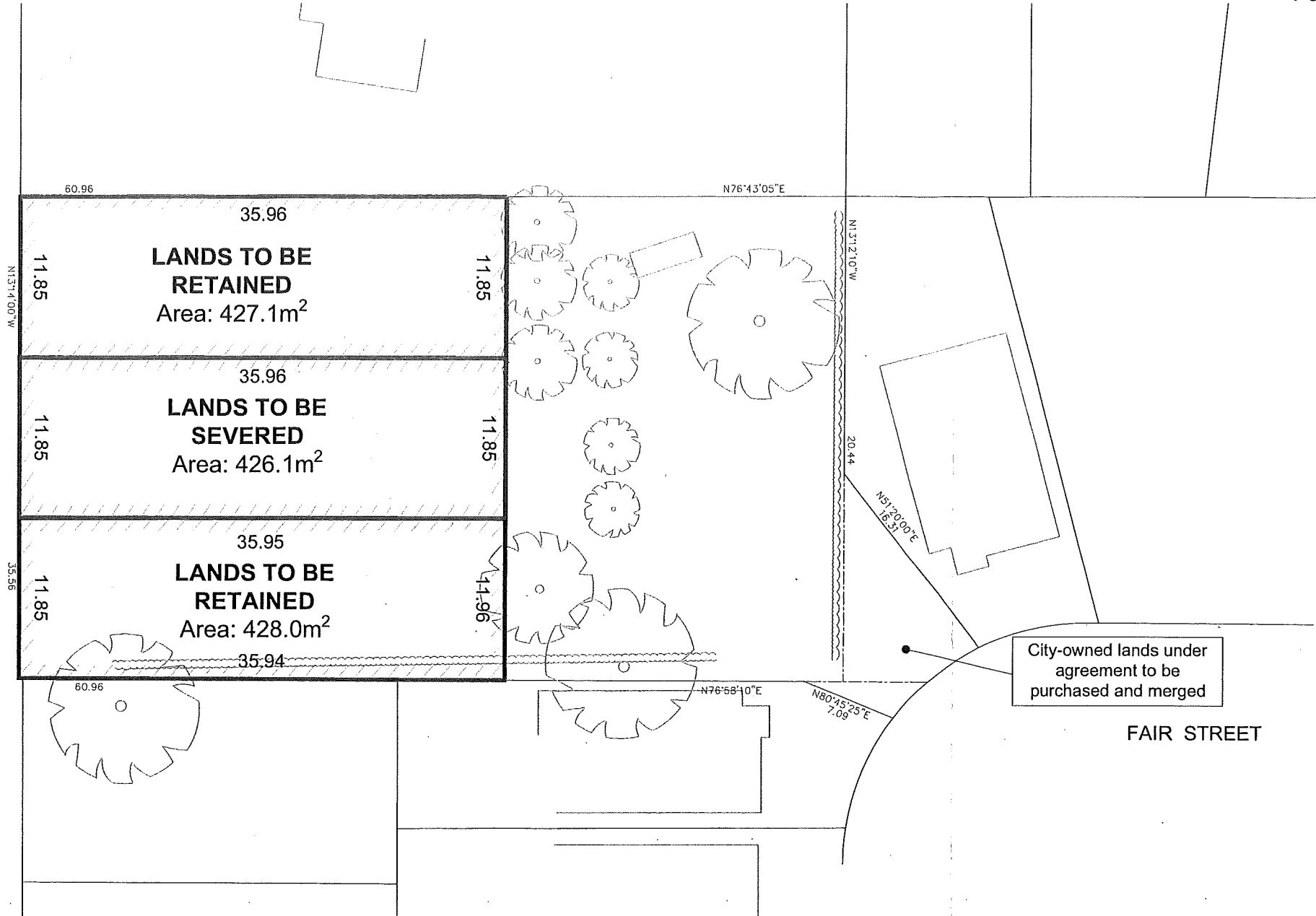
Original Signed

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.

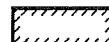
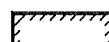
AN/B 20:20; 20:21
Sketch

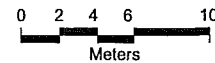
SPRINGBROOK AVENUE



SEVERANCE SKETCH

PART OF LOT 50 CONCESSION 3 &
PART OF BLOCK 102 REGISTERED PLAN 62M-1116 &
ALL OF BLOCK 14 REGISTERED PLAN 62M-1161
CITY OF HAMILTON

-  LANDS TO BE RETAINED
855.1m²
-  LANDS TO BE SEVERED
426.1m²



NOTE: This concept has been prepared for general feasibility purposes only. Building code requirements and technical / architectural design have not been addressed.

Scale 1:300 | January 30, 2020 | Project No.: 20004 | Drawn By: MN





Hamilton

Planning and Economic Development Department
 Planning Division

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

Phone (905) 546-2424, ext. 4221
 Fax (905) 546-4202

**APPLICATION FOR CONSENT TO SEVER LAND
 UNDER SECTION 53 OF THE PLANNING ACT**

Office Use Only

Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:
----------------------------	-----------------------------------	-----------------	-----------

1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS	PHONE/FAX
Registered Owners(s)			
Applicant(s)*			
Agent or Solicitor			

* Owner's authorisation required if the applicant is not the owner.

1.3 All correspondence should be sent to Owner Applicant Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality	Lot	Concession	Former Township
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address			Assessment Roll N°.

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)

a) Urban Area Transfer (do not complete Section 10):

- creation of a new lot
- addition to a lot
- an easement

- Other: a charge
 a lease
 a correction of title

b) **Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):**

- | | |
|---|--|
| <input type="checkbox"/> creation of a new lot | Other: <input type="checkbox"/> a charge |
| <input type="checkbox"/> creation of a new non-farm parcel
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | <input type="checkbox"/> a lease |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a correction of title |
| | <input type="checkbox"/> an easement |

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:

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed**:

Frontage (m)	Depth (m)	Area (m ² or ha)
--------------	-----------	-----------------------------

Existing Use of Property to be severed:

- | | | |
|---|---|-------------------------------------|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input type="checkbox"/> Vacant |
| <input type="checkbox"/> Other (specify) _____ | | |

Proposed Use of Property to be severed:

- | | | |
|---|---|-------------------------------------|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input type="checkbox"/> Vacant |
| <input type="checkbox"/> Other (specify) _____ | | |

Building(s) or Structure(s):

Existing: _____

Proposed: _____

Type of access: (check appropriate box)

- | | |
|--|--|
| <input type="checkbox"/> provincial highway | <input type="checkbox"/> right of way |
| <input type="checkbox"/> municipal road, seasonally maintained | <input type="checkbox"/> other public road |
| <input type="checkbox"/> municipal road, maintained all year | |

Type of water supply proposed: (check appropriate box)

- | | |
|---|--|
| <input type="checkbox"/> publicly owned and operated piped water system | <input type="checkbox"/> lake or other water body |
| <input type="checkbox"/> privately owned and operated individual well | <input type="checkbox"/> other means (specify) _____ |

Type of sewage disposal proposed: (check appropriate box)

- | |
|--|
| <input type="checkbox"/> publicly owned and operated sanitary sewage system |
| <input type="checkbox"/> privately owned and operated individual septic system |
| <input type="checkbox"/> other means (specify) _____ |

4.2 Description of land intended to be **Retained**:

Frontage (m)	Depth (m)	Area (m ² or ha)
--------------	-----------	-----------------------------

Existing Use of Property to be retained:

- | | | |
|---|---|-------------------------------------|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input type="checkbox"/> Vacant |
| <input type="checkbox"/> Other (specify) _____ | | |

Proposed Use of Property to be retained:

- | | | |
|---|---|-------------------------------------|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input type="checkbox"/> Vacant |
| <input type="checkbox"/> Other (specify) _____ | | |

Building(s) or Structure(s):

Existing: _____

Proposed: _____

Type of access: (check appropriate box)

- | | |
|--|--|
| <input type="checkbox"/> provincial highway | <input type="checkbox"/> right of way |
| <input type="checkbox"/> municipal road, seasonally maintained | <input type="checkbox"/> other public road |
| <input type="checkbox"/> municipal road, maintained all year | |

Type of water supply proposed: (check appropriate box)

- | | |
|---|--|
| <input type="checkbox"/> publicly owned and operated piped water system | <input type="checkbox"/> lake or other water body |
| <input type="checkbox"/> privately owned and operated individual well | <input type="checkbox"/> other means (specify) _____ |

Type of sewage disposal proposed: (check appropriate box)

- | |
|--|
| <input type="checkbox"/> publicly owned and operated sanitary sewage system |
| <input type="checkbox"/> privately owned and operated individual septic system |
| <input type="checkbox"/> other means (specify) _____ |

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

- | | | | |
|--------------------------------------|------------------------------------|---|---|
| <input type="checkbox"/> electricity | <input type="checkbox"/> telephone | <input type="checkbox"/> school bussing | <input type="checkbox"/> 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): _____

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 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? _____

5.3 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	<input type="checkbox"/>	

A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agriculture Vacant Other (specify)

- 6.1 If Industrial or Commercial, specify use _____
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
 Yes No Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
 Yes No Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes No Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes No Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?

- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
 Is the previous use inventory attached?
 Yes No

7 PROVINCIAL POLICY

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

b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)

c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)
 Yes No

e) Are the subject lands subject to the Niagara Escarpment Plan?
 Yes No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?
 Yes No
(Provide Explanation)

f) Are the subject lands subject to the Parkway Belt West Plan?
 Yes No

If yes, is the proposal in conformity with the Parkway Belt West Plan?
 Yes No (Provide Explanation)

g) Are the subject lands subject to the Greenbelt Plan?
 Yes No

If yes, does this application conform with the Greenbelt Plan?
 Yes No (Provide Explanation)

8 HISTORY OF THE SUBJECT LAND

8.1 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, indicate the appropriate application file number and the decision made on the application.

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

8.3 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.

8.4 How long has the applicant owned the subject land?

8.5 Does the applicant own any other land in the City? Yes No
 If YES, describe the lands in "11 - Other Information" or attach a separate page.

9 OTHER APPLICATIONS

9.1 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 if known, specify file number and status of the application.

9.2 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 if known, specify file number and status of the application(s).

File number _____ Status _____

10 RURAL APPLICATIONS

10.1 **Rural Hamilton Official Plan Designation(s)**

- | | | |
|--|-------------------------------------|---|
| <input type="checkbox"/> Agricultural | <input type="checkbox"/> Rural | <input type="checkbox"/> Specialty Crop |
| <input type="checkbox"/> Mineral Aggregate Resource Extraction | <input type="checkbox"/> Open Space | <input type="checkbox"/> Utilities |
| <input type="checkbox"/> Rural Settlement Area (specify) _____ | _____ | _____ |
| | Settlement Area | Designation |

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 operation.

10.2 **Type of Application** (select type and complete appropriate sections)

- | | | |
|--|---|-------------------------|
| <input type="checkbox"/> Agricultural Severance or Lot Addition | } | (Complete Section 10.3) |
| <input type="checkbox"/> Agricultural Related Severance or Lot Addition | | |
| <input type="checkbox"/> Rural Resource-based Commercial Severance or Lot Addition | | |
| <input type="checkbox"/> Rural Institutional Severance or Lot Addition | | |

- Rural Settlement Area Severance or Lot Addition
- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

10.3 Description of Lands

a) Lands to be Severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from in Section 4.1)
----------------------------------	--

Existing Land Use: _____ Proposed Land Use: _____

b) Lands to be Retained:

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

 (Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of consolidated farm (excluding lands intended to be severed for the surplus dwelling):

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use: _____ Proposed Land Use: _____

d) Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: _____

e) Surplus farm dwelling date of construction:

- Prior to December 16, 2004 After December 16, 2004

f) Condition of surplus farm dwelling:

- Habitable Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

 (Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

Frontage (m):	Area (m2 or ha):
---------------	------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of surplus dwelling lands intended to be severed:

Frontage (m): (from Section 4.1)	Area (m2 or ha): (from Section 4.1)
----------------------------------	-------------------------------------

Front yard set back: _____

d) Surplus farm dwelling date of construction:

- Prior to December 16, 2004 After December 16, 2004

e) Condition of surplus farm dwelling:

- Habitable Non-Habitable

f) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m2 or ha): (from Section 4.2)
----------------------------------	-------------------------------------

Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

12 SKETCH (Use the attached Sketch Sheet as a guide)

12.1 The application shall be accompanied by a sketch showing the following in metric units:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features (for example, buildings, barns, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
 - i) are located on the subject land and on land that is adjacent to it, and
 - ii) in the applicant's opinion, may affect the application;
- (f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private

road or a right of way;

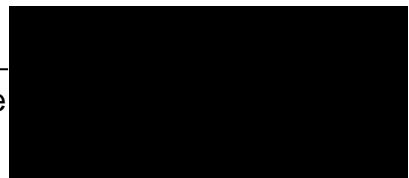
(h) the location and nature of any easement affecting the subject land.

13 ACKNOWLEDGEMENT CLAUSE

I acknowledge that The City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

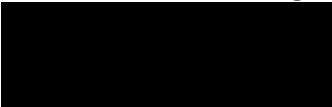
Date

Signature of Owner



14 AFFIDAVIT OR SWORN DECLARATION

the Prescribed Information



_____ of the _____

of _____ make oath and say (or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application in respect of the application is true.

Sworn (or declared) before me at the

City of Hamilton this

_____ day of _____, 20____

Applicant's Signature

A Commissioner, etc.

15 AUTHORIZATIONS

15.1 If the applicant is not the owner of the land that is the subject of this application, the authorization set out below must be completed.

Authorization of Owner for Agent to Provide Personal Information

I, _____, am the owner of the land that is the subject of this application for consent to sever land and for the purpose of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I authorize _____, as my agent for this application, to provide any of my personal information that will be included in this application or collected during the processing of the application.

Date


Signature of Owner

16 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

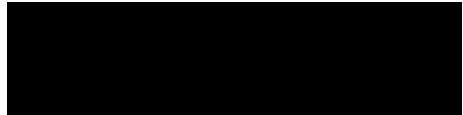
Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

 _____, the Owner, hereby agree and acknowledge
 (*Print name of Owner*)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

_____ Date

_____ Signature of Owner



17 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone, 905-546-2424, ext.1284.

A File Number will be issued for complete applications and should be used in all communications with the City.

APPLICANT'S CHECKLIST

Please attach all items listed below:

- Two (2) copies of the completed application form (Ensure you have a copy for yourself);
- Three (3) copies of the prescribed sketch or survey (one (1) full scale size and two (2) no larger than ledger size paper 11" x 17"); and
- The required fee. (**A cheque or money order payable to the City of Hamilton**)

5. It is hereby acknowledged and agreed that all expenses shall be payable by the Developer whether or not the Developer is successful before the Local Planning Appeal Tribunal or any other tribunal or Court in obtaining approval for their application.
6. The City shall provide the Developer with copies of all invoices of external legal counsel or consultants included in the expenses claimed by the City.
7. The City shall provide the Developer with an accounting of all staff costs and City disbursements included in the expenses claimed by the City.
8. The City may, at any time, draw upon the funds deposited in accordance with sections 2 and 9 of this Agreement to satisfy expenses incurred pursuant to the appeal of the application.
9. In the event that the amount deposited pursuant to section 2 of this Agreement is reduced to less than 10% of the initial deposit, the City may halt all work in respect of the appeal of the application until the Developer deposits with the City a sum sufficient to increase the deposit to an amount which is equal to 100% of the expenses estimated pursuant to paragraph 2 of this Agreement and still to be incurred by the City.
10. Within 60 days of: (a) a decision being rendering in respect of the appeal or any legal proceedings resulting from the decision, whichever is later; or (b) the termination of all legal proceedings in respect of the application, the City shall prepare and submit a final account to the Developer. If there are any deposit funds remaining with the City they shall be applied against the account. Any amount owing in respect of the final account in excess of deposit funds shall be paid by the Developer within 30 days of the date of the final account. If any deposit funds are remaining after the final account has been paid they shall be returned to the developer within 30 days of the date of the final account.
11. This Agreement shall not be construed as acceptance of the application and nothing herein shall require or be deemed to require the City to approve the application.
12. This Agreement shall not stand in lieu of or prejudice the rights of the City to require such further and other agreements in respect of the application that the City may deem necessary.
13. Every term, covenant, obligation and condition in this Agreement ensures to the benefit of and is binding upon the parties hereto and their respective heirs, executors, administrators, successors, trustees and assigns.
14. When the context so requires or permits, the singular number is to be read as if the plural were expressed, and the masculine gender as if the feminine, as the case may be, were expressed; and,
15. This Agreement and the schedules hereto constitute the entire agreement between the parties in respect of the subject matter contained herein and is not subject to, or in addition to, any other agreements, warranties or understandings, whether written, oral or implied. This Agreement may not be modified or amended except by instrument in writing signed by the Developer and the City, and,
16. The waiver or acquiescence by the City of any default by the Developer under any obligation to comply with this Agreement shall not be deemed to be a waiver of that obligation or any subsequent or other default under this Agreement.
17. The Developer covenants and agrees to be bound by the terms and conditions of this Agreement and not to seek a release from the provisions thereof until such time as the Developer's obligations hereunder have been assumed by its successor, assignee or transferee by way of written agreement in the form set out in Schedule "B" to this Agreement.

IN WITNESS WHEREOF the parties hereto have set their corporate seals under the hands of their duly authorized officers.

DATED at _____ this _____ day of _____, 20 ____.

WITNESS

Pe [REDACTED]
I have authority to bind the corporation.

WITNESS

Per:
I have authority to bind the corporation

DATED at Hamilton, Ontario this ____ day of _____, 20____.

City of Hamilton

Per: _____
Mayor

Per: _____
Clerk

Schedule "A"
Description of Lands

SCHEDULE "B"
FORM OF ASSUMPTION AGREEMENT

THIS AGREEMENT dated the _____ day of _____, 20____ .

BETWEEN



OF THE FIRST PART

-and-

(hereinafter called the "Assignee")

-and-

OF THE SECOND PART

CITY OF HAMILTON
(hereinafter called the "Municipality")

OF THE THIRD PART

WHEREAS the owner and the Municipality entered into and executed a Cost Acknowledgement Agreement dated _____.

AND WHEREAS Assignee has indicated that it will assume all of the Owner's duties, liabilities and responsibilities as set out in the Cost Acknowledgement Agreement.

AND WHEREAS Council for the Municipality has consented to releasing the Owner from its duties, liabilities and responsibilities under said Cost Acknowledgement Agreement subject to the Assignee accepting and assuming the Owner's duties, liabilities and responsibilities and subject to the Assignee the Owner and the Municipality entering into and executing an Assumption Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the mutual covenants hereinafter expressed and other good and valuable consideration, the parties hereto agree as follows.

1. The Assignee covenants and agrees to accept, assume and to carry out the Owner's duties, liabilities and responsibilities under the Cost Acknowledgement Agreement and in all respects to be bound under said Cost Acknowledgement Agreement as if the Assignee had been the original party to the agreement in place of the Owner.
2. The Municipality hereby releases the Owner from all claims and demands of any nature whatsoever against the Owner in respect of the Cost Acknowledgement Agreement. The Municipality hereby accepts the Assignee as a party to the Cost Acknowledge Agreement in substitution of the Owner, and agrees with the Assignee that the Assignee will be bound by all the terms and conditions of the Cost Acknowledgement Agreement as if the Assignee had been the original executing party in place of the Owner.
3. All of the terms, covenants, provisos and stipulations in the said Cost Acknowledgement Agreement are hereby confirmed in full force save and except for such modifications as are necessary to make said clauses applicable to the Assignee.

IN WITNESS WHEREOF the Parties have hereunto affixed their corporate seals duly attested to by their proper signing officers in that behalf.

SIGNED, SEALED AND DELIVERED

Own _____ c/s
Title: _____
I have authority to bind the corporation

Assignee: _____ c/s
Title: _____
I have authority to bind the corporation

CITY OF HAMILTON

Mayor



Clerk

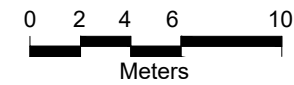
SPRINGBROOK AVENUE



SEVERANCE SKETCH

PART OF LOT 50 CONCESSION 3 &
PART OF BLOCK 102 REGISTERED PLAN 62M-1116 &
ALL OF BLOCK 14 REGISTERED PLAN 62M-1161
CITY OF HAMILTON

-  LANDS TO BE RETAINED
1281.1m²
-  LANDS TO BE SEVERED
991.1m²



NOTE: This concept has been prepared for general feasibility purposes only. Building code requirements and technical / architectural design have not been addressed.

Scale 1:300 | January 30, 2020 | Project No.: 20004 | Drawn By: MN





Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221 Fax (905) 546-4202

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: AN/B-20:21

SUBJECT PROPERTY: 455 Springbrook Ave., Ancaster

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
-

APPLICANT(S): GSP Group Inc. c/o S. Hastings on behalf of the owner Rotuka Developments Inc.

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land for residential purposes.

Severed lands:

11.85m[±] x 35.96m[±] and an area of 426.1m^{2±}

Retained lands:

11.85m[±] x 35.96m[±] and an area of 427.1m^{2±}

The Committee of Adjustment will hear this application on:

DATE: Thursday, July 9th , 2020

TIME: 1:55 p.m.

PLACE: Via video link or call in (see attached sheet for details)

To be streamed at

www.hamilton.ca/committeeofadjustment

for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

Important note: If a person or public body that files an appeal of a decision of the Committee of Adjustment in respect of the proposed consent does not make written or oral submission

AN/B-20:21
Page 2

to the Committee of Adjustment before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal (LPAT) may dismiss the appeal.

MORE INFORMATION

For more information on this application, including access to drawings illustrating this request:

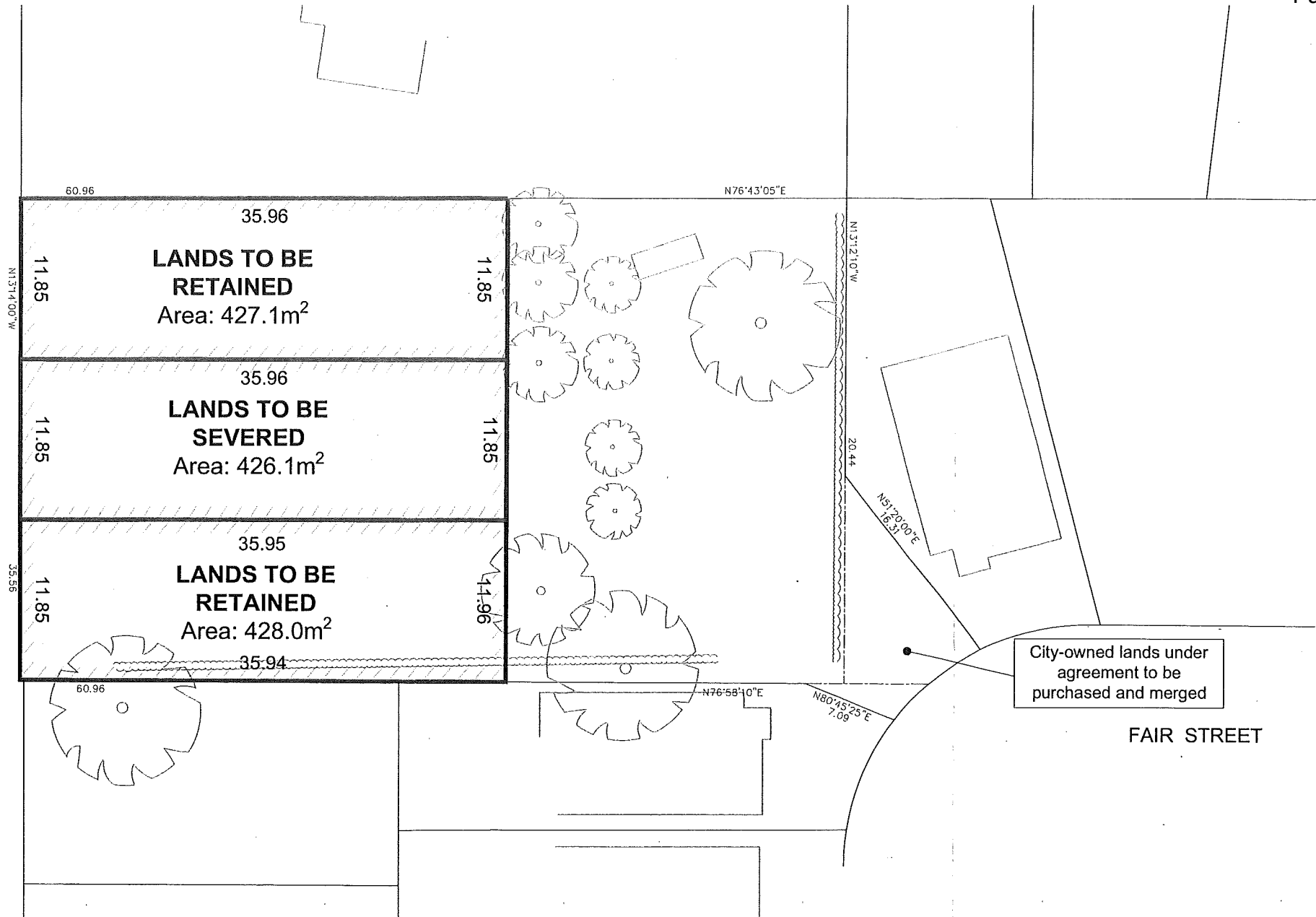
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: June 23rd, 2020

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.

SPRINGBROOK AVENUE


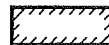


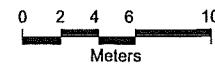
City-owned lands under agreement to be purchased and merged

FAIR STREET

SEVERANCE SKETCH

PART OF LOT 50 CONCESSION 3 &
 PART OF BLOCK 102 REGISTERED PLAN 62M-1116 &
 ALL OF BLOCK 14 REGISTERED PLAN 62M-1161
 CITY OF HAMILTON

-  LANDS TO BE RETAINED
855.1m²
-  LANDS TO BE SEVERED
426.1m²



NOTE: This concept has been prepared for general feasibility purposes only. Building code requirements and technical / architectural design have not been addressed.

Scale 1:300 | January 30, 2020 | Project No.: 20004 | Drawn By: MN





Hamilton

Planning and Economic Development Department
 Planning Division

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

Phone (905) 546-2424, ext. 4221
 Fax (905) 546-4202

**APPLICATION FOR CONSENT TO SEVER LAND
 UNDER SECTION 53 OF THE PLANNING ACT**

Office Use Only

Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:
----------------------------	-----------------------------------	-----------------	-----------

1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS	PHONE/FAX
Registered Owners(s)			
Applicant(s)*			
Agent or Solicitor			

* Owner's autho

1.3 All correspondence should be sent to Owner Applicant Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality	Lot	Concession	Former Township
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address			Assessment Roll N°.

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)

a) Urban Area Transfer (do not complete Section 10):

- creation of a new lot
- addition to a lot
- an easement

- Other: a charge
 a lease
 a correction of title

b) **Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):**

- | | |
|---|--|
| <input type="checkbox"/> creation of a new lot | Other: <input type="checkbox"/> a charge |
| <input type="checkbox"/> creation of a new non-farm parcel
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | <input type="checkbox"/> a lease |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a correction of title |
| | <input type="checkbox"/> an easement |

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:

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed**:

Frontage (m)	Depth (m)	Area (m ² or ha)
--------------	-----------	-----------------------------

Existing Use of Property to be severed:

- | | | |
|---|---|-------------------------------------|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input type="checkbox"/> Vacant |
| <input type="checkbox"/> Other (specify) _____ | | |

Proposed Use of Property to be severed:

- | | | |
|---|---|-------------------------------------|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input type="checkbox"/> Vacant |
| <input type="checkbox"/> Other (specify) _____ | | |

Building(s) or Structure(s):

Existing: _____

Proposed: _____

Type of access: (check appropriate box)

- | | |
|--|--|
| <input type="checkbox"/> provincial highway | <input type="checkbox"/> right of way |
| <input type="checkbox"/> municipal road, seasonally maintained | <input type="checkbox"/> other public road |
| <input type="checkbox"/> municipal road, maintained all year | |

Type of water supply proposed: (check appropriate box)

- | | |
|---|--|
| <input type="checkbox"/> publicly owned and operated piped water system | <input type="checkbox"/> lake or other water body |
| <input type="checkbox"/> privately owned and operated individual well | <input type="checkbox"/> other means (specify) _____ |

Type of sewage disposal proposed: (check appropriate box)

- | |
|--|
| <input type="checkbox"/> publicly owned and operated sanitary sewage system |
| <input type="checkbox"/> privately owned and operated individual septic system |
| <input type="checkbox"/> other means (specify) _____ |

4.2 Description of land intended to be **Retained**:

Frontage (m)	Depth (m)	Area (m ² or ha)
--------------	-----------	-----------------------------

Existing Use of Property to be retained:

- | | | |
|---|---|-------------------------------------|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input type="checkbox"/> Vacant |
| <input type="checkbox"/> Other (specify) _____ | | |

Proposed Use of Property to be retained:

- | | | |
|---|---|-------------------------------------|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input type="checkbox"/> Vacant |
| <input type="checkbox"/> Other (specify) _____ | | |

Building(s) or Structure(s):

Existing: _____

Proposed: _____

Type of access: (check appropriate box)

- | | |
|--|--|
| <input type="checkbox"/> provincial highway | <input type="checkbox"/> right of way |
| <input type="checkbox"/> municipal road, seasonally maintained | <input type="checkbox"/> other public road |
| <input type="checkbox"/> municipal road, maintained all year | |

Type of water supply proposed: (check appropriate box)

- | | |
|---|--|
| <input type="checkbox"/> publicly owned and operated piped water system | <input type="checkbox"/> lake or other water body |
| <input type="checkbox"/> privately owned and operated individual well | <input type="checkbox"/> other means (specify) _____ |

Type of sewage disposal proposed: (check appropriate box)

- | |
|--|
| <input type="checkbox"/> publicly owned and operated sanitary sewage system |
| <input type="checkbox"/> privately owned and operated individual septic system |
| <input type="checkbox"/> other means (specify) _____ |

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

- | | | | |
|--------------------------------------|------------------------------------|---|---|
| <input type="checkbox"/> electricity | <input type="checkbox"/> telephone | <input type="checkbox"/> school bussing | <input type="checkbox"/> 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): _____

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 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? _____

5.3 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	<input type="checkbox"/>	

A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agriculture Vacant Other (specify)

- 6.1 If Industrial or Commercial, specify use _____
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
 Yes No Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
 Yes No Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes No Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes No Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?

- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
Is the previous use inventory attached?
 Yes No

7 PROVINCIAL POLICY

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

b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)

c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)
 Yes No

e) Are the subject lands subject to the Niagara Escarpment Plan?
 Yes No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?
 Yes No
(Provide Explanation)

f) Are the subject lands subject to the Parkway Belt West Plan?
 Yes No

If yes, is the proposal in conformity with the Parkway Belt West Plan?
 Yes No (Provide Explanation)

g) Are the subject lands subject to the Greenbelt Plan?
 Yes No

If yes, does this application conform with the Greenbelt Plan?
 Yes No (Provide Explanation)

8 HISTORY OF THE SUBJECT LAND

8.1 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, indicate the appropriate application file number and the decision made on the application.

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

8.3 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.

8.4 How long has the applicant owned the subject land?

8.5 Does the applicant own any other land in the City? Yes No
 If YES, describe the lands in "11 - Other Information" or attach a separate page.

9 OTHER APPLICATIONS

9.1 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 if known, specify file number and status of the application.

9.2 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 if known, specify file number and status of the application(s).

File number _____ Status _____

10 RURAL APPLICATIONS

10.1 **Rural Hamilton Official Plan Designation(s)**

- | | | |
|--|-------------------------------------|---|
| <input type="checkbox"/> Agricultural | <input type="checkbox"/> Rural | <input type="checkbox"/> Specialty Crop |
| <input type="checkbox"/> Mineral Aggregate Resource Extraction | <input type="checkbox"/> Open Space | <input type="checkbox"/> Utilities |
| <input type="checkbox"/> Rural Settlement Area (specify) _____ | _____ | _____ |
| | Settlement Area | Designation |

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 operation.

10.2 **Type of Application** (select type and complete appropriate sections)

- | | | |
|--|---|-------------------------|
| <input type="checkbox"/> Agricultural Severance or Lot Addition | } | (Complete Section 10.3) |
| <input type="checkbox"/> Agricultural Related Severance or Lot Addition | | |
| <input type="checkbox"/> Rural Resource-based Commercial Severance or Lot Addition | | |
| <input type="checkbox"/> Rural Institutional Severance or Lot Addition | | |

Rural Settlement Area Severance or Lot Addition

Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)

Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

10.3 Description of Lands

a) Lands to be Severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from in Section 4.1)
----------------------------------	--

Existing Land Use: _____ Proposed Land Use: _____

b) Lands to be Retained:

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

 (Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of consolidated farm (excluding lands intended to be severed for the surplus dwelling):

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use: _____ Proposed Land Use: _____

d) Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: _____

e) Surplus farm dwelling date of construction:

Prior to December 16, 2004 After December 16, 2004

f) Condition of surplus farm dwelling:

Habitable Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

 (Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

Frontage (m):	Area (m2 or ha):
---------------	------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of surplus dwelling lands intended to be severed:

Frontage (m): (from Section 4.1)	Area (m2 or ha): (from Section 4.1)
----------------------------------	-------------------------------------

Front yard set back: _____

d) Surplus farm dwelling date of construction:

- Prior to December 16, 2004 After December 16, 2004

e) Condition of surplus farm dwelling:

- Habitable Non-Habitable

f) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m2 or ha): (from Section 4.2)
----------------------------------	-------------------------------------

Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

12 SKETCH (Use the attached Sketch Sheet as a guide)

12.1 The application shall be accompanied by a sketch showing the following in metric units:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features (for example, buildings, barns, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
 - i) are located on the subject land and on land that is adjacent to it, and
 - ii) in the applicant's opinion, may affect the application;
- (f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private

road or a right of way;

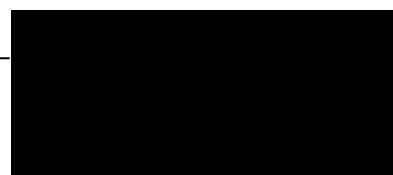
(h) the location and nature of any easement affecting the subject land.

13 ACKNOWLEDGEMENT CLAUSE

I acknowledge that The City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Date

Signature of Owner



14 AFFIDAVIT OR SWORN DECLARATION

14.1 Declaration For the Prescribed Information

_____ of the _____

of _____ make oath and say (or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application in respect of the application is true.

Sworn (or declared) before me at the

City of Hamilton this

_____ day of _____, 20____

Applicant's Signature

A Commissioner, etc.

15 AUTHORIZATIONS

15.1 If the applicant is not the owner of the land that is the subject of this application, the authorization set out below must be completed.

Authorization of Owner for Agent to Provide Personal Information

_____ am the owner of the land that is the subject of this application for consent to sever land and for the purpose of the *M* *Protection of Privacy Act*, R.S.O. 1990, c. M.56, I _____ application, to provide any of my personal information collected during the processing of the application.

Date

Signature of Owner




16 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

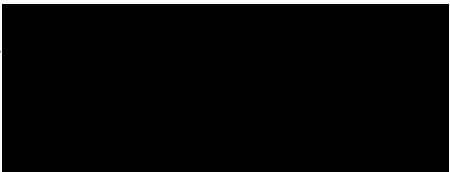
Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

 _____, the Owner, hereby agree and acknowledge
 (Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

 Date

 Signature of Owner



17 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone, 905-546-2424, ext.1284.

A File Number will be issued for complete applications and should be used in all communications with the City.

APPLICANT'S CHECKLIST

Please attach all items listed below:

- Two (2) copies of the completed application form (Ensure you have a copy for yourself);
- Three (3) copies of the prescribed sketch or survey (one (1) full scale size and two (2) no larger than ledger size paper 11" x 17"); and
- The required fee. (**A cheque or money order payable to the City of Hamilton**)

CITY OF HAMILTON
COST ACKNOWLEDGEMENT AGREEMENT

This Agreement made this ____ day of _____, 20____.

BETWEEN:

Applicant's name(s)

hereinafter referred to as the "Developer"

-and-

City of Hamilton

hereinafter referred to as the "City"

WHEREAS the Developer represents that he/she is the registered owner of the lands described in Schedule "A" attached hereto, and which lands are hereinafter referred to as the "lands";

AND WHEREAS the Developer has filed for an application for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval/minor variance.

AND WHEREAS it is a policy of the City that any City costs associated with an appeal to the Local Planning Appeal Tribunal, by a party other than the Developer, of an approval of a consent, rezoning, official plan amendment, plan of subdivision, and/or minor variance, such as, but not limited to, legal counsel costs, professional consultant costs and City staff costs, shall be paid by the Developer.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of two dollars (\$2.00) now paid by the City to the Developer, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. In this Agreement:
 - (a) "application" means the application(s) for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval or minor variance dated _____ with respect to the lands described in Schedule "A" hereto.
 - (b) "Expenses" means all expenses incurred by the City if the application is: (a) approved by the City; (b) appealed to the Local Planning Appeal Tribunal by a party other than the developer; and (c) the City appears before the Local Planning Appeal Tribunal or any other tribunal or Court in support of the application, including but not limited to: City staff time, City staff travel expenses and meals, City disbursements, legal counsel fees and disbursements and all consultant fees and disbursements including, without limiting the generality of the foregoing planning, engineering or other professional expenses
2. The City agrees to process the application and, where the application is approved by the City but appealed to the Local Planning Appeal Tribunal by a party other than the Developer, the Developer shall file an initial deposit, in the form of certified cheque or cash with the General Manager, Finance & Corporate Services within fifteen days of the date of the appeal of the application by a third party in the amount of 50% of the estimated expenses associated with the appeal as estimated by the City Solicitor in his sole discretion which shall be credited against the Expenses.
3. It is hereby acknowledged that if the deposit required pursuant to section 2 of this Agreement is not paid by the Developer the City shall have the option, at its sole discretion, of taking no further steps in supporting the Developer's application before the Local Planning Appeal Tribunal.
4. It is hereby acknowledged that all expenses shall be paid for by the Developer. The Developer shall reimburse the City for all expenses the City may be put to in respect of the application upon demand.

5. It is hereby acknowledged and agreed that all expenses shall be payable by the Developer whether or not the Developer is successful before the Local Planning Appeal Tribunal or any other tribunal or Court in obtaining approval for their application.
6. The City shall provide the Developer with copies of all invoices of external legal counsel or consultants included in the expenses claimed by the City.
7. The City shall provide the Developer with an accounting of all staff costs and City disbursements included in the expenses claimed by the City.
8. The City may, at any time, draw upon the funds deposited in accordance with sections 2 and 9 of this Agreement to satisfy expenses incurred pursuant to the appeal of the application.
9. In the event that the amount deposited pursuant to section 2 of this Agreement is reduced to less than 10% of the initial deposit, the City may halt all work in respect of the appeal of the application until the Developer deposits with the City a sum sufficient to increase the deposit to an amount which is equal to 100% of the expenses estimated pursuant to paragraph 2 of this Agreement and still to be incurred by the City.
10. Within 60 days of: (a) a decision being rendering in respect of the appeal or any legal proceedings resulting from the decision, whichever is later; or (b) the termination of all legal proceedings in respect of the application, the City shall prepare and submit a final account to the Developer. If there are any deposit funds remaining with the City they shall be applied against the account. Any amount owing in respect of the final account in excess of deposit funds shall be paid by the Developer within 30 days of the date of the final account. If any deposit funds are remaining after the final account has been paid they shall be returned to the developer within 30 days of the date of the final account.
11. This Agreement shall not be construed as acceptance of the application and nothing herein shall require or be deemed to require the City to approve the application.
12. This Agreement shall not stand in lieu of or prejudice the rights of the City to require such further and other agreements in respect of the application that the City may deem necessary.
13. Every term, covenant, obligation and condition in this Agreement ensures to the benefit of and is binding upon the parties hereto and their respective heirs, executors, administrators, successors, trustees and assigns.
14. When the context so requires or permits, the singular number is to be read as if the plural were expressed, and the masculine gender as if the feminine, as the case may be, were expressed; and,
15. This Agreement and the schedules hereto constitute the entire agreement between the parties in respect of the subject matter contained herein and is not subject to, or in addition to, any other agreements, warranties or understandings, whether written, oral or implied. This Agreement may not be modified or amended except by instrument in writing signed by the Developer and the City, and,
16. The waiver or acquiescence by the City of any default by the Developer under any obligation to comply with this Agreement shall not be deemed to be a waiver of that obligation or any subsequent or other default under this Agreement.
17. The Developer covenants and agrees to be bound by the terms and conditions of this Agreement and not to seek a release from the provisions thereof until such time as the Developer's obligations hereunder have been assumed by its successor, assignee or transferee by way of written agreement in the form set out in Schedule "B" to this Agreement.

IN WITNESS WHEREOF the parties hereto have set their corporate seals under the hands of their duly authorized officers.

DATED at _____ this _____ day of _____, 20 ____.

WITNESS



WITNESS

Per:
I have authority to bind the corporation

DATED at Hamilton, Ontario this ____ day of _____, 20____.

City of Hamilton

Per: _____
Mayor

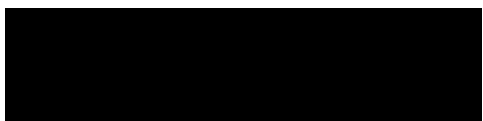
Per: _____
Clerk

Schedule "A"
Description of Lands

SCHEDULE "B"
FORM OF ASSUMPTION AGREEMENT

THIS AGREEMENT dated the _____ day of _____, 20____ .

BETWEEN



OF THE FIRST PART

-and-

(hereinafter called the "Assignee")

-and-

OF THE SECOND PART

CITY OF HAMILTON
(hereinafter called the "Municipality")

OF THE THIRD PART

WHEREAS the owner and the Municipality entered into and executed a Cost Acknowledgement Agreement dated _____.

AND WHEREAS Assignee has indicated that it will assume all of the Owner's duties, liabilities and responsibilities as set out in the Cost Acknowledgement Agreement.

AND WHEREAS Council for the Municipality has consented to releasing the Owner from its duties, liabilities and responsibilities under said Cost Acknowledgement Agreement subject to the Assignee accepting and assuming the Owner's duties, liabilities and responsibilities and subject to the Assignee the Owner and the Municipality entering into and executing an Assumption Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the mutual covenants hereinafter expressed and other good and valuable consideration, the parties hereto agree as follows.

1. The Assignee covenants and agrees to accept, assume and to carry out the Owner's duties, liabilities and responsibilities under the Cost Acknowledgement Agreement and in all respects to be bound under said Cost Acknowledgement Agreement as if the Assignee had been the original party to the agreement in place of the Owner.
2. The Municipality hereby releases the Owner from all claims and demands of any nature whatsoever against the Owner in respect of the Cost Acknowledgement Agreement. The Municipality hereby accepts the Assignee as a party to the Cost Acknowledge Agreement in substitution of the Owner, and agrees with the Assignee that the Assignee will be bound by all the terms and conditions of the Cost Acknowledgement Agreement as if the Assignee had been the original executing party in place of the Owner.
3. All of the terms, covenants, provisos and stipulations in the said Cost Acknowledgement Agreement are hereby confirmed in full force save and except for such modifications as are necessary to make said clauses applicable to the Assignee.

IN WITNESS WHEREOF the Parties have hereunto affixed their corporate seals duly attested to by their proper signing officers in that behalf.

SIGNED, SEALED AND DELIVERED



_____ c/s

Assignee:

Title:

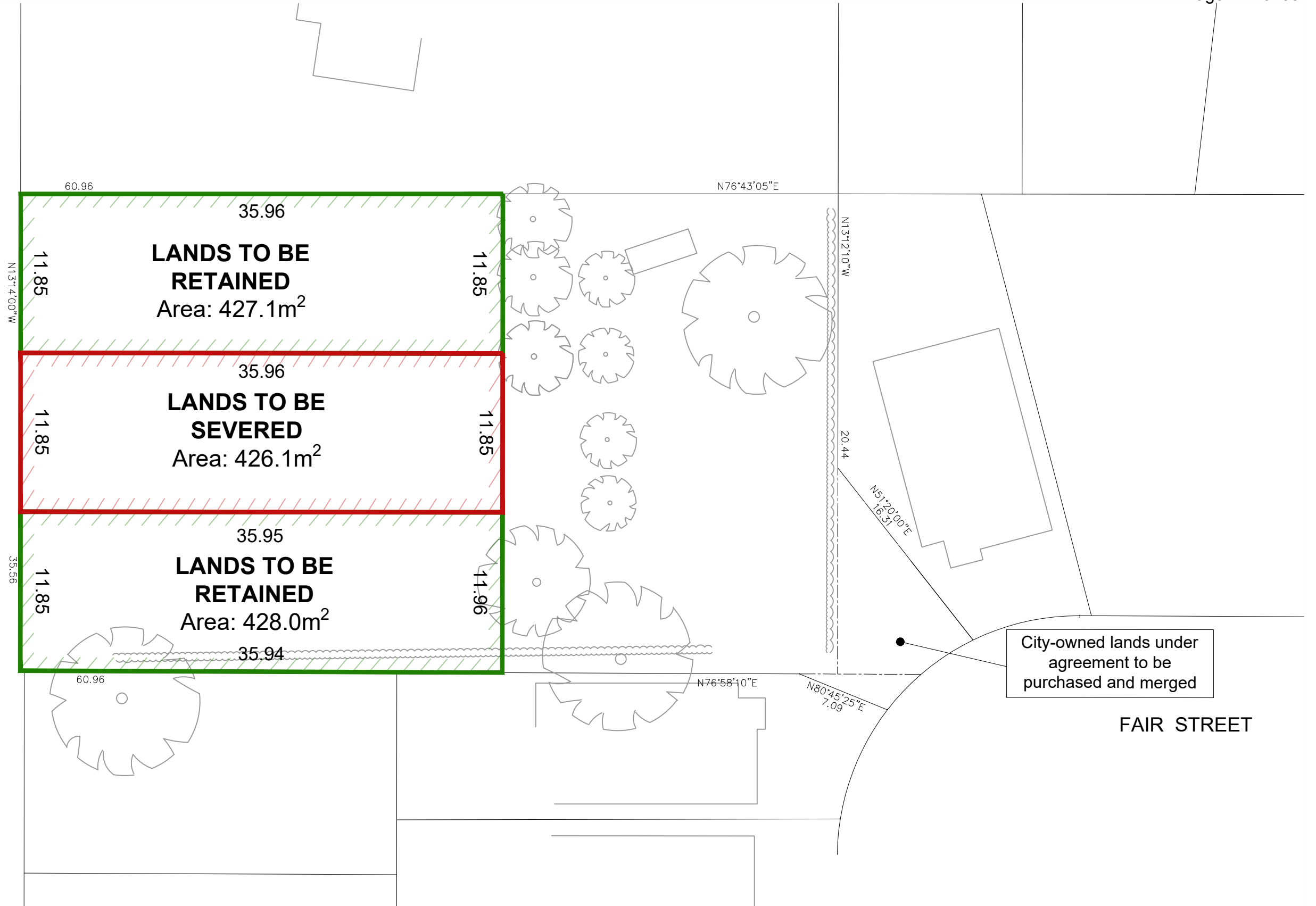
I have authority to bind the corporation

CITY OF HAMILTON

Mayor



Clerk

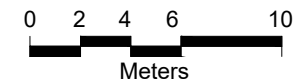
SPRINGBROOK AVENUE



SEVERANCE SKETCH

PART OF LOT 50 CONCESSION 3 &
PART OF BLOCK 102 REGISTERED PLAN 62M-1116 &
ALL OF BLOCK 14 REGISTERED PLAN 62M-1161
CITY OF HAMILTON

-  LANDS TO BE RETAINED
855.1m²
-  LANDS TO BE SEVERED
426.1m²



NOTE: This concept has been prepared for general feasibility purposes only. Building code requirements and technical / architectural design have not been addressed.

Scale 1:300 | January 30, 2020 | Project No.: 20004 | Drawn By: MN



GSP
group



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: morgan.evans@hamilton.ca or jamila.sheffield@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

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.: AN/A-19:258

APPLICANTS: Zelinka Priamo Ltd. c/o Katelyn Crowley on behalf of the owner
 CP Reit Ontario Properties Limited Trustee

SUBJECT PROPERTY: Municipal address **54 Wilson St. W., (Ancaster) City of
 Hamilton**

ZONING BY-LAW: Zoning By-law 05-200, as Amended

ZONING: C5, 567 (Mixed Use Medium Density (C5) Zone

PROPOSAL: To permit a Seasonal Garden Centre, including tents, accessory to the
 existing Retail Store (Fortino's) notwithstanding that:

1. The Seasonal Garden Centre shall be permitted to occupy a maximum of 12.6% of the total number of parking spaces provided instead of the requirement that Seasonal Garden Centre shall not occupy more than 10% of the total number of provided parking spaces.

NOTE:

i) The Seasonal Garden Centre occupies 53 parking spaces of the 422 parking spaces provided on the site.

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

DATE: Thursday, July 9th, 2020
TIME: 2:00 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at www.hamilton.ca/committeeofadjustment
 for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

AN/A-19:258

Page 2

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

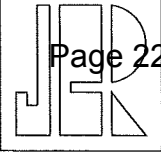
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: June 23rd, 2020.

Original Signed

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.



RANKIN
ARCHITECT INC.

45 FRO STREET
HAVERLAND ONTARIO
L6P 4M3 905-548-1616

1. DO NOT SCALE DIMENSIONS
2. USE ONLY DIMENSIONS MARKED 'GIVE FOR CONSTRUCTION'
3. VERIFY CONDITIONS AND DIMENSIONS ON SITE BEFORE BEGINNING WORK. NOTIFY ARCHITECT IMMEDIATELY OF ANY ERRORS, OMISSIONS OR DISCREPANCIES.

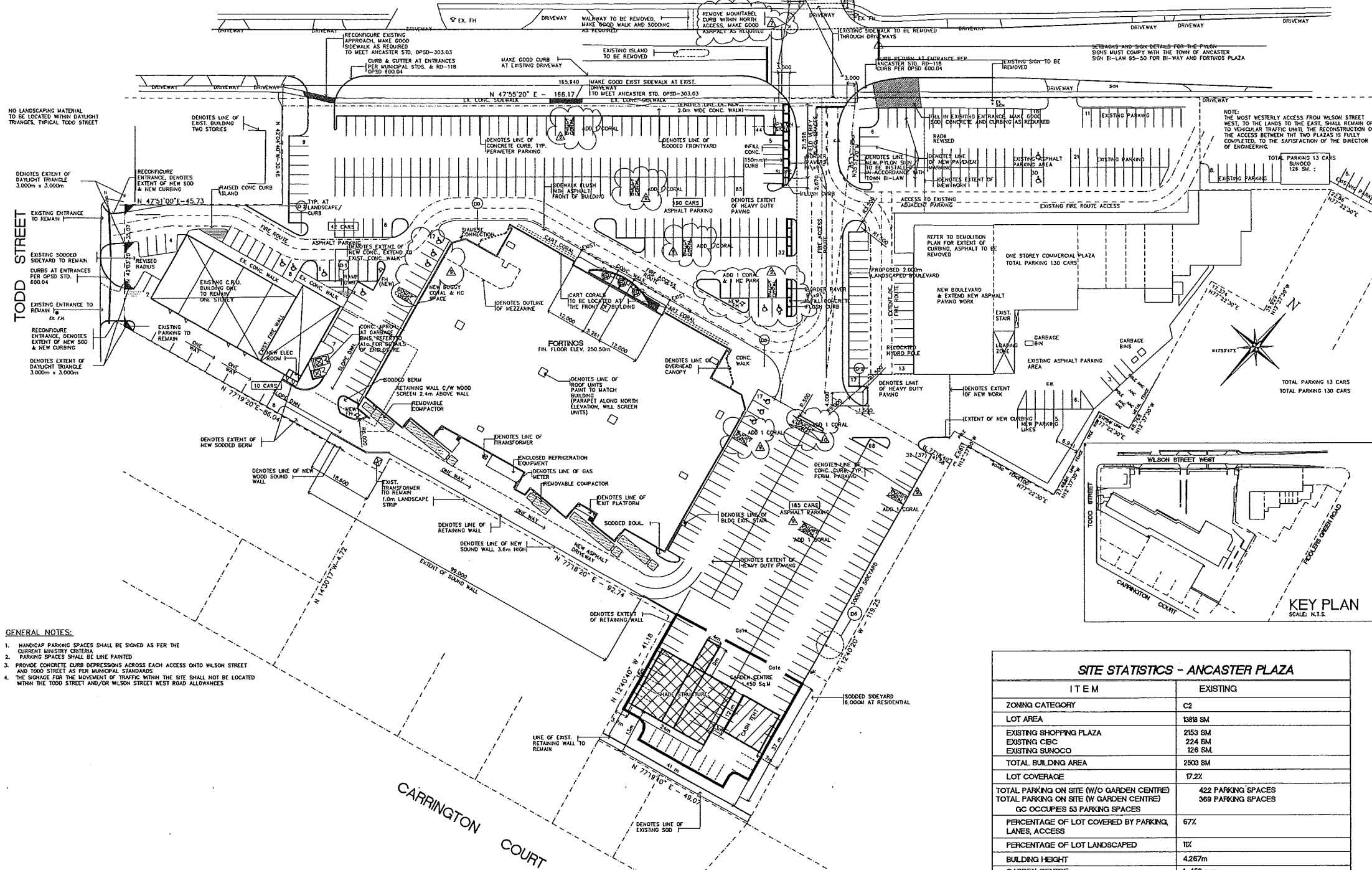
NO.	REVISION	DATE
1.	PER SITE PLAN REV.	4.16.99
2.	PER SITE PLAN REV.	5.14.99
3.	PER SITE PLAN REV.	5.20.99
4.	PER SITE PLAN REV.	6.22.99
5.	INTEGRATION OF ADJACENT SITE	4/17/00
6.	SITE PLAN REVIEW	30/9/00
7.	REG. MAIL. WENT. REV. SEPT. FENCING UPGRADES	25/9/00
8.	PATIO ADDED	02/01/01
9.	BUDDY CORALS INDICATED	30/9/00
10.	BUDGY CORALS INDICATED. GARDEN CENTRE INDICATED	FEB. 18/9/00
11.	REVISED. GARDEN CENTRE	MAR. 31/20

FORTINOS
Ancaster
WILSON STREET HWY. NO. 2
ANCASTER ONTARIO

Project Title	PRINT DATE
FORTINOS Ancaster Wilson Street Hwy. No. 2	
JOB NO.	
BY	
CHKD. BY	
SCALE: 1:500	
ORIGINAL DWG. DATE	
CAD PLOT DATE	
CAD FILE NO.	

DWG. TITLE

WILSON STREET WEST



NO LANDSCAPING MATERIAL TO BE LOCATED WITHIN DAYLIGHT TRIANGLES, TYPICAL TODD STREET

RECONFIGURE ENTRANCE APPROACH, MAKE GOOD SIDEWALK AS REQUIRED TO MEET ANCASTER STD. DP5D-303.03

EXISTING SODDED SIDEYARD TO REMAIN

EXISTING ENTRANCE TO REMAIN

RECONFIGURE ENTRANCE APPROACH, MAKE GOOD SIDEWALK AS REQUIRED TO MEET ANCASTER STD. DP5D-303.03

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RECONFIGURE ENTRANCE APPROACH, MAKE GOOD SIDEWALK AS REQUIRED TO MEET ANCASTER STD. DP5D-303.03

EXISTING SODDED SIDEYARD TO REMAIN

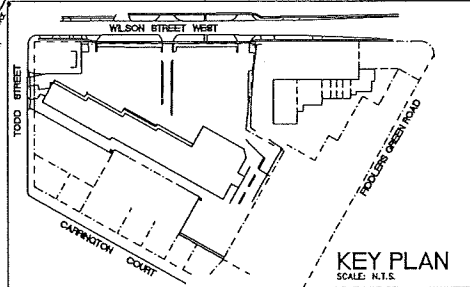
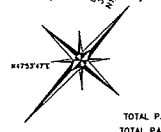
RECONFIGURE ENTRANCE APPROACH, MAKE GOOD SIDEWALK AS REQUIRED TO MEET ANCASTER STD. DP5D-303.03

EXISTING SODDED SIDEYARD TO REMAIN

RECONFIGURE ENTRANCE APPROACH, MAKE GOOD SIDEWALK AS REQUIRED TO MEET ANCASTER STD. DP5D-303.03

EXISTING SODDED SIDEYARD TO REMAIN

RECONFIGURE ENTRANCE APPROACH, MAKE GOOD SIDEWALK AS REQUIRED TO MEET ANCASTER STD. DP5D-303.03



- GENERAL NOTES:**
1. HANDICAP PARKING SPACES SHALL BE SIGNED AS PER THE CURRENT MINISTRY CRITERIA
 2. PARKING SPACES SHALL BE LINE PAINTED
 3. PROVIDE CONCRETE CURB DEPRESSIONS ACROSS EACH ACCESS ONTO WILSON STREET AND TODD STREET AS PER MUNICIPAL STANDARDS
 4. THE SIGNAGE FOR THE MOVEMENT OF TRAFFIC WITHIN THE SITE SHALL NOT BE LOCATED WITHIN THE TODD STREET AND/OR WILSON STREET WEST ROAD ALLOWANCES

SITE STATISTICS - ANCASTER PLAZA	
ITEM	EXISTING
ZONING CATEGORY	C2
LOT AREA	10818 SM
EXISTING SHOPPING PLAZA	2153 SM
EXISTING CIBC	224 SM
EXISTING SUNOCO	126 SM
TOTAL BUILDING AREA	2503 SM
LOT COVERAGE	17.2%
TOTAL PARKING ON SITE (W/O GARDEN CENTRE)	422 PARKING SPACES
TOTAL PARKING ON SITE (W GARDEN CENTRE)	369 PARKING SPACES
GC OCCUPIES 53 PARKING SPACES	
PERCENTAGE OF LOT COVERED BY PARKING, LANES, ACCESS	67%
PERCENTAGE OF LOT LANDSCAPED	10%
BUILDING HEIGHT	4.267m
GARDEN CENTRE	1,450 sqm
TOTAL TENT AREA	612 sqm

INFORMATION TAKEN FROM SURVEY PREPARED BY I.C. WOODS SURVEYING INC. EXISTING COUNTRY PARK SHOPPING CENTRE, PART OF LOT 42 CONG. 2 IN THE GEOGRAPHIC TOWNSHIP OF ANCASTER, REGIONAL MUNICIPALITY OF HAMILTON WENTWORTH, SEPT. 15, 1987

ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO TOWN OF ANCASTER GEODETIC MONUMENT AT THE SOUTH-WEST CORNER OF NELSON STREET AND RIDGEMAN GREEN ROAD TOP OF NORTH-EAST BOLT ON SUNOCO SIGN ELEVATION = 249.667 METRIC

AN/A-19: 258
Sketch.



Hamilton

Planning and Economic Development Department
 Planning Division

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

Phone (905) 546-2424, ext. 4221
 Fax (905) 546-4202

**APPLICATION FOR CONSENT TO SEVER LAND
 UNDER SECTION 53 OF THE PLANNING ACT**

Office Use Only

Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:
----------------------------	-----------------------------------	-----------------	-----------

1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS	PHONE/FAX
Registered Owners(s)			
Applicant(s)*			
Agent or Solicitor			

* Owner's authorisation required if the applicant is not the owner.

1.3 All correspondence should be sent to Owner Applicant Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality	Lot	Concession	Former Township
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address			Assessment Roll N°.

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)

a) Urban Area Transfer (do not complete Section 10):

- creation of a new lot
- addition to a lot
- an easement

- Other: a charge
 a lease
 a correction of title

b) **Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):**

- | | |
|---|--|
| <input type="checkbox"/> creation of a new lot | Other: <input type="checkbox"/> a charge |
| <input type="checkbox"/> creation of a new non-farm parcel
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | <input type="checkbox"/> a lease |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a correction of title |
| | <input type="checkbox"/> an easement |

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:

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed**:

Frontage (m)	Depth (m)	Area (m ² or ha)
--------------	-----------	-----------------------------

Existing Use of Property to be severed:

- | | | |
|---|---|-------------------------------------|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input type="checkbox"/> Vacant |
| <input type="checkbox"/> Other (specify) _____ | | |

Proposed Use of Property to be severed:

- | | | |
|---|---|-------------------------------------|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input type="checkbox"/> Vacant |
| <input type="checkbox"/> Other (specify) _____ | | |

Building(s) or Structure(s):

Existing: _____

Proposed: _____

Type of access: (check appropriate box)

- | | |
|--|--|
| <input type="checkbox"/> provincial highway | <input type="checkbox"/> right of way |
| <input type="checkbox"/> municipal road, seasonally maintained | <input type="checkbox"/> other public road |
| <input type="checkbox"/> municipal road, maintained all year | |

Type of water supply proposed: (check appropriate box)

- | | |
|---|--|
| <input type="checkbox"/> publicly owned and operated piped water system | <input type="checkbox"/> lake or other water body |
| <input type="checkbox"/> privately owned and operated individual well | <input type="checkbox"/> other means (specify) _____ |

Type of sewage disposal proposed: (check appropriate box)

- | |
|--|
| <input type="checkbox"/> publicly owned and operated sanitary sewage system |
| <input type="checkbox"/> privately owned and operated individual septic system |
| <input type="checkbox"/> other means (specify) _____ |

4.2 Description of land intended to be **Retained**:

Frontage (m)	Depth (m)	Area (m ² or ha)
--------------	-----------	-----------------------------

Existing Use of Property to be retained:

- | | | |
|---|---|-------------------------------------|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input type="checkbox"/> Vacant |
| <input type="checkbox"/> Other (specify) _____ | | |

Proposed Use of Property to be retained:

- | | | |
|---|---|-------------------------------------|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input type="checkbox"/> Vacant |
| <input type="checkbox"/> Other (specify) _____ | | |

Building(s) or Structure(s):

Existing: _____

Proposed: _____

Type of access: (check appropriate box)

- | | |
|--|--|
| <input type="checkbox"/> provincial highway | <input type="checkbox"/> right of way |
| <input type="checkbox"/> municipal road, seasonally maintained | <input type="checkbox"/> other public road |
| <input type="checkbox"/> municipal road, maintained all year | |

Type of water supply proposed: (check appropriate box)

- | | |
|---|--|
| <input type="checkbox"/> publicly owned and operated piped water system | <input type="checkbox"/> lake or other water body |
| <input type="checkbox"/> privately owned and operated individual well | <input type="checkbox"/> other means (specify) _____ |

Type of sewage disposal proposed: (check appropriate box)

- | |
|--|
| <input type="checkbox"/> publicly owned and operated sanitary sewage system |
| <input type="checkbox"/> privately owned and operated individual septic system |
| <input type="checkbox"/> other means (specify) _____ |

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

- | | | | |
|--------------------------------------|------------------------------------|---|---|
| <input type="checkbox"/> electricity | <input type="checkbox"/> telephone | <input type="checkbox"/> school bussing | <input type="checkbox"/> 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): _____

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 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? _____

5.3 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	<input type="checkbox"/>	

A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agriculture Vacant Other (specify)

- 6.1 If Industrial or Commercial, specify use _____
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
 Yes No Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
 Yes No Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes No Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes No Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?

- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
 Is the previous use inventory attached?
 Yes No

7 PROVINCIAL POLICY

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

b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)

c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)
 Yes No

e) Are the subject lands subject to the Niagara Escarpment Plan?
 Yes No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?
 Yes No
(Provide Explanation)

f) Are the subject lands subject to the Parkway Belt West Plan?
 Yes No

If yes, is the proposal in conformity with the Parkway Belt West Plan?
 Yes No (Provide Explanation)

g) Are the subject lands subject to the Greenbelt Plan?
 Yes No

If yes, does this application conform with the Greenbelt Plan?
 Yes No (Provide Explanation)

8 HISTORY OF THE SUBJECT LAND

8.1 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, indicate the appropriate application file number and the decision made on the application.

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

8.3 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.

8.4 How long has the applicant owned the subject land?

8.5 Does the applicant own any other land in the City? Yes No
 If YES, describe the lands in "11 - Other Information" or attach a separate page.

9 OTHER APPLICATIONS

9.1 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 if known, specify file number and status of the application.

9.2 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 if known, specify file number and status of the application(s).

File number _____ Status _____

10 RURAL APPLICATIONS

10.1 **Rural Hamilton Official Plan Designation(s)**

- | | | |
|--|-------------------------------------|---|
| <input type="checkbox"/> Agricultural | <input type="checkbox"/> Rural | <input type="checkbox"/> Specialty Crop |
| <input type="checkbox"/> Mineral Aggregate Resource Extraction | <input type="checkbox"/> Open Space | <input type="checkbox"/> Utilities |
| <input type="checkbox"/> Rural Settlement Area (specify) _____ | _____ | _____ |
| | Settlement Area | Designation |

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 operation.

10.2 **Type of Application** (select type and complete appropriate sections)

- | | | |
|--|---|-------------------------|
| <input type="checkbox"/> Agricultural Severance or Lot Addition | } | (Complete Section 10.3) |
| <input type="checkbox"/> Agricultural Related Severance or Lot Addition | | |
| <input type="checkbox"/> Rural Resource-based Commercial Severance or Lot Addition | | |
| <input type="checkbox"/> Rural Institutional Severance or Lot Addition | | |

Rural Settlement Area Severance or Lot Addition

Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)

Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

10.3 Description of Lands

a) Lands to be Severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from in Section 4.1)
----------------------------------	--

Existing Land Use: _____ Proposed Land Use: _____

b) Lands to be Retained:

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

 (Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of consolidated farm (excluding lands intended to be severed for the surplus dwelling):

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use: _____ Proposed Land Use: _____

d) Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: _____

e) Surplus farm dwelling date of construction:

Prior to December 16, 2004 After December 16, 2004

f) Condition of surplus farm dwelling:

Habitable Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

 (Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

Frontage (m):	Area (m2 or ha):
---------------	------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of surplus dwelling lands intended to be severed:

Frontage (m): (from Section 4.1)	Area (m2 or ha): (from Section 4.1)
----------------------------------	-------------------------------------

Front yard set back: _____

d) Surplus farm dwelling date of construction:

- Prior to December 16, 2004 After December 16, 2004

e) Condition of surplus farm dwelling:

- Habitable Non-Habitable

f) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m2 or ha): (from Section 4.2)
----------------------------------	-------------------------------------

Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

12 SKETCH (Use the attached Sketch Sheet as a guide)

12.1 The application shall be accompanied by a sketch showing the following in metric units:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features (for example, buildings, barns, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
 - i) are located on the subject land and on land that is adjacent to it, and
 - ii) in the applicant's opinion, may affect the application;
- (f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private

road or a right of way;

(h) the location and nature of any easement affecting the subject land.

13 ACKNOWLEDGEMENT CLAUSE

I acknowledge that The City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Date

Signature of Owner

14 AFFIDAVIT OR SWORN DECLARATION

the Prescribed Information
_____ of the _____

of _____ make oath and say (or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application in respect of the application is true.

Sworn (or declared) before me at the

City of Hamilton this)
)
)
)
____ day of _____, 20____)
)
)
)
____)
A Commissioner, etc.)

Applicant's Signature

15 AUTHORIZATIONS

15.1 If the applicant is not the owner of the land that is the subject of this application, the authorization set out below must be completed.

owner for Agent to Provide Personal Information

the owner of the land that is the subject of this application for consent to sever land and for the purpose of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I authorize _____ application, to provide any of my personal information that will be included in this application or collected during the processing of the application.

Date


Signature of Owner

16 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public information and supporting documentation submitted to the City.

 _____, the Owner, hereby agree and acknowledge
(Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

Date

Signature of Owner

17 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone, 905-546-2424, ext.1284.

A File Number will be issued for complete applications and should be used in all communications with the City.

APPLICANT'S CHECKLIST

Please attach all items listed below:

- Two (2) copies of the completed application form (Ensure you have a copy for yourself);
- Three (3) copies of the prescribed sketch or survey (one (1) full scale size and two (2) no larger than ledger size paper 11" x 17"); and
- The required fee. (**A cheque or money order payable to the City of Hamilton**)

CITY OF HAMILTON
COST ACKNOWLEDGEMENT AGREEMENT

This Agreement made this ____ day of _____, 20____.

BETWEEN:

Applicant's name(s)

hereinafter referred to as the "Developer"

-and-

City of Hamilton

hereinafter referred to as the "City"

WHEREAS the Developer represents that he/she is the registered owner of the lands described in Schedule "A" attached hereto, and which lands are hereinafter referred to as the "lands";

AND WHEREAS the Developer has filed for an application for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval/minor variance.

AND WHEREAS it is a policy of the City that any City costs associated with an appeal to the Local Planning Appeal Tribunal, by a party other than the Developer, of an approval of a consent, rezoning, official plan amendment, plan of subdivision, and/or minor variance, such as, but not limited to, legal counsel costs, professional consultant costs and City staff costs, shall be paid by the Developer.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of two dollars (\$2.00) now paid by the City to the Developer, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. In this Agreement:
 - (a) "application" means the application(s) for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval or minor variance dated _____ with respect to the lands described in Schedule "A" hereto.
 - (b) "Expenses" means all expenses incurred by the City if the application is: (a) approved by the City; (b) appealed to the Local Planning Appeal Tribunal by a party other than the developer; and (c) the City appears before the Local Planning Appeal Tribunal or any other tribunal or Court in support of the application, including but not limited to: City staff time, City staff travel expenses and meals, City disbursements, legal counsel fees and disbursements and all consultant fees and disbursements including, without limiting the generality of the foregoing planning, engineering or other professional expenses
2. The City agrees to process the application and, where the application is approved by the City but appealed to the Local Planning Appeal Tribunal by a party other than the Developer, the Developer shall file an initial deposit, in the form of certified cheque or cash with the General Manager, Finance & Corporate Services within fifteen days of the date of the appeal of the application by a third party in the amount of 50% of the estimated expenses associated with the appeal as estimated by the City Solicitor in his sole discretion which shall be credited against the Expenses.
3. It is hereby acknowledged that if the deposit required pursuant to section 2 of this Agreement is not paid by the Developer the City shall have the option, at its sole discretion, of taking no further steps in supporting the Developer's application before the Local Planning Appeal Tribunal.
4. It is hereby acknowledged that all expenses shall be paid for by the Developer. The Developer shall reimburse the City for all expenses the City may be put to in respect of the application upon demand.

5. It is hereby acknowledged and agreed that all expenses shall be payable by the Developer whether or not the Developer is successful before the Local Planning Appeal Tribunal or any other tribunal or Court in obtaining approval for their application.
6. The City shall provide the Developer with copies of all invoices of external legal counsel or consultants included in the expenses claimed by the City.
7. The City shall provide the Developer with an accounting of all staff costs and City disbursements included in the expenses claimed by the City.
8. The City may, at any time, draw upon the funds deposited in accordance with sections 2 and 9 of this Agreement to satisfy expenses incurred pursuant to the appeal of the application.
9. In the event that the amount deposited pursuant to section 2 of this Agreement is reduced to less than 10% of the initial deposit, the City may halt all work in respect of the appeal of the application until the Developer deposits with the City a sum sufficient to increase the deposit to an amount which is equal to 100% of the expenses estimated pursuant to paragraph 2 of this Agreement and still to be incurred by the City.
10. Within 60 days of: (a) a decision being rendering in respect of the appeal or any legal proceedings resulting from the decision, whichever is later; or (b) the termination of all legal proceedings in respect of the application, the City shall prepare and submit a final account to the Developer. If there are any deposit funds remaining with the City they shall be applied against the account. Any amount owing in respect of the final account in excess of deposit funds shall be paid by the Developer within 30 days of the date of the final account. If any deposit funds are remaining after the final account has been paid they shall be returned to the developer within 30 days of the date of the final account.
11. This Agreement shall not be construed as acceptance of the application and nothing herein shall require or be deemed to require the City to approve the application.
12. This Agreement shall not stand in lieu of or prejudice the rights of the City to require such further and other agreements in respect of the application that the City may deem necessary.
13. Every term, covenant, obligation and condition in this Agreement ensures to the benefit of and is binding upon the parties hereto and their respective heirs, executors, administrators, successors, trustees and assigns.
14. When the context so requires or permits, the singular number is to be read as if the plural were expressed, and the masculine gender as if the feminine, as the case may be, were expressed; and,
15. This Agreement and the schedules hereto constitute the entire agreement between the parties in respect of the subject matter contained herein and is not subject to, or in addition to, any other agreements, warranties or understandings, whether written, oral or implied. This Agreement may not be modified or amended except by instrument in writing signed by the Developer and the City, and,
16. The waiver or acquiescence by the City of any default by the Developer under any obligation to comply with this Agreement shall not be deemed to be a waiver of that obligation or any subsequent or other default under this Agreement.
17. The Developer covenants and agrees to be bound by the terms and conditions of this Agreement and not to seek a release from the provisions thereof until such time as the Developer's obligations hereunder have been assumed by its successor, assignee or transferee by way of written agreement in the form set out in Schedule "B" to this Agreement.

IN WITNESS WHEREOF the parties hereto have set their corporate seals under the hands of their duly authorized officers.

DATED at _____ this _____ day of _____, 20 ____.

WITNESS

P [REDACTED]
I h

WITNESS

Per:
I have authority to bind the corporation

DATED at Hamilton, Ontario this ____ day of _____, 20____.

City of Hamilton

Per: _____
Mayor

Per: _____
Clerk

Schedule "A"
Description of Lands

SCHEDULE "B"
FORM OF ASSUMPTION AGREEMENT

THIS AGREEMENT dated the _____ day of _____, 20____ .

BETWEEN



OF THE FIRST PART

-and-

(hereinafter called the "Assignee")

-and-

OF THE SECOND PART

CITY OF HAMILTON
(hereinafter called the "Municipality")

OF THE THIRD PART

WHEREAS the owner and the Municipality entered into and executed a Cost Acknowledgement Agreement dated _____.

AND WHEREAS Assignee has indicated that it will assume all of the Owner's duties, liabilities and responsibilities as set out in the Cost Acknowledgement Agreement.

AND WHEREAS Council for the Municipality has consented to releasing the Owner from its duties, liabilities and responsibilities under said Cost Acknowledgement Agreement subject to the Assignee accepting and assuming the Owner's duties, liabilities and responsibilities and subject to the Assignee the Owner and the Municipality entering into and executing an Assumption Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the mutual covenants hereinafter expressed and other good and valuable consideration, the parties hereto agree as follows.

1. The Assignee covenants and agrees to accept, assume and to carry out the Owner's duties, liabilities and responsibilities under the Cost Acknowledgement Agreement and in all respects to be bound under said Cost Acknowledgement Agreement as if the Assignee had been the original party to the agreement in place of the Owner.
2. The Municipality hereby releases the Owner from all claims and demands of any nature whatsoever against the Owner in respect of the Cost Acknowledgement Agreement. The Municipality hereby accepts the Assignee as a party to the Cost Acknowledge Agreement in substitution of the Owner, and agrees with the Assignee that the Assignee will be bound by all the terms and conditions of the Cost Acknowledgement Agreement as if the Assignee had been the original executing party in place of the Owner.
3. All of the terms, covenants, provisos and stipulations in the said Cost Acknowledgement Agreement are hereby confirmed in full force save and except for such modifications as are necessary to make said clauses applicable to the Assignee.

IN WITNESS WHEREOF the Parties have hereunto affixed their corporate seals duly attested to by their proper signing officers in that behalf.

SIGNED, SEALED AND DELIVERED



I have authority to bind the corporation

_____ c/s

Assignee:

Title:

I have authority to bind the corporation

CITY OF HAMILTON

Mayor

Clerk

6. Nature and extent of relief applied for:

Relief from the Zoning By-law to permit a temporary garden centre to make use of more than 10% of the provided parking spaces on the site. The garden centre would operate April 15th-July 15th annually. The temporary tents make use of 52 parking spaces where it is only permitted to occupy 42 spaces.

7. Why it is not possible to comply with the provisions of the By-law?

Due to the standard size of the garden centre which has been in operation for 15 years, the garden centre is not able to be relocated on the site in an area which takes up less than 52 spaces. The temporary tent use is compliant with all other provisions of the Zoning By-law according to Section 4.18 c).

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

54 Wilson Street West, Hamilton

9. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
 Agricultural Vacant
 Other _____

9.1 If Industrial or Commercial, specify use

Retail - Grocery Store

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

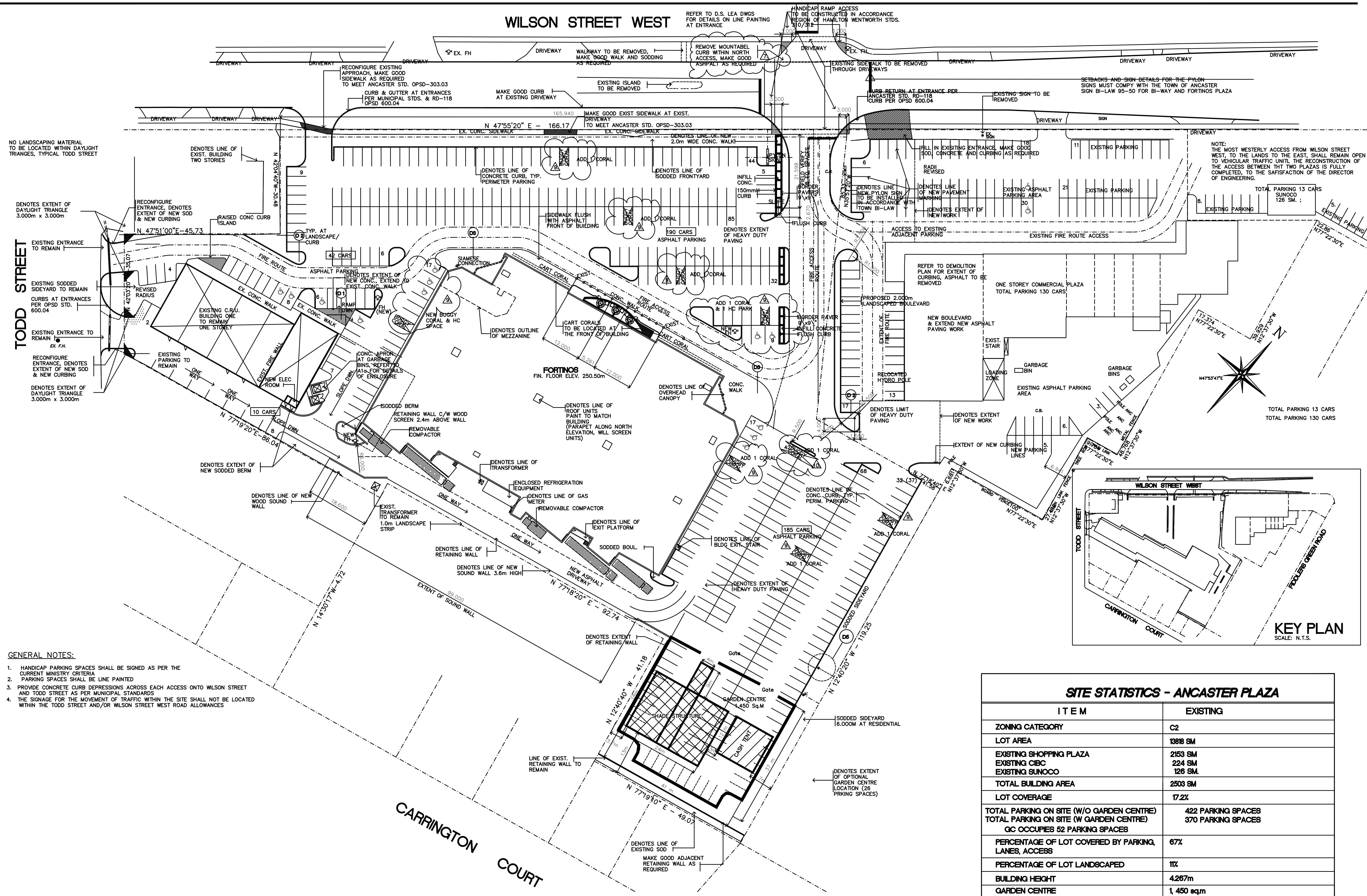
9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

WILSON STREET WEST



NO LANDSCAPING MATERIAL TO BE LOCATED WITHIN DAYLIGHT TRIANGLES, TYPICAL TODD STREET

RECONFIGURE EXISTING APPROACH, MAKE GOOD SIDEWALK AS REQUIRED TO MEET ANCASTER STD. OPSD-303.03 CURB & GUTTER AT ENTRANCES PER MUNICIPAL STDS. & RD-118 OPSD 600.04

EXISTING ENTRANCE TO REMAIN

EXISTING SODDED SIDEYARD TO REMAIN

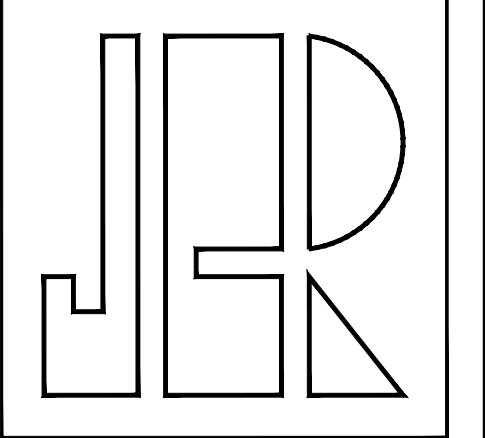
EXISTING ENTRANCE TO REMAIN

RECONFIGURE ENTRANCE, DENOTES EXTENT OF NEW SOD & NEW CURBING

DENOTES EXTENT OF DAYLIGHT TRIANGLE 3.000m x 3.000m

GENERAL NOTES:

- HANDICAP PARKING SPACES SHALL BE SIGNED AS PER THE CURRENT MINISTRY CRITERIA
- PARKING SPACES SHALL BE LINE PAINTED
- PROVIDE CONCRETE CURB DEPRESSIONS ACROSS EACH ACCESS ONTO WILSON STREET AND TODD STREET AS PER MUNICIPAL STANDARDS
- THE SIGNAGE FOR THE MOVEMENT OF TRAFFIC WITHIN THE SITE SHALL NOT BE LOCATED WITHIN THE TODD STREET AND/OR WILSON STREET WEST ROAD ALLOWANCES

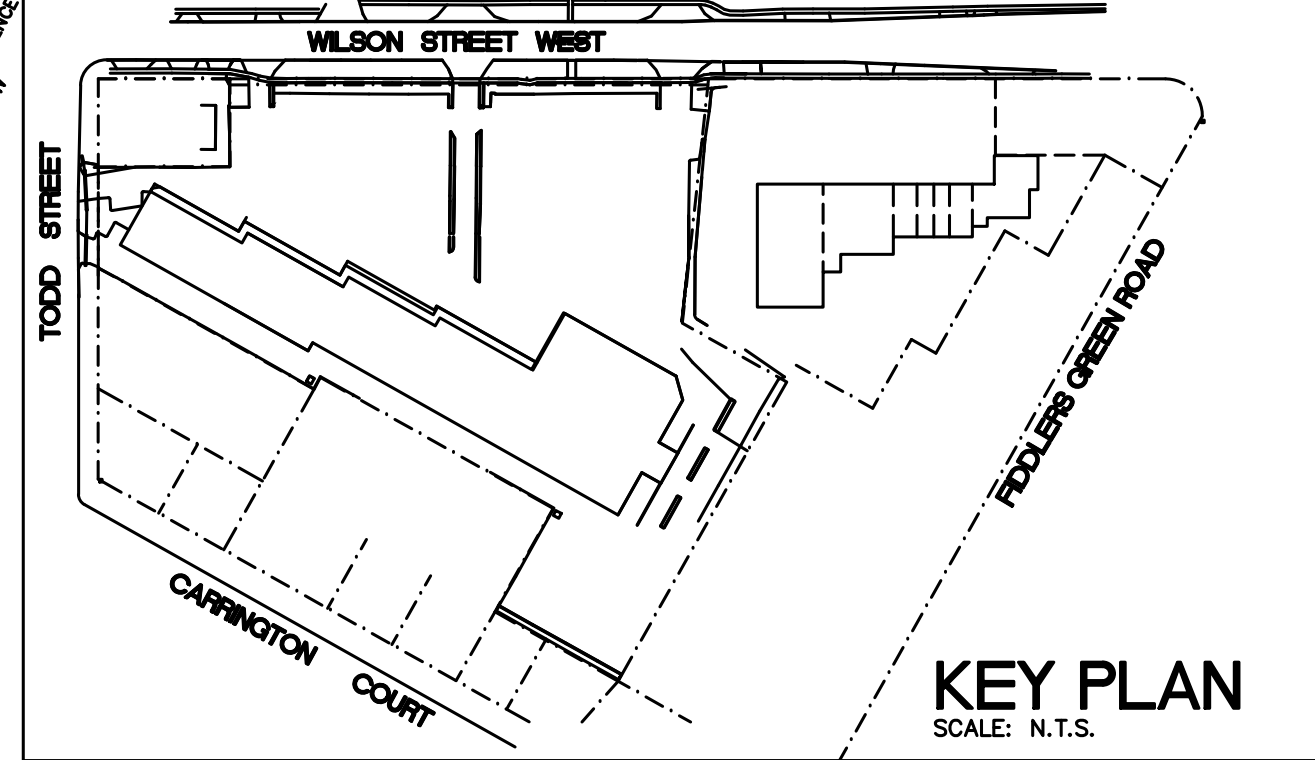


RANKIN
ARCHITECT INC.

45 FRID STREET
HAMILTON, ONTARIO
L8P 4M3 905-546-1616

- DO NOT SCALE DRAWINGS.
- USE ONLY DRAWINGS MARKED "ISSUE FOR CONSTRUCTION"
- VERIFY CONFIGURATIONS AND DIMENSIONS ON SITE BEFORE BEGINNING WORK. NOTIFY ARCHITECT IMMEDIATELY OF ANY ERRORS, OMISSIONS OR DISCREPANCIES.

NO.	REVISION	DATE
1.	PER SITE PLAN REV.	4.16.98
2.	PER SITE PLAN REV.	5.14.98
3.	PER SITE PLAN REV.	5.20.98
4.	PER SITE PLAN REV.	6.2.98
5.	INTEGRATION OF ADJACENT SITE	JULY 30/98
6.	SITE PLAN REVIEW	AUG. 25/98
7.	REG. HAM. WENT. REV.	SEPT. 28/98
8.	FENCING UPGRADES	OCT. 19/98
9.	BUGGY CORALS INDICATED	NOV. 30/98
10.	BUGGY CORALS REVISED, GARDEN CENTRE INDICATED	FEB. 18/98



ITEM	EXISTING
ZONING CATEGORY	C2
LOT AREA	13818 SM
EXISTING SHOPPING PLAZA	2153 SM
EXISTING CIBC	224 SM
EXISTING SUNOCO	126 SM
TOTAL BUILDING AREA	2503 SM
LOT COVERAGE	17.2%
TOTAL PARKING ON SITE (W/O GARDEN CENTRE)	422 PARKING SPACES
TOTAL PARKING ON SITE (W GARDEN CENTRE)	370 PARKING SPACES
GC OCCUPIES 52 PARKING SPACES	
PERCENTAGE OF LOT COVERED BY PARKING, LANES, ACCESS	67%
PERCENTAGE OF LOT LANDSCAPED	11%
BUILDING HEIGHT	4.267m
GARDEN CENTRE	1,450 sqm
TOTAL TENT AREA	612 sqm

Project Title
FORTINOS
Ancaster
WILSON STREET HWY. NO. 2
ANCASTER ONTARIO

PRINT DATE	
JOB NO.	-
DWN. BY	-
CHKD. BY	-
SCALE:	1:500
ORIGINAL DWG. DATE	-
CAD PLOT DATE	-
CAD FILE NO.	-
DWG. TITLE	-

INFORMATION TAKEN FROM SURVEY PREPARED BY L.C. WOODS SURVEYING INC. EXISTING COUNTRY FAIR SHOPPING CENTRE, PART OF LOT 42 CONC. 2, IN THE GEOGRAPHIC TOWNSHIP OF ANCASTER, REGIONAL MUNICIPALITY OF HAMILTON WENTWORTH, SEPT. 19, 1997

ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO TOWN OF ANCASTER GEODETIC MONUMENT AT THE SOUTH-WEST CORNER OF WILSON STREET AND FIDDLERS GREEN ROAD



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: morgan.evans@hamilton.ca or jamila.sheffield@hamilton.ca

NOTICE OF PUBLIC HEARING Minor Variance

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.: HM/A-19:260

APPLICANTS: Zelinka Priamo Ltd. c/o Katelyn Crowley on behalf of the owner
CP Reit Ontario Properties Limited Trustee

SUBJECT PROPERTY: Municipal address **65 Mall Road, City of Hamilton**

ZONING BY-LAW: Zoning By-law 05-200, as Amended

ZONING: "C4" (Mixed Use High Density (C4) Zone

PROPOSAL: To permit a Seasonal Garden Centre, including tents, accessory to the existing Retail Store (Fortino's) notwithstanding that:

1. The Seasonal Garden Centre shall be permitted to occupy a maximum of 17.1% the total number of parking spaces provided instead of the requirement that a Seasonal Garden Centre shall not occupy more than 10% of the total number of provided parking spaces.

NOTE:

- i) The Seasonal Garden Centre occupies 80 parking spaces of the 469 parking spaces provided on the site.

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

DATE: Thursday, July 9th, 2020

TIME: 2:05 p.m.

PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at www.hamilton.ca/committeeofadjustment
 for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

HM/A-19:260
Page 2

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

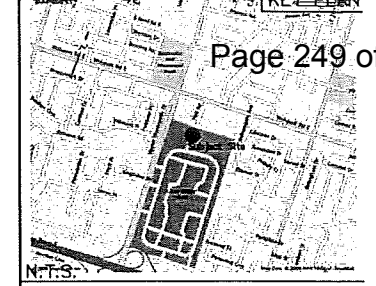
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: June 23rd, 2020.

Original Signed

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.



STORE 48

**65 MALL ROAD
Hamilton, Ontario**



**GARDEN CENTRE
+ DETAILS**

SITE STATISTICS

RETAIL SITE AREA	±8.20 ACRES	±3.32 HA
ADDITIONAL SITE AREA	±1.03 ACRES	±0.42 HA
RETAIL SITE AREA	±9.23 ACRES	±3.74 HA
FORTINOS AREA	20,568 S.F.	8,412 S.M.
MEZZANINE (N/C)	2,918 S.F.	271.00 S.M.
RETAIL B AREA	13,057 S.F.	1,213 S.M.
TOTAL RETAIL AREA	103,813 S.F.	9,823.93 S.M.
SEASONAL GARDEN CENTRE	19,500 S.F.	1,800.00 S.M.
TOTAL PARKING OCCUPIED	80 SPACES	80 SPACES
PARKING PROVIDED (W/O) GC	488 CARS	488 CARS
PARKING PROVIDED (W/O) GC	309 CARS	309 CARS
COVERAGE	25.47 %	

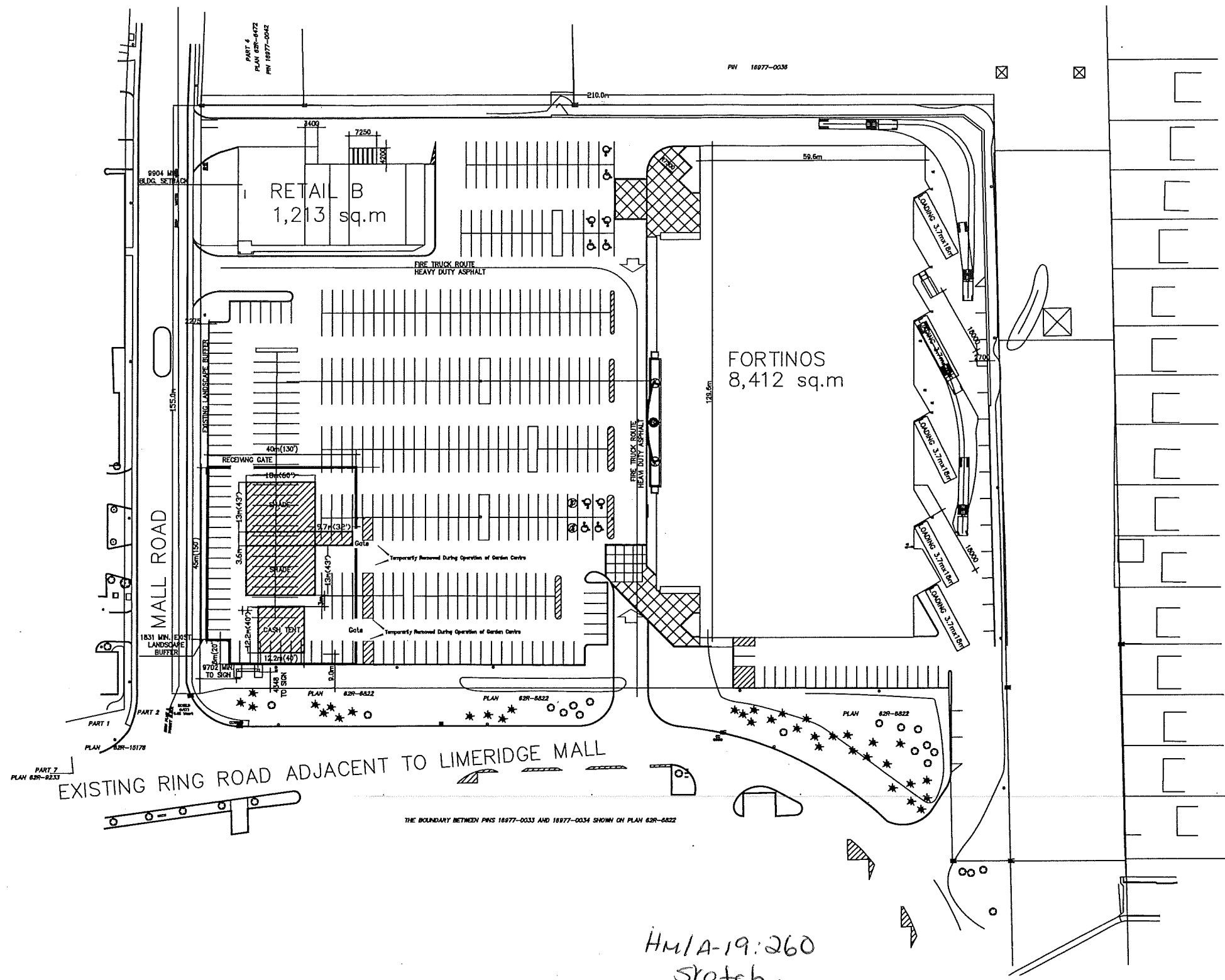
NOTES ON FILE

NO.	NOTES	DATE	INITIAL
4	REVISED GARDEN CENTRE	MAR 31/02	HG
3	MOVED TEXT TO 6.0m SETBACK	MAR 5/14	MBC
2	ADDED NEW TEXT	JUN 17/11	HG
1	CREATED DRAWING	MAR 19/08	HG

TURNER FLEISCHER
Architects Inc.
1000 BAYVIEW AVENUE EAST
SCARBOROUGH, ONTARIO M1B 2Y9
TEL: (416) 498-8322
FAX: (416) 498-8777

ZELINKA PRIMO LTD
A Professional Planning Practice
318 Wellington Road, London, Ontario N6C 4P4
Tel: (519) 474-7137 Fax: (519) 474-2284 e-mail: zp@zplp.com

DRAWN BY	HG	PROJECT NO.	LPL/GDN/HAM/99-03
DATE	April 2008	SCALE	1:400



HM/A-19:260
Sketch.

19-134203



Hamilton

Planning and Economic Development Department
Planning Division

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

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

FOR OFFICE USE ONLY.	
APPLICATION NO. <u>HMIA-19:260</u>	DATE APPLICATION RECEIVED <u>July 11/19</u>
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.



Note: Unless otherwise requested all communications will be sent to the agent, if any.

5. Names and addresses of any mortgagees, holders of charges or other encumbrances:

 _____ Postal Code _____

 _____ Postal Code _____

6. Nature and extent of relief applied for:
Relief form the Zoning By-law to permit a temporary garden centre to make use of more than 10% of the provided parking spaces on the site. The garden centre will operate April 15th-July 15th annually.
The temporary tents make use of 80 parking spaces where it is only permitted to occupy 46 spaces.
-
7. Why it is not possible to comply with the provisions of the By-law?
Due to the standard size of the garden centre which has been in operation for 15 years, the garden centre is not able to be relocated on the site in an area which takes up less than 80 spaces. The temporary tent use is compliant with all other provisions of the Zoning By-law according to Section 4.18 c).
-
8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
65 Mall Road, Hamilton
-
9. PREVIOUS USE OF PROPERTY
- Residential Industrial Commercial
 Agricultural Vacant
 Other _____
- 9.1 If Industrial or Commercial, specify use
Retail - Grocery Store
- 9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
 Yes No Unknown
- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- 9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- 9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
 Yes No Unknown
- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?
 Yes No Unknown
- 9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown
- 9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
 Yes No Unknown

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes _____ No X _____ Unknown _____

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

N/A

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes _____ No X _____

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

_____ Date See Attached Authorization
 _____ Signature Property Owner
 _____ Print Name of Owner

10. Dimensions of lands affected:
 Frontage 155.0m
 Depth 210.0m
 Area 3.43 ha
 Width of street N/A

11. Particulars of all buildings and structures on or proposed for the subject lands:
 (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)
 Existing: See attached site plan

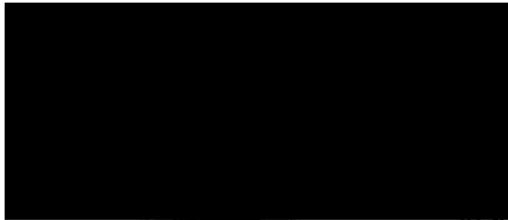
 Proposed: See attached site plan

12. Location of all buildings and structures on or proposed for the subject lands;
 (Specify distance from side, rear and front lot lines)
 Existing: See attached site plan

 Proposed: See attached site plan

13. Date of acquisition of subject lands:
N/A
-
14. Date of construction of all buildings and structures on subject lands:
N/A
-
15. Existing uses of the subject property: The lands are currently occupied by a Fortinos food store.
-
16. Existing uses of abutting properties: Mixed Use Medium Density (i.e. Scotiabank, LCBO, Dynacare); Neighbourhoods (i.e. single-detached dwellings); Additional Mixed Use High Density (i.e. CF Lime Ridge Mall)
-
17. Length of time the existing uses of the subject property have continued:
N/A
-
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|----------|-----------|----------|
| Water | <u>X</u> | Connected | <u>X</u> |
| Sanitary Sewer | <u>X</u> | Connected | <u>X</u> |
| Storm Sewers | <u>X</u> | | |
-
19. Present Official Plan/Secondary Plan provisions applying to the land:
Mixed Use High Density
-
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Mixed Use High Density (C4)
-
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.
A minor variance was applied for and granted in 2008 (HM/A-08:140) for a reduction in required parking under By-law 6593.
-
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
-
23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.



SWORN DECLARATION

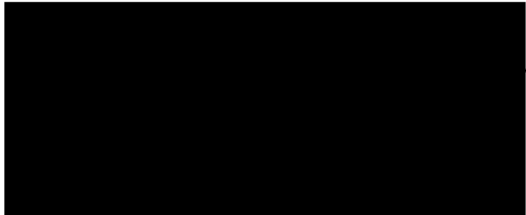
Commissioner of Oaths.


_____ of the _____ City _____ of _____ County of Middlesex

solemnly declare that:

All of the above statements are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the _____
at the _____ City _____ of _____ London _____)
in the _____ County _____)
of _____ Middlesex _____)
this 23 day of _____ May _____ A.D. 20 19)



 RICHARD HENRY ZELINKA, a Commissioner, etc.,
A Commissioner, etc. County of Middlesex, for Zelinka Priamo Ltd.
Expires March 28, 2021

PART 25 OWNERS AUTHORIZATION

As of the date of this application, I (NAME) See Attached Authorization am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

_____ of _____

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE _____ SIGNED _____

PART 26 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, See Attached Authorization, the Owner, hereby agree and acknowledge
(Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

_____ Date _____ Signature of Owner _____

PART 27 PERMISSION TO ENTER

Date: May 23rd, 2019

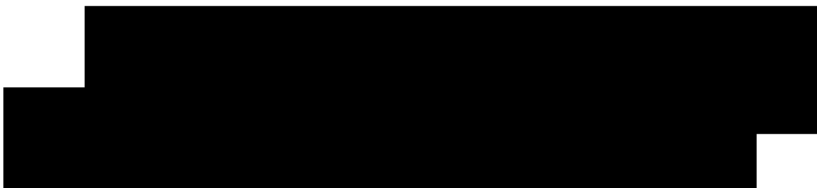
Secretary/Treasurer
Committee of Adjustment
City of Hamilton,
City Hall

Dear Secretary/Treasurer;

Re: Application to Committee of Adjustment

Location of Land: 65 Mall Road, Hamilton
(Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited purposes of evaluating the merits of this application.

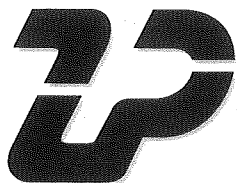


Please print name

Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee's policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.

PART 28 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1284.



ZELINKA PRIAMO LTD

A Professional Planning Practice

July 9, 2019

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

Attention: Committee of Adjustment Secretary-Treasurer

**Re: Application for Minor Variance
Fortinos – 65 Mall Road
Hamilton, Ontario
Our File: LPL/GDN/HAM/99-03**

Zelinka Priamo Ltd., on behalf of Loblaw Properties Limited, is pleased to submit an application for Minor Variance for the above-noted property (the “subject lands”).

A minor variance (AN/A-08:140) was in place, however is now void because of the new Zoning By-law (05-200). Unfortunately when the property was reviewed through the comprehensive Zoning By-law review process the garden centre minor variances were missed.

The purpose of the minor variance application is to permit the operation of a temporary garden centre on the site. The Fortinos’ garden centre program is operational during a 3 month period annually for the sale of seasonal garden products. The proposed location, as discussed, would require the use of 50 parking spaces to erect the temporary garden centre. As a result, the garden centre would occupy more than 10% of the parking spaces provided on the subject lands during the temporary operation of the garden centre. This location is located away from the entrance of the store and is not considered to be prime parking area for the store. As such, the overall impact on parking during this period is anticipated to be negligible.

We believe that the requested variance satisfies the four tests for consideration of a minor variance, as follows:

Satisfies the intent of the Official Plan

The subject lands are designated Mixed-Use High Density in the City of Hamilton Official Plan. This designation permits the day to day retail service that the temporary seasonal garden centre would provide to residents of the City of Hamilton. The proposed development of a temporary garden centre, on a small portion of the subject lands satisfies the intent of the Official Plan.

Satisfies the intent of the Zoning By-law

The subject lands are zoned Mixed Use High Density (C4). The proposed variance, which is required to make efficient use of the garden centre and space of the subject lands, satisfies the general intent of the Zoning By-law as the garden centre is an accessory use to the existing Fortinos' store.

Is desirable for the appropriate use if the subject lands

The proposed variance for the temporary garden centre to occupy more than 10% of the existing parking spaces utilizes the subject lands in a more efficient manner for the retail sale of greenery and garden supplies. The subject lands still retain sufficient parking spaces for the Fortinos' store during this time. Therefore, the proposed minor variance is desirable and appropriate for the efficient use of the subject lands.

Is minor in nature

The requested variance represents a minor decrease in parking spaces available for the existing Fortinos' market during the 3 month operation of the garden centre. No other relief is required from the regulations of Zoning By-law 05-200. It should be noted that this temporary garden centre has existed on the premises for several years with no known issues. The requested variance is minor in nature.

Please find enclosed the following in support of the application:

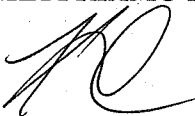
- Two (2) copies of the completed Application Form;
- One (1) copy of the Authorization Letter;
- Cheque in the amount of \$2,738.00, made payable to "The City of Hamilton"; and,
- Two (2) copies of the Site Plan (reduced to 11x17);

We trust that the enclosed information is complete and satisfactory and look forward to and appreciate the City's continued co-operation and support regarding the development of the Fortinos' in Hamilton's core area.

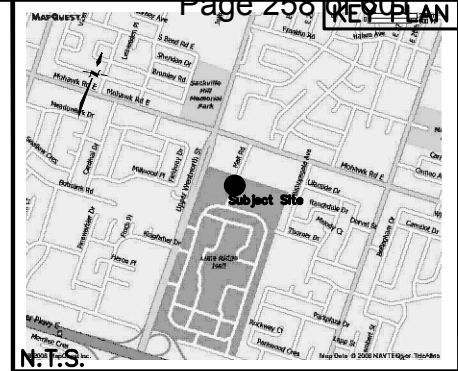
If you have any questions or require further information to process the application, please do not hesitate to call.

Yours very truly,

ZELINKA PRIAMO LTD.



Katelyn Crowley, BA
Planner



STORE 48
65 MALL ROAD
 Hamilton, Ontario



GARDEN CENTRE + DETAILS

SITE STATISTICS

RETAIL SITE AREA	±8.20 ACRES	±3.32 HA
ADDITIONAL SITE AREA	±1.03 ACRES	±0.42 HA
RETAIL SITE AREA	±9.23 ACRES	±3.74 HA
FORTINOS AREA	90,556 S.F.	8,412 S.M.
MEZZANINE (NIC)	2,918 S.F.	271.09 S.M.
RETAIL B AREA	13,057 S.F.	1,213 S.M.
TOTAL RETAIL AREA	103,613 S.F.	9,625.93 S.M.
SEASONAL GARDEN CENTRE	19,500 S.F.	1,800.00 S.M.
TOTAL PARKING OCCUPIED	80 SPACES	80 SPACES
PARKING PROVIDED(W/O)GC	469 CARS	469 CARS
PARKING PROVIDED(W)GC	389 CARS	389 CARS
COVERAGE	25.47 %	

NOTES ON FILE
 Minor Variance Application (HM/A-08:140) Approved - May 29/08

3	MOVED TENT TO 9.0m SETBACK	MAR 5/14	MBC
2	ADDED NEW TENT	JUN 17/11	HG
1	CREATED DRAWING	Mar 19/08	HG

NOTES DATE INITIAL

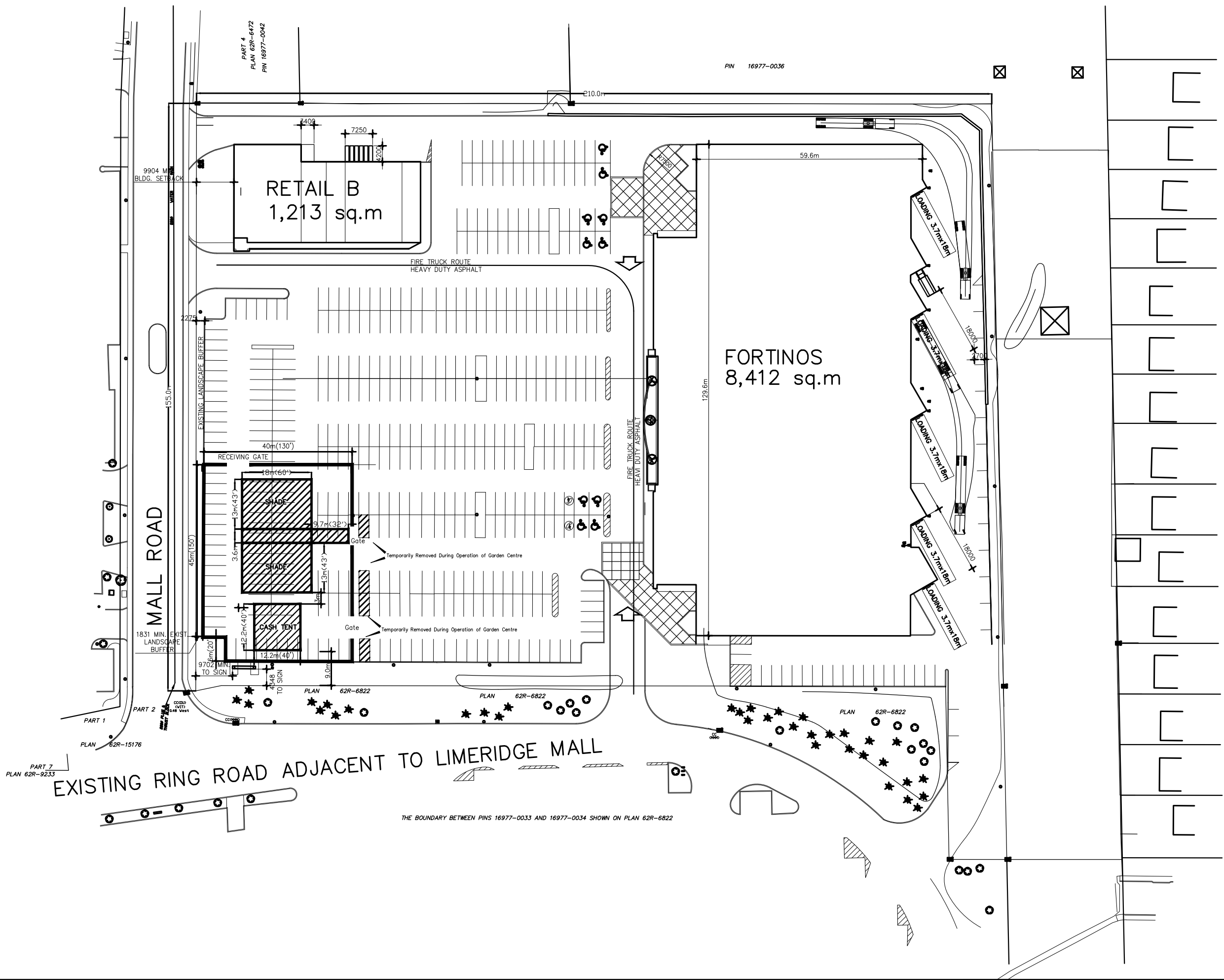
DRAWING AND INFORMATION TAKEN FROM:

TURNER FLEISCHER Architects Inc.
 953A EGLINTON AVENUE EAST
 TORONTO, ONTARIO M4G 4B5
 TEL: (416) 425-2222
 FAX: (416) 425-6717



ZELINKA PRIMO LTD
 A Professional Planning Practice
 318 Wellington Road, London, Ontario N6C 4P4
 Tel: (519) 474-7137 Fax: (519) 474-2284 e-mail: zp@zpplan.com

DRAWN BY	HG	PROJECT NO.	LPL/GDN/HAM/99-03
DATE	April 2008	SCALE	1: 400



PART 4
 PLAN 62R-6472
 PIN 16977-0042

PIN 16977-0036

9904 M
 BLDG. SETBACK

RETAIL B
 1,213 sq.m

FORTINOS
 8,412 sq.m

MALL ROAD

EXISTING RING ROAD ADJACENT TO LIMERIDGE MALL

THE BOUNDARY BETWEEN PINS 16977-0033 AND 16977-0034 SHOWN ON PLAN 62R-6822

PART 7
 PLAN 62R-9233

PART 1
 PLAN 62R-15176

PART 2
 PLAN 62R-15176

PLAN 62R-6822

PLAN 62R-6822

PLAN 62R-6822

1831 MIN. EXIST
 LANDSCAPE
 BUFFER

9702 MIN.
 TO SIGN

45.48
 TO SIGN

45m(150')

3.6m(12')

12.2m(40')

13.2m(44')

3m(10')

13m(43')

9.7m(32')

18m(60')

40m(130')

45m(150')

45m(150')

45m(150')

45m(150')

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45m(150')

EXISTING LANDSCAPE BUFFER

RECEIVING GATE

SHADE

SHADE

CASH TENT

Gate

Gate

Gate

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9904 M
 BLDG. SETBACK

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Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: morgan.evans@hamilton.ca or jamila.sheffield@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

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.: HM/A-19:280

APPLICANTS: John Sibenik on behalf of the owner Waylon John Lech-Baur

SUBJECT PROPERTY: Municipal address **4 Glenview Crt., City of Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended

ZONING: D/S-263 (Urban Protected Residential - One and Two Family Dwellings) district

PROPOSAL: To to establish the front yard landscaping for one half of a semi-detached dwelling notwithstanding that:

1. The front yard landscaped area shall be a minimum of 40.0% the gross area of the front yard instead of the minimum 50.0% required front yard landscaped area.

NOTES:

1. Variances have been written exactly as requested by the applicant. Fully scaled and dimensioned site plans showing the entire semi-detached dwelling with elevations and interior floor plans have not been provided; therefore, only front yard landscaping and parking requirements have been reviewed for zoning compliance. A full zoning review could not be conducted. Be advised, further variances may be required at such time that a full zoning review is conducted.

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

DATE: Thursday, July 9th, 2020
TIME: 2:10 p.m.
PLACE: **Via video link or call in (see attached sheet for details)**
To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

HM/A-19:280

Page 2

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

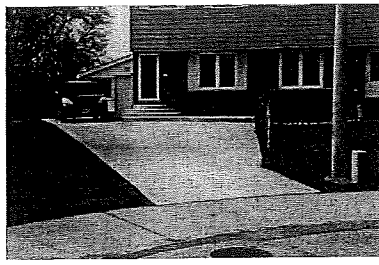
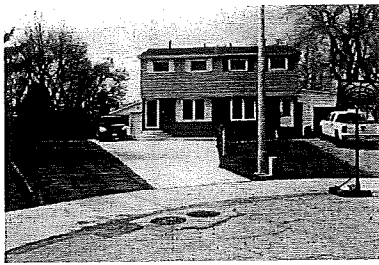
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: June 23rd, 2020.

Original Signed

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.



LEGAL DESCRIPTION

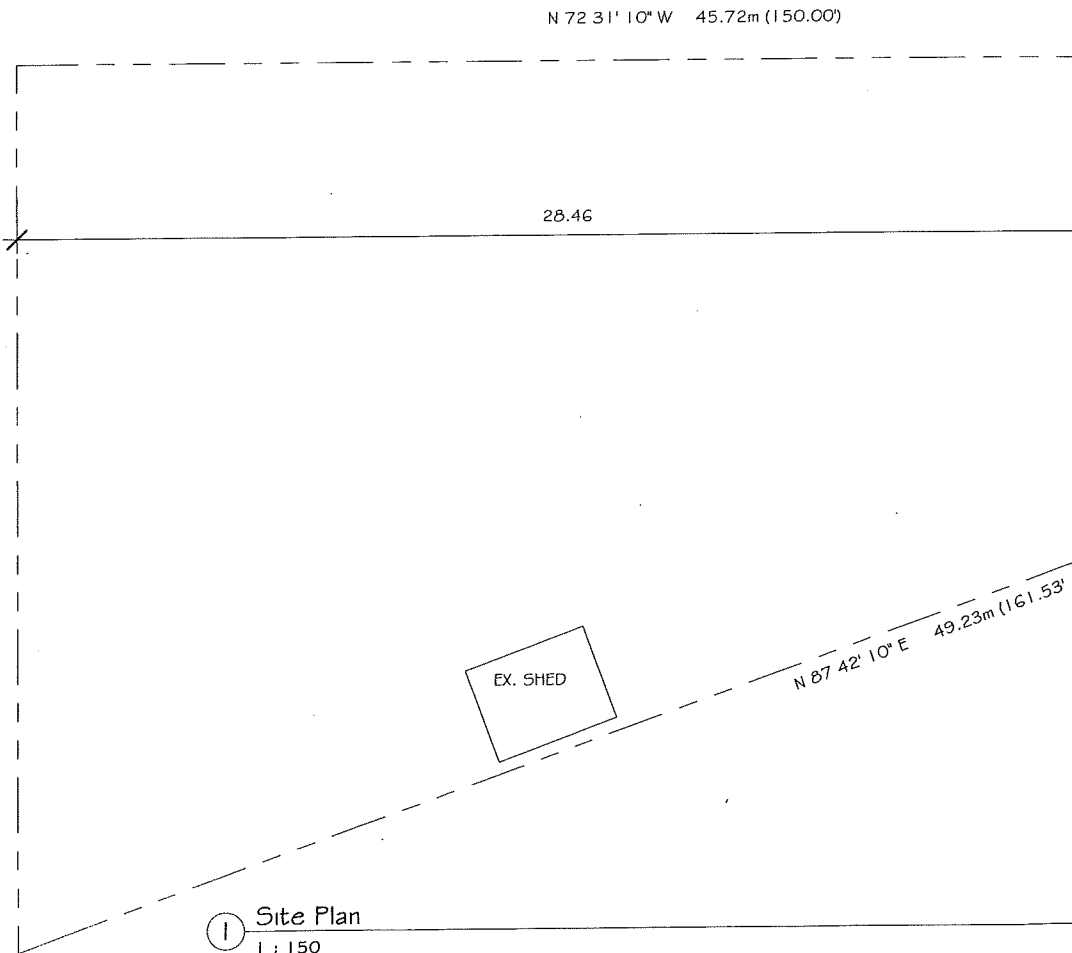
LOT 145
 PLAN M-129
 CITY OF HAMILTON
 (FORMERLY TOWNSHIP OF BARTON)
 REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SITE STATISTICS

FRONT YARD AREA	74.84 SM
PORCH STAIR & LANDING	-10.58 SM
TOTAL FRONT YARD	64.26 SM
SOFT LANDSCAPE (19.72+64.26)	19.72 SM (30.7%)
DRIVEWAY AREA	44.54 SM

GARTH STREET

N 17° 28' 50" E 22.86m (75.00')



① Site Plan
 1 : 150



GLENVIEW COURT



24 Ovida Ave., Toronto
 Ontario M9B 1E1
 Tel. (416) 236-2809; Cell (416) 729-8497
 Email: john.sibenik@sympatico.ca

Project:
Driveway Residence

4 Glenview Court,
 Hamilton, ON

No.	Description	Date
A	PROPOSED FRONT YARD	SEPT. 19/19
B	SOFT LANDSCAPE % REVISED	FEB. 17/20

Site Plan

Amended.
 Hm/A 19:280

Project number	2019-05
Date	January 17, 2019
Drawn by	J.S.
Checked by	J.S.

A101

Scale 1 : 150

19-138080



Hamilton

Planning and Economic Development Department
Planning Division

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

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

FOR OFFICE USE ONLY.	
APPLICATION NO. <u>HMIA-19-280</u>	DATE APPLICATION RECEIVED <u>AUG 11/19</u>
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton



Note: Unless otherwise requested all communications will be sent to the agent, if any.

5. Names and addresses of any mortgagees, holders of charges or other encumbrances:
TD Canada Trust

1565 Upper James St, Hamilton, ON _____ Postal Code L9B 1K2

_____ Postal Code _____

6. Nature and extent of relief applied for: 2.1% ✓
Front yard landscaping where ~~26.3%~~ is proposed, whereas 50% is required

7. Why it is not possible to comply with the provisions of the By-law?
Pie shaped lot and driveway access prevent compliance of the landscape requirement of the zoning bylaw

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
Plan M-129, Lot 145, 4 Glenview Court

9. PREVIOUS USE OF PROPERTY

Residential X Industrial _____ Commercial _____

Agricultural _____ Vacant _____

Other _____

9.1 If Industrial or Commercial, specify use

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
 Yes _____ No X Unknown _____

9.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes _____ No X Unknown _____

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes _____ No X Unknown _____

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes _____ No X Unknown _____

9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
 Yes _____ No X Unknown _____

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?
 Yes _____ No X Unknown _____

9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes _____ No X Unknown _____

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
 Yes _____ No X Unknown _____

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes ___ No **X** Unknown ___

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Personal knowledge

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes ___ No ___

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

July 9, 2019
Date

[Redacted Signature]

Signature Property Owner

[Redacted Name]

Print Name of Owner

10. Dimensions of lands affected:

Frontage 6.29m
Depth 45.72m
Area 670.00 sm
Width of street _____

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: Ground Floor Area 43.96 sm, Gross Floor Area 87.92 sm
Two Storey, Width 5.45m, Length 8.07m, Height 7.35m
Front Yard Area 74.84 sm

Proposed: Front Yard Landscaping ~~19.72 sm (26.3%)~~
REFER TO SITE PLAN

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing: Dwelling: Front Yard 9.19m, South Side Yard 4.02m, North Side Yard 0.0m
Rear Yard 28.46m

Proposed: NOT APPLICABLE

13. Date of acquisition of subject lands: **July 6, 2018**

14. Date of construction of all buildings and structures on subject lands:
Unknown

15. Existing uses of the subject property: **Residential**
SINGLE FAMILY DWELLING - SEMI DETACHED
SEMI DETACHED

16. Existing uses of abutting properties: **Residential** - SINGLE FAMILY DWELLING

17. Length of time the existing uses of the subject property have continued:
1974 According to Survey

18. Municipal services available: (check the appropriate space or spaces)
Water x Connected x
Sanitary Sewer x Connected x
Storm Sewers x

19. Present Official Plan/Secondary Plan provisions applying to the land:
NEIGHBORHOODS

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
D/S - 263 URBAN PROTECTED RESIDENTIAL
ONE & TWO FAMILY DWELLINGS

21. Has the owner previously applied for relief in respect of the subject property?
Yes No

If the answer is yes, describe briefly.

22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
Yes No

23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.

PART 24 AFFIDAVIT OR SWORN DECLARATION

[Redacted] Commissioner of Oaths. <
of the City of _____ of
Etobicoke in the City of Ontario
solemnly declare that:

All of the above statements are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the
at the City of Hawthorn
in the City
of Ontario
this 1st day of August A.D. 2019



Scott Cameron Baldry
A Commissioner, etc. **SCOTT CAMERON BALDRY,**
a Commissioner, etc., Province of Ontario,
for City of Hamilton.
Expires November 20, 2020.

PART 25 OWNERS AUTHORIZATION

**Waylon John Lech-Baur
Katie Ann Pugh**

As of the date of this application, I (NAME) _____ am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the [Redacted] of far as I have knowledge of these facts, and I hereby authorize: _____ of **Toronto**

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the process [Redacted]

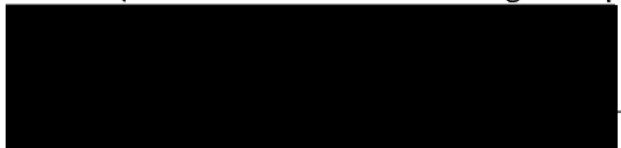
DATE July 9, 2019 SIGNED [Redacted]

PART 26 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted



_____, the Owner, hereby agree and acknowledge

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

July 9, 2019
Date [Redacted]

PART 27 PERMISSION TO ENTER

Date: July 9, 2019

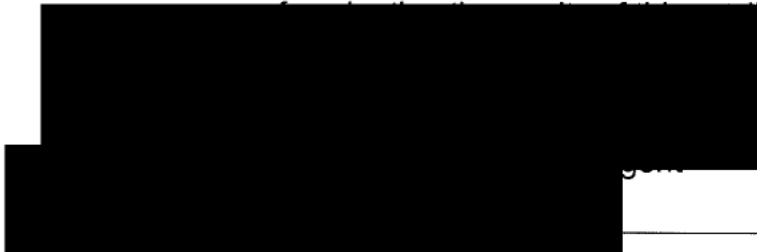
Secretary/Treasurer
Committee of Adjustment
City of Hamilton,
City Hall

Dear Secretary/Treasurer;
Re: Application to Committee of Adjustment

Location of Land: 4 Glenview Court
(Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited

duration of the application.



Please print name

Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee's policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.

PART 28 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1284.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221 Fax (905) 546-4202

E-mail: morgan.evans@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

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.: DN/A-20:64

APPLICANTS: Sebastian Vuong

SUBJECT PROPERTY: Municipal address **12 Autumn Leaf Rd., (Dundas) City of Hamilton**

ZONING BY-LAW: Zoning By-law 3581-86, as Amended

ZONING: "R2" (Single Detached Residential) district

PROPOSAL: To permit the establishment of a 5.1 m² walk-in closet and storage area within the existing attached garage and to relocate the required parking space into the driveway notwithstanding that;

1. The required parking space shall be located within the required front yard notwithstanding that a required parking space is not permitted to be located within the front yard; and
2. No manoeuvring shall be provided on site instead of the minimum required 6.0 m manoeuvring space.

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

DATE: Thursday, July 9th, 2020
TIME: 2:10 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at www.hamilton.ca/committeeofadjustment
 for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

DN/A-20:64
Page 2

MORE INFORMATION

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

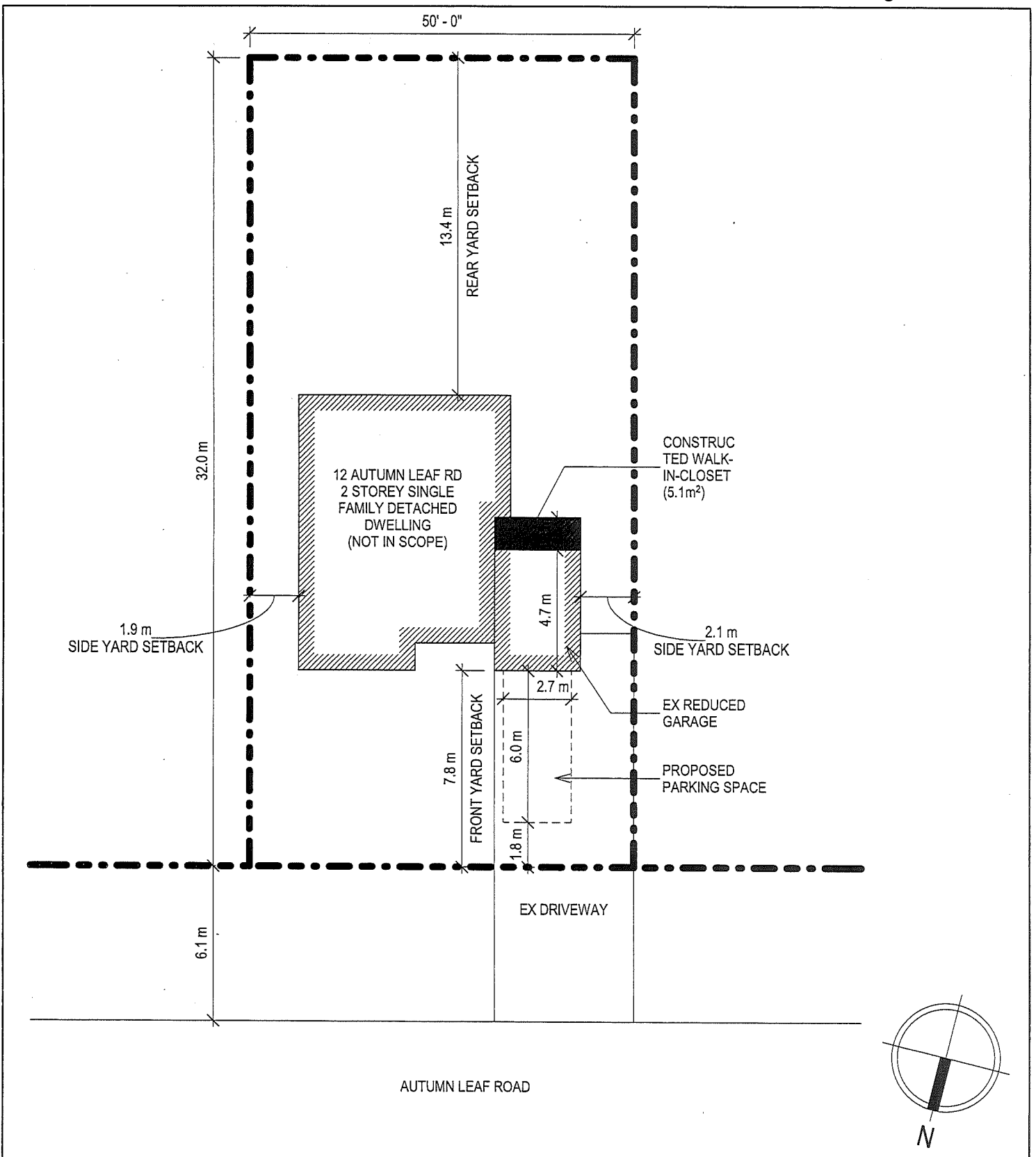
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: June 23rd, 2020.

Original Signed

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.



<p>12 Autumn Leaf Road, Dundas</p>	<p>Site Plan</p>		
	Project number	1	<p>A1</p>
	Date	2020/02/18	
	Issued for Minor Variance		
	Scale	1 : 200	

DN/A 20:64 sketch

20-152861



Hamilton

Planning and Economic Development Department
Planning Division

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

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.

FOR OFFICE USE ONLY.

APPLICATION NO. DN/A-20:64 DATE APPLICATION RECEIVED Feb. 18/20

PAID _____ DATE APPLICATION DEEMED COMPLETE _____

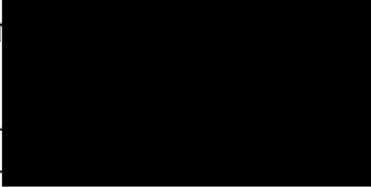
SECRETARY'S SIGNATURE _____

CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO

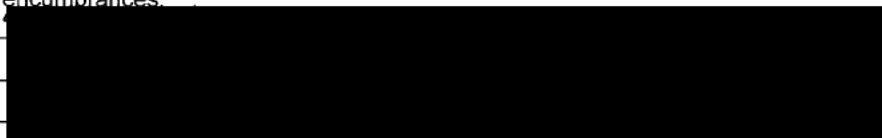
The *Planning Act*

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

- Name of Owner Sebastian Vuong 
FAX NO. _____ E-mail address. _____
- Address 12 Autumn Leaf Road
Dundas, Ontario
- Name of Agent _____ Telephone No. _____
FAX NO. _____ E-mail address. _____
- Address _____
Postal Code _____

Note: Unless otherwise requested all communications will be sent to the agent, if any.

- Names and addresses of any mortgagees, holders of charges or other encumbrances:

Postal Code _____

6. Nature and extent of relief applied for:
I request a parking variance to allow my property's designated parking area to be located on my driveway instead of my garage, whether through reduction of required setback from 6m to 0m or reduction of required parking from 1.0 to 0. My driveway dimension is 5.5 m x 12.8 m.
7. Why it is not possible to comply with the provisions of the By-law?
I have constructed a walk-in closet that has shortened the length of my garage from 3.4 m x 6.0 m to 3.4 m x 4.6 m, which does not comply with Dundas bylaws for location/dimensions of parking areas for R2 zoning. I intend on using this space as storage only.
8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
Lot 63, plan 1194. 12 Autumn Leaf Road, Dundas, Ontario L9H 3V7.
9. PREVIOUS USE OF PROPERTY
- Residential Industrial Commercial
Agricultural Vacant
Other _____
- 9.1 If Industrial or Commercial, specify use
N/A
- 9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
Yes No Unknown
- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?
Yes No Unknown
- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
Yes No Unknown
- 9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
Yes No Unknown
- 9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
Yes No Unknown
- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?
Yes No Unknown
- 9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
Yes No Unknown
- 9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
Yes No Unknown

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

No prior disclosure of such information was given when the home was purchased.


9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Feb 18, 2020
Date


Signature Property Owner

Sebastian Vuong
Print Name of Owner

10. Dimensions of lands affected:

Frontage 15.24 m
Depth 32 m
Area 486 sq m - 0.12 acres
Width of street 9.25 m

11. Particulars of all buildings and structures on or proposed for the subject lands:
(Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: Single family detached home. Ground floor area 86 sq m. Gross floor area 141 sq m. 3-level side split. Width 7.4 m, length 11.6 m, height 6.1 m.

Proposed: Single family detached home. Ground floor area 106 sq m (addition of storage area 20 sq m). Gross floor area 161 sq m. 3-level side split. Width 7.4 m, length 11.6 PLUS 3 width 3.3 m, length 6.1 m (storage). Height 6.1 m.

12. Location of all buildings and structures on or proposed for the subject lands;
(Specify distance from side, rear and front lot lines)

Existing: Single family detached home. Distance from sides: 1.9 m & 2.1 m. From rear: 13.4 m. From front: 7 m.

Proposed: As above - no change.

13. Date of acquisition of subject lands:
May 29, 2018
14. Date of construction of all buildings and structures on subject lands:
1962
15. Existing uses of the subject property: Residential - detached home.
R2 zoning.
16. Existing uses of abutting properties: Residential - detached homes.
R2 zoning.
17. Length of time the existing uses of the subject property have continued:
Since construction in 1962 - 56 years.
18. Municipal services available: (check the appropriate space or spaces)
Water Connected
Sanitary Sewer Connected
Storm Sewers
19. Present Official Plan/Secondary Plan provisions applying to the land:
Urban Hamilton official Plan. Neighbourhoods.
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Town of Dundas Zoning By-law 3581-86, R2 zoning.
21. Has the owner previously applied for relief in respect of the subject property?
Yes No
If the answer is yes, describe briefly.

22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
Yes No
23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.

PART 24 AFFIDAVIT OR SWORN DECLARATION

This declaration to be sworn by a Commissioner of Oaths.

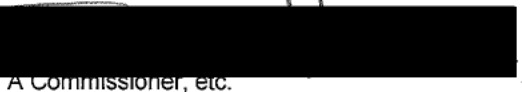
I, Sebastian Vuong of the City of Hamilton in the _____ of _____

solemnly declare that:

All of the above statements are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the _____
at the City of Hamilton)
in the _____)
of _____)
this 18th day of February A.D. 2020)

Ap 


A Commissioner, etc.

Tamara Kathleen Bates,
a Commissioner, etc., Province of
Ontario, for the City of Hamilton.
Expires August 8, 2022.

PART 25 OWNERS AUTHORIZATION

As of the date of this application, I (NAME) _____ am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

_____ of _____

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE _____ SIGNED _____

PART 26 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, Sebastian Vuong, the Owner, hereby agree and acknowledge
(Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

18 Feb 2020
Date


S

PART 27 PERMISSION TO ENTERDate: Feb 18, 2020

Secretary/Treasurer
 Committee of Adjustment
 City of Hamilton,
 City Hall

Dear Secretary/Treasurer;

Re: Application to Committee of Adjustment

Location of Land: 12 Anthony Leaf Road, Dundas ON
 (Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited purposes of evaluating the merits of this application.



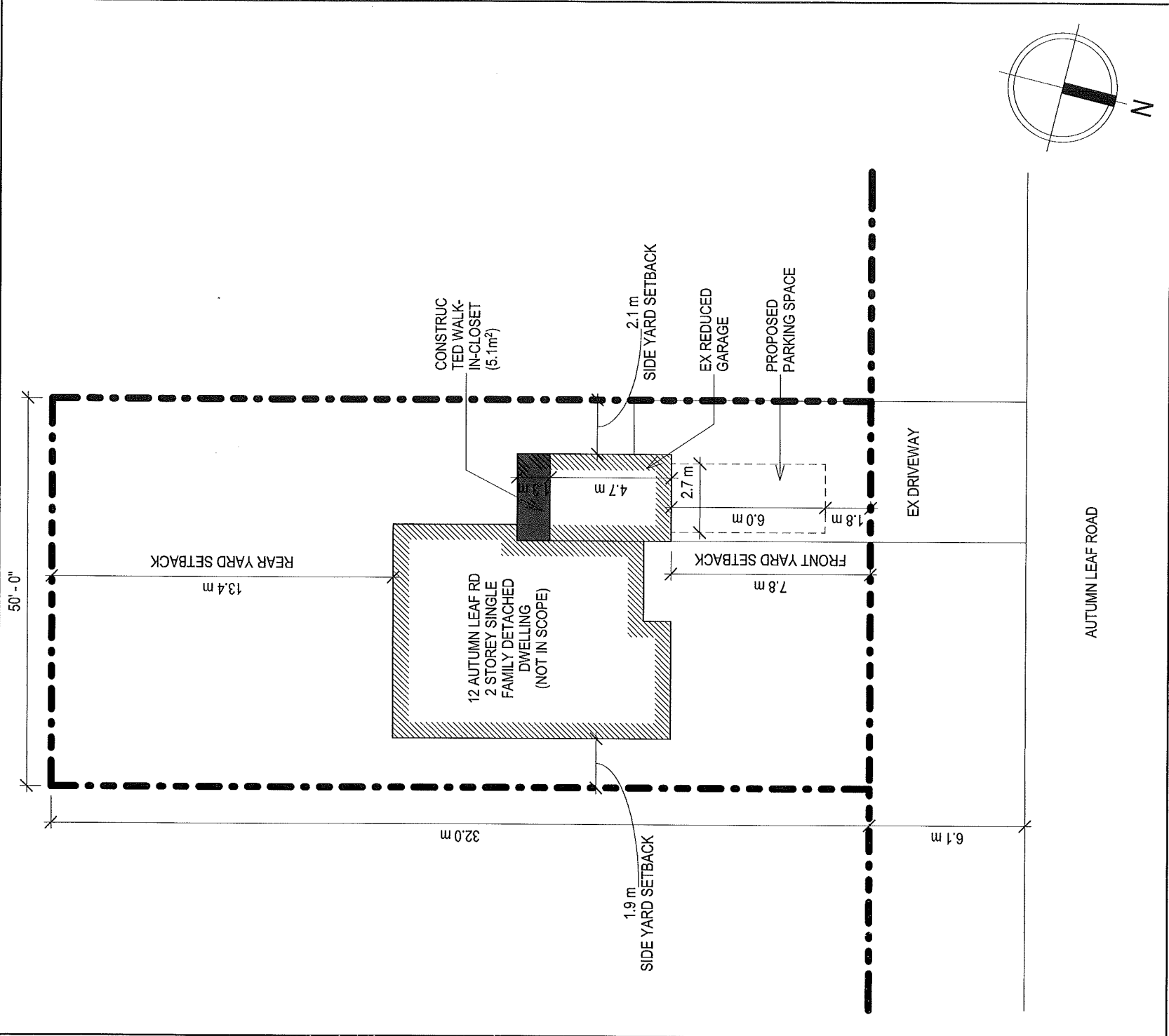
Sebastian Vuong

Please print name

Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee's policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.

PART 28 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1284.



12 Autumn Leaf Road, Dundas		Site Plan	
		Project number	1
		Date	2020/02/18
		Issued for	Minor Variance
		Scale	1 : 200



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221 Fax (905) 546-4202

E-mail: morgan.evans@hamilton.ca or jamila.sheffield@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: FL/B-20:16

SUBJECT PROPERTY: 320 Neff's Ln., Flamborough

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

APPLICANT(S): Owner: Birgit Brunotti
Agent: Cynthia Louise Goodes

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land containing part of an existing shed to be added to property known as 262 Hwy 8, as shown on the attached sketch.

Severed lands (Part 2):
60.9m[±] x 5.7m[±] and an area of 352.9m^{2±}

Retained lands (Par 1):
594.4m[±] x 428.0m[±] and an area of 27.6ha[±]

The Committee of Adjustment will hear this application on:

DATE: Thursday, July 9th , 2020
TIME: 2:20 p.m.
PLACE: Via video link or call in (see attached sheet for details)
To be streamed at
www.hamilton.ca/committeeofadjustment
for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

Important note: If a person or public body that files an appeal of a decision of the Committee of Adjustment in respect of the proposed consent does not make written or oral submission

FL/B-20:16
Page 2

to the Committee of Adjustment before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal (LPAT) may dismiss the appeal.

MORE INFORMATION

For more information on this application, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: June 23rd, 2020

Original Signed _____

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.

DATE Aug 29, 1980

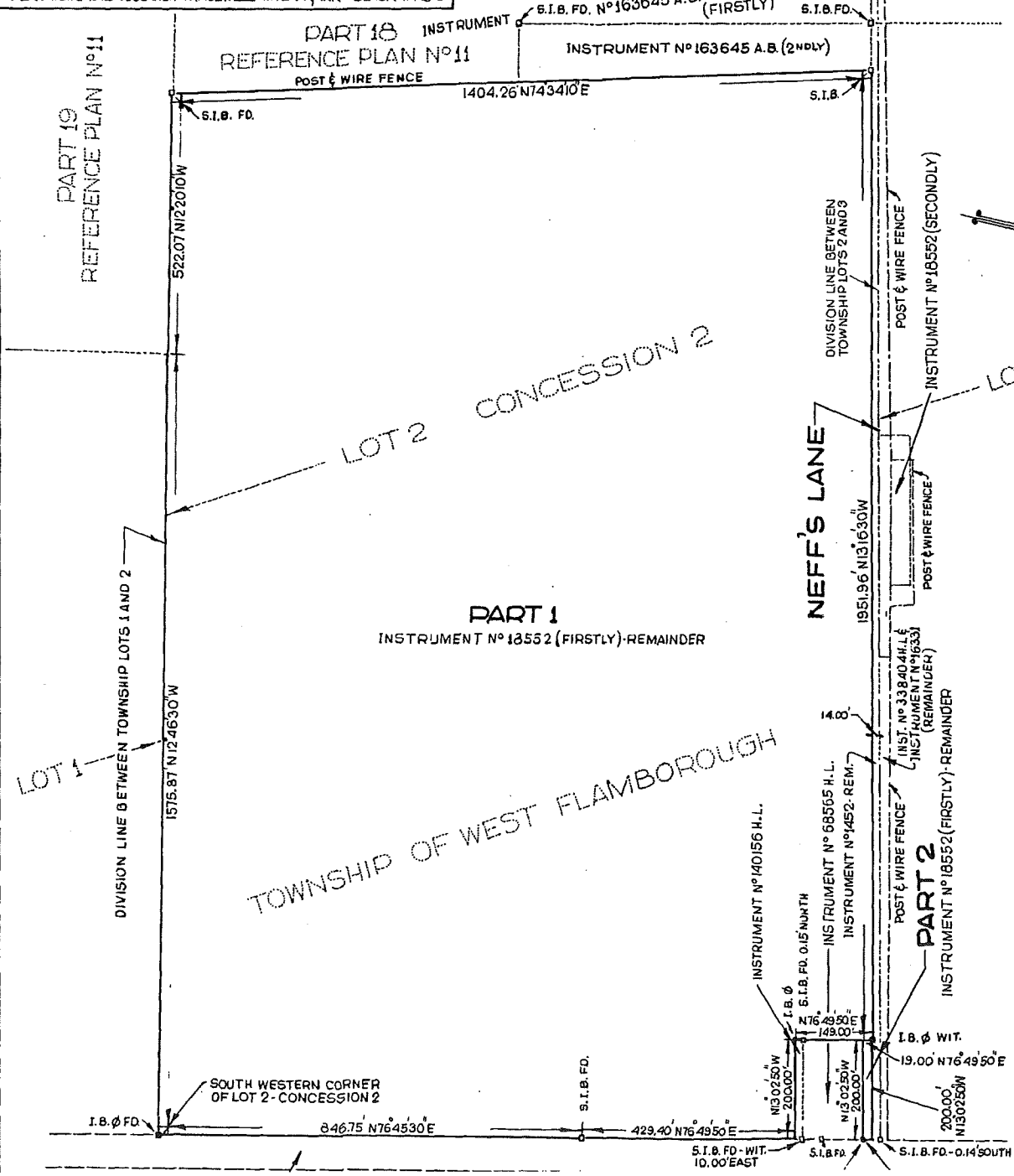
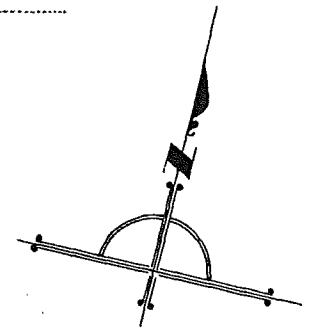
Steve White
 LAND REGISTRAR FOR THE REGISTRY DIVISION OF
 WENTWORTH

I REQUIRE THIS PLAN TO BE DEPOSITED
 UNDER THE REGISTRY ACT.

DATE AUGUST 28TH 1980.

Roy J. Large
 ROY J. LARGE

CAUTION:
 THIS PLAN IS NOT A PLAN OF SUBDIVISION
 WITHIN THE MEANING OF THE PLANNING ACT.



REFERENCE PLAN
 SHOWING
PART OF LOT 2- CONCESSION 2
 FORMERLY IN THE
TOWNSHIP OF WEST FLAMBOROUGH
 NOW IN THE
TOWNSHIP OF FLAMBOROUGH
 IN THE
 REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
 SCALE 1"=200' Sidney W. Woods Inc. 1980.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT:
 1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE THEREUNDER.
 2) THE SURVEY WAS COMPLETED ON THE 21ST DAY OF JULY 1980.

HAMILTON, ONTARIO -
 AUGUST 28TH 1980.

Lawrence G. Woods
 LAWRENCE G. WOODS - ONTARIO LAND SURVEYOR

LEGEND

THE BEARINGS SHOWN HEREON ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERN LIMIT OF PART 18 AS SHOWN ON REFERENCE PLAN No 11 ON A COURSE OF N743410°E.

- S.I.B. DENOTES A STANDARD IRON BAR.
- I.B. φ DENOTES A ROUND IRON BAR
- I.B. DENOTES A SQUARE IRON BAR.
- FD. DENOTES FOUND - WIT. DENOTES WITNESS.

SCHEDULE			
PART	LOCATION	INSTRUMENT	AREA IN ACRES
1	PT. LOT 2- CONC. 2 TWP OF WEST FLAM. NOW TWR OF FLAMBOROUGH	PART OF 18552 (FIRSTLY) REMAINDER	68.365
2			0.087

SIDNEY W. WOODS INC.
 ENGINEERS & SURVEYORS

Sketch
 F/L/B 2016

62R-5479



Hamilton

Planning and Economic Development Department
Planning Division

20-151418

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

Phone (905) 546-2424, ext. 4221
Fax (905) 546-4202

**APPLICATION FOR CONSENT TO SEVER LAND
UNDER SECTION 53 OF THE PLANNING ACT**

		Office Use Only	
Date Application Received: Feb. 10 2020	Date Application Deemed Complete:	Submission No.:	File No.:
		FL/B. 20:16	

1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS	PHONE/FAX
Registered Owners(s)	BIRGIT BRUNOTTI	[REDACTED]	[REDACTED]
Applicant(s)*	Cynthia Louise Goodes	[REDACTED]	[REDACTED]
Agent or Solicitor			Business () Fax: () E-mail:

* Owner's authorisation required if the applicant is not the owner.

1.3 All correspondence should be sent to Owner Applicant Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality Hamilton	Part Lot 2	Concession 2	Former Township West Flamborough
Registered Plan N°.	Lot(s)	Reference Plan N°. 62R-5479	Part(s) 2
Municipal Address 262 Hwy 8	n/a		Assessment Roll N°.

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)

- Agriculture (includes a farm dwelling) Agricultural-Related Vacant
 Other (specify) Nursery (Connon)

Proposed Use of Property to be retained:

- Residential Industrial Commercial
 Agriculture (includes a farm dwelling) Agricultural-Related Vacant
 Other (specify) _____

Building(s) or Structure(s):

Existing: nursery (trees)

Proposed: same

Type of access: (check appropriate box)

- provincial highway right of way
 municipal road, seasonally maintained other public road
 municipal road, maintained all year

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system lake or other water body
 privately owned and operated individual well other means (specify)

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): _____
Urban Hamilton Official Plan designation (if applicable) _____

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

Subject lands to be severed are a 19 X 200' strip of land in front of the Applicants' lands and are crossed to access the Applicants' lands. The Applicants do not have access to Highway 8. Their access is from Neff's Lane, and across the subject lands to be severed.

5.2 What is the existing zoning of the subject land? **A2**

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

5.3 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	<input type="checkbox"/>	Nursery operation
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"/>	Commercial Nursery operation
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
- Agriculture Vacant Other (specify)

- 6.1 If Industrial or Commercial, specify use _____
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
 Yes No Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
 Yes No Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes No Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes No Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?
 Personal knowledge and title search _____

6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed. Is the previous use inventory attached?
 Yes No

7 PROVINCIAL POLICY

7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)

Yes No

b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)

c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)
 Yes No

e) Are the subject lands subject to the Niagara Escarpment Plan?
 Yes No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?
 Yes No
(Provide Explanation)

f) Are the subject lands subject to the Parkway Belt West Plan?
 Yes No

If yes, is the proposal in conformity with the Parkway Belt West Plan?
 Yes No (Provide Explanation)

g) Are the subject lands subject to the Greenbelt Plan?
 Yes No

If yes, does this application conform with the Greenbelt Plan?
(Provide Explanation)
 Yes No

8 HISTORY OF THE SUBJECT LAND

8.1 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, indicate the appropriate application file number and the decision made on the application.

The Applicants' lands were severed in June, 1958 (120' X 200') by John Elwood Betzner with consent and in May of 1960 another parcel abutting (10' X 200') were severed by John Elwood Betzner with consent. Both parcels (merged) were conveyed to a predecessor in title. The subject lands is a 19 X 200' parcel which is in front of the applicant's lands and was conveyed to the Owner by John Elwood Betzner as part of a deed of remainder lands of Betzner (no consent required).

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

8.3 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.

8.4 How long has the Owner Applicant owned the subject land?
Property transferred to Owner March 29, 2019 from her father Bernd Bogehold who obtained title in 1980.

8.5 Does the applicant own any other land in the City? Yes No
If YES, describe the lands in "11 - Other Information" or attach a separate page.

9 OTHER APPLICATIONS

9.1 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 if known, specify file number and status of the application.

9.2 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 if known, specify file number and status of the application(s).

File number _____ Status _____

10 RURAL APPLICATIONS
10.1 Rural Hamilton Official Plan Designation(s)

- e) Surplus farm dwelling date of construction:
 Prior to December 16, 2004 After December 16, 2004
- f) Condition of surplus farm dwelling:
 Habitable Non-Habitable
- g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):
- | | |
|----------------------------------|-------------------------------------|
| Frontage (m): (from Section 4.2) | Area (m2 or ha): (from Section 4.2) |
|----------------------------------|-------------------------------------|
- Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

- a) Location of non-abutting farm
- _____ (Street) _____ (Municipality) _____ (Postal Code)
- b) Description of non-abutting farm
- | | |
|---------------|------------------|
| Frontage (m): | Area (m2 or ha): |
|---------------|------------------|
- Existing Land Use(s): _____ Proposed Land Use(s): _____
- c) Description of surplus dwelling lands intended to be severed:
- | | |
|----------------------------------|-------------------------------------|
| Frontage (m): (from Section 4.1) | Area (m2 or ha): (from Section 4.1) |
|----------------------------------|-------------------------------------|
- Front yard set back: _____
- d) Surplus farm dwelling date of construction:
 Prior to December 16, 2004 After December 16, 2004
- e) Condition of surplus farm dwelling:
 Habitable Non-Habitable
- f) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):
- | | |
|----------------------------------|-------------------------------------|
| Frontage (m): (from Section 4.2) | Area (m2 or ha): (from Section 4.2) |
|----------------------------------|-------------------------------------|
- Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

A transfer of the subject lands to the Applicants would provide legal access to the Applicant's lands from Neff's Lane (private laneway) off of Highway 8 which is the access to the Applicants' lands. Technically the Applicants' lands are landlocked by the subject lands and the subject severance and subsequent merger provides legal access. The Applicants do not have access from Highway No. 8.

12 SKETCH (Use the attached Sketch Sheet as a guide)

12.1 The application shall be accompanied by a sketch showing the following in metric units:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features (for example, buildings, barns, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
 - i) are located on the subject land on an land that is adjacent to it, and
 - ii) in the applicant's opinion, may affect the application;
- (f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- (h) the location and nature of any easement affecting the subject land.

13 ACKNOWLEDGEMENT CLAUSE

I acknowledge that The City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

14.1. 2020
Date


Signature of Owner

14 AFFIDAVIT OR SWORN DECLARATION

14.1 Declaration For the Prescribed Information

I, Cynthia Louise Goodes of the City of Hamilton make oath and

say (or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application in respect of the application is true.

Sworn (or declared) before me at the

City of Hamilton this

7 day of November, 2019


Applicant's Signature



A Commissioner, etc.)

15 AUTHORIZATIONS

15.1 If the applicant is not the owner of the land that is the subject of this application, the authorization set out below must be completed.

Authorization of Owner for Agent to Provide Personal Information

I, Birgit Brunotti, am the owner of the land that is the subject of this application for consent to sever land and for the purpose of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I authorize Cynthia Louise Goodes, as my agent for this application, to provide any of my personal information that will be included in this application or collected during the processing of the application.

14. 1. 2020
Date

[Signature]
Sig

16 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, Birgit Brunotti, the Owner, hereby agree and acknowledge
(*Print name of Owner*)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

14.1.2020

Date



Signature of Owner

17 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone, 905-546-2424, ext.1284.

A File Number will be issued for complete applications and should be used in all communications with the City.

APPLICANT'S CHECKLIST

Please attach all items listed below:

- Two (2) copies of the completed application form (Ensure you have a copy for yourself);
- Three (3) copies of the prescribed sketch or survey (one (1) full scale size and two (2) no larger than ledger size paper 11" x 17"); and
- The required fee. (**A cheque or money order payable to the City of Hamilton**)

PLAN 62R-5479

RECEIVED AND DEPOSITED

DATE *Aug 29, 1980*

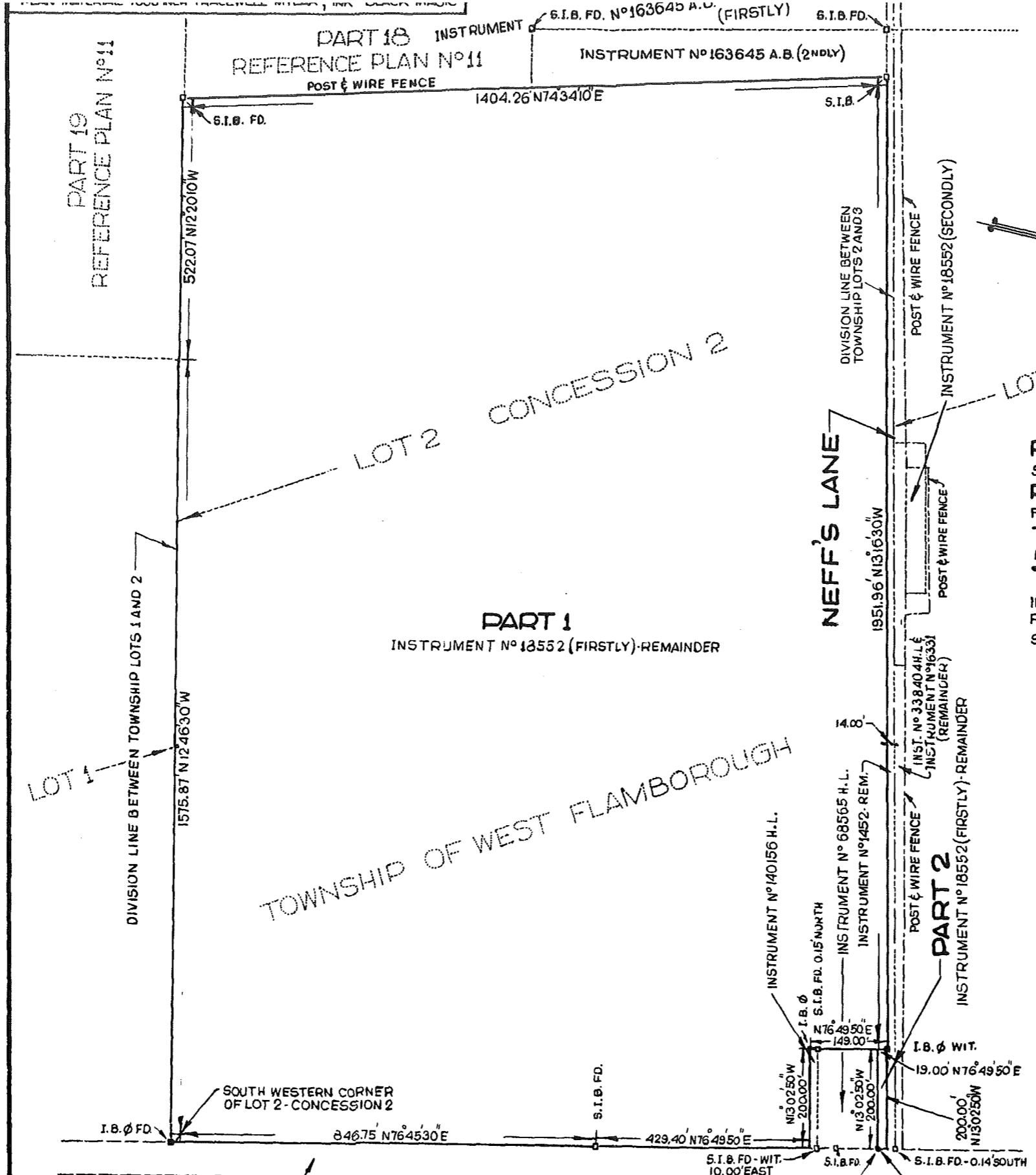
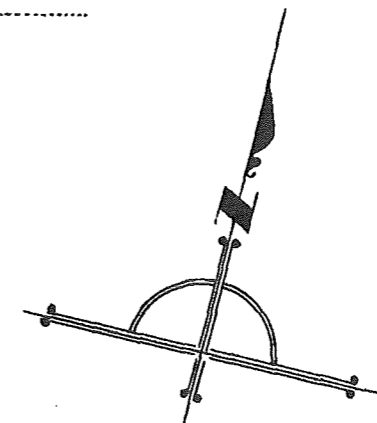
DPY *Stuart Webb*
LAND REGISTRAR FOR THE REGISTRY DIVISION OF
WENTWORTH

I REQUIRE THIS PLAN TO BE DEPOSITED
UNDER THE REGISTRY ACT.

DATE AUGUST 28TH 1980.

Roy J. Large
ROY J. LARGE

CAUTION:
THIS PLAN IS NOT A PLAN OF SUBDIVISION
WITHIN THE MEANING OF THE PLANNING ACT.



REFERENCE PLAN
SHOWING
PART OF LOT 2- CONCESSION 2
FORMERLY IN THE
TOWNSHIP OF WEST FLAMBOROUGH
NOW IN THE
TOWNSHIP OF FLAMBOROUGH
IN THE
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1"=200' Sidney W. Woods Inc. 1980.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT:
1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE
SURVEYS ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE
THEREUNDER.
2) THE SURVEY WAS COMPLETED ON THE 21ST DAY OF JULY 1980.

HAMILTON, ONTARIO -
AUGUST 28TH 1980.

Lawrence G. Woods o.l.s.
LAWRENCE G. WOODS - ONTARIO LAND SURVEYOR

LEGEND

THE BEARINGS SHOWN HEREON ARE ASTRONOMIC AND
ARE REFERRED TO THE SOUTHERN LIMIT OF PART 18 AS
SHOWN ON REFERENCE PLAN NO 11 ON A COURSE OF N74°34'10" E.

- S.I.B. DENOTES A STANDARD IRON BAR.
- I.B. φ DENOTES A ROUND IRON BAR
- I.B. □ DENOTES A SQUARE IRON BAR.
- FD. DENOTES FOUND - WIT. DENOTES WITNESS.

SCHEDULE			
PART	LOCATION	INSTRUMENT	AREA IN ACRES
1	PT LOT 2- CONC. 2 TWP OF WEST FLAM.	PART OF 18552	68.365
2	NOW TWP OF FLAMBOROUGH	(18 TH LY) REMAINDER	0.087

SIDNEY W. WOODS INC.
ENGINEERS & SURVEYORS

62R-5479



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221 Fax (905) 546-4202

E-mail: morgan.evans@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

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.: AN/A-20:56

APPLICANTS: J.H. Cohoon Engineering Limited on behalf of the owner Neven Produce

SUBJECT PROPERTY: Municipal address **2928 Governor's Road (Ancaster) City of Hamilton**

ZONING BY-LAW: Zoning By-law 05-200, as Amended 15-173

ZONING: "A1" (Agricultural) district

PROPOSAL: To permit the construction of new greenhouses comprising 4.1 hectares of gross floor area and a new farm labour residence, notwithstanding that:

1. The minimum easterly side yard shall be 7.9 metres instead of the required 15 metre side yard.
2. The minimum westerly side yard shall be 8.2 metres instead of the required 15 metre side yard.
3. A farm labour residence (bunkhouse) shall be permitted to be located within a distance of 400 metres from the existing farm dwelling, instead of the requirement for a farm labour residence to be located within a distance of 30 metres of a farm dwelling.
4. A farm labour residence shall be permitted to utilize a 7.5 metre wide secondary driveway access, instead of the requirement for a farm labour residence to utilize the existing driveway access to the farm dwelling.
5. A farm labour residence shall be permitted to comprise 511 square metres of gross floor area instead of the maximum floor area of 116.2 square metres.

NOTES:

1. The proposed greenhouses and bunkhouse are currently under Site Plan Review for site plan application SPAR-18-196. The Site Plan has been revised to address the requested variances; however, it has not yet been formally submitted for further review. Therefore, additional variances may apply.
2. The property was the subject of a previous Committee of Adjustment decision for minor variances (AN/A-07:276) under the former Ancaster Zoning By-law to address increased lot coverage, reduced side yards and the construction of a parking area. These variances were obtained to facilitate Site Plan Application DA-07-196 for the greenhouses that are currently located in the building cluster near the front of the property.

AN/A-20:56

Page 2

3. The Zoning By-law defines a "Farm Labour Residence" as follows:

"Farm Labour Residence shall mean accommodation Accessory to Agriculture and on the same lot as an existing permanent principal farm Dwelling, provided for full-time farm labour where the size and nature of the farm operation requires additional employment, in the form of any of the following:

- a) An Accessory apartment attached to and forming part of the principal farm Dwelling; or,
- b) An Accessory detached dwelling of temporary construction, such as a mobile home; or,
- c) An Accessory detached bunk house of temporary construction, where cooking and sanitary facilities are shared."

4. The Zoning By-law would permit a maximum height of 10.5 metres for a farm labour residence (bunk house). As Elevation plans were not provided for review for the proposed one storey farm labour residence, the owner shall ensure that the building height is in compliance with this requirement or additional variances will be required.

5. The site would not require additional parking for the proposed greenhouses and farm labour residence.

6. The portion of the property where the new greenhouses are proposed are under the regulation of the Grand River Conservation Authority and are subject to development permits.

7. The southerly portion of the property along the rear property line is zoned "P7" (Conservation/Hazard) Zone but is outside of the area being developed for new greenhouses.

8. The variances are generally written as requested by the applicant. The variances for side yards for the greenhouses have been written to reflect the setbacks shown on the revised site plan. In addition, the applicant has advised that the gross floor area of the proposed farm labour residence is 511 square metres. A further variance was included to address the second access driveway for the proposed farm labour residence.

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

DATE: Thursday, July 9th, 2020
TIME: 2:25 p.m.
PLACE: Via video link or call in (see attached sheet for details)
To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

ANA-20:56
Page 2

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: June 23rd, 2020.

Original Signed

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.



Hamilton

Planning and Economic Development Department
Planning Division

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

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.

FOR OFFICE USE ONLY.	
APPLICATION NO. <u>AN/A-20:50</u>	DATE APPLICATION RECEIVED <u>Feb. 12/20</u>
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the Planning Act, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

- Name of Owner Neven Produce Telephone No. [REDACTED]
[REDACTED]
[REDACTED]
Postal Code [REDACTED]
- Name of Agent J H Cohoon Engineering Limited Telephone No. [REDACTED]
[REDACTED]
[REDACTED]
Postal Code [REDACTED]

Note: Unless otherwise requested all communications will be sent to the agent, if any.

- Names and addresses of any mortgagees, holders of charges or other encumbrances:
Unknown
Postal Code _____
Postal Code _____

6. Nature and extent of relief applied for:
Three Variances - 1.Reduction in the side yard to 5m
2. To permit a bunkhouse that is 12.2m x 33.53+/-
3. To permit the bunkhouse to be greater than 30m from the main residence
-
7. Why it is not possible to comply with the provisions of the By-law?
The configuration of the site is such that the variances are required to suit the proposal
-
8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
2928 Governors Rd
9. PREVIOUS USE OF PROPERTY
 Residential Industrial Commercial
 Agricultural Vacant
 Other _____
- 9.1 If Industrial or Commercial, specify use

- 9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
 Yes No Unknown
- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- 9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- 9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
 Yes No Unknown
- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?
 Yes No Unknown
- 9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown
- 9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
 Yes No Unknown

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
Yes ___ No X Unknown ___

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?
Personal Knowledge


9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes ___ No X

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

February 10, 2020
Date


Signature Property Owner
James Nevin
Print Name of Owner

10. Dimensions of lands affected:
Frontage 202.37 m
Depth 556.935 m
Area 11.7 +/- ha.
Width of street _____

11. Particulars of all buildings and structures on or proposed for the subject lands:
(Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)
Existing: The proposal is to construct a greenhouse in addition to the existing greenhouses with a total area of sq.m.

Proposed: See above and attached site plan

12. Location of all buildings and structures on or proposed for the subject lands;
(Specify distance from side, rear and front lot lines)
Existing: Refer to attached site plan.

Proposed: Refer to attached site plan.

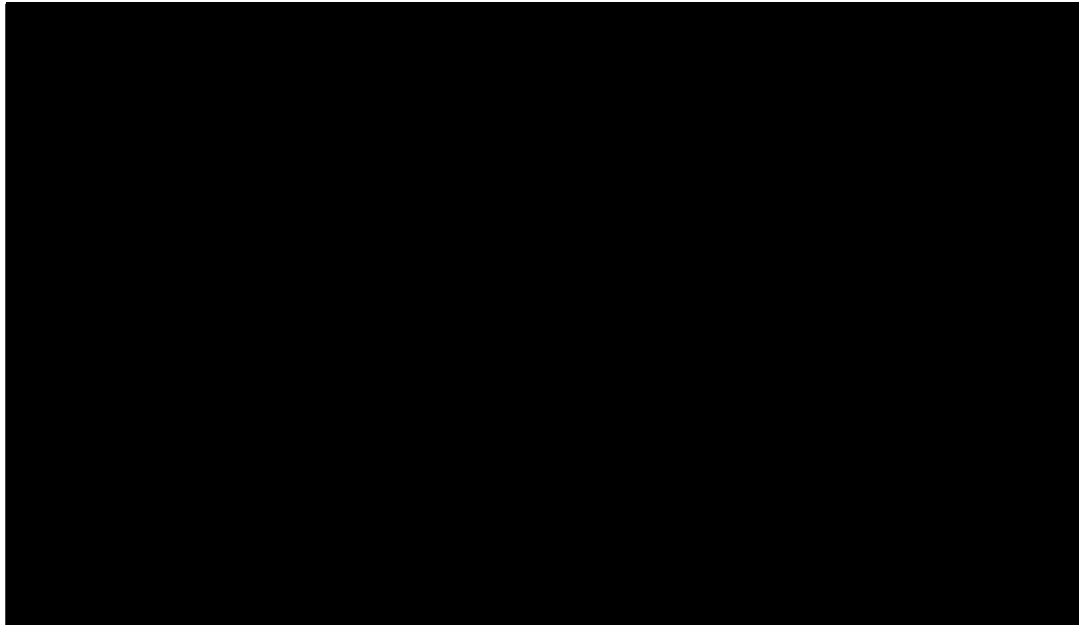
13. Date of acquisition of subject lands:
Unknown > 10 years ago
14. Date of construction of all buildings and structures on subject lands:
Unknown
15. Existing uses of the subject property: Agriculture -
16. Existing uses of abutting properties: Agricultural
17. Length of time the existing uses of the subject property have continued:
> 10 years
18. Municipal services available: (check the appropriate space or spaces)
 Water _____ Connected _____
 Sanitary Sewer _____ Connected _____
 Storm Sewers _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
Agriculture -
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Agriculture
21. Has the owner previously applied for relief in respect of the subject property?
 Yes _____ No X
 If the answer is yes, describe briefly.

22. Is the subject property the subject of a current application for consent under Section 53 of The Planning Act?
 Yes _____ No X
23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.

PART 24 AFFIDAVIT OR SWORN DECLARATION

This declaration to be sworn by a Commissioner of Oaths.

**PART 25 OWNERS AUTHORIZATION**

As of the date of this application, I (NAME) J. Neven, Neven Produce am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

R W Phillips of J H Cohoon Engineering Limited

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE February 10, 2020 SIGNED _____

PART 26 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, J. Neven, Neven Produce, the Owner, hereby agree and acknowledge
(*Print name of Owner*)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

Feb 10, 2020 _____

PART 24 AFFIDAVIT OR SWORN DECLARATION

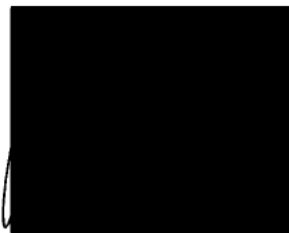
This declaration to be sworn by a Commissioner of Oaths.

I, R W Phillips of the City of Brantford in the County of Brant

solemnly declare that:

All of the above statements are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the
 at the City of Brantford
 in the County
 of Brant
 this 10th day of February A.D. 20 20



[Redacted Signature]
 A Commissioner, etc.

SUSAN LYNNE KOZEY,
 a Commissioner, etc., Province of Ontario,
 for J. H. Cohoon Engineering Limited.
 Expires April 29, 2021.

PART 25 OWNERS AUTHORIZATION

As of the date of this application, I (NAME) J. Neven, Neven Produce am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

R W Phillips of J H Cohoon Engineering Limited

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE February 10, 2020 SIGNED _____

PART 26 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, J. Neven, Neven Produce, the Owner, hereby agree and acknowledge
 (*Print name of Owner*)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

Date

Signature of Owner

PART 27 PERMISSION TO ENTER

Date: February 10, 2020

Secretary/Treasurer
Committee of Adjustment
City of Hamilton,
City Hall

Dear Secretary/Treasurer;

Re: Application to Committee of Adjustment

Location of Land: 2928 GOVERNOR'S RD RR 2, Lynden, Ontario

(Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited purposes of evaluating the merits of this application.



Signature of Owner or Authorized agent

J Neven, Neven Produce

Please print name

Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee's policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.

PART 28 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext. 1324.

CITY OF HAMILTON
COST ACKNOWLEDGEMENT AGREEMENT

This Agreement made this 10th day of February, 20 20.

BETWEEN:

J. Neven, Neven Produce
Applicant's name(s)
hereinafter referred to as the "Developer"

-and-

City of Hamilton
hereinafter referred to as the "City"

WHEREAS the Developer represents that he/she is the registered owner of the lands described in Schedule "A" attached hereto, and which lands are hereinafter referred to as the "lands";

AND WHEREAS the Developer has filed for an application for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval/minor variance.

AND WHEREAS it is a policy of the City that any City costs associated with an appeal to the Ontario Municipal Board, by a party other than the Developer, of an approval of a consent, rezoning, official plan amendment, plan of subdivision, and/or minor variance, such as, but not limited to, legal counsel costs, professional consultant costs and City staff costs, shall be paid by the Developer.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of two dollars (\$2.00) now paid by the City to the Developer, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. In this Agreement:
 - (a) "application" means the application(s) for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval or minor variance dated Feb 10, 2020 with respect to the lands described in Schedule "A" hereto.
 - (b) "Expenses" means all expenses incurred by the City if the application is: (a) approved by the City; (b) appealed to the Ontario Municipal Board by a party other than the developer; and (c) the City appears before the Ontario Municipal Board or any other tribunal or Court in support of the application, including but not limited to: City staff time, City staff travel expenses and meals, City disbursements, legal counsel fees and disbursements and all consultant fees and disbursements including, without limiting the generality of the foregoing planning, engineering or other professional expenses
2. The City agrees to process the application and, where the application is approved by the City but appealed to the Ontario Municipal Board by a party other than the Developer, the Developer shall file an initial deposit, in the form of certified cheque or cash with the General Manager, Finance & Corporate Services within fifteen days of the date of the appeal of the application by a third party in the amount of 50% of the estimated expenses associated with the appeal as estimated by the City Solicitor in his sole discretion which shall be credited against the Expenses.
3. It is hereby acknowledged that if the deposit required pursuant to section 2 of this Agreement is not paid by the Developer the City shall have the option, at its sole discretion, of taking no further steps in supporting the Developer's application before the Ontario Municipal Board.
4. It is hereby acknowledged that all expenses shall be paid for by the Developer. The Developer shall reimburse the City for all expenses the City may be put to in respect of the application upon demand.

5. It is hereby acknowledged and agreed that all expenses shall be payable by the Developer whether or not the Developer is successful before the Ontario Municipal Board or any other tribunal or Court in obtaining approval for their application.
6. The City shall provide the Developer with copies of all invoices of external legal counsel or consultants included in the expenses claimed by the City.
7. The City shall provide the Developer with an accounting of all staff costs and City disbursements included in the expenses claimed by the City.
8. The City may, at any time, draw upon the funds deposited in accordance with sections 2 and 9 of this Agreement to satisfy expenses incurred pursuant to the appeal of the application.
9. In the event that the amount deposited pursuant to section 2 of this Agreement is reduced to less than 10% of the initial deposit, the City may halt all work in respect of the appeal of the application until the Developer deposits with the City a sum sufficient to increase the deposit to an amount which is equal to 100% of the expenses estimated pursuant to paragraph 2 of this Agreement and still to be incurred by the City.
10. Within 60 days of: (a) a decision being rendered in respect of the appeal or any legal proceedings resulting from the decision, whichever is later; or (b) the termination of all legal proceedings in respect of the application, the City shall prepare and submit a final account to the Developer. If there are any deposit funds remaining with the City they shall be applied against the account. Any amount owing in respect of the final account in excess of deposit funds shall be paid by the Developer within 30 days of the date of the final account. If any deposit funds are remaining after the final account has been paid they shall be returned to the developer within 30 days of the date of the final account.
11. This Agreement shall not be construed as acceptance of the application and nothing herein shall require or be deemed to require the City to approve the application.
12. This Agreement shall not stand in lieu of or prejudice the rights of the City to require such further and other agreements in respect of the application that the City may deem necessary.
13. Every term, covenant, obligation and condition in this Agreement ensures to the benefit of and is binding upon the parties hereto and their respective heirs, executors, administrators, successors, trustees and assigns.
14. When the context so requires or permits, the singular number is to be read as if the plural were expressed, and the masculine gender as if the feminine, as the case may be, were expressed; and,
15. This Agreement and the schedules hereto constitute the entire agreement between the parties in respect of the subject matter contained herein and is not subject to, or in addition to, any other agreements, warranties or understandings, whether written, oral or implied. This Agreement may not be modified or amended except by instrument in writing signed by the Developer and the City, and,
16. The waiver or acquiescence by the City of any default by the Developer under any obligation to comply with this Agreement shall not be deemed to be a waiver of that obligation or any subsequent or other default under this Agreement.
17. The Developer covenants and agrees to be bound by the terms and conditions of this Agreement and not to seek a release from the provisions thereof until such time as the Developer's obligations hereunder have been assumed by its successor, assignee or transferee by way of written agreement in the form set out in Schedule "B" to this Agreement.

IN WITNESS WHEREOF the parties hereto have set their corporate seals under the hands of their duly authorized officers.

DATED at Lynden this 10th day of February, 2020.

WITNESS



Per: James Nevin
I have authority to bind the corporation.

WITNESS

Per:
I have authority to bind the corporation

DATED at Hamilton, Ontario this ___ day of _____, 20___.

City of Hamilton

Per: _____
Mayor

Per: _____
Clerk

IN WITNESS WHEREOF the parties hereto have set their corporate seals under the hands of their duly authorized officers.

DATED at _____ this 10th day of February, 20 20.

WITNESS

Per:
I have authority to bind the corporation.

WITNESS

Per:
I have authority to bind the corporation

DATED at Hamilton, Ontario this ___ day of _____, 20 ____.

City of Hamilton

Per: _____
Mayor

Per: _____
Clerk

Schedule "A"
Description of Lands

SCHEDULE "B"
FORM OF ASSUMPTION AGREEMENT

THIS AGREEMENT dated the 10th day of February 20 20.

BETWEEN

J. Neven, Neven Produce
(hereinafter called the "Owner")

OF THE FIRST PART

-and-

(hereinafter called the "Assignee")

OF THE SECOND PART

-and-

CITY OF HAMILTON
(hereinafter called the "Municipality")

OF THE THIRD PART

WHEREAS the owner and the Municipality entered into and executed a Cost Acknowledgement Agreement dated _____.

AND WHEREAS Assignee has indicated that it will assume all of the Owner's duties, liabilities and responsibilities as set out in the Cost Acknowledgement Agreement.

AND WHEREAS Council for the Municipality has consented to releasing the Owner from its duties, liabilities and responsibilities under said Cost Acknowledgement Agreement subject to the Assignee accepting and assuming the Owner's duties, liabilities and responsibilities and subject to the Assignee the Owner and the Municipality entering into and executing an Assumption Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the mutual covenants hereinafter expressed and other good and valuable consideration, the parties hereto agree as follows.

1. The Assignee covenants and agrees to accept, assume and to carry out the Owner's duties, liabilities and responsibilities under the Cost Acknowledgement Agreement and in all respects to be bound under said Cost Acknowledgement Agreement as if the Assignee had been the original party to the agreement in place of the Owner.
2. The Municipality hereby releases the Owner from all claims and demands of any nature whatsoever against the Owner in respect of the Cost Acknowledgement Agreement. The Municipality hereby accepts the Assignee as a party to the Cost Acknowledge Agreement in substitution of the Owner, and agrees with the Assignee that the Assignee will be bound by all the terms and conditions of the Cost Acknowledgement Agreement as if the Assignee had been the original executing party in place of the Owner.
3. All of the terms, covenants, provisos and stipulations in the said Cost Acknowledgement Agreement are hereby confirmed in full force save and except for such modifications as are necessary to make said clauses applicable to the Assignee.

IN WITNESS WHEREOF the Parties have hereunto affixed their corporate seals duly attested to by their proper signing officers in that behalf.

SIGNED, SEALED AND DELIVERED



Owner: J. Neven, Neven Produce
Title: *President/owner*
I have authority to bind the corporation

c/s

Assignee:
Title:
I have authority to bind the corporation

c/s

CITY OF HAMILTON

Mayor

Clerk

SITE STATISTICS

Table with 4 columns: ITEM, PROPOSAL, ZONING BYLAW REQUIREMENTS, COMPLIANCE. Rows include zoning, lot area, lot coverage, front yard, rear yard, side yard, parking spaces, and loading spaces.

GENERAL NOTES: 1. ALL ELEVATIONS SHOWN ARE METRIC. 2. BURDEN/FOWNER TO VERIFY COMPLIANCE WITH ZONING BYLAW... 3. THE SUBJECT PROPERTY HAS BEEN DETERMINED TO BE AN AREA OF ARCHAEOLOGICAL INTEREST...

SERVICING NOTES

- 1. ALL SLOPES SHALL BE AS PER PART 4 OF THE C.G.C. 2. SLOPES SHALL BE AS PER PART 4 OF THE C.G.C. 3. SLOPES SHALL BE AS PER PART 4 OF THE C.G.C.

STORM SYSTEM

Table with 4 columns: INV. NO., DESCRIPTION, Q/D, AMOUNT. Lists stormwater management measures like 1.2m P/C CS/AH, 0.6x0.6x1.5m P/C CB, etc.

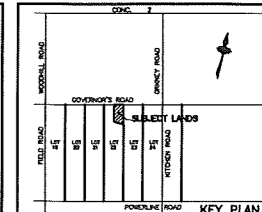
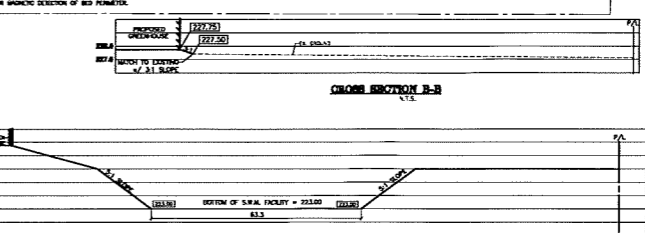
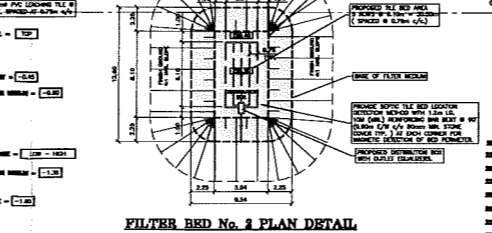
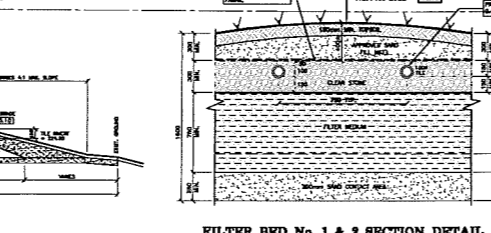
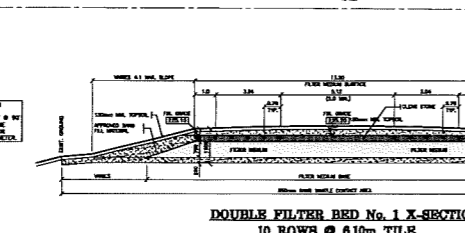
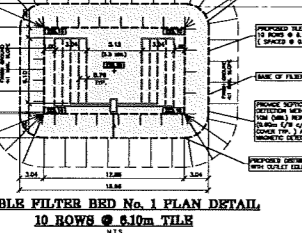
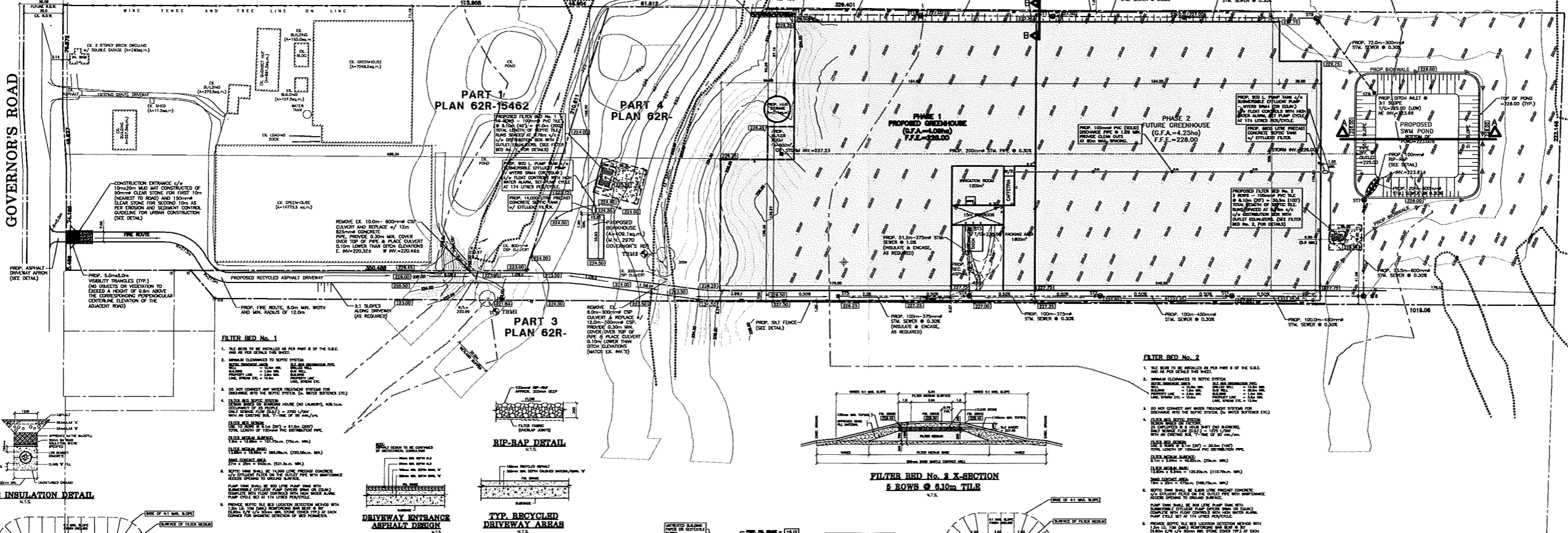
SILTATION NOTES

- 1. ALL EROSION AND SILTATION CONTROL MEASURES SHALL BE AS PER THE C.G.C. 2. SLOPES SHALL BE AS PER PART 4 OF THE C.G.C.

MUD MAT DETAIL



SILT BACK DETAIL



- LEGEND: DISTING ELEVATIONS, PROPOSED ELEVATIONS, PROPOSED DOUBLE ELEVATIONS, PROPOSED SWALE, GENERAL DRAINAGE, PROPOSED SILT CONTROL FENCE, etc.

- NOTES: 1. ALL ELEVATIONS SHOWN ARE METRIC. 2. BURDEN/FOWNER TO VERIFY COMPLIANCE WITH ZONING BYLAW... 3. THE SUBJECT PROPERTY HAS BEEN DETERMINED TO BE AN AREA OF ARCHAEOLOGICAL INTEREST...

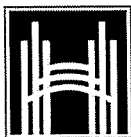
Table with 2 columns: T.B.M. No., ELEV. Values: 222.08m, 223.24m.

Table with 4 columns: ID, DESCRIPTION, DATE, STATUS. Lists items like 'EXTEND GREENHOUSE 3.0m TO EAST', 'BUNK HOUSE SIZE', 'AS PER CITY COMMENTS', etc.

J.H. COHOON ENGINEERING LIMITED CONSULTING ENGINEERS. 440 HWY 70 ROAD, UNIT #1, BRANTFORD, ONTARIO, M7B 5J8.

PROPOSED SITE ALTERATIONS PART OF LOT 22, CONC. 1 2928 GOVERNOR'S ROAD GEORGIC TOWNSHIP OF ANCASTER CITY OF HAMILTON

Table with 2 columns: SHEET, DATE. Values: 1 of 1, JAN. 25/18. Includes project name and scale.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221 Fax (905) 546-4202

E-mail: samantha.costa@hamilton.ca or scott.baldry@hamilton.ca

NOTICE OF PUBLIC HEARING **Minor Variance**

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.: GL/A-19:105

APPLICANTS: Rocco & Tanya Pugliese, Owners

SUBJECT PROPERTY: Municipal address **8 Grassypain Dr., (Glanbrook) City of Hamilton**

ZONING BY-LAW: Zoning By-law 464, as Amended

ZONING: "R3-158" (Residential "R3") Zone

PROPOSAL: To permit the construction of a 5.5m by 4.6m (25 square metre) roofed over patio in the rear yard notwithstanding that:

1. A minimum rear yard of 3.0 metres shall be permitted instead of the minimum 7.5 metre rear yard required.
2. A minimum distance of 1.5 metres shall be provided from the boundary of a transmission pipeline right-of-way instead of the minimum required 10 metres from the boundary of a transmission pipeline right-of-way.

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

DATE: Thursday, July 9th, 2020

TIME: 1:20 p.m.

PLACE: Via video link or call in (see attached sheet for details)

To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

GL/A-19:105

Page 2

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: June 23rd, 2020.

Original Signed

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.

19-112778



Hamilton

Committee of Adjustment

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

Planning and Economic Development Department
Planning Division

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.

FOR OFFICE USE ONLY.

APPLICATION NO. 641A-19:105 DATE APPLICATION RECEIVED MAR 19 11 19

PAID _____ DATE APPLICATION DEEMED COMPLETE _____

SECRETARY'S SIGNATURE _____

CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the Planning Act, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.



- X 3. Name of Agent _____ Telephone No. _____
FAX NO. _____ E-mail address. _____
- X 4. Address _____
Postal Code _____

Note: Unless otherwise requested all communications will be sent to the agent, if any.

- X 5. Names and addresses of any mortgagees, holders of charges or other encumbrances:
SCOTIA BANK Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:
- TO ALLOW FOR THE CONSTRUCTION
OF A COVERED PORCH (18'x20')
IN THE BACKYARD OF
8 GRASSY PLAIN DRIVE
7. Why it is not possible to comply with the provisions of the By-law?
- BUILDING WITHIN THE REAR YARD
SET BACKS IN TERMS OF ZONING
7.50 m.
8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
LOT 92 REGISTERED PLAN C2M-932
Plan 16901-0465 (LT)
8 GRASSY PLAIN DRIVE.
9. PREVIOUS USE OF PROPERTY
- Residential Industrial Commercial
Agricultural Vacant
Other _____
- 9.1 If Industrial or Commercial, specify use

- 9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
Yes No Unknown
- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?
Yes No Unknown
- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
Yes No Unknown
- 9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
Yes No Unknown
- 9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
Yes No Unknown
- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?
Yes No Unknown
- 9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
Yes No Unknown
- 9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
Yes No Unknown

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

INFORMATION PROVIDED BY DEVELOPER OF
THE SAID BUILDING LOT.

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Date MARCH 12/19

[Redacted Signature]
Signature Property Owner

[Redacted Name]
Print Name of Owner

10. Dimensions of lands affected:

Frontage 25.79 m.
Depth 29.56 m EAST SIDE / 20.24 m WEST SIDE
Area _____
Width of street _____

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: A 200 sq/ft BUNGALOW WITH AN
ATTACHED GARAGE. 9' INTERIOR CEILING.
WIDTH OF 25.640m.

Proposed: AN 18' X 20' COVERED PORCH IN THE
REAR YARD.

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing: _____
SUB SURVEY PLAN

Proposed: PROVIDED

- 13. Date of acquisition of subject lands:
JUNE 6/2003
- 14. Date of construction of all buildings and structures on subject lands:
~~JUNE 6/2003~~ OCT 2003 - SEPT 2018
- 15. Existing uses of the subject property: SINGLE FAMILY DWELLING
- 16. Existing uses of abutting properties: SINGLE FAMILY DWELLINGS + HURON CORRIDOR TO THE REAR
- 17. Length of time the existing uses of the subject property have continued:
- OVER 10 YEARS.
- 18. Municipal services available: (check the appropriate space or spaces)
 Water Connected
 Sanitary Sewer Connected
 Storm Sewers
- 19. Present Official Plan/Secondary Plan provisions applying to the land:
NEIGHBOURHOODS.
- 20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
R3-158 GAMBROOK BY-LAW 164
- 21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.

- 22. Is the subject property the subject of a current application for consent under Section 53 of The Planning Act?
 Yes No
- 23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.

PART 24 AFFIDAVIT OR SWORN DECLARATION

This declaration to be sworn by a Commissioner of Oaths.

x I, Lucio P. LAZZESE/Commissioner of the _____ of _____ in the _____ of _____

solemnly declare that:

All of the above statements are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the _____
at the City of Hamilton
in the Province
of Ontario
this 19 day of March A.D. 2019

x [Redacted] Applicant

[Redacted]

[Signature]
A Commissioner, etc.

MARTHA MIGNANO, a
Commissioner, etc., Province of
Ontario, for the City of Hamilton.
Expires October 16, 2021.

PART 25 OWNERS AUTHORIZATION

As of the date of this application, I (NAME) [Redacted] am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

_____ of _____

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE MARCH 1/2019 SIGNED [Redacted]

PART 26 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

x I, [Redacted] the Owner, hereby agree and acknowledge
(Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

[Redacted Signature]

Date

Signature of Owner

PART 27 PERMISSION TO ENTER

X Date: March 1/19

Secretary/Treasurer
Committee of Adjustment
City of Hamilton,
City Hall

Dear Secretary/Treasurer;

Re: Application to Committee of Adjustment

Location of Land: 8 GRASSY PLAIN DRIVE
(Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited purposes of evaluating the merits of this application.

[Redacted Signature Area]

Signature of Owner or Authorized agent

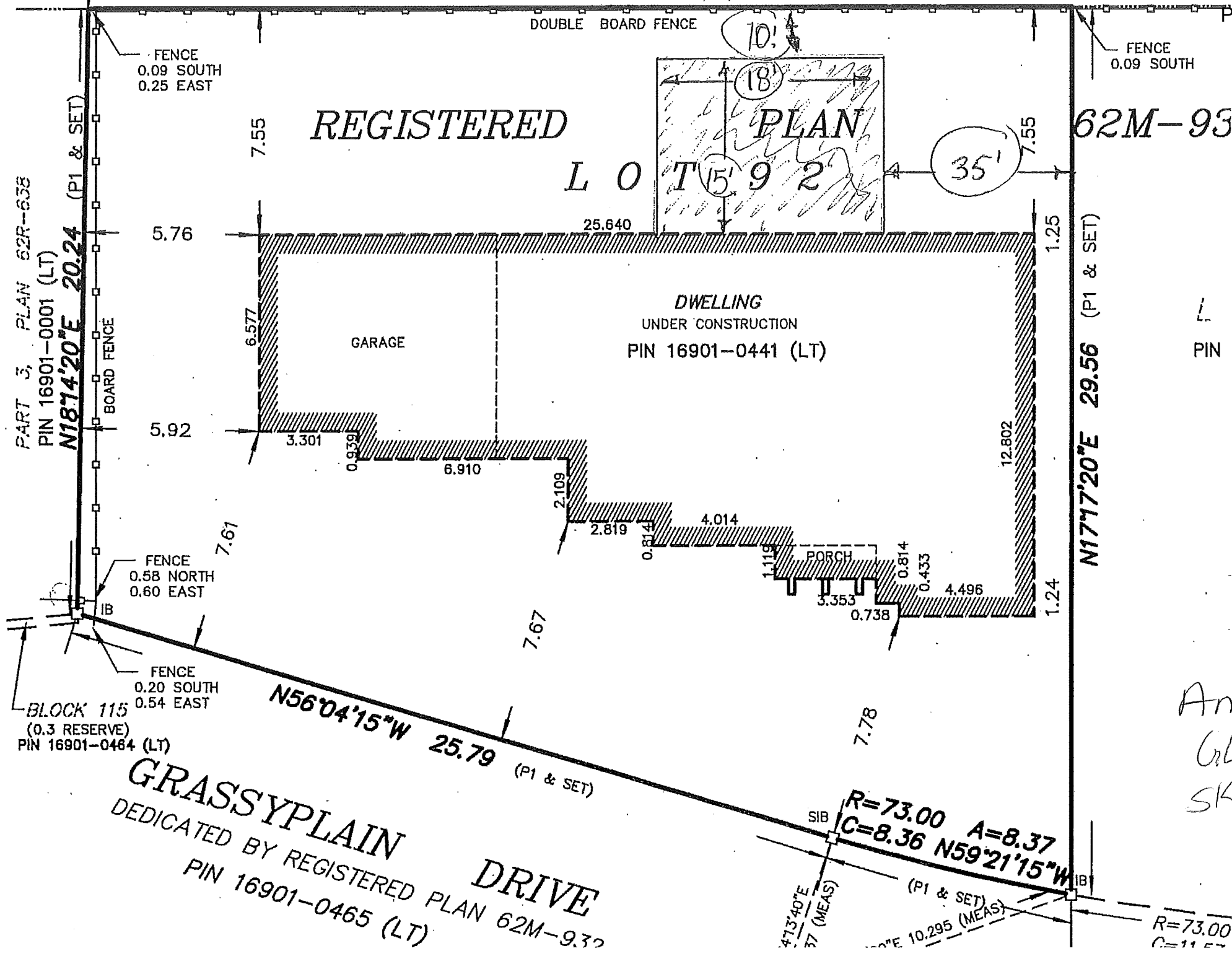
[Redacted Name Area]

Please print name

Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee's policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.

PART 28 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1324.



Amended
 GL/A-19:105
 SKETCH (1)



FRONT ELEVATION

NOTE: ALL STEPS IN EXCESS OF 6" O.C. SHALL BE 72" WIDE O.C.
 STEPS, GUARDS, RAILS AS PER OBC 9.8

NOTE: ALL WINDOWS AND DOORS SHALL BE RESISTANT TO FORCED ENTRY.

NOTE: PROVIDE FLASHING AND BRICK VENTS ABOVE WINDOWS TYPICAL.

NOTE: ALL DOORS + WINDOWS TO BE RESISTANT TO FORCED ENTRY!

NOTES FOR THE CONTRACTOR:

- USE HOOKED REINFORCING IN PREFERENC TO SCALES BRACKETS.
- VERIFY AND CHECK ALL DIMENSIONS FROM TO AND DURING ALL PHASES OF CONSTRUCTION. NO VARIATION OR MODIFICATION OF DIMENSIONS SHALL BE PERMITTED WITHOUT THE DESIGNER'S PRIOR WRITTEN APPROVAL.
- ALL PLANS, SPECIFICATIONS AND DETAILS ARE SUBJECT TO APPROVAL BY DEPARTMENT OF LANDON FIRE DEPARTMENT AND MUST CONFORM TO ALL ASPECTS OF THE CURRENT BUILDING CODE CURRENTLY IN EFFECT.
- ALL PREVIOUS EDITIONS OF THIS DRAWING ARE HEREBY SUPERSEDED.
- ANY CHANGES, OMISSIONS OR ADDITIONS SHALL BE REPORTED TO AND BY THE DESIGNER BEFORE PROCEEDING.

NOTES FOR DRAINAGE:

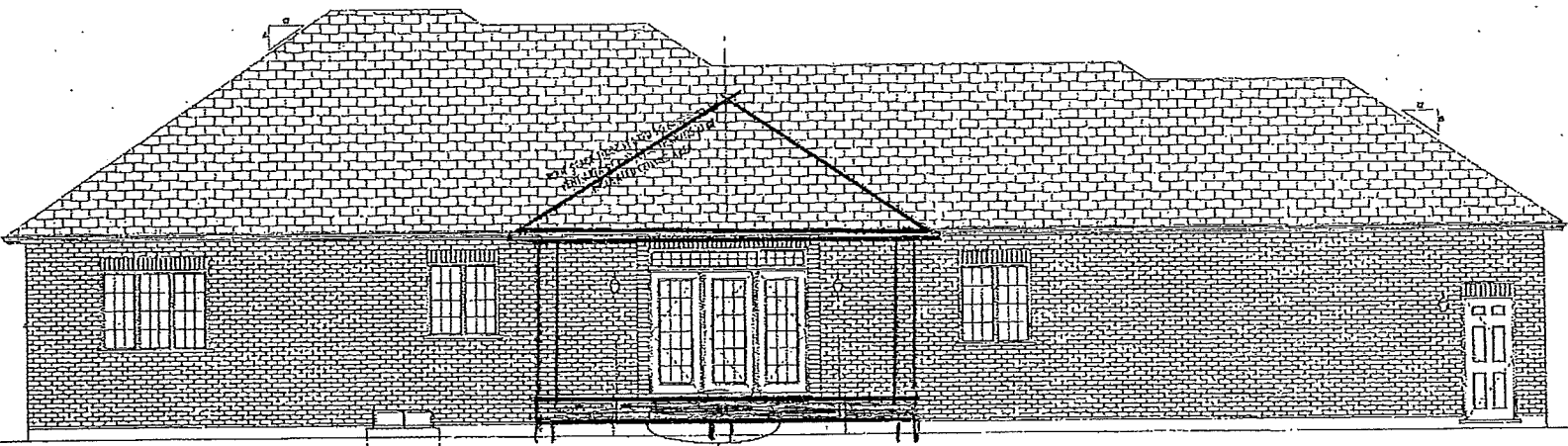
- ALL DRAINAGE TO BE PLACED IN ALL BATHROOMS AND WHERE APPLICABLE.
- DOUBLE JOISTS UNDER ALL PARALLEL PARTITIONS.
- ALL CONSTRUCTION BETWEEN DUELL'S UNIT MUST PROVIDE AN EFFECTIVE BARRIER TO GAS AND FUMES.
- ALL GROUNDWORK SHALL BE TIGHT FITTING AND WEATHER STRIPPED TO PROVIDE AN EFFECTIVE BARRIER AGAINST GAS AND FUMES.
- STAIRS TO HAVE A FIVE-TO-ONE RISE OF NOT MORE THAN 7" AND A FIFTEEN RUN OF NOT LESS THAN 11".

ALL CONSTRUCTION UNLESS OTHERWISE SPECIFIED WITH THE ILLINOIS BUILDING CODE.

SPRUCE LINTELS FOR ROOF, CEILING AND 1 STOREY	
LINTEL SIZE	SUPPORTED LENGTH
24" x 8"	5'-0"
24" x 10"	7'-0"
24" x 12"	8'-0"

SPRUCE LINTELS FOR ROOF, CEILING AND 2 STOREYS	
LINTEL SIZE	SUPPORTED LENGTH
24" x 8"	5'-0"
24" x 10"	6'-0"
24" x 12"	7'-0"

Amended
 GL/A-19: 105
 SKETCH (2)



REAR ELEVATION

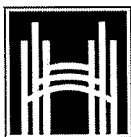
NOTE: PROVIDE FLASHING AND BRICK VENTS ABOVE WINDOWS TYPICAL.

NOTE: WINDOW SHALL DRAIN TO FOOTING.

NOTE: STAIRS TO BE REFERENCED UNTIL CHECK ON STAIR IS COMPLETED.

NOTE: STEPS TO CONFORM WITH OBC 9.8

SEE NOTE



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221 Fax (905) 546-4202

E-mail: morgan.evans@hamilton.ca

NOTICE OF PUBLIC HEARING Minor Variance

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.: GL/A-20:66

APPLICANTS: Kalos Engineering Inc., on behalf of the owner Martin Raposa

SUBJECT PROPERTY: Municipal address **3659 Upper James St., (Glanbrook) City of Hamilton**

ZONING BY-LAW: Zoning By-law 05-200, as Amended

ZONING: "A2" (Rural) Zone

PROPOSAL: To permit the construction of a storage building (accessory building) which is accessory to the existing single detached dwelling, notwithstanding,

1. A maximum lot coverage of 8.5% for all accessory buildings shall be permitted instead of the maximum permitted lot coverage of 5% of the total lot area;
2. A maximum gross floor area of 302 square metres for all accessory buildings shall be permitted instead of the maximum permitted gross floor area of 200 square metres for all accessory buildings; and
3. A maximum height of 9.0 metres shall be permitted instead of the maximum permitted height of 6.0 metres for an accessory building.

NOTES:

1. The requested variances have been written for the use of an accessory building which is accessory to the existing single detached dwelling only. Accessory, as defined in the Zoning By-law, shall mean, when used to describe a use of land, building or structure, shall mean a use which is commonly incidental, subordinate and exclusively devoted to the main use or main building situated on the same lot. Please be advised, should the intent be to utilize the proposed building for a use other than a building accessory to the existing single detached dwelling further approval will be required.
2. It does not appear the height of the proposed building has been provided in accordance with the definition of Building Height and Grade as defined in the Zoning By-law. The applicant shall ensure the requested variance is sufficient to satisfy the maximum height requirement in accordance with Building Height and Grade as defined in the Zoning By-law.
3. A further variance will be required if the eave and gutter of the proposed accessory building exceeds greater than 0.6 metres into the required 1.0 metre setback.
4. The lot area of 3804 square metres obtained from GISNet has been used to determine the proposed lot coverage.

GL/A-20:66
Page 2

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

DATE: Thursday, July 9th, 2020
TIME: 2:35 p.m.
PLACE: Via video link or call in (see attached sheet for details)
To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

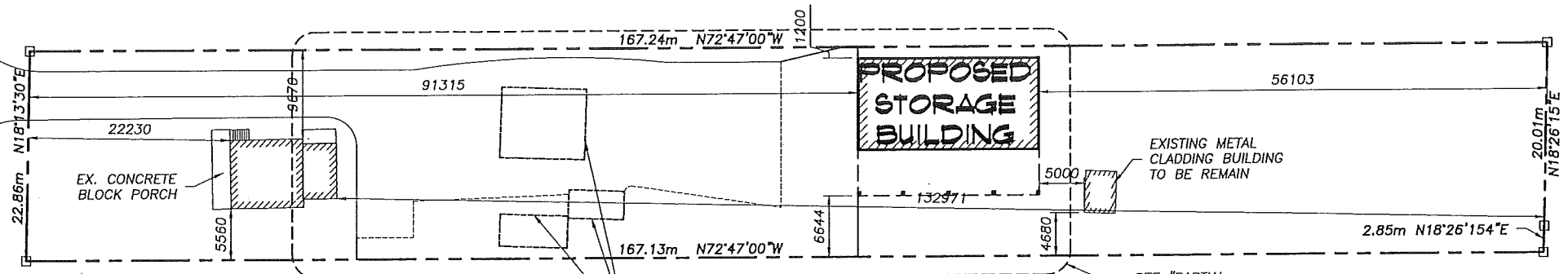
DATED: June 23rd, 2020.

Original Signed

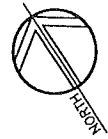
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.

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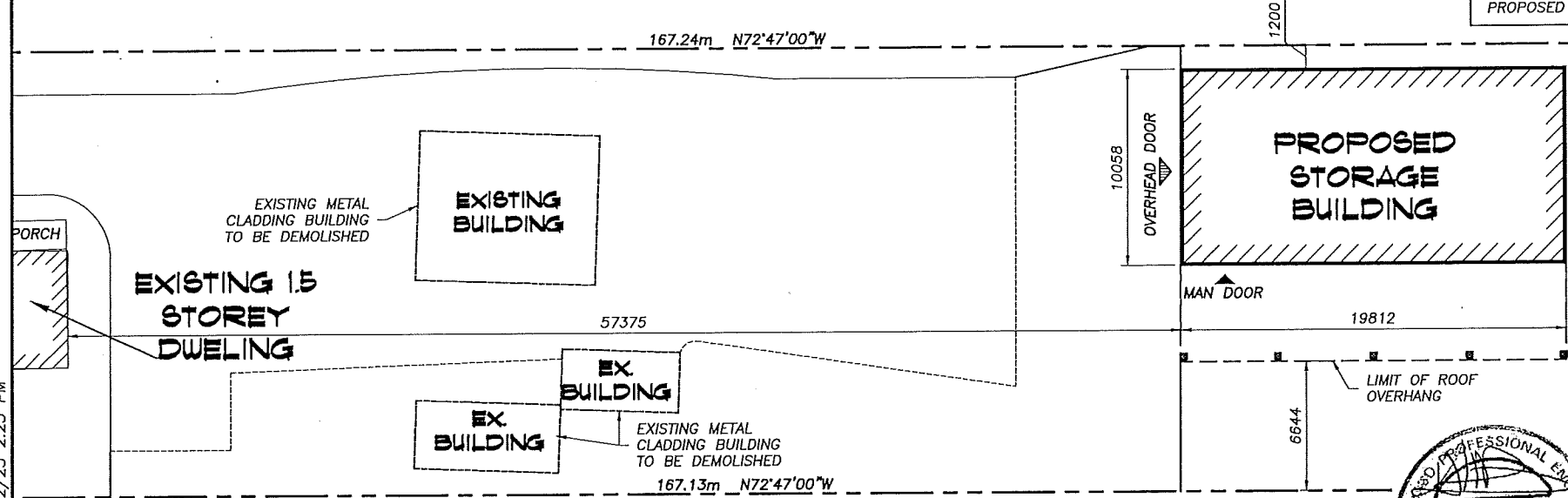
OVERALL SITE PLAN
SCALE: 1:500



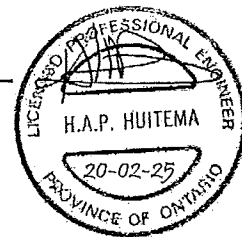
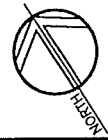
ZONING DESIGNATION:
 ZONING CODE: A2
 ZONING DESCRIPTION: RURAL ZONING
 PARENT BY-LAW No.: 05-200
 BY-LAW No.: 15-173

SITE STATISTICS:

SITE AREA:	3821.00 m ²	0.944 acre
EXISTING DWELLING AREA:	215.00 m ²	(5.6%)
EXISTING STORAGE (DEMOLISHED) AREA:	116.20 m ²	(3.04%)
PROPOSED STORAGE BUILDING AREA:	199.30 m ²	(5.20%)
EXISTING. PAVED/CONC. AREA:	0.00 m ²	(0.0%)
EXISTING. GRAVEL AREA:	1005.00 m ²	(26.3%)
PROPOSED GRAVEL AREA:	881.70 m ²	(23.1%)
EXISTING LANDSCAPED AREA	2781.00 m ²	(72.78%)
PROPOSED LANDSCAPED AREA	2441.60 m ²	(63.89%)



PARTIAL SITE PLAN
SCALE: 1:250



No.	DATE	REVISION
2	20/02/25	REVISED PER BUILDING PERMIT COMMENT
1	19/08/17	ISSUED FOR BUILDING PERMIT

REVISIONS

300 YORK BLVD HAMILTON, ONTARIO L8R 3K6 905-333-9119

STORAGE BUILDING

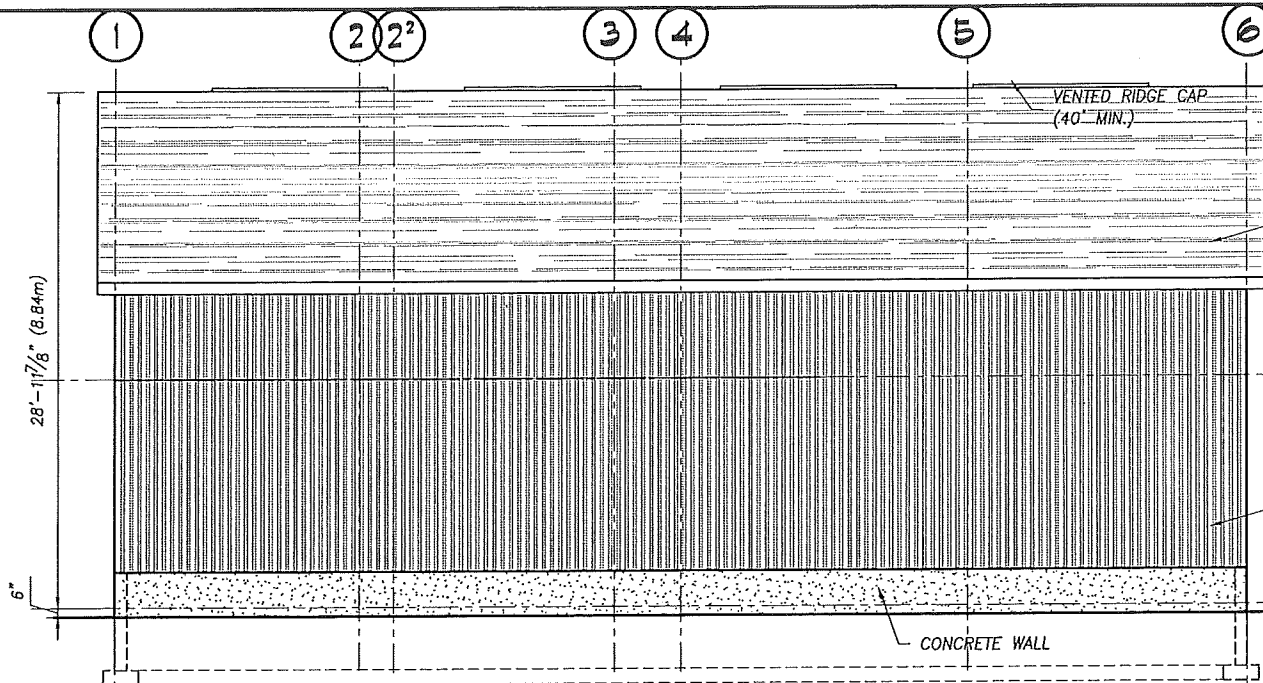
3659 UPPER JAMES ST.
HAMILTON ONTARIO

SITE PLAN

DATE JUNE 2019	DRAWN BY SYN	DRAWING No. 1 of 11
PROJECT No. 19001	CHECKED BY HAPH	

PLOT DATE: 2020/02/25 2:25 PM

G11A-20.66
Sketch(1)



PRE-FINISHED STEEL ROOF (26GA)
 2"x4" @24" STRAPPING
 MANUFACTURED SCISSOR TRUSS @24"
 R40 BATT-INSULATION
 6MIL VAPOUR BARRIER
 5/8" DRYWALL

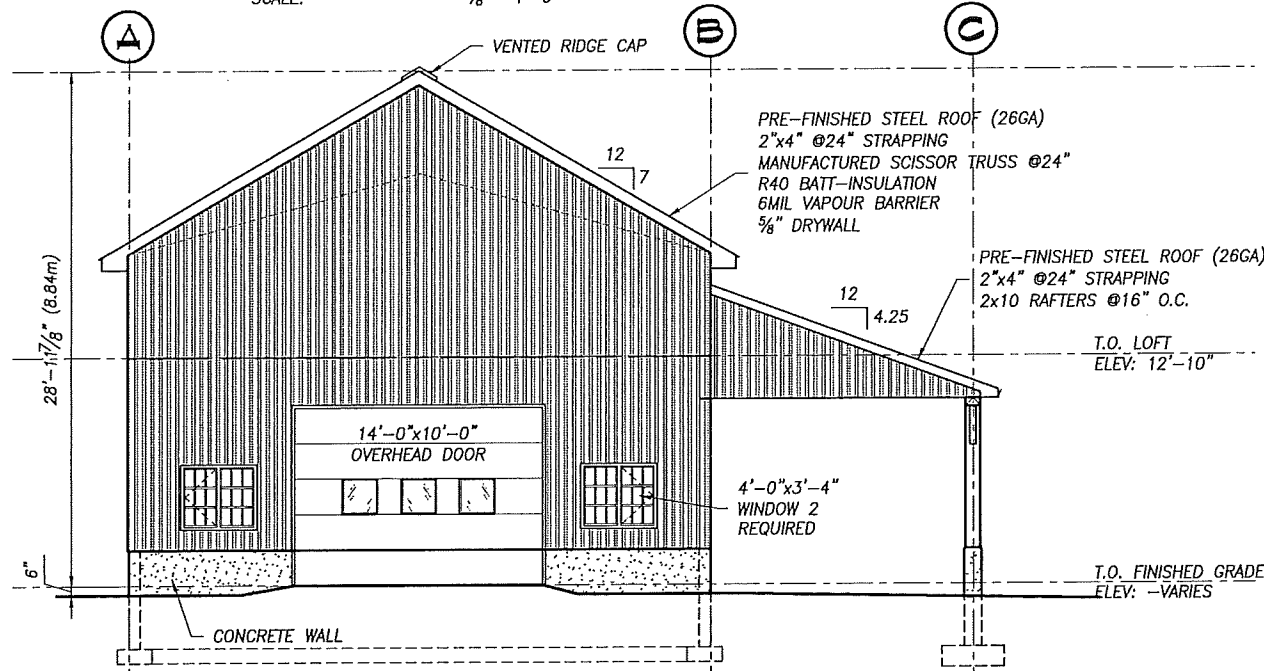
T.O. LOFT
 ELEV: 12'-10"

PRE-FINISHED STEEL ROOF (26GA)
 2"x4" @24" STRAPPING (HORIZONTAL)
 BUILDING AIR BARRIER
 1/2" PLYWOOD SHEATHING
 2"x6" STUD @16"
 R20 BATT-INSULATION
 1/2" GYPSUM DRYWALL
 (TYPICAL FOR EXTERIOR WALLS)

T.O. FINISHED GRADE
 ELEV: -0'-6"

LEFT ELEVATION

SCALE: 1/8" = 1'-0"



PRE-FINISHED STEEL ROOF (26GA)
 2"x4" @24" STRAPPING
 MANUFACTURED SCISSOR TRUSS @24"
 R40 BATT-INSULATION
 6MIL VAPOUR BARRIER
 5/8" DRYWALL

PRE-FINISHED STEEL ROOF (26GA)
 2"x4" @24" STRAPPING
 2x10 RAFTERS @16" O.C.

T.O. LOFT
 ELEV: 12'-10"

T.O. FINISHED GRADE
 ELEV: -VARIES

FRONT ELEVATION

SCALE: 1/8" = 1'-0"

No.	DATE	REVISION
2	20/02/25	REVISED PER BUILDING PERMIT COMMENT
1	19/06/17	ISSUED FOR BUILDING PERMIT

REVISIONS



300 YORK BLVD HAMILTON, ONTARIO L8R 3K6 905-333-9119

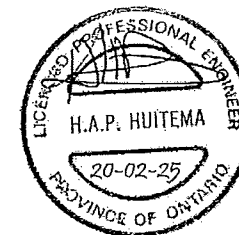
STORAGE BUILDING

3659 UPPER JAMES ST.

HAMILTON

ONTARIO

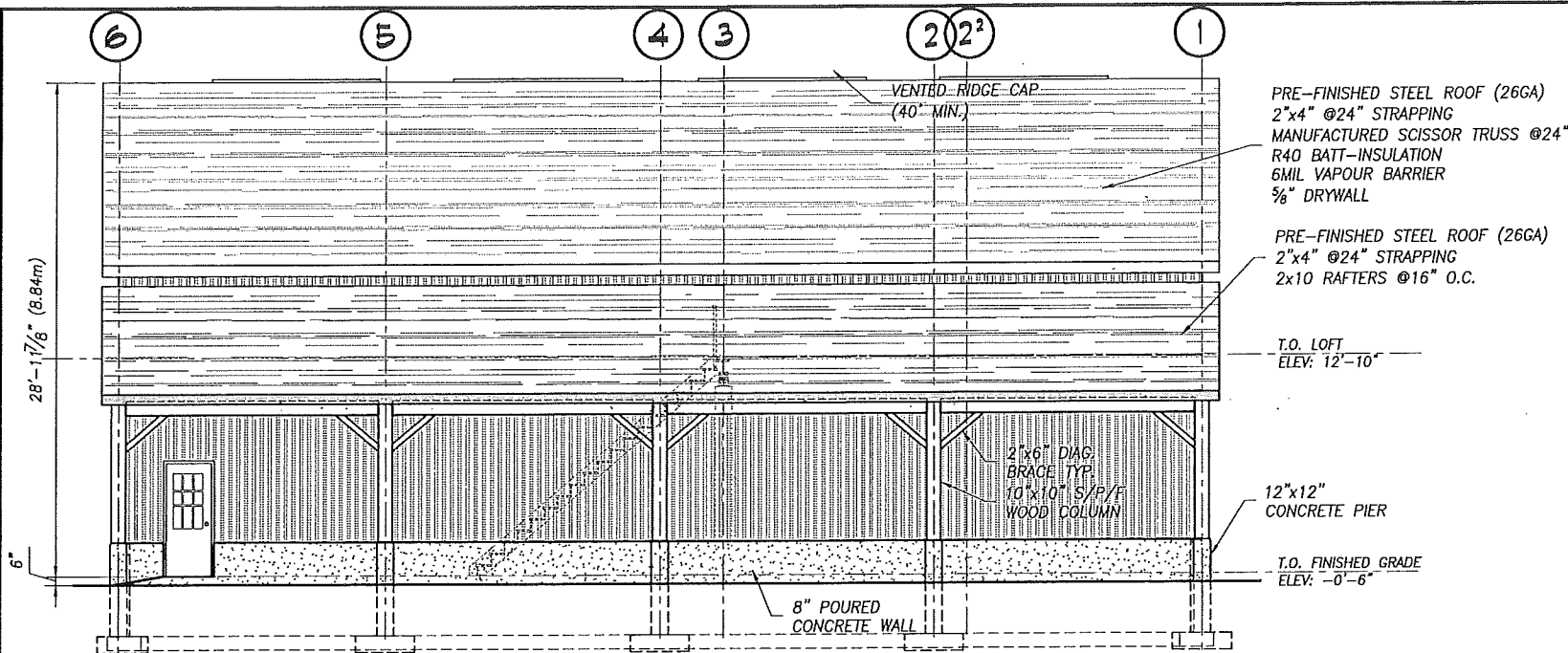
LEFT & FRONT ELEVATION



DATE JUNE 2019	DRAWN BY SYN	DRAWING No. 5 of 11
PROJECT No. 19001	CHECKED BY HAPH	

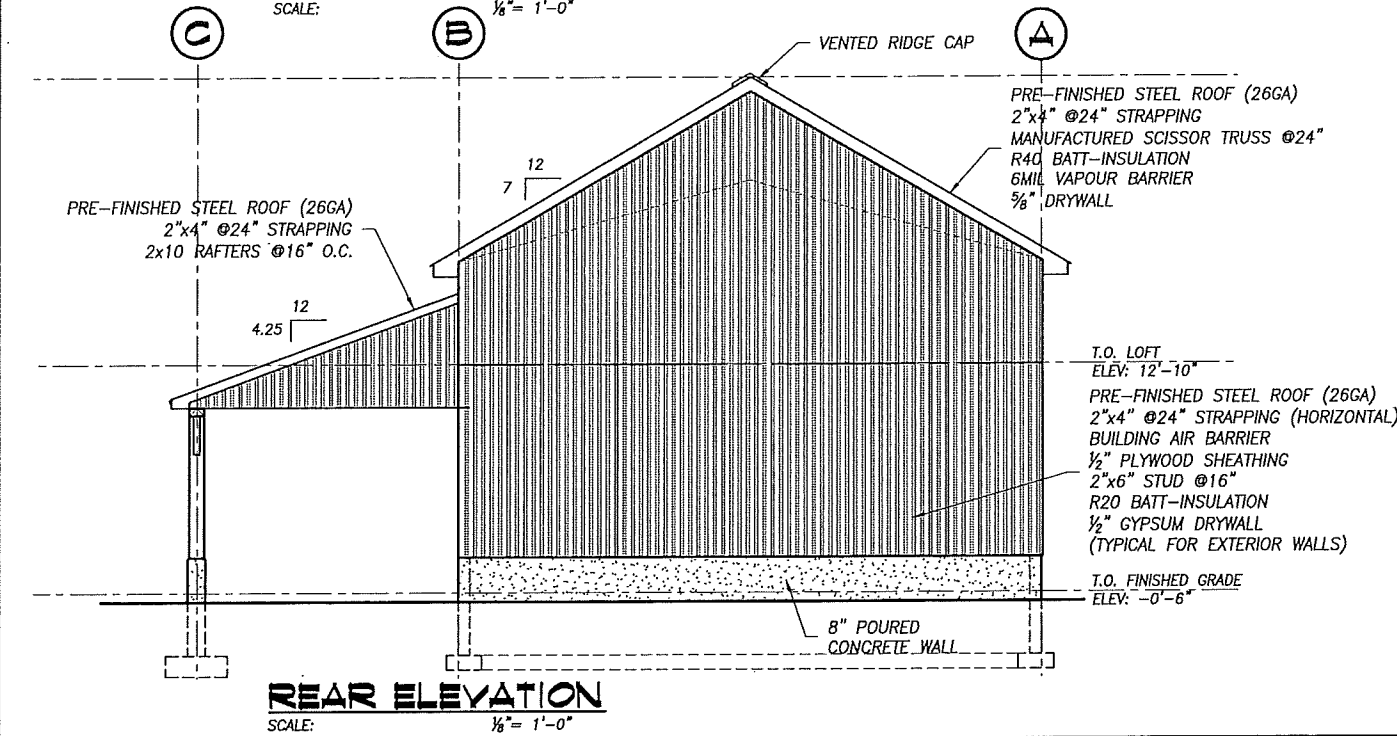
PLOT DATE: 2020/02/25 2:23 PM

GLA-20:66
 Sketch(2)



RIGHT ELEVATION

SCALE: 1/8" = 1'-0"



REAR ELEVATION

SCALE: 1/8" = 1'-0"

PRE-FINISHED STEEL ROOF (26GA)
2"x4" @24" STRAPPING
MANUFACTURED SCISSOR TRUSS @24"
R40 BATT-INSULATION
6MIL VAPOUR BARRIER
5/8" DRYWALL

PRE-FINISHED STEEL ROOF (26GA)
2"x4" @24" STRAPPING
2x10 RAFTERS @16" O.C.

T.O. LOFT
ELEV: 12'-10"

12"x12"
CONCRETE PIER

T.O. FINISHED GRADE
ELEV: -0'-6"

2"x6" DIAG
BRACE TYP.
10"x10" S/P/F
WOOD COLUMN

8" POURED
CONCRETE WALL

PRE-FINISHED STEEL ROOF (26GA)
2"x4" @24" STRAPPING
MANUFACTURED SCISSOR TRUSS @24"
R40 BATT-INSULATION
6MIL VAPOUR BARRIER
5/8" DRYWALL

T.O. LOFT
ELEV: 12'-10"

PRE-FINISHED STEEL ROOF (26GA)
2"x4" @24" STRAPPING (HORIZONTAL)
BUILDING AIR BARRIER
1/2" PLYWOOD SHEATHING
2"x6" STUD @16"
R20 BATT-INSULATION
1/2" GYPSUM DRYWALL
(TYPICAL FOR EXTERIOR WALLS)

T.O. FINISHED GRADE
ELEV: -0'-6"

8" POURED
CONCRETE WALL

2	20/02/25	REVISED PER BUILDING PERMIT COMMENT
1	19/06/17	ISSUED FOR BUILDING PERMIT
No.	DATE	REVISION

REVISIONS

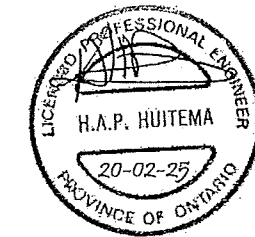


300 YORK BLVD HAMILTON, ONTARIO L8R 3K6 905-333-9119

STORAGE BUILDING

3659 UPPER JAMES ST.
HAMILTON ONTARIO

RIGHT & REAR ELEVATION



DATE JUNE 2019	DRAWN BY SYN	DRAWING No. 6 of 11
PROJECT No. 19001	CHECKED BY HAPH	

PLOT DATE: 2020/02/25 2:24 PM

Co(A-20:66
Sketch (3)



Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment

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

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

RECEIVED

FOR OFFICE USE ONLY.		FEB 13 2020
APPLICATION NO. <u>GLA-20:64</u>	DATE APPLICATION RECEIVED	<u>COM. OF ADJ. STAFF</u>
PAID _____	DATE APPLICATION DEEMED COMPLETE	_____
SECRETARY'S SIGNATURE _____		

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1. Name of Owner Martin Raposa Telephone No. [REDACTED]

2. [REDACTED]

3. Name of Agent Kalos Engineering Inc. Telephone No. [REDACTED] 01

4. [REDACTED]

Note: Unless otherwise requested all communications will be sent to the agent, if any.

5. Names and addresses of any mortgagees, holders of charges or other encumbrances:

CIBC

1550 Upper James Street, Hamilton Postal Code L9B 2L6

Postal Code _____

6. Nature and extent of relief applied for:
increased height for proposed storage building. seeking relief for 8.83m
height versus 6.0m maximum per by-law. it should be noted that maximum
height for single family dwelling (alos on this property) is 10.5m
-
7. Why it is not possible to comply with the provisions of the By-law?
Desired function of the building includes a loft for added space, triggering
an increased height of building
-
8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
3659 Upper James Street, Mount Hope LOR 1W0
-
9. PREVIOUS USE OF PROPERTY
- Residential Industrial Commercial
- Agricultural Vacant
- Other _____
- 9.1 If Industrial or Commercial, specify use

- 9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
 Yes No Unknown
- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- 9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- 9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
 Yes No Unknown
- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?
 Yes No Unknown
- 9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown
- 9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
 Yes No Unknown

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Personal knowledge of the property


9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

February 13, 2020
 Date


 Signature of Property Owner

Martin Raposa
 Print Name of Owner

10. Dimensions of lands affected:

Frontage 22.86m
 Depth 167.24m
 Area 3821.0 sm
 Width of street assumed 30m (former Highway 6 south)

11. Particulars of all buildings and structures on or proposed for the subject lands:
 (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: Single Family Dwelling - 1 storey - 82.7 sm
Approx 11.8m x 7.46m, height approx 6m
Other existing accessory buildings to be removed

Proposed: Storage Shed - 1 storey with loft - 199.3 sm
19.8m x 10.05m, 8.83m high

12. Location of all buildings and structures on or proposed for the subject lands;
 (Specify distance from side, rear and front lot lines)

Existing: Single Family Dwelling
- front - 22.2m
- rear - 132.9m
- sides - 9.76m and 5.56m

Proposed: Storage Building
- front - 91.3m
- rear - 56.1m
- sides - 1.2m and 6.64m (to lean to at side)

13. Date of acquisition of subject lands:

 2017
14. Date of construction of all buildings and structures on subject lands:

 circa 1970
15. Existing uses of the subject property: _____

 Single family dwelling
16. Existing uses of abutting properties: _____

 Single family dwelling
17. Length of time the existing uses of the subject property have continued:

 estimated 40 years
18. Municipal services available: (check the appropriate space or spaces)
 Water _____ x _____ Connected _____
 Sanitary Sewer _____ Connected _____
 Storm Sewers _____
19. Present Official Plan/Secondary Plan provisions applying to the land:

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:

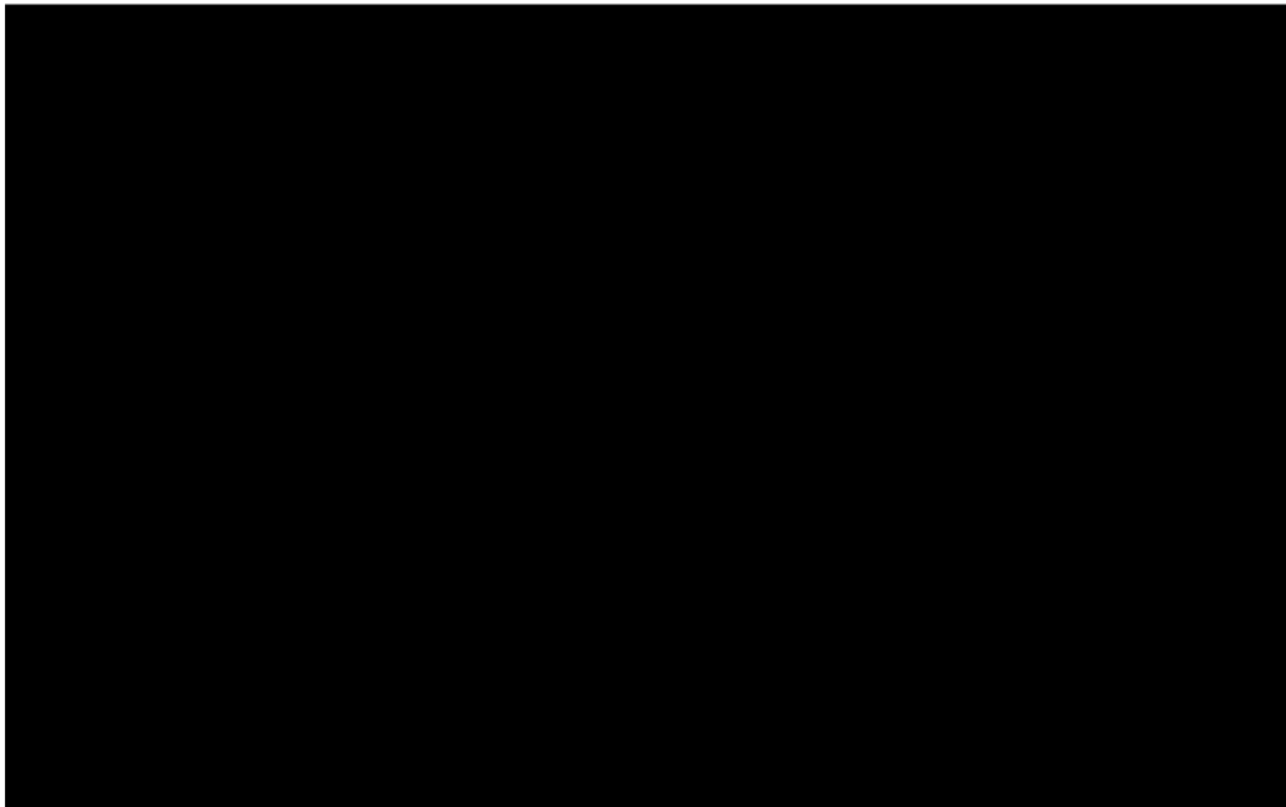
 05-200 and 15-173
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.

22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.

PART 24 AFFIDAVIT OR SWORN DECLARATION

This declaration to be sworn by a Commissioner of Oaths.

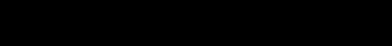


PART 25 OWNERS AUTHORIZATION

As of the date of this application, I (NAME) Martin Raposa am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

Hank Huitema of Kalos Engineering Inc.

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE February 13, 2020 SIGNED 
Signature of Owner

PART 26 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, Martin Raposa, the Owner, hereby agree and acknowledge
(Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

February 13, 2020 
Date Signature of Owner

PART 27 PERMISSION TO ENTERDate: February 13, 2020

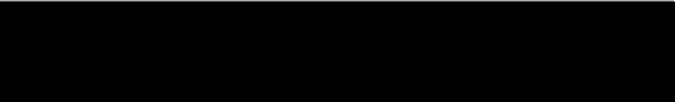
Secretary/Treasurer
 Committee of Adjustment
 City of Hamilton,
 City Hall

Dear Secretary/Treasurer;

Re: Application to Committee of Adjustment

Location of Land: 3659 Upper James, Mount Hope LOR 1W0
 (Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited purposes of evaluating the merits of this application.



Signature of Owner or Authorized Agent

Martin Raposa

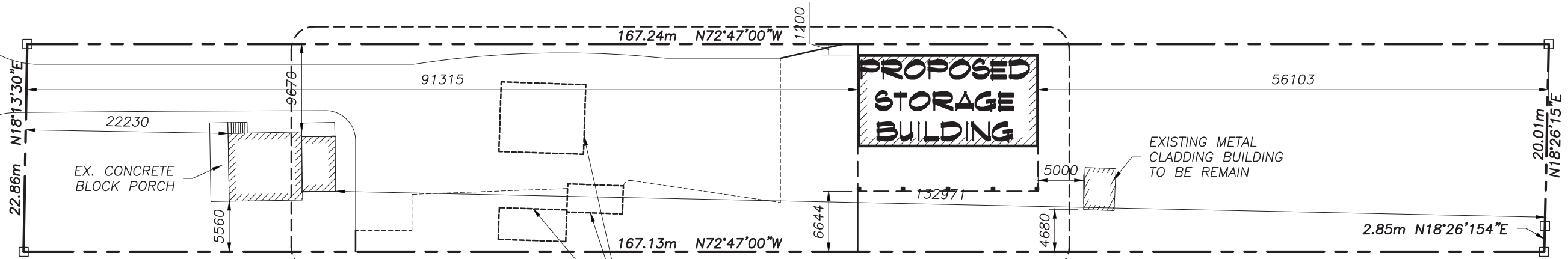
Please print name

Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee's policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.

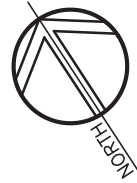
PART 28 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1284.

UPPER JAMES ST.



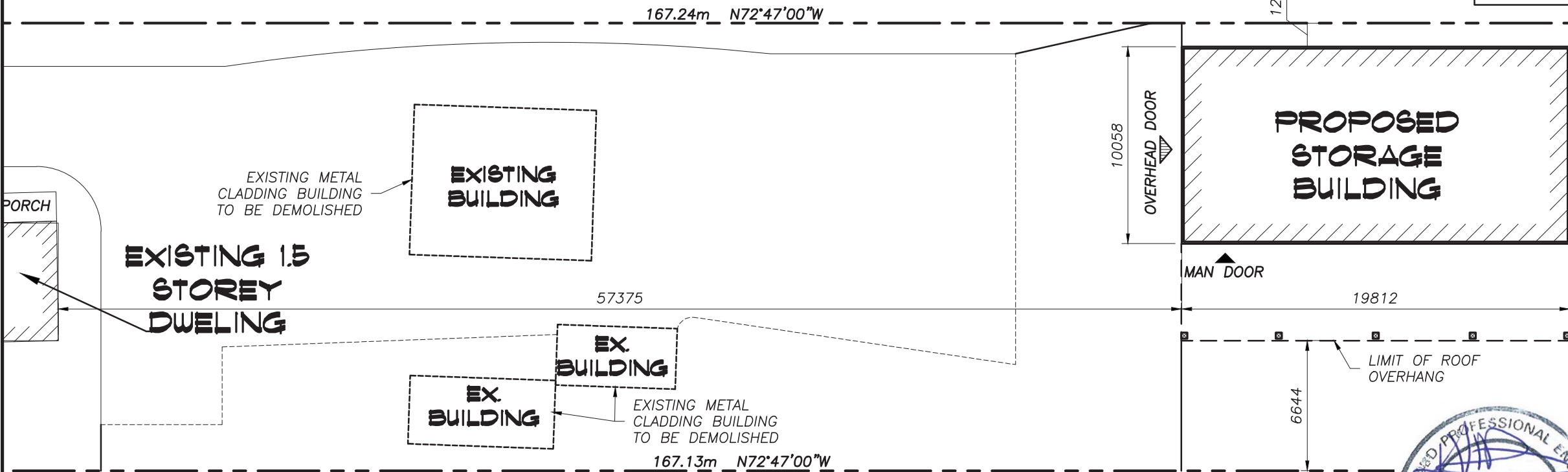
OVERALL SITE PLAN
SCALE: 1:500



ZONING DESIGNATION:
 ZONING CODE: A2
 ZONING DESCRIPTION: RURAL ZONING
 PARENT BY-LAW No.: 05-200
 BY-LAW No.: 15-173

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PARTIAL SITE PLAN
SCALE: 1:250



No.	DATE	REVISION
2	20/02/25	REVISED PER BUILDING PERMIT COMMENT
1	19/06/17	ISSUED FOR BUILDING PERMIT

REVISIONS



300 YORK BLVD HAMILTON, ONTARIO L8R 3K6 905-333-9119

STORAGE BUILDING

3659 UPPER JAMES ST.
HAMILTON ONTARIO

SITE PLAN



DATE JUNE 2019	DRAWN BY SYN	DRAWING No. 1 of 11
PROJECT No. 19001	CHECKED BY HAPH	

PLOT DATE: 2020/02/25 2:25 PM

NOTES

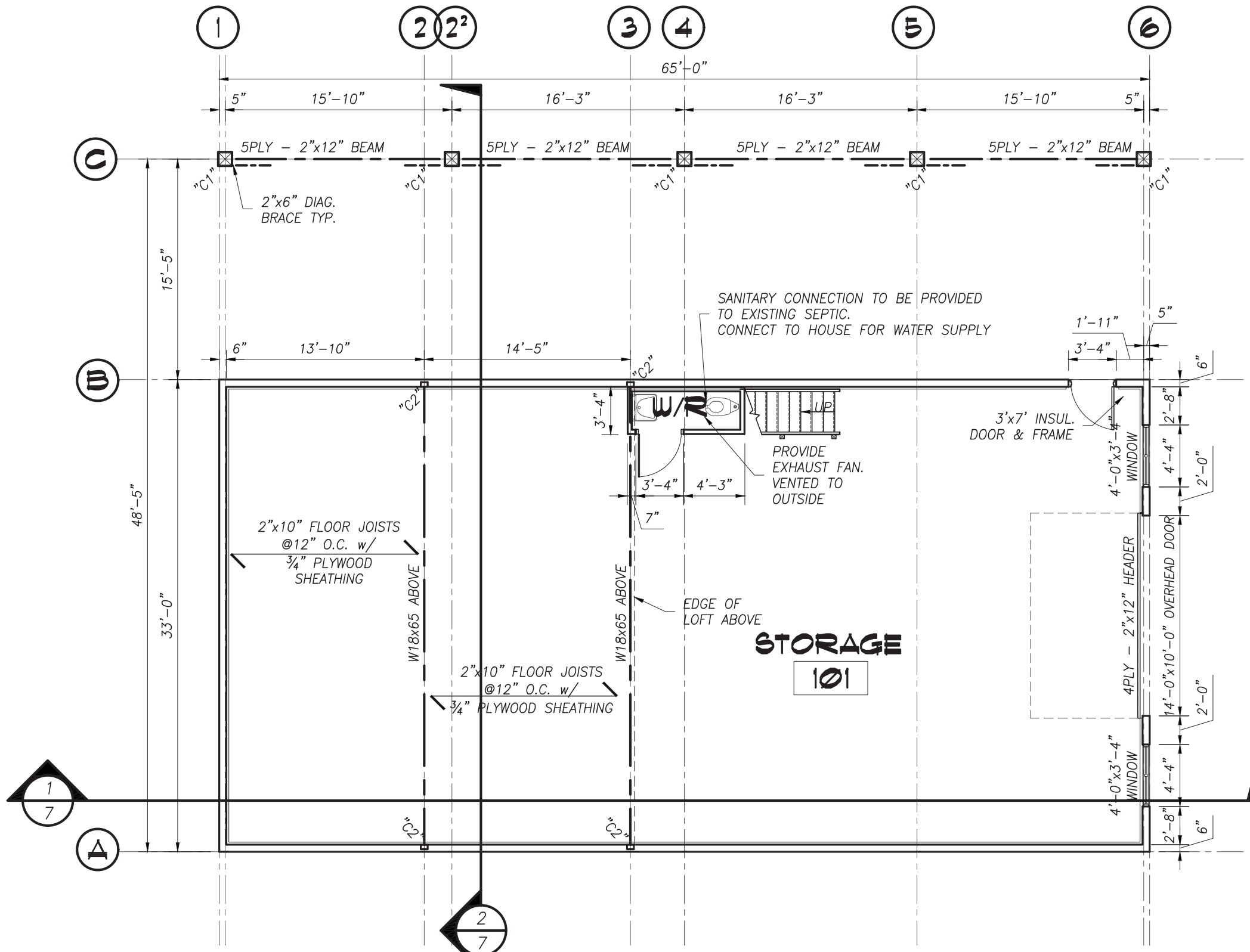
1. PROVIDE TEMPORARY SUPPORT UNDER ALL BEAMS UNTIL THEY ARE LATERALLY SUPPORTED

STAIR RAILING NOTE:

1. THE HANDRAILS MUST BE DESIGNED TO WITHSTAND LOADING AS SPECIFIED IN O.B.C.-2012 DIV. B. ARTICLE 3.4.6.5., 3.4.6.6. & GUARD RAILS MUST BE DESIGNED TO WITHSTAND LOADING AS SPECIFIED IN ARTICLES 4.1.5.14. & 4.1.5.16. SHOP DRAWINGS ARE TO BE STAMPED BY A PROFESSIONAL ENGINEER

DESIGN LOADING

LOFT FLOOR:	
DEAD LOAD	= 12 psf
LIVE LOAD	= 100 psf
ROOF LOAD:	
DEAD LOAD	= 15 psf
LIVE LOAD (SNOW)	= 30.1 psf



SANITARY CONNECTION TO BE PROVIDED TO EXISTING SEPTIC. CONNECT TO HOUSE FOR WATER SUPPLY

PROVIDE EXHAUST FAN. VENTED TO OUTSIDE

STORAGE 101

GROUND FLOOR PLAN
SCALE: 1/8" = 1'-0"

COLUMN SCHEDULE

COLUMN #	SIZE	REMARKS
"C1"	10"x10" S/P/F TIMBER COLUMN	*
"C2"	6"x4"x0.25" HSS COLUMN	0.25" BASE PL.



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REVISIONS



300 YORK BLVD HAMILTON, ONTARIO L8R 3K6 905-333-9119

STORAGE BUILDING

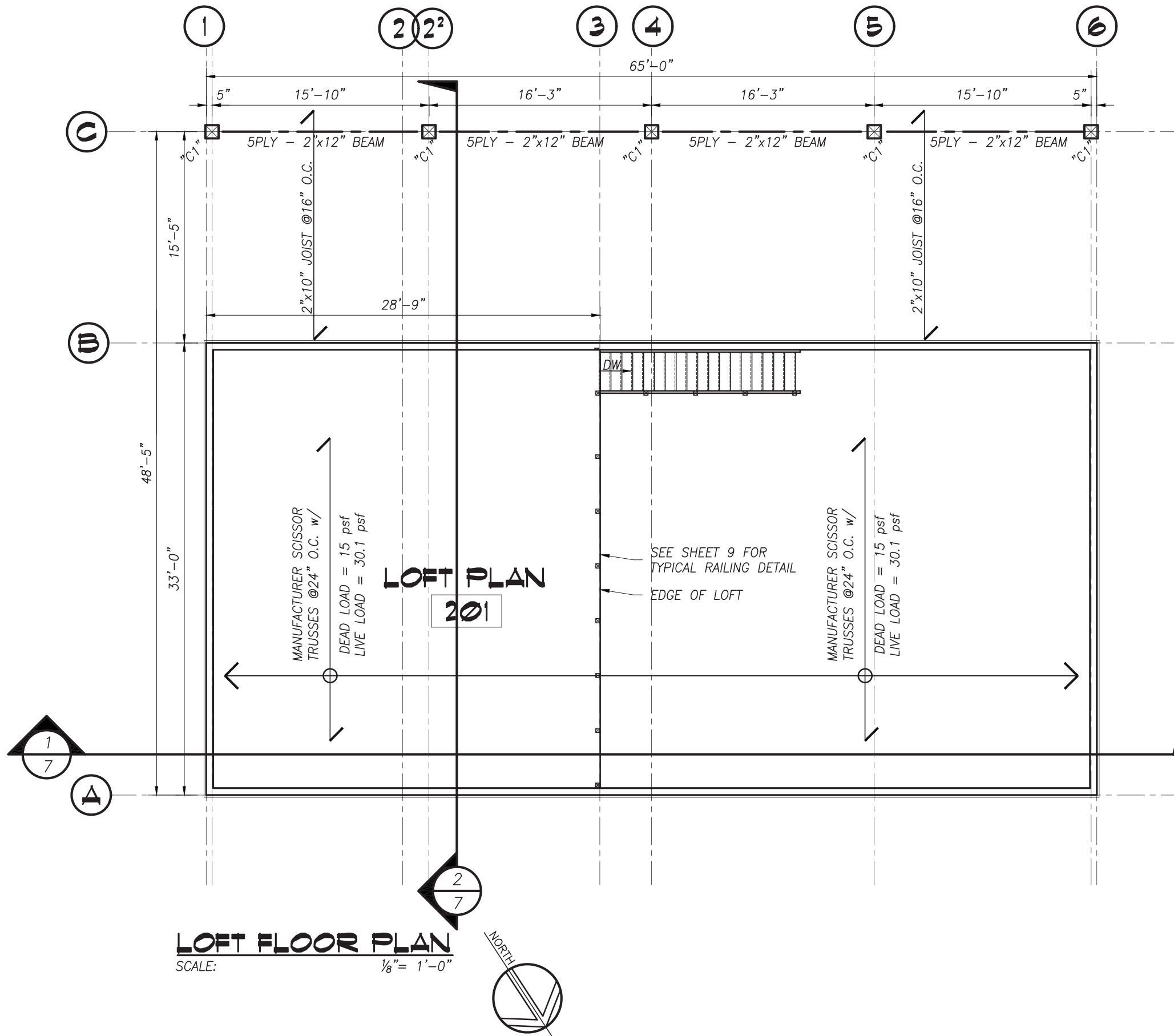
3659 UPPER JAMES ST.

HAMILTON ONTARIO

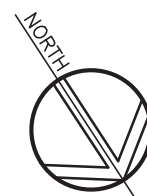
GROUND FLOOR PLAN

DATE JUNE 2019	DRAWN BY SYN	DRAWING No. 2 of 11
PROJECT No. 19001	CHECKED BY HAPH	

PLOT DATE: 2020/02/25 2:23 PM



LOFT FLOOR PLAN
SCALE: 1/8" = 1'-0"



No.	DATE	REVISION
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300 YORK BLVD HAMILTON, ONTARIO L8R 3K6 905-333-9119

STORAGE BUILDING

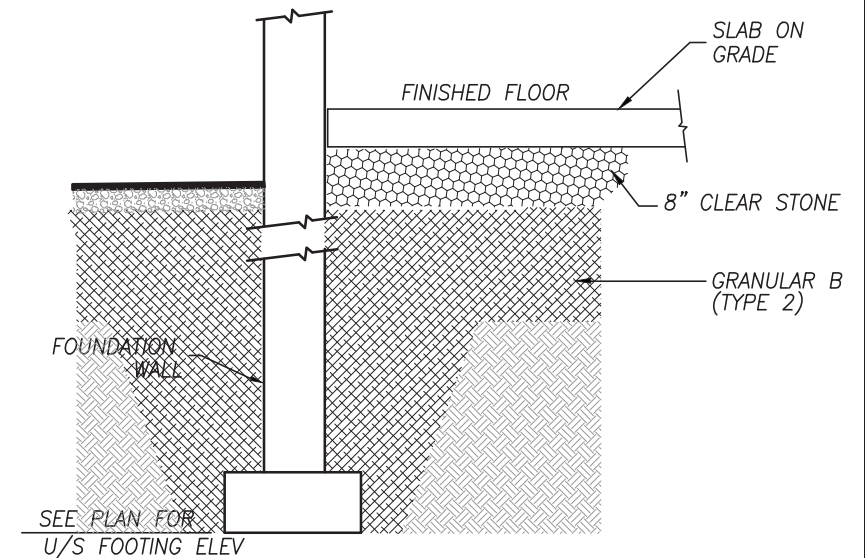
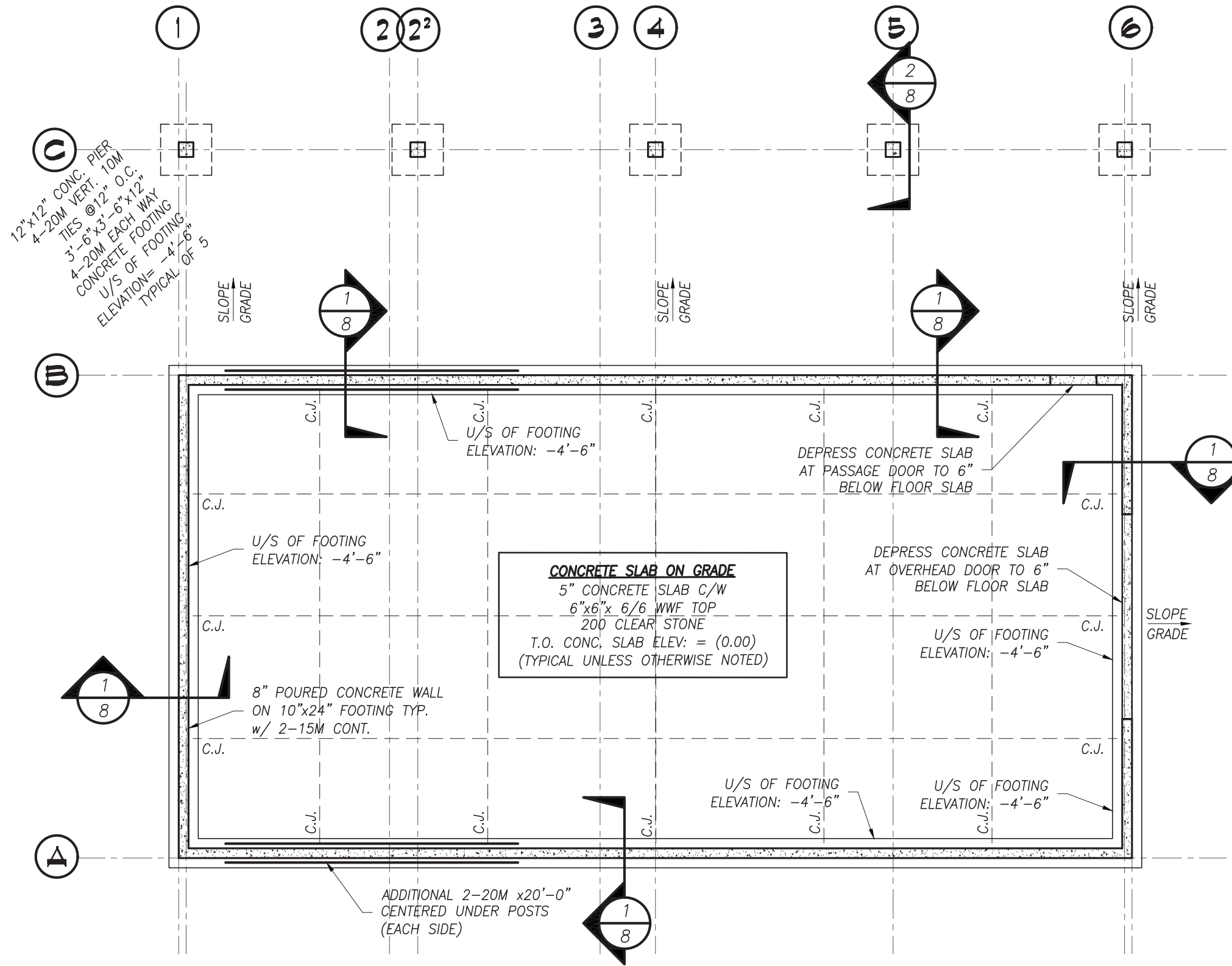
3659 UPPER JAMES ST.

HAMILTON

ONTARIO

LOFT FLOOR PLAN

DATE JUNE 2019	DRAWN BY SYN	DRAWING No. 3 of 11
PROJECT No. 19001	CHECKED BY HAPH	



TYPICAL EXCAVATION AND BACKFILL AT FOUNDATION WALLS

NOT TO SCALE
 (REQUIRED BOTH SIDES OF ALL INTERIOR AND EXTERIOR FOUNDATION WALLS)
 (REINFORCING NOT SHOWN FOR CLARITY)

NOTE: NATIVE SOIL IS UNSUITABLE FOR BACKFILL

No.	DATE	REVISION
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REVISIONS



300 YORK BLVD HAMILTON, ONTARIO L8R 3K6 905-333-9119

STORAGE BUILDING

3659 UPPER JAMES ST.

HAMILTON

ONTARIO

FOUNDATION PLAN



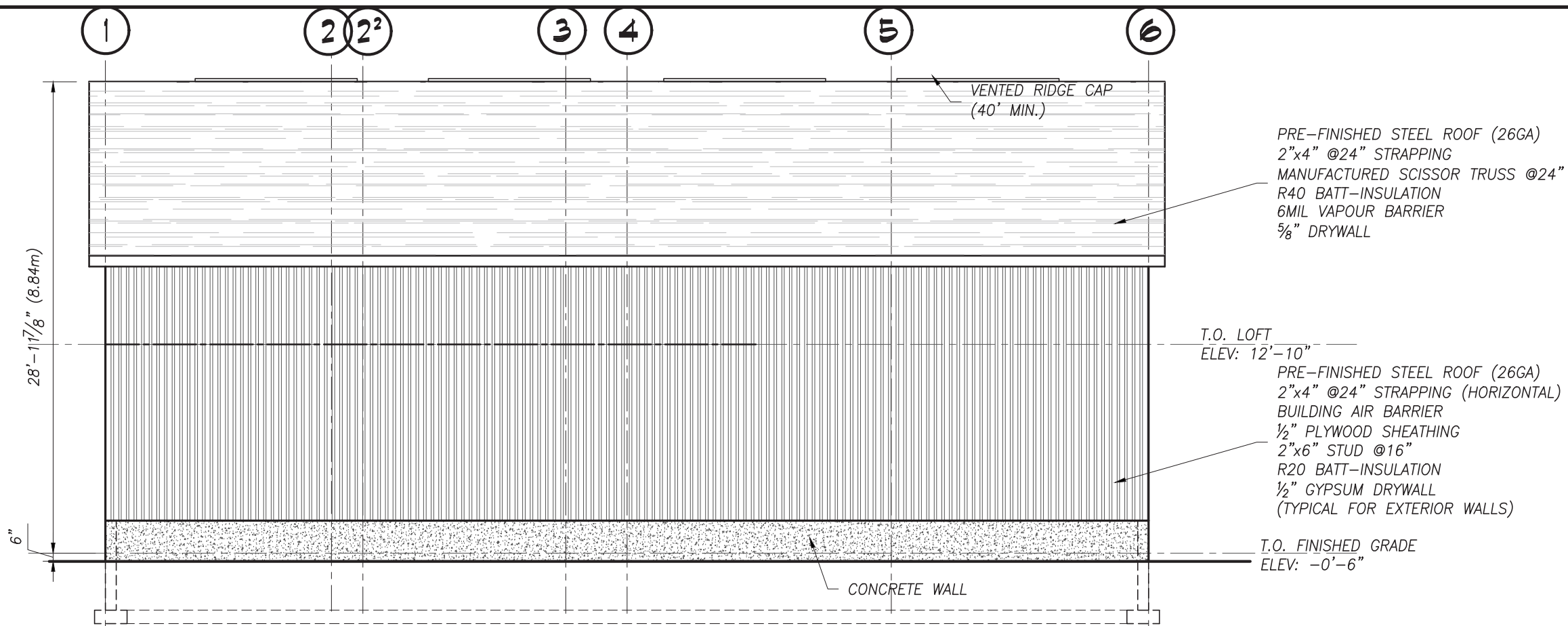
DATE JUNE 2019	DRAWN BY SYN	DRAWING No. 4 of 11
PROJECT No. 19001	CHECKED BY HAPH	

FOUNDATION PLAN

SCALE: 1/8" = 1'-0"

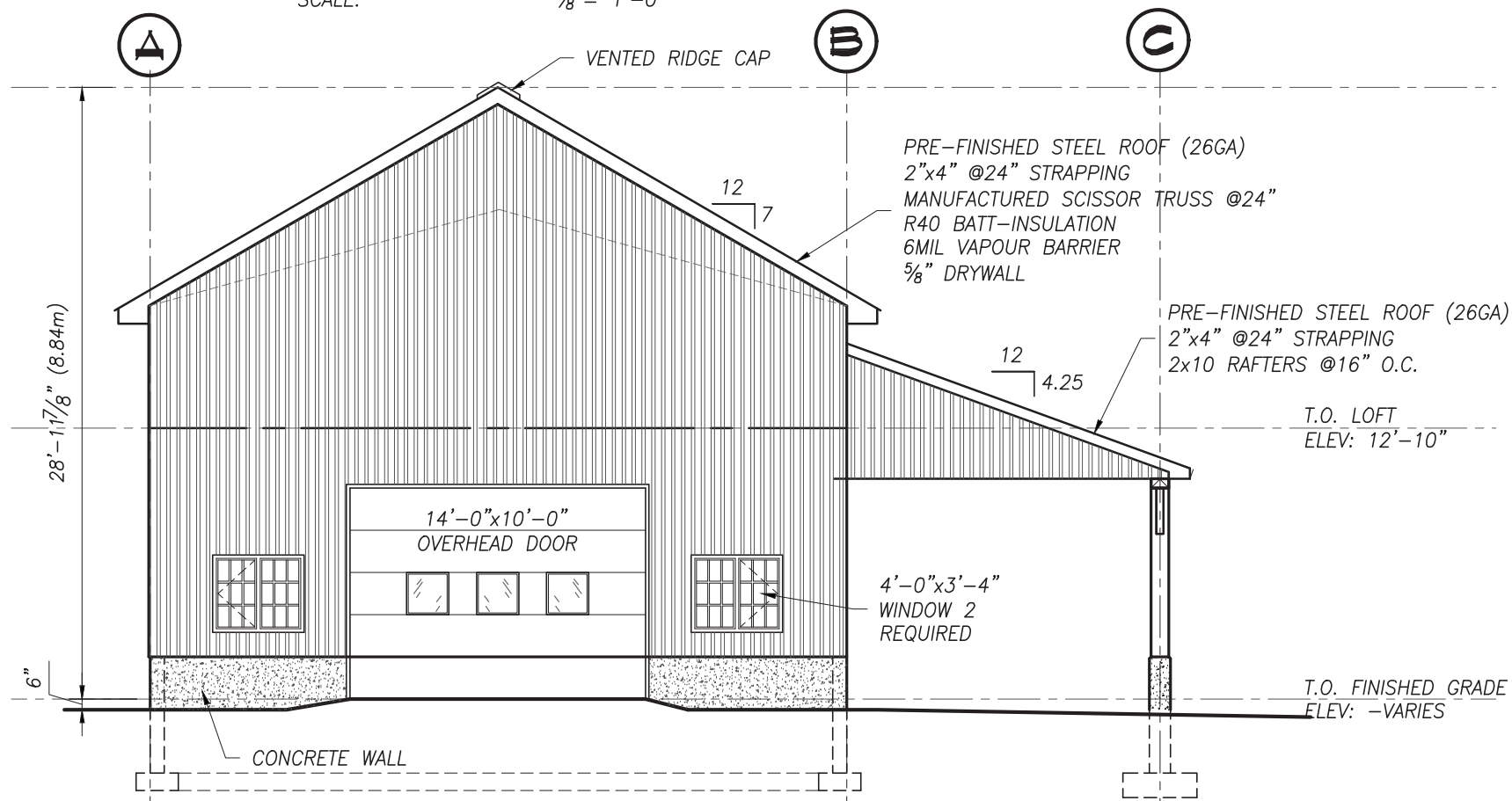
NOTES:

1. TOP OF CONCRETE SLAB ON GRADE ELEVATION = 0.0 UNLESS NOTED OTHERWISE
2. REFER TO PAGE 10 FOR TYPICAL FOUNDATION DETAILS, CONCRETE AND MASONRY NOTES
3. COORDINATE PIER, ANCHOR BOLT LAYOUT WITH COLUMN BASE PLATES



LEFT ELEVATION

SCALE: 1/8" = 1'-0"



FRONT ELEVATION

SCALE: 1/8" = 1'-0"

No.	DATE	REVISION
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REVISIONS



300 YORK BLVD HAMILTON, ONTARIO L8R 3K6 905-333-9119

STORAGE BUILDING

3659 UPPER JAMES ST.

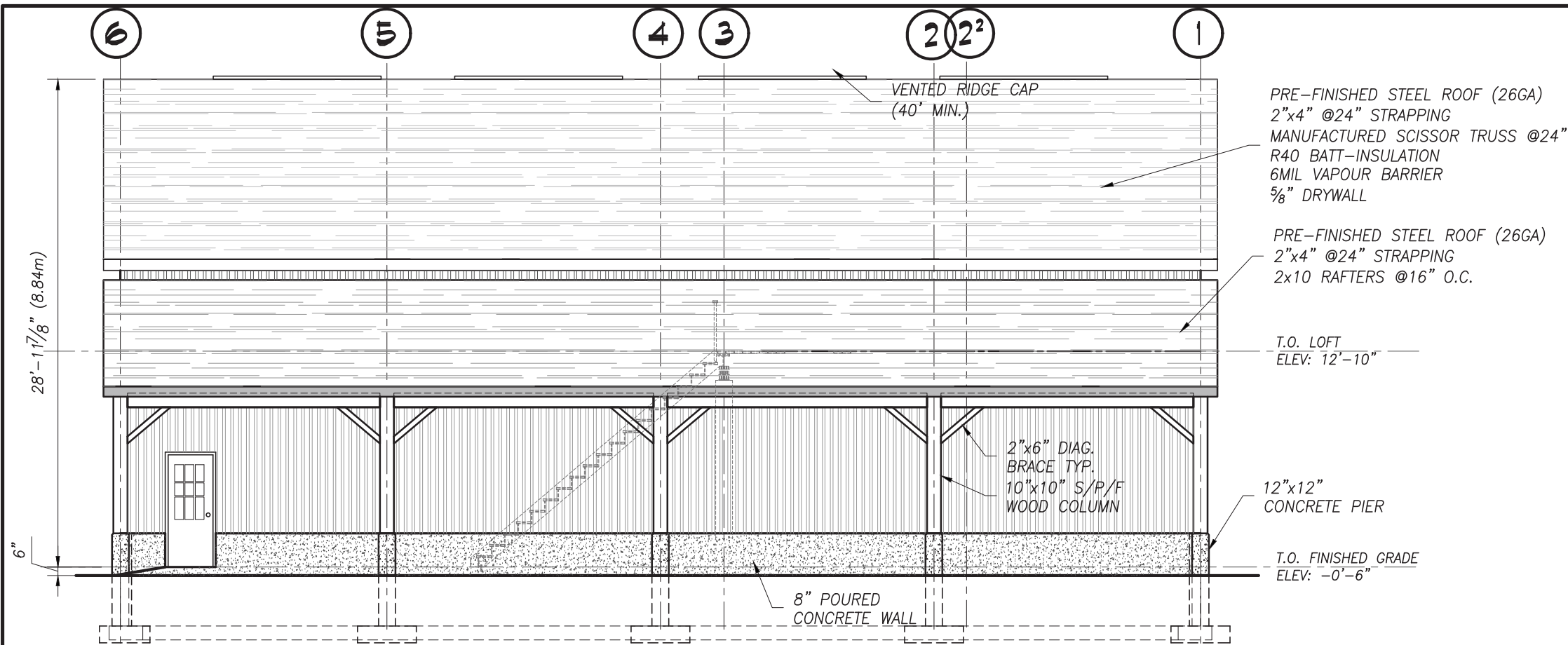
HAMILTON

ONTARIO

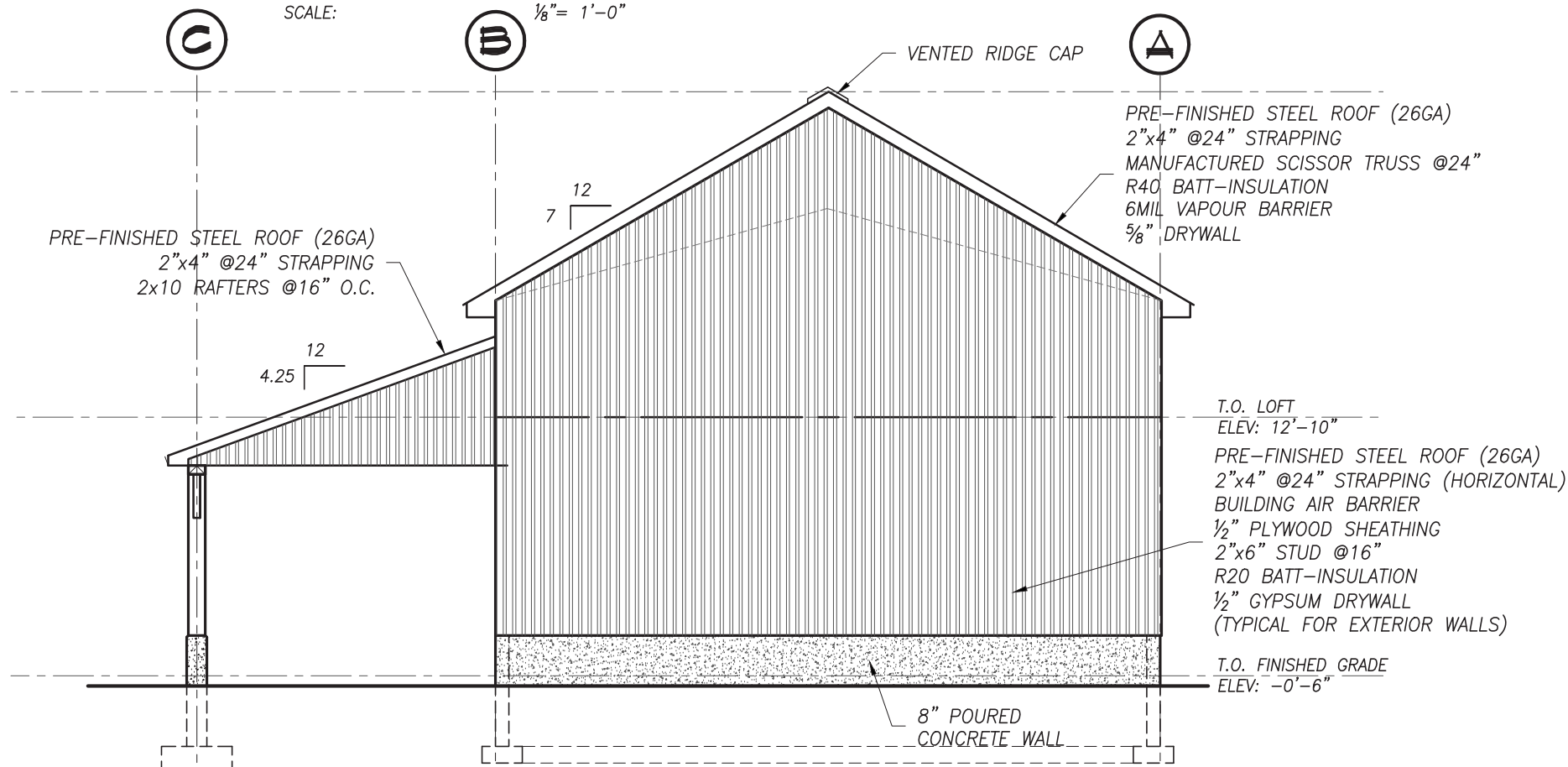
LEFT & FRONT ELEVATION



DATE JUNE 2019	DRAWN BY SYN	DRAWING No. 5 of 11
PROJECT No. 19001	CHECKED BY HAPH	



RIGHT ELEVATION
SCALE: 1/8" = 1'-0"



REAR ELEVATION
SCALE: 1/8" = 1'-0"

No.	DATE	REVISION
2	20/02/25	REVISED PER BUILDING PERMIT COMMENT
1	19/06/17	ISSUED FOR BUILDING PERMIT

REVISIONS



300 YORK BLVD HAMILTON, ONTARIO L8R 3K6 905-333-9119

STORAGE BUILDING

3659 UPPER JAMES ST.

HAMILTON

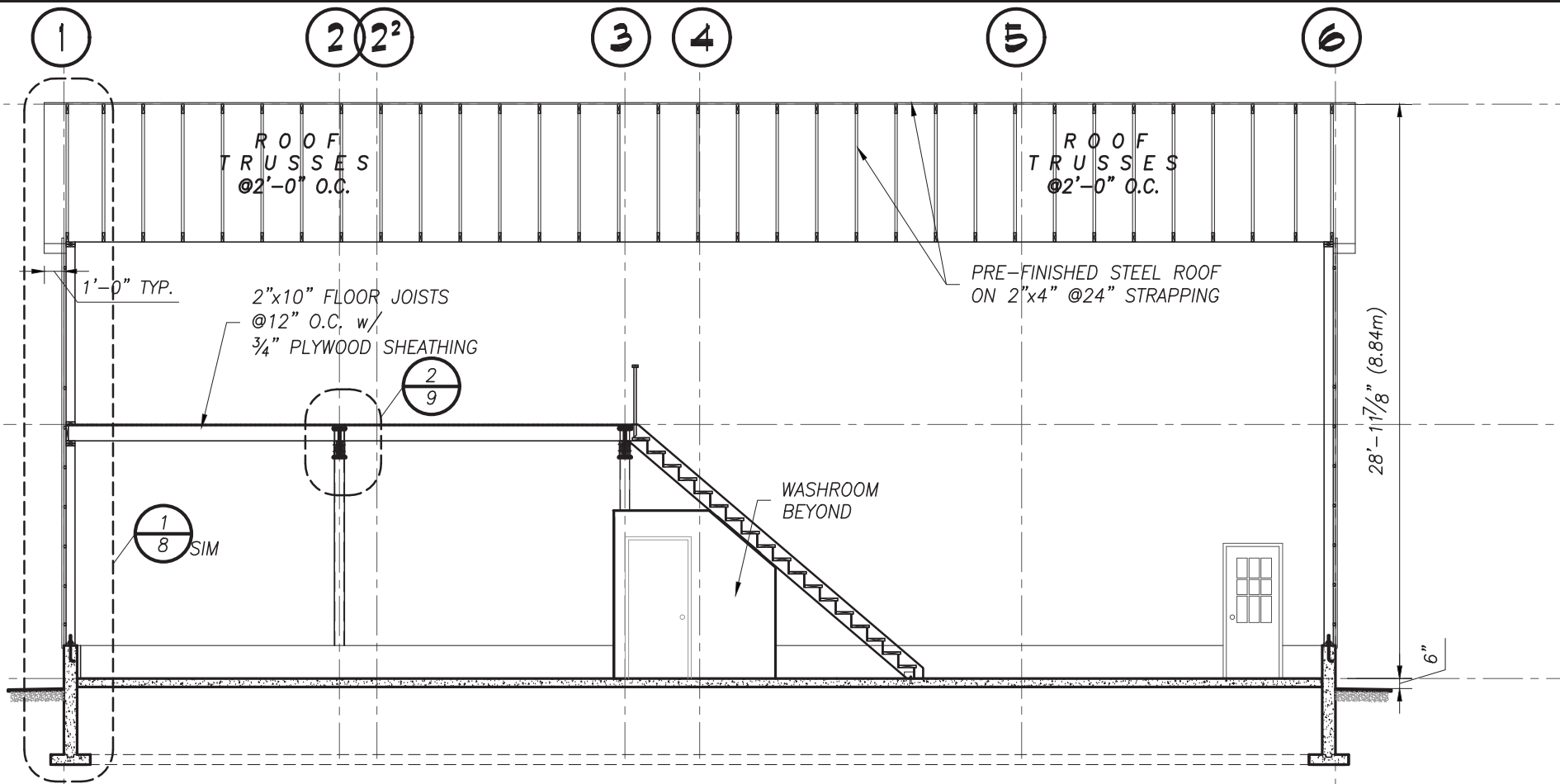
ONTARIO

RIGHT & REAR ELEVATION

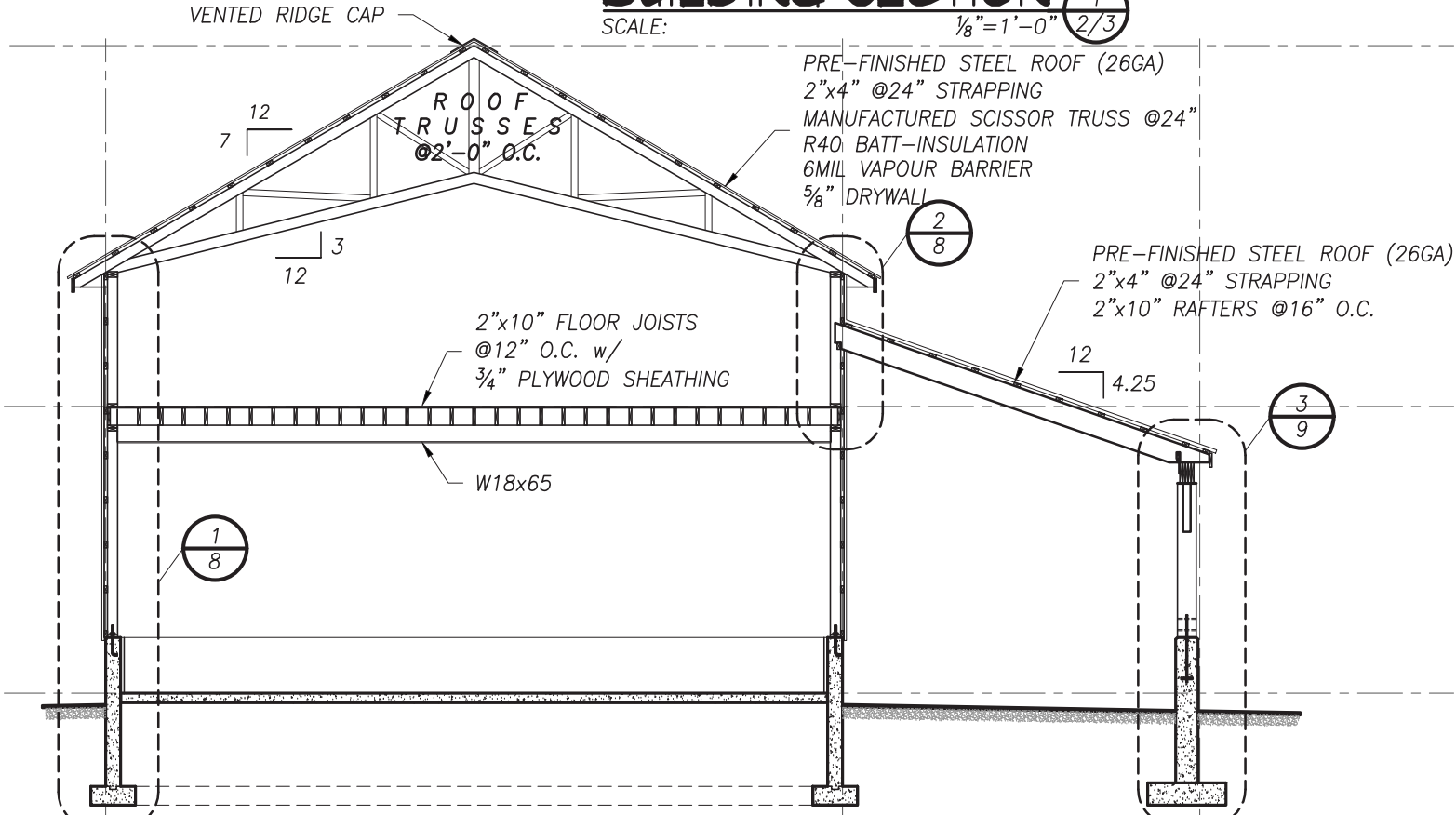


DATE JUNE 2019	DRAWN BY SYN	DRAWING No. 6 of 11
PROJECT No. 19001	CHECKED BY HAPH	

PLOT DATE: 2020/02/25 2:24 PM



BUILDING SECTION 1
SCALE: 1/8" = 1'-0" 2/3



BUILDING SECTION 2
SCALE: 1/8" = 1'-0" 2/3

GENERAL NOTES

1. CHECK ALL DIMENSIONS ON THESE DRAWINGS WITH ALL OTHER DRAWINGS, INCLUDING BUT NOT LIMITED TO DRAWINGS PREPARED ARCHITECTURAL, MECHANICAL OR ELECTRICAL CONSULTANTS. REPORT ANY INCONSISTENCIES TO THE ENGINEER PRIOR TO COMMENCING WITH THE WORK. DO NOT SCALE THE DRAWINGS.
2. THE DESIGN LIVE LOADS ARE INDICATED ON THE DRAWINGS. CONSTRUCTION LOADS SHALL NOT EXCEED THE DESIGN LOADS.
3. THE COMPLETED STRUCTURE IS SHOWN ON THE DRAWINGS. THE CONTRACTOR SHALL PROVIDE ALL TEMPORARY BRACING, SHORING AND ANY OTHER TEMPORARY OR PERMANENT MEASURES AS REQUIRED DURING CONSTRUCTION. THE CONTRACTOR SHALL PROVIDE ALL TEMPORARY SUPPORT OF EXISTING OR ADJACENT STRUCTURES AS REQUIRED. ALL BRACING AND SHORING IS THE RESPONSIBILITY OF THE CONTRACTOR.
4. CONSTRUCTION FEATURES NOT FULLY SHOWN ARE COMPARABLE TO SIMILAR CONDITION DETAILS.
5. REFER TO OTHER CONSULTANTS DRAWINGS FOR DETAILS OF OPENINGS, PITS, CHAMFERS, DEPRESSIONS NOT INDICATED ON THE STRUCTURAL DRAWINGS.
6. ALL CONSTRUCTION SHALL BE IN CONFORMANCE WITH THE LATEST ONTARIO BUILDING CODE, LATEST APPLICABLE REGULATIONS AND GOOD CONSTRUCTION PRACTICES.
7. THE STRUCTURAL DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL OTHER CONTRACT DRAWINGS AND SPECIFICATIONS.
8. CLARIFY ANY QUERIES WITH THE ENGINEER REGARDING THE INTERPRETATION OF THE DRAWINGS, PRIOR TO THE COMMENCEMENT OF ANY WORK.

2	20/02/25	REVISED PER BUILDING PERMIT COMMENT
1	19/06/17	ISSUED FOR BUILDING PERMIT
No.	DATE	REVISION

REVISIONS



300 YORK BLVD HAMILTON, ONTARIO L8R 3K6 905-333-9119

STORAGE BUILDING

3659 UPPER JAMES ST.

HAMILTON

ONTARIO

BUILDING SECTION



DATE JUNE 2019	DRAWN BY SYN	DRAWING No. 7 of 11
PROJECT No. 19001	CHECKED BY HAPH	

PLOT DATE: 2020/02/25 2:24 PM

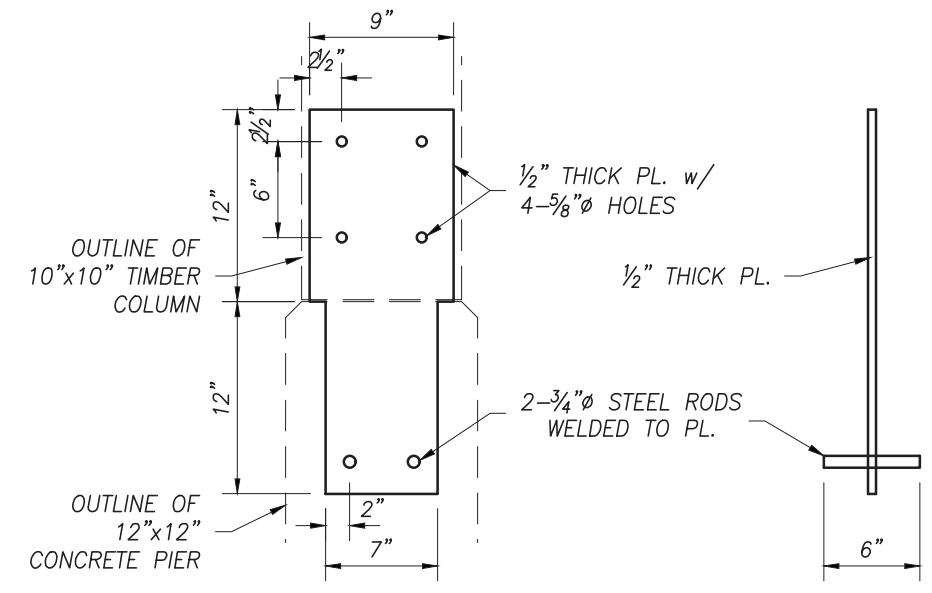
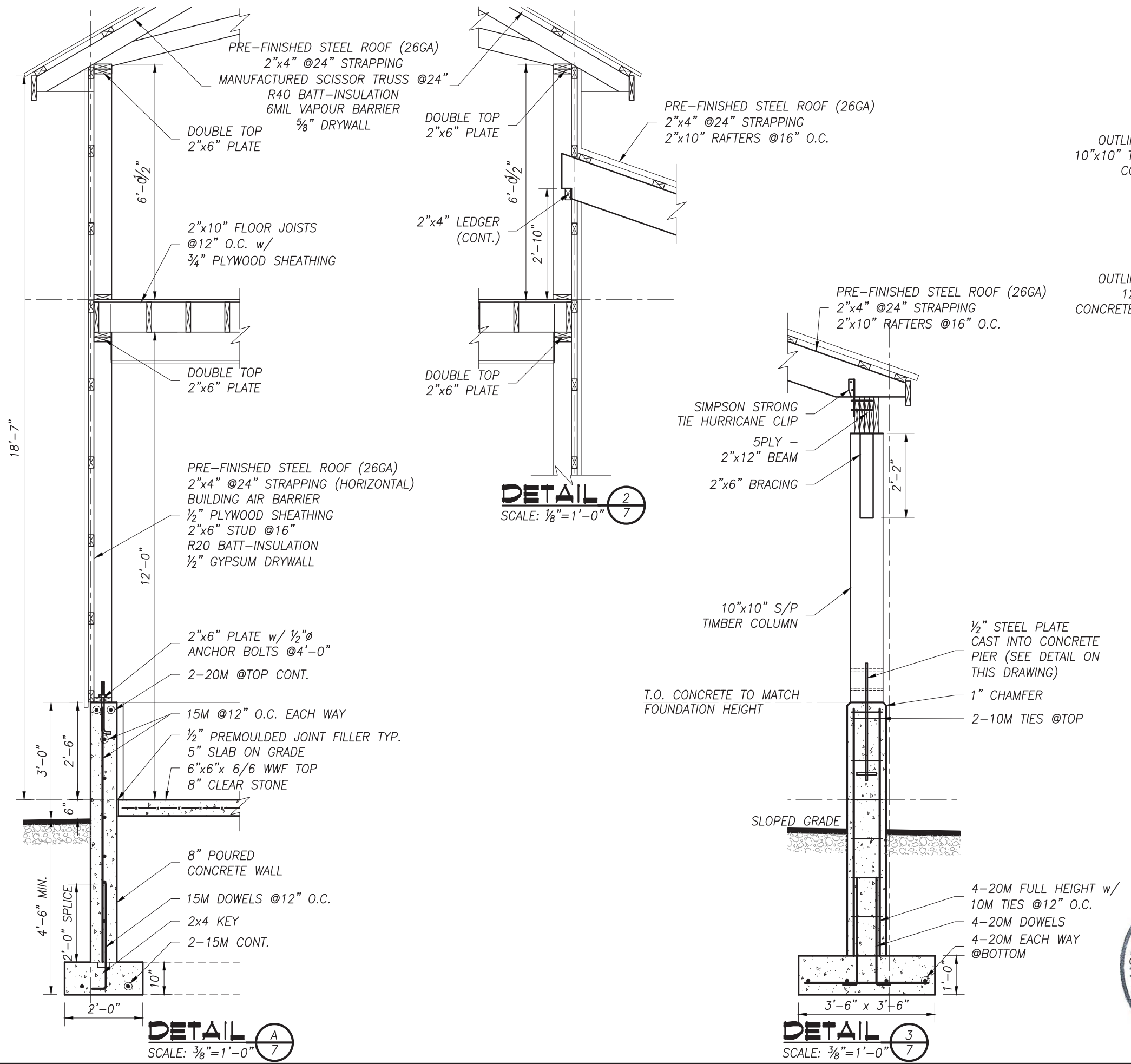


PLATE DETAIL
SCALE: 1"=1'-0"

DETAIL A
SCALE: 3/8"=1'-0"

DETAIL 2
SCALE: 1/8"=1'-0"

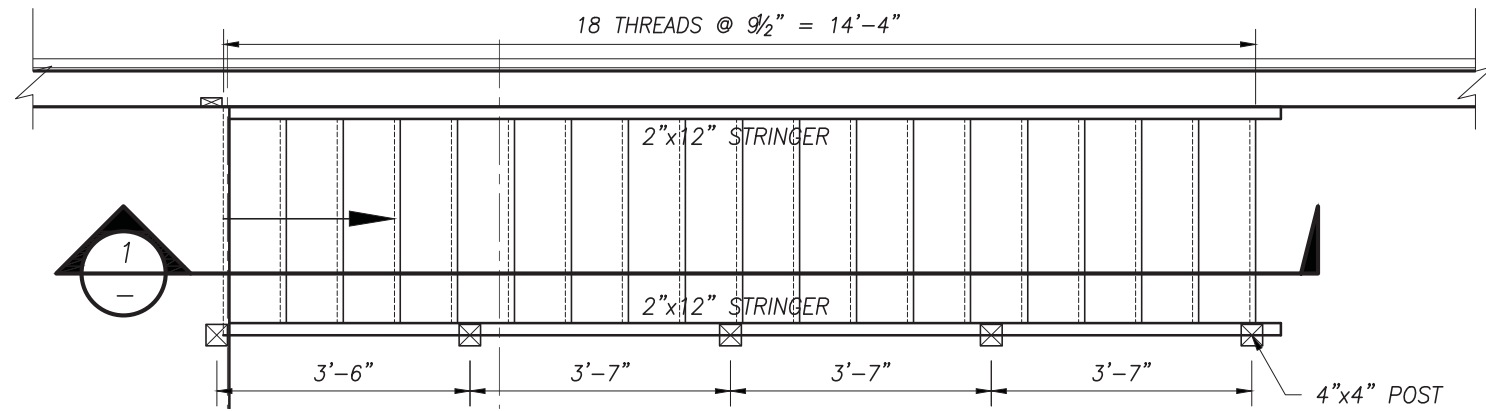
DETAIL 3
SCALE: 3/8"=1'-0"



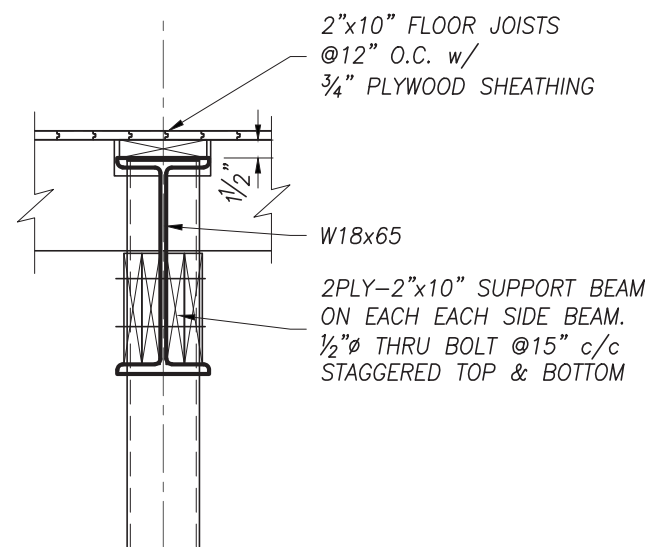
No.	DATE	REVISION
2	20/02/25	REVISED PER BUILDING PERMIT COMMENT
1	19/06/17	ISSUED FOR BUILDING PERMIT

REVISIONS		
300 YORK BLVD HAMILTON, ONTARIO L8R 3K6 905-333-9119		
<h2>STORAGE BUILDING</h2>		
3659 UPPER JAMES ST.		
HAMILTON		ONTARIO
<h2>WALL DETAILS</h2>		
DATE JUNE 2019	DRAWN BY SYN	DRAWING No. 8 of 11
PROJECT No. 19001	CHECKED BY HAPH	

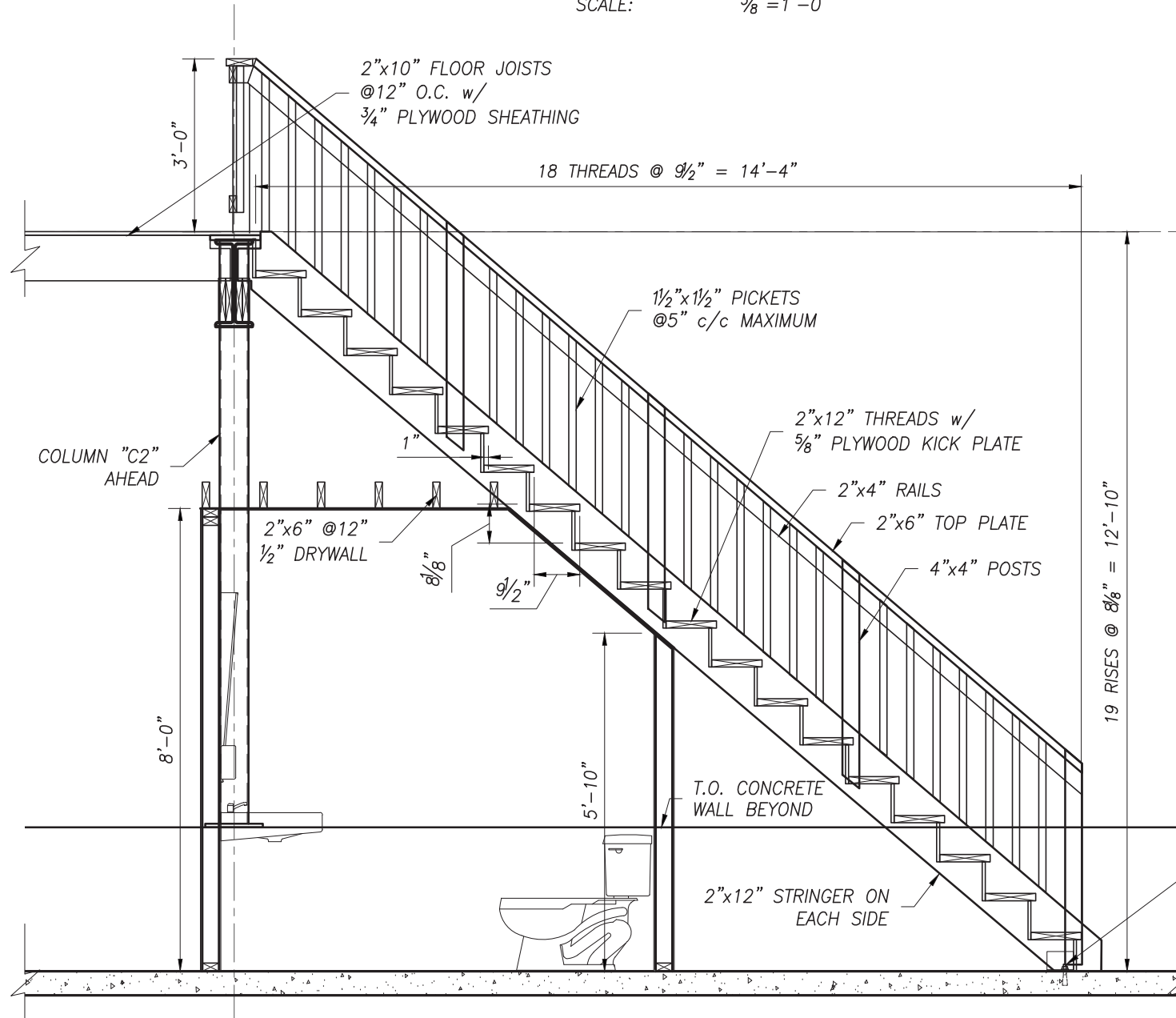
PLOT DATE: 2020/02/25 2:24 PM



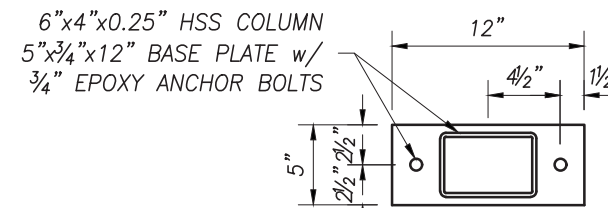
STAIR PLAN
SCALE: $\frac{3}{8}'' = 1'-0''$



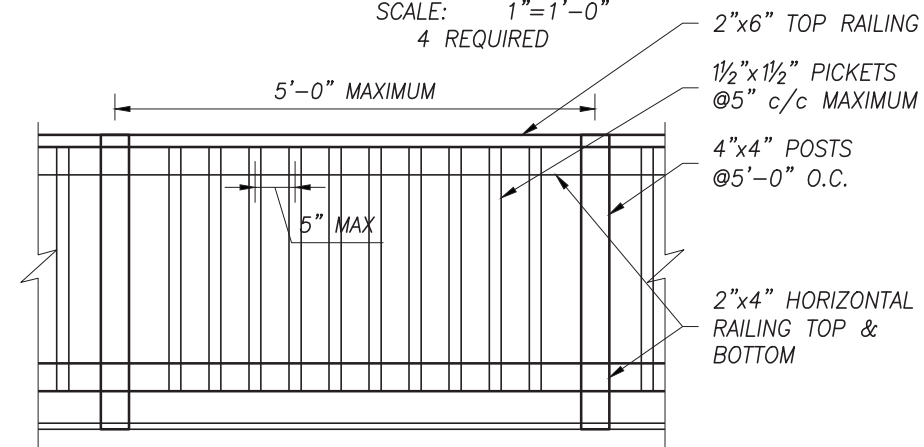
DETAIL 2
SCALE: $\frac{3}{4}'' = 1'-0''$



SECTION 1
SCALE: $\frac{3}{8}'' = 1'-0''$



BASE PL.
SCALE: $1'' = 1'-0''$
4 REQUIRED



TYP. RAILING
SCALE: $\frac{1}{2}'' = 1'-0''$

No.	DATE	REVISION
2	20/02/25	REVISED PER BUILDING PERMIT COMMENT
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REVISIONS



300 YORK BLVD HAMILTON, ONTARIO L8R 3K6 905-333-9119

STORAGE BUILDING

3659 UPPER JAMES ST.

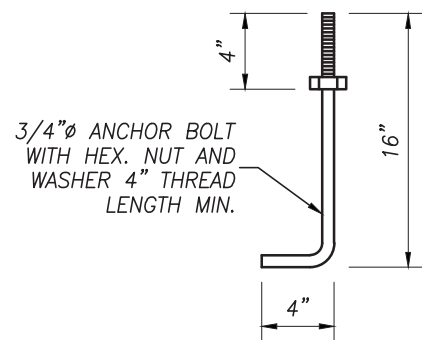
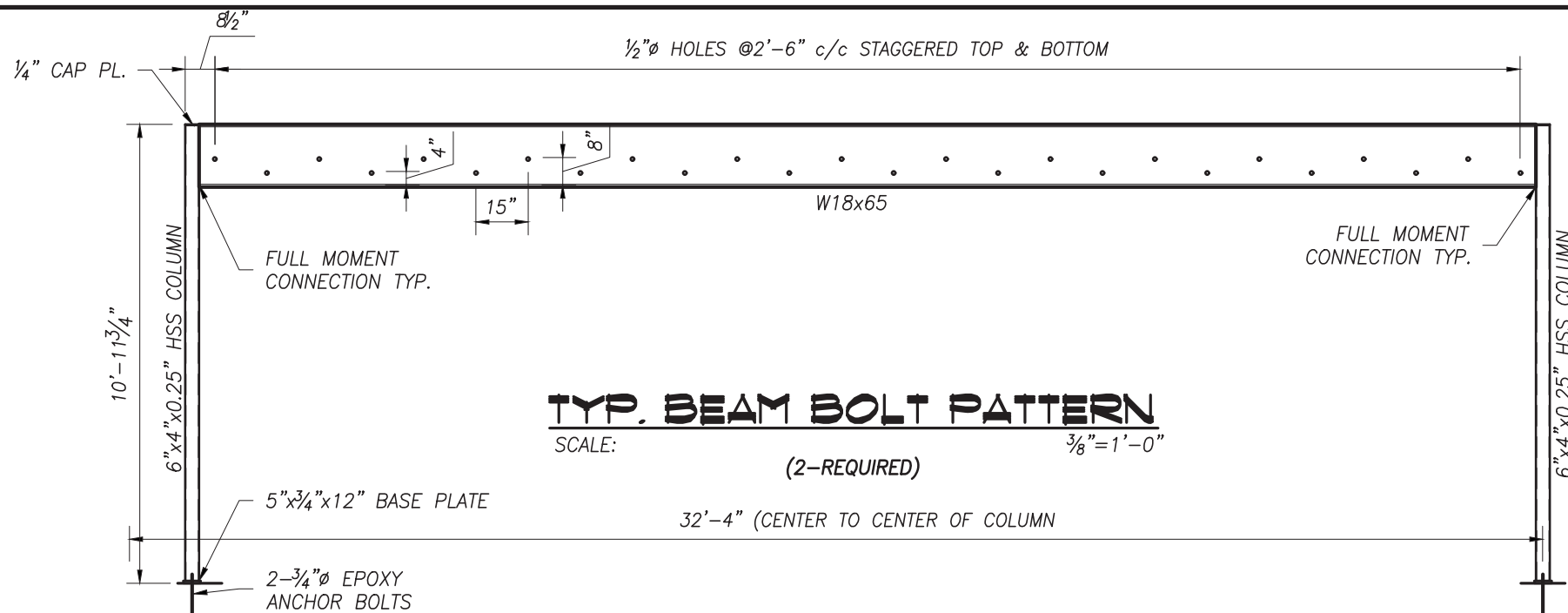
HAMILTON ONTARIO

STAIRS & BEAM CONNECTION DETAILS

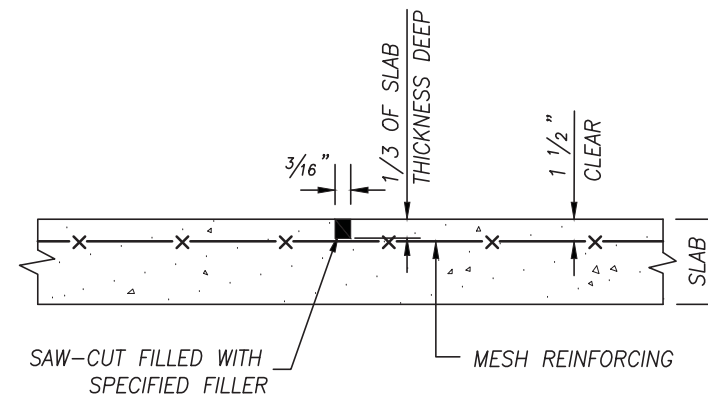


DATE JUNE 2019	DRAWN BY SYN	DRAWING No. 9 of 11
PROJECT No. 19001	CHECKED BY HAPH	

PLOT DATE: 2020/02/25 2:24 PM



TYPICAL ANCHOR BOLT DETAIL
 NOT TO SCALE



TYP. SAW-CUT CONTROL JOINT IN SLAB-ON-GRADE
 NOT TO SCALE



No.	DATE	REVISION
2	20/02/25	REVISED PER BUILDING PERMIT COMMENT
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REVISIONS



300 YORK BLVD HAMILTON, ONTARIO L8R 3K6 905-333-9119

STORAGE BUILDING

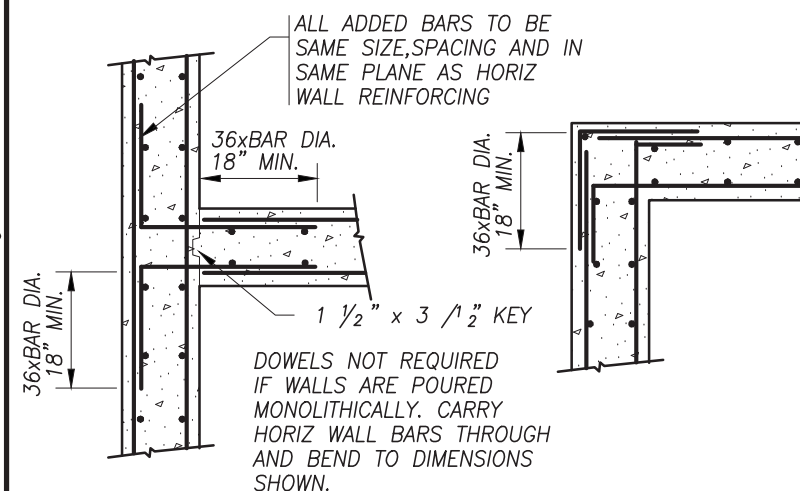
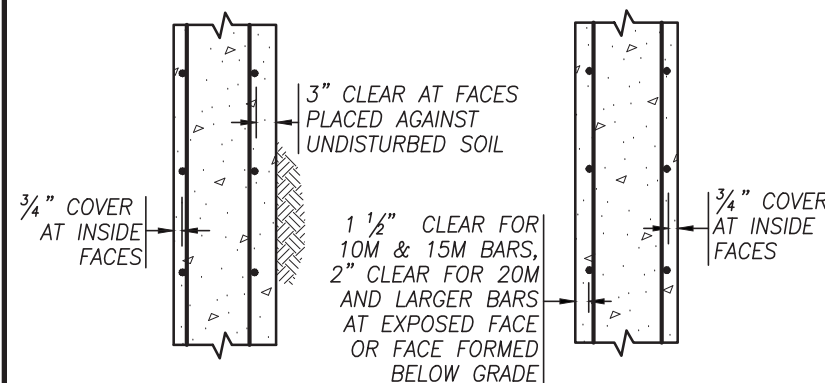
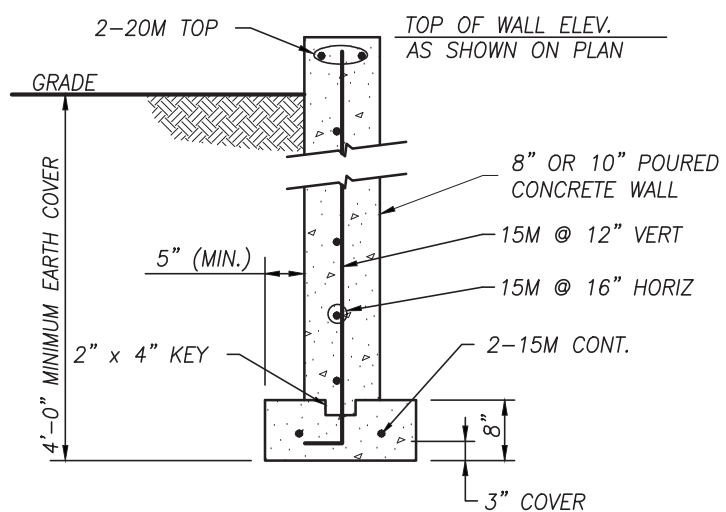
3659 UPPER JAMES ST.

HAMILTON

ONTARIO

TYPICAL DETAILS

DATE JUNE 2019	DRAWN BY SYN	DRAWING No. 10 of 11
PROJECT No. 19001	CHECKED BY HAPH	



PLOT DATE: 2020/02/25 2:24 PM

CONCRETE NOTES

- ALL STRUCTURAL CONCRETE ELEMENTS HAVE BEEN DESIGNED IN ACCORDANCE WITH CSA STANDARD CAN/CSA A23.3. ALL CONCRETE CONSTRUCTION SHALL BE IN ACCORDANCE WITH CSA STANDARD CAN/CSA A23.1.
- MINIMUM CONCRETE STRENGTH AT 28 DAYS SHALL BE:
 - FOOTINGS - 25 MPa TYPE N
 - FOUNDATION WALLS - 25 MPa TYPE F1
 - SLAB ON GRADE - 25 MPa TYPE N
 - PIERS - 35 MPa TYPE C1
 SLUMP SHALL BE 3" ± 1".
 AGGREGATE SHALL BE ¾" MAXIMUM.
 AIR ENTRAINMENT TO BE 6% ± 1% WHEN EXPOSED TO EXTERIOR.
 CONTRACTOR TO SUBMIT CONCRETE MIX DESIGN FOR REVIEW
- THE DEFORMED REINFORCING STEEL SHALL CONFORM TO CSA STANDARD G30.18M-09 GRADE 300R FOR STIRRUPS AND TIES AND GRADE 400R FOR ALL OTHER REINFORCING. UNLESS OTHERWISE NOTED THE REINFORCING LAP LENGTH SHALL BE 'CLASS B' IN SPLICES. ALL REINFORCING HOOKS AND BENDS SHALL BE IN ACCORDANCE WITH A23.1.
- WELDED WIRE FABRIC SHALL BE IN ACCORDANCE WITH CSA G30.5. ALL MESH SHALL BE CHAIRED PRIOR TO THE CONCRETE POUR. LIFTING OF THE MESH DURING THE CONCRETE POUR WILL NOT PERMITTED. ALL SPLICES SHALL BE A MINIMUM OF TWO CROSSWIRE SPACINGS PLUS 2".
- THE REINFORCING COVER FOR CONCRETE SHALL BE:
 - 3" FOR CONCRETE AGAINST EARTH
 - 1½" FOR FORMED CONCRETE EXPOSED TO EARTH OR WEATHER WHERE THE REINFORCING BAR IS 15M OR SMALLER
 - 2" FOR FORMED CONCRETE EXPOSED TO EARTH OR WEATHER WHERE THE REINFORCING BAR IS 20M OR LARGER
 - 1" FOR INTERIOR CONCRETE. ALL CHAIRS, BOLSTERS, SPACERS AND BAR SUPPORTS SHALL BE IN ACCORDANCE WITH A23.1.
- FOOTINGS SHALL BEAR ON NATIVE UNDISTURBED SOIL OR ENGINEERED FILL WITH A MINIMUM BEARING RESISTANCE OF:
 - 3000 psf (SLS)
 - 4000 psf (ULS).
 THE CONTRACTOR SHALL VERIFY THE CAPACITY PRIOR TO PLACEMENT OF CONCRETE.
- KEEP EXCAVATIONS DRY BEFORE CONCRETE IS PLACED. REMOVE ALL LOOSE MATERIAL, SOFT SOIL OR WATER PRIOR TO PLACING CONCRETE. PROVIDE A 3" MUD MAT FOR ALL FOOTINGS BELOW THE WATER TABLE.
- ALL FOOTINGS SHALL BE CENTERED ON THE WALL UNLESS OTHERWISE NOTED.
- THE FOOTING DESIGN IS BASED ON INFORMATION AVAILABLE AT THE TIME OF DESIGN. THE FOOTING DESIGN MAY BE ALTERED DURING CONSTRUCTION, IF THE SITE CONDITIONS WARRANT, BUT ONLY WITH THE EXPRESS PERMISSION OF THE ENGINEER.
- PROTECT ALL FOOTINGS, WALLS AND SLABS AGAINST FROST ACTION DURING CONSTRUCTION. ALL EXTERIOR FOOTINGS SHALL FOUNDED BELOW THE FROST LINE, MINIMUM 5'-0" BELOW GRADE.

TIMBER FRAMING

- ALL DESIGN AND CONSTRUCTION SHALL BE CARRIED OUT IN CONFORMANCE WITH CSA STANDARD 086.
- SAWN LUMBER SHALL BE SPRUCE/PINE/FIR GRADE NUMBER 1 AND GRADE NUMBER 2 IN THE RATIO OF 67% (MINIMUM) AND 33% (MAXIMUM) RESPECTIVELY.
- PROVIDE STEEL JOIST HANGERS AS SHOWN ON THE PLAN. FASTENING SHALL BE CARRIED OUT IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS. EACH HANGER SHALL BE CAPABLE OF SUPPORTING 800lbs.
- PROVIDE TIMBER TRUSSES AND JOISTS FOR THE SIZES, SPANS, AND LOADS INDICATED ON THE DRAWINGS. DESIGN, INCLUDING BRIDGING, SHALL BE CARRIED OUT BY A REGISTERED PROFESSIONAL ENGINEER IN ACCORDANCE WITH CSA STANDARD 086-01 (R2006). BEARING SHOES FOR ALL MEMBERS SHALL BE DESIGNED FOR A MAXIMUM BEARING PRESSURE OF 1.1Mpa ON MASONRY.
- ALL WOOD LINTELS OVER OPENINGS SHALL CONFORM TO THE ONTARIO BUILDING CODE, 2012 EDITION.
- PROVIDE RIM JOISTS AROUND THE PERIMETER OF THE BUILDING AT THE TOP OF ALL STUD WALLS AND ANY JOIST/BEAM END-BEARING LOCATIONS. RIM JOISTS TO BE INSTALLED PER MANUFACTURERS REQUIREMENTS.
- PROVIDE BLOCKING AT SUPPORT LOCATIONS FOR ALL JOISTS AND BEAMS AND AT THE MIDSPANS OF ALL JOISTS. BLOCKING IS TO BE PROVIDED ON TOP OF ALL LOAD-BEARING STUD WALLS SUPPORTING WALLS ABOVE. BLOCKING TO BE INSTALLED PER MANUFACTURERS REQUIREMENTS.
- PROVIDE SQUASH BLOCKS BENEATH ALL BUILT-UP COLUMNS AND JAMBS AND WHERE REQUIRED AT RIM JOISTS. SQUASH BLOCKS TO BE INSTALLED PER MANUFACTURERS REQUIREMENTS.
- DOUBLE TOP PLATES ARE TO BE PROVIDED ON ALL LOAD-BEARING STUD WALLS AND ON ANY CONCRETE OR BLOCK WALLS SUPPORTING WOOD JOISTS, BEAMS OR STUD WALLS.
- PROVIDE MOISTURE BARRIER AROUND ALL WOOD MEMBERS IN DIRECT CONTACT WITH CONCRETE OR BLOCK. CONTINUOUS MOISTURE BARRIER IS REQUIRED AT POINTS OF CONTACT.
- PROVIDE SOLID BLOCKING AND SIMPSON STRONG TIE (SST) SCW AROUND ALL STEEL COLUMNS.
- ALL WALLS ARE TO BE Laterally SUPPORTED DURING CONSTRUCTION.
- ALL TIMBER EXPOSED TO EXTERIOR SHALL BE PRESSURE TREATED

CLEAR SPAN	2"x4" STUD WALL	CLEAR SPAN	2"x6" STUD WALL
UP to 3'-0"	2 - 2" x 6"	UP to 5'-0"	3 - 2" x 6"
3'-0" to 5'-0"	2 - 2" x 8"	5'-0" to 6'-6"	3 - 2" x 8"
5'-0" to 6'-0"	2 - 2" x 10"	6'-6" to 7'-10"	3 - 2" x 10"
6'-0" to 7'-0"	2 - 2" x 12"	7'-10" to 9'-0"	3 - 2" x 12"

TYP. TIMBER LINTEL DETAIL

NOT TO SCALE

SUBMITTALS

- SUBMIT FOR REVIEW BY THE CONSULTANT, DETAILED SHOP DRAWINGS FOR ALL STRUCTURAL WORK INCLUDING, BUT NOT LIMITED TO: CONCRETE FORMWORK, REINFORCING STEEL, STRUCTURAL STEEL.
- THE SCALE OF THE DRAWINGS SHALL BE SUCH THAT THE DETAILS OF THE STRUCTURAL WORK ARE CLEARLY SHOWN, AND IN NO CASE SMALLER THAN ¼"=1'-0" (1:50).
- THE STRUCTURAL DRAWINGS SHALL NOT BE REPRODUCED, IN WHOLE OR IN PART, FOR USE AS SHOP DRAWINGS.
- EACH DRAWING SUBMITTED FOR CONCRETE FORMWORK, STRUCTURAL STEEL AND TEMPORARY SHORING SHALL BEAR THE SEAL AND SIGNATURE OF A QUALIFIED PROFESSIONAL ENGINEER LICENSED IN THE PROVINCE OF ONTARIO.
- CONTRACTOR SHALL ALLOW FOR A 5 WORKING DAY TURN AROUND TIME FOR STRUCTURAL CONSULTANT TO REVIEW THE SHOP DRAWINGS.

CALCULATIONS

- SUBMIT CALCULATIONS, BEARING THE SEAL AND SIGNATURE OF PROFESSIONAL ENGINEER LICENSED IN THE PROVINCE OF ONTARIO, FOR STRUCTURAL WORK, IF REQUESTED BY THE CONSULTANT.

STRUCTURAL STEEL NOTES

- ALL STRUCTURAL STEEL ELEMENTS, INCLUDING DESIGN OF ELEMENTS AND CONNECTIONS SHALL BE IN ACCORDANCE WITH CAN/CSA S16.
- ALL STRUCTURAL STEEL SHALL CONFORM TO CSA G40.21 (300W) EXCEPT W SECTIONS AND PLATES G40.21 (350W), HSS MEMBERS G40.21 (350W) CLASS C OR ASTM A500 GRADE C, ANCHOR BOLTS ASTM A307, COLD FORM SECTIONS ASTM A570M GRADE 350W. UNLESS OTHERWISE NOTED, ALL SECTIONS SHALL BE PRIME PAINTED WITH THE SURFACE PREPARATION AND PAINTING PROCEDURES IN ACCORDANCE WITH CAN/CGSB 85.10.
- ALL WELDING SHALL BE CARRIED OUT IN ACCORDANCE WITH CAN/CSA W59. THE STEEL FABRICATOR SHALL BE FULLY QUALIFIED UNDER THE REQUIREMENTS BY THE CANADIAN WELDING BUREAU IN CONFORMANCE WITH CAN/CSA W47.1.
- DESIGN ALL MOMENT AND SHEAR CONNECTIONS FOR THE FULL CAPACITY OF THE SMALLER MEMBER IN THE CONNECTION UNLESS OTHERWISE NOTED.
- PROVIDE MINIMUM BEARING LENGTH OF STEEL MEMBERS AS FOLLOWS:
 - ON MASONRY - 6"
 - ON STEEL - 4"
- ALL BOLTS SHALL BE TIGHTENED WITH A SUITABLE TORQUE WRENCH IN ACCORDANCE WITH CSA S16.
- ERECT STRUCTURAL STEEL IN ACCORDANCE WITH CSA S16 AND IN CONFORMANCE WITH THE APPROVED SHOP DRAWINGS.



No.	DATE	REVISION
2	20/02/25	REVISED PER BUILDING PERMIT COMMENT
1	19/06/17	ISSUED FOR BUILDING PERMIT

REVISIONS



300 YORK BLVD HAMILTON, ONTARIO L8R 3K6 905-333-9119

STORAGE BUILDING

3659 UPPER JAMES ST.

HAMILTON

ONTARIO

TYPICAL NOTES

DATE JUNE 2019	DRAWN BY SYN	DRAWING No. 11 of 11
PROJECT No. 19001	CHECKED BY HAPH	



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221 Fax (905) 546-4202

E-mail: morgan.evans@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

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.: DN/A-20:52

APPLICANTS: Shane VanBarneveld on behalf of the owners Barry Dunne & Amanda Guyatt

SUBJECT PROPERTY: Municipal address **260 MacNab St., (Dundas) City of Hamilton**

ZONING BY-LAW: Zoning By-law 3581-86, as Amended

ZONING: "R2" (Single Detached Residential) district

PROPOSAL: To permit the construction of a new two-storey addition and roofed-over unenclosed deck in the rear yard of the existing single detached dwelling notwithstanding that:

1. An easterly side yard of 0.0m shall be provided instead of the minimum required 1.2m side yard setback.
2. A westerly side yard of 3.2m shall be provided instead of the minimum required 5.0m side yard setback.
3. A rear yard setback of 5.8m shall be provided instead of the minimum required 7.5m side yard setback.

NOTES:

- i. Further variances have been requested by the applicant respecting eave and gutter projections and the proposed rear unenclosed deck. However, these features will conform as shown provided that variance #1 through #3 are approved.
- ii. The current R2 zone of Dundas Zoning By-law 3581-86 requires dwellings to provide a 1.2m side yard setback except that when there is no garage or carport, one side shall be setback at least 5.0m.

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

DATE: Thursday, July 9th, 2020

TIME: 2:40 p.m.

PLACE: Via video link or call in (see attached sheet for details)

To be streamed at www.hamilton.ca/committeeofadjustment for viewing purposes only

DN/A-20:52

Page 2

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

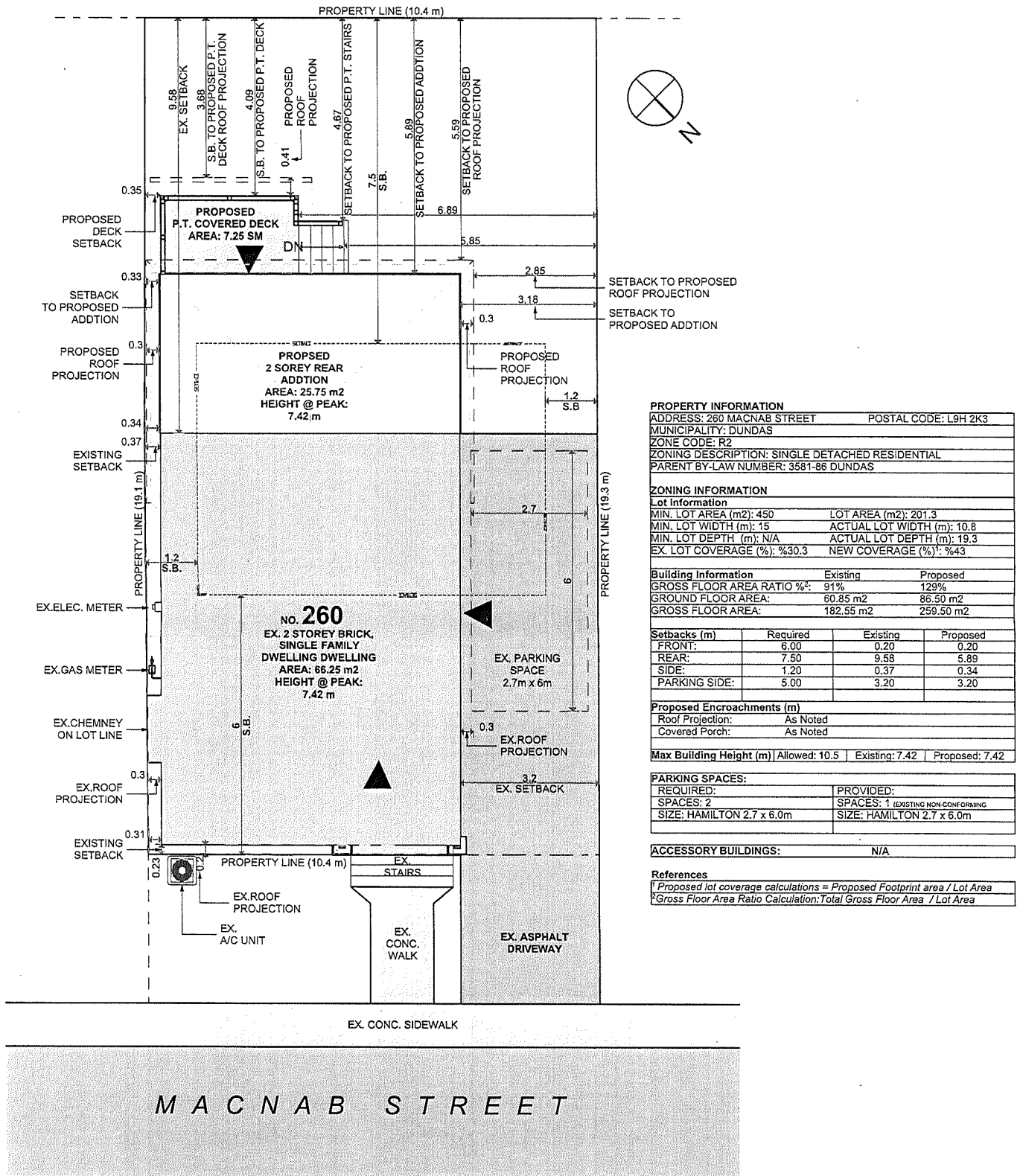
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: June 23rd, 2020.

Original Signed

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.



SHANE RENOVATIONS
 790 SHAVER RD. ANCASTER
 L9G 3K9 ON | 905-304-4009

SITE PLAN
 GUYATT - 2.2.pln

GUYATT RESIDENCE
 260 MACNAB STREET
 DUNDAS ON L9H 2K3

DN/A 20.52
 SKETCH 1

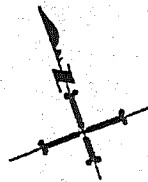
2020-02-06
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S1

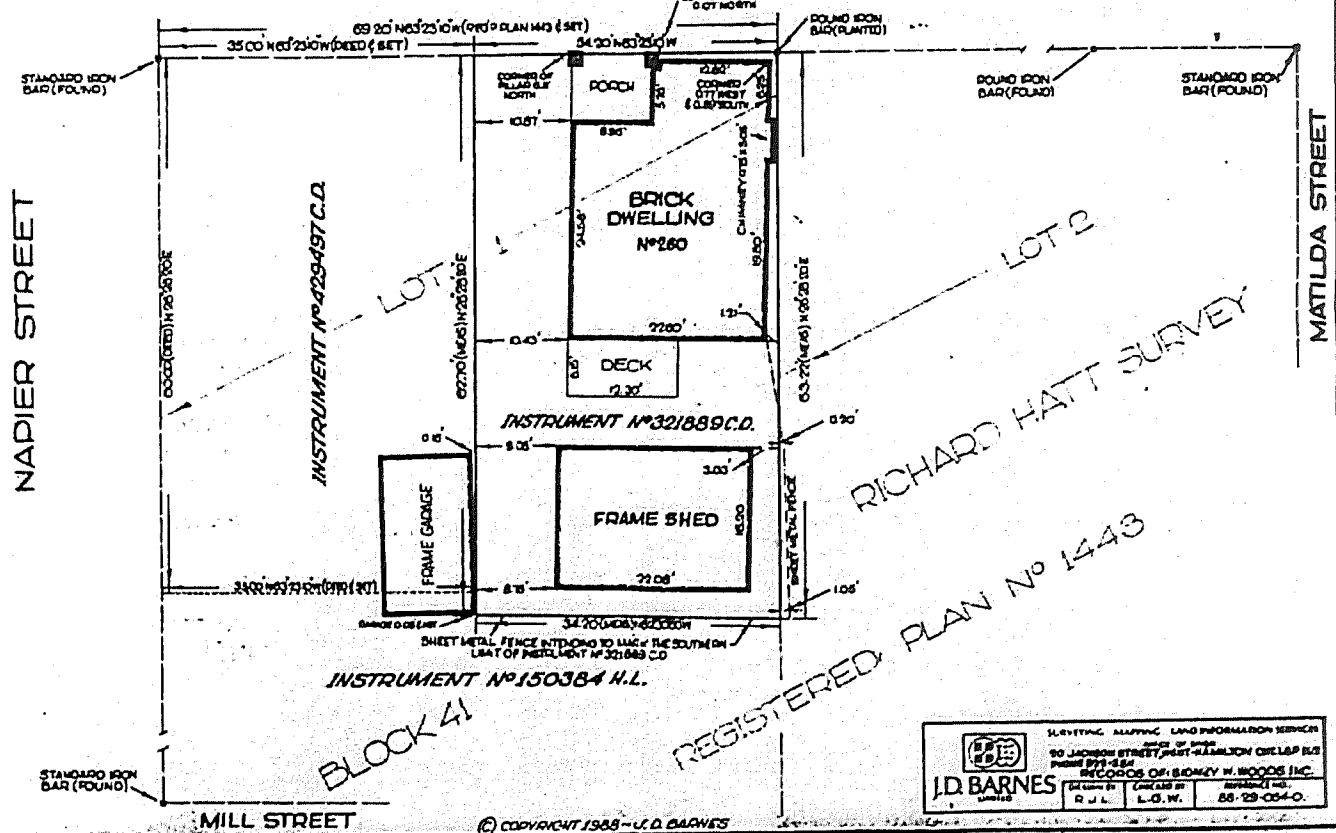
PART OF LOT 1 - BLOCK 41 - RICHARD HATT SURVEY
 REGISTERED PLAN NO 1443
 IN THE
TOWN OF DUNDAS
 IN THE
 REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH
 SCALE 1" = 10'
 J.D. Barnes Limited.
 1988

I CERTIFY THAT:
 THE FIELD SURVEY REPRESENTED ON THIS PLAN
 WAS COMPLETED ON THE 27TH DAY OF JULY, 1988.
 JUNE 15TH 1988
 DATE
 LORRENCE G. WOODS O.L.S.

NOTE:
 THE BELONGS SHOWN HEREON ARE REFERRED TO THE
 SOUTHERN LIMIT OF MACNAB STREET ACCORDING TO
 PLAN 02 4-3633 ON A COURSE OF N63°23'10"W...



MACNAB STREET



MEETING, SURVEYING, LAND INFORMATION SERVICES
 OFFICE OF SURVEY
 80 JACOBSON STREET, WEST - HAMILTON ONTARIO L8P 4K3
 PHONE 878-4544
 RECORDS OF: BONEY W. WOODS INC.
 J.D. BARNES LIMITED
 R.J.L. L.G.W. 88-29-054-0.

© COPYRIGHT 1988 - J.D. BARNES



SHANE RENOVATIONS
 790 SHAVER RD. ANCASTER
 L9G 3K9 ON | 905-304-4009

SURVEY
 GUYATT - 2.2.pln
 GUYATT RESIDENCE
 260 MACNAB STREET
 DUNDAS ON L9H 2K3

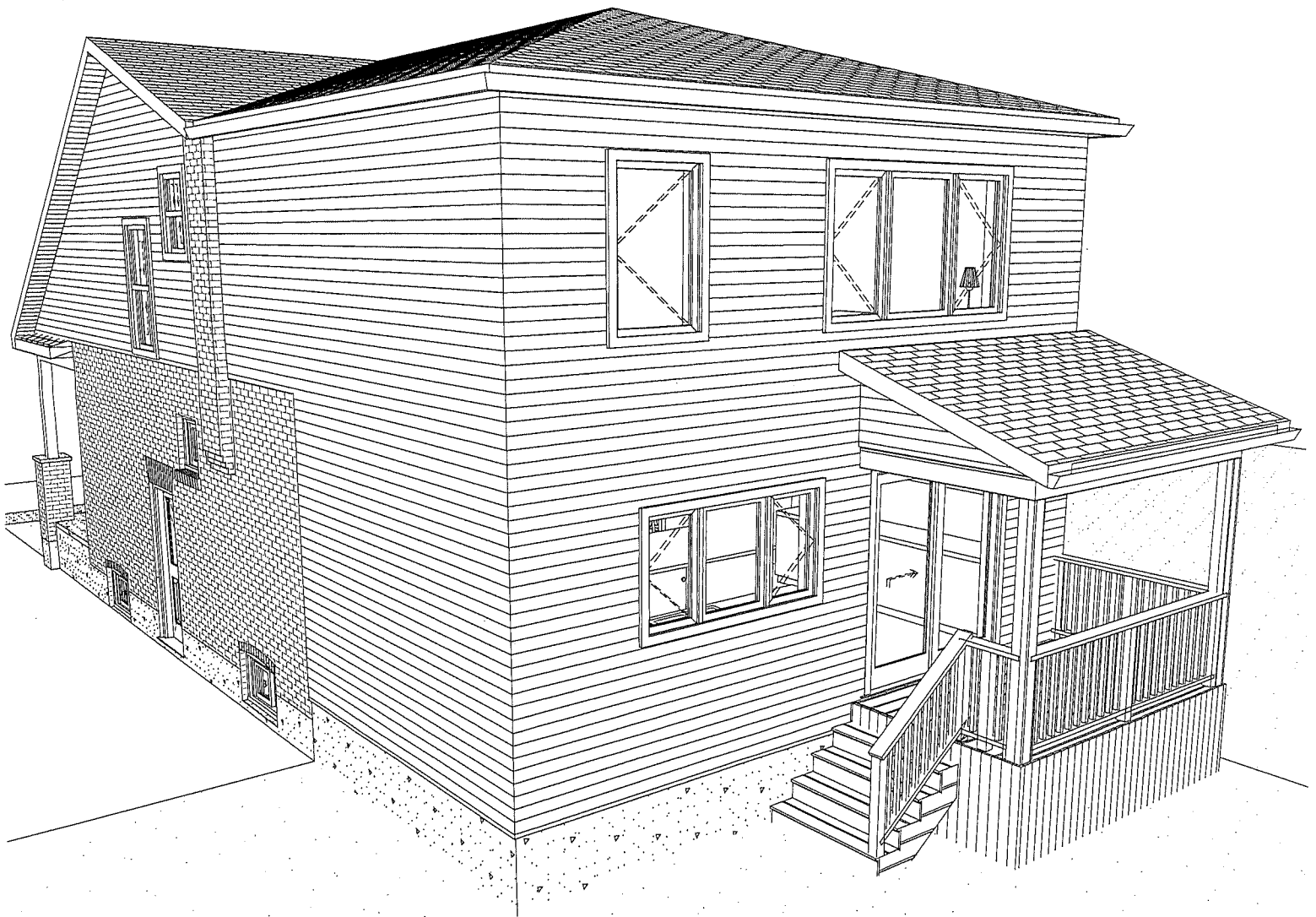
DN/A 20:52
 Sketch 2

2020-02-06
 1:200

S2

ISSUED FOR VARIANCE:

GUYATT RESIDENCE
260 MACNAB STREET DUNDAS ON L9H 2K3



SHANE RENOVATIONS
790 SHAVER RD. ANCASTER
L9G 3K9 ON | 905-304-4009

COVER SHEET
GUYATT - 2.2.pln

GUYATT RESIDENCE
260 MACNAB STREET
DUNDAS ON L9H 2K3

DN/A 20:52
Sketch 3

2020-02-06
1/8" = 1'-0"

A1



SHANE RENOVATIONS
790 SHAVER RD. ANCASTER
L9G 3K9 ON | 905-304-4009

PROPOSED FRONT ELEVATION

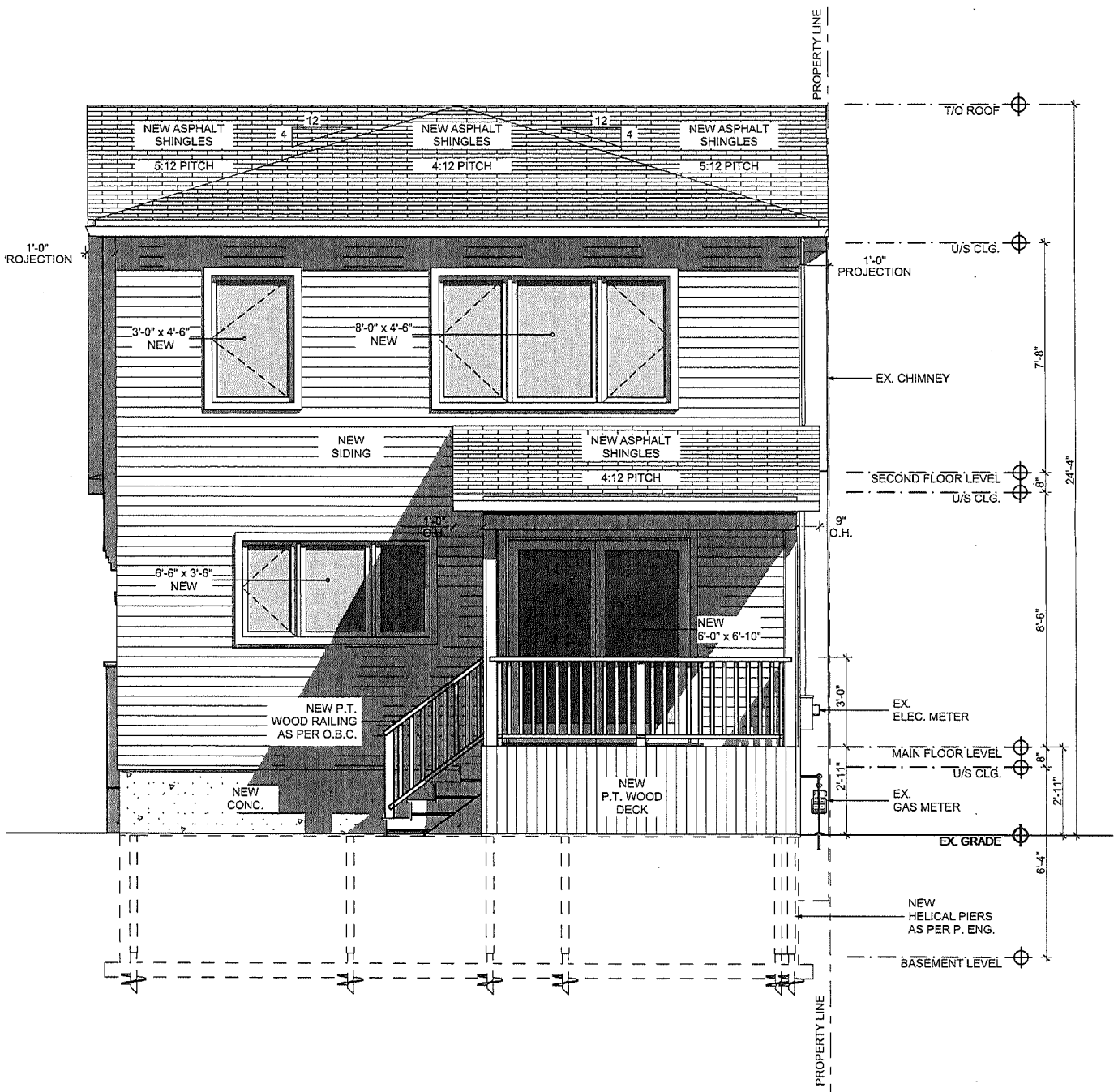
GUYATT - 2.2.pln

GUYATT RESIDENCE
260 MACNAB STREET
DUNDAS ON L9H 2K3

*DN/A 20:52
Sketch 4*

2020-02-06
1/4" = 1'-0"

A12



SHANE RENOVATIONS
790 SHAVER RD. ANCASTER
L9G 3K9 ON | 905-304-4009

PROPOSED REAR ELEVATION

GUYATT - 2.2.pln

GUYATT RESIDENCE
260 MACNAB STREET
DUNDAS ON L9H 2K3

DN/A 20:52
Sketch 5

2020-02-06
1/4" = 1'-0"

A13

20.151225



Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment

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

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

FOR OFFICE USE ONLY.	
APPLICATION NO. <u>DN/A-20-52</u>	DATE APPLICATION RECEIVED <u>Feb 03</u>
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

Send sign

* 1. Name of Owner ~~Barry~~ AMANDA & ~~BARRY~~ *Amanda* GUYATT Telephone No. _____

3. Name of Agent SHANE VANBARNEVELD Telephone No. _____

4. _____

Note: Unless otherwise requested all communications will be sent to the agent, if any.

5. Names and addresses of any mortgagees, holders of charges or other encumbrances:

_____ N/A _____

_____ Postal Code _____

_____ N/A _____

_____ Postal Code _____

6. Nature and extent of relief applied for:

1. TO PERMIT SIDE SETBACK 0.0 m INSTEAD OF 1.2m FOR ADDITION AND COVERED DECK.

2. TO PERMIT ROOF PROJECTION 0.0m TO LOT LINE.

2. TO PERMIT PARKING SIDE SETBACK OF 3.20m INSTEAD OF 5.0m (EX. NON-CONFORMING).

3. TO PERMIT REAR SIDE SETBACK OF 5.89m INSTEAD OF 7.5m.

4. TO PERMIT 1 PARKING SPACE INSTEAD OF THE MIN. REQ. 2 PARKING SPACES.

7. Why it is not possible to comply with the provisions of the By-law?

THE PROPOSED REAR ADDITION IS MINOR IN NATURE AS IT WILL BE ATTACHED
TO THE EXISTING NON-CONFORMING SINGLE FAMILY DWELLING.

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

260 MACNAB STREET, DUNDAS, L9H 2K3.

9. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other _____

9.1 If Industrial or Commercial, specify use

N/A

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

PREVIOUS USES OF THE SUBJECTED PROPERTY.

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

2020.01.23
 Date



Signature Property Owner

BARRY DUNNE AMANDA GUYATT
 Print Name of Owner

10. Dimensions of lands affected:

Frontage 10.8 m
 Depth 19.3 m
 Area 201.3 m²
 Width of street 7.2 m (TO BE CONFIRMED BY PUBLIC WORKS)

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: GROUND FLOOR AREA: 60.85 m²
GROSS FLOOR AREA: 182.55 m², GFA RATIO: 0.91
NUMBER OF STORIES: 2
WIDTH: 6.91m , LENGTH: 9.52m , HEIGHT: 7.42m
Proposed: GROUND FLOOR AREA: 86.50 m²
GROSS FLOOR AREA: 259.50 m², GFA RATIO: 1.29
NUMBER OF STORIES: 2
WIDTH: 6.91m , LENGTH: 13.16m , HEIGHT: 7.42m

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing: FRONT (NORTH) SIDE: 0.23 m
SIDE (EAST) SIDE: 0.31 m
SIDE (WEST) SIDE: 3.20 m
REAR (SOUTH) SIDE: 9.58 m
Proposed: FRONT (NORTH) SIDE: 0.23 m
SIDE (EAST) SIDE: 0.33 m
SIDE (WEST) SIDE: 3.20 m
REAR (SOUTH) SIDE: 5.89 m

13. Date of acquisition of subject lands:
JUNE 2016

14. Date of construction of all buildings and structures on subject lands:
1930's

15. Existing uses of the subject property: RESIDENTIAL single detached.

16. Existing uses of abutting properties: RESIDENTIAL single detached.

17. Length of time the existing uses of the subject property have continued:
SINCE BUILT

18. Municipal services available: (check the appropriate space or spaces)
 Water YES Connected -
 Sanitary Sewer YES Connected -
 Storm Sewers YES

19. Present Official Plan/Secondary Plan provisions applying to the land:
N/A neighbour hood.

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
N/A R2 Zone.

21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.
N/A

22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No

23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.

PART 24 AFFIDAVIT OR SWORN DECLARATION

This declaration to be sworn by a Commissioner of Oaths.



A Commissioner, etc.

PART 25 OWNERS AUTHORIZATION

As of the date of this application, I (NAME) BARRY DUNNE & AMANDA CUYATT am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

Shane Van Barneveld of Shane Renovations

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application

DATE 23/01/2020

SIGNED  

PART 26 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, BARRY DUNNE AMANDA CUYATT, the Owner, hereby agree and acknowledge
(Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

23/01/2020
Date


Signature of Owner

PART 27 PERMISSION TO ENTER

Date: Jan. 23, 2020

Secretary/Treasurer
Committee of Adjustment
City of Hamilton,
City Hall

Dear Secretary/Treasurer;

Re: Application to Committee of Adjustment

Location of Land: 260 MacNab Street, Hamilton, L9H 2K5
(Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited purposes of evaluating the merits of this application.



Signature of Owner or Authorized agent

Amanda Guyatt & Barry Dunne

Please print name

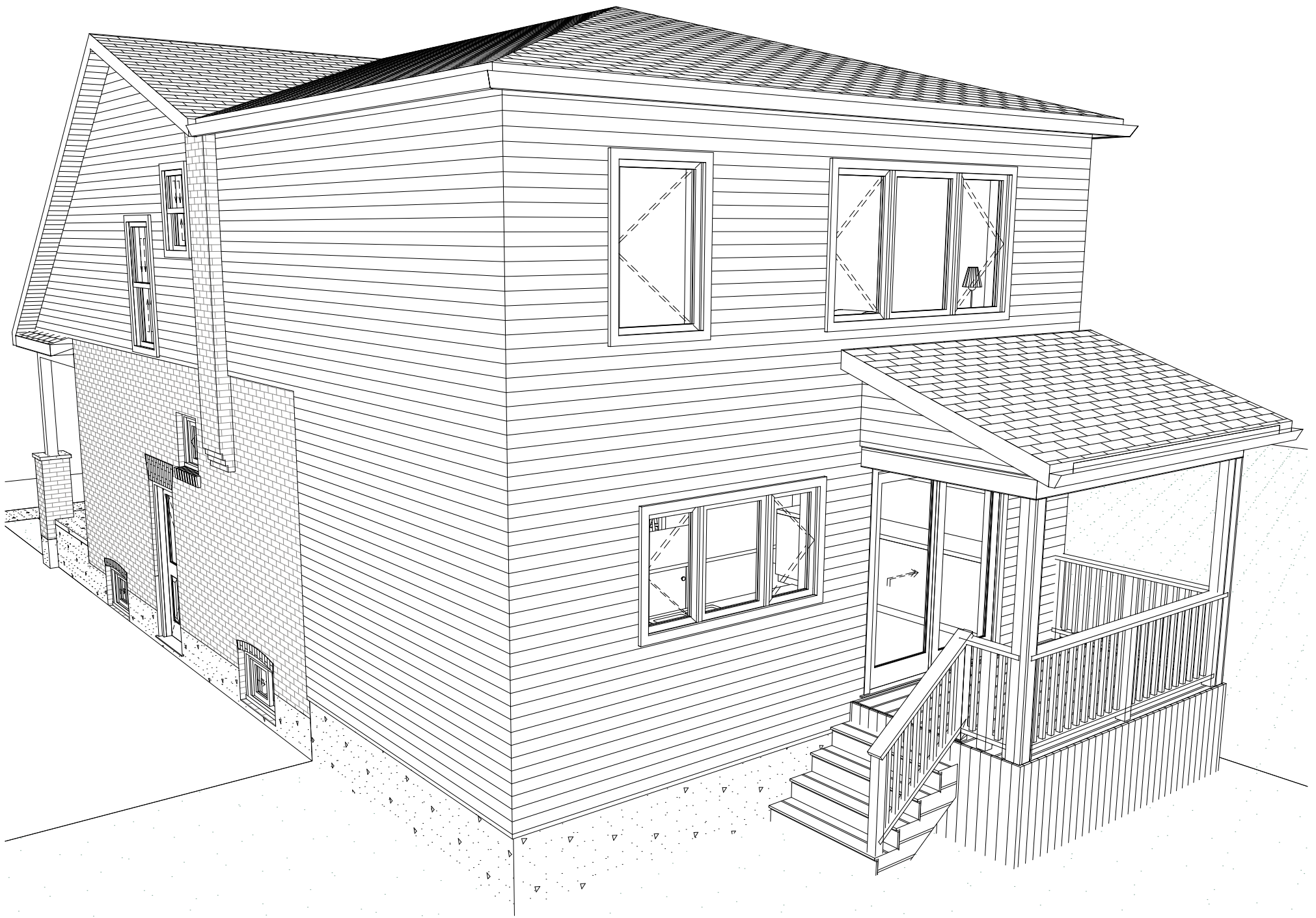
Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee's policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.

PART 28 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1284.

ISSUED FOR VARIANCE:

GUYATT RESIDENCE
260 MACNAB STREET DUNDAS ON L9H 2K3



SHANE RENOVATIONS
790 SHAVER RD. ANCASTER
L9G 3K9 ON | 905-304-4009

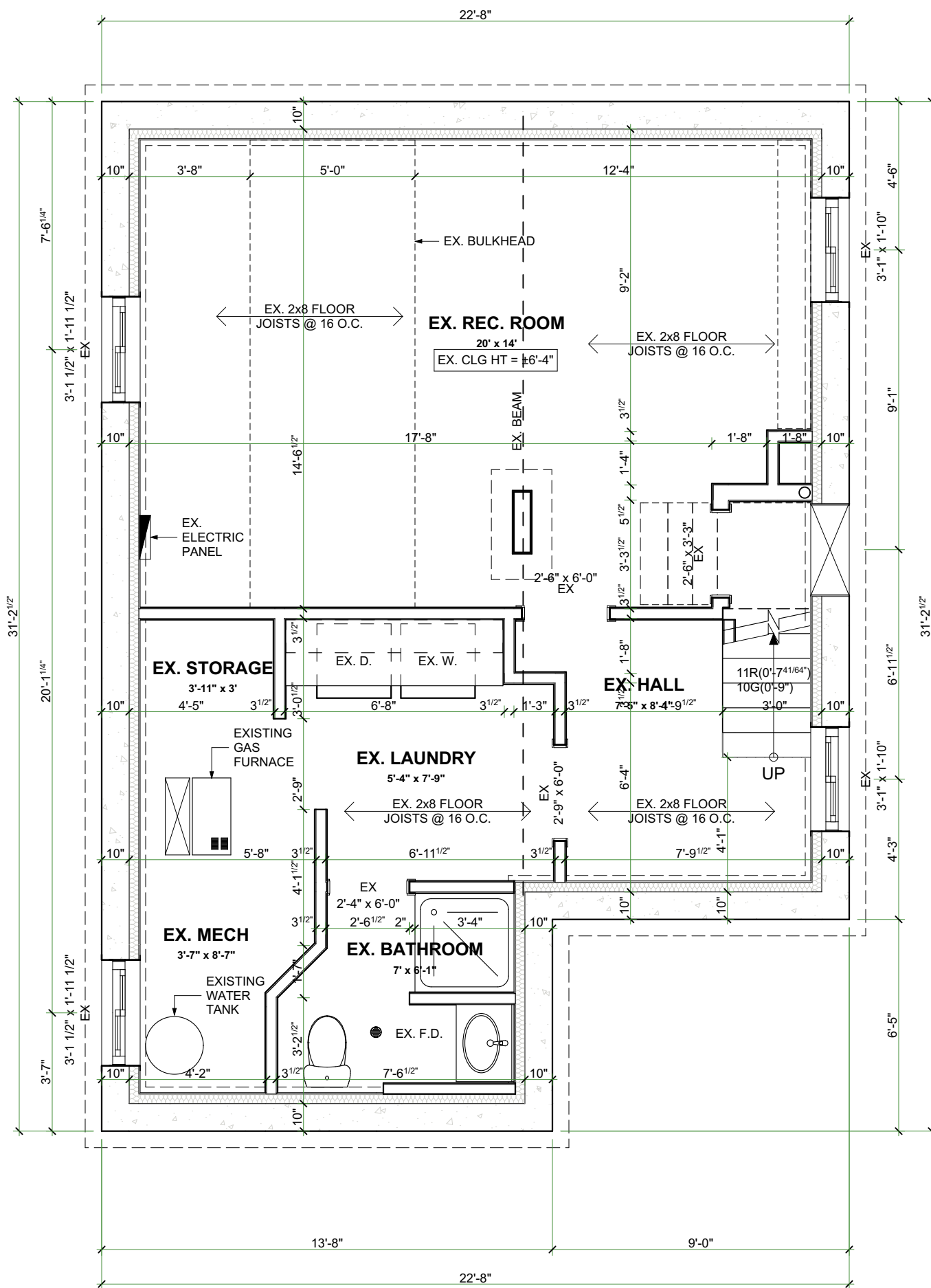
COVER SHEET

GUYATT - 2.2.pln

GUYATT RESIDENCE
260 MACNAB STREET
DUNDAS ON L9H 2K3

2020-02-06
1/8" = 1'-0"

A1



SHANE RENOVATIONS
 790 SHAVER RD. ANCASTER
 L9G 3K9 ON | 905-304-4009

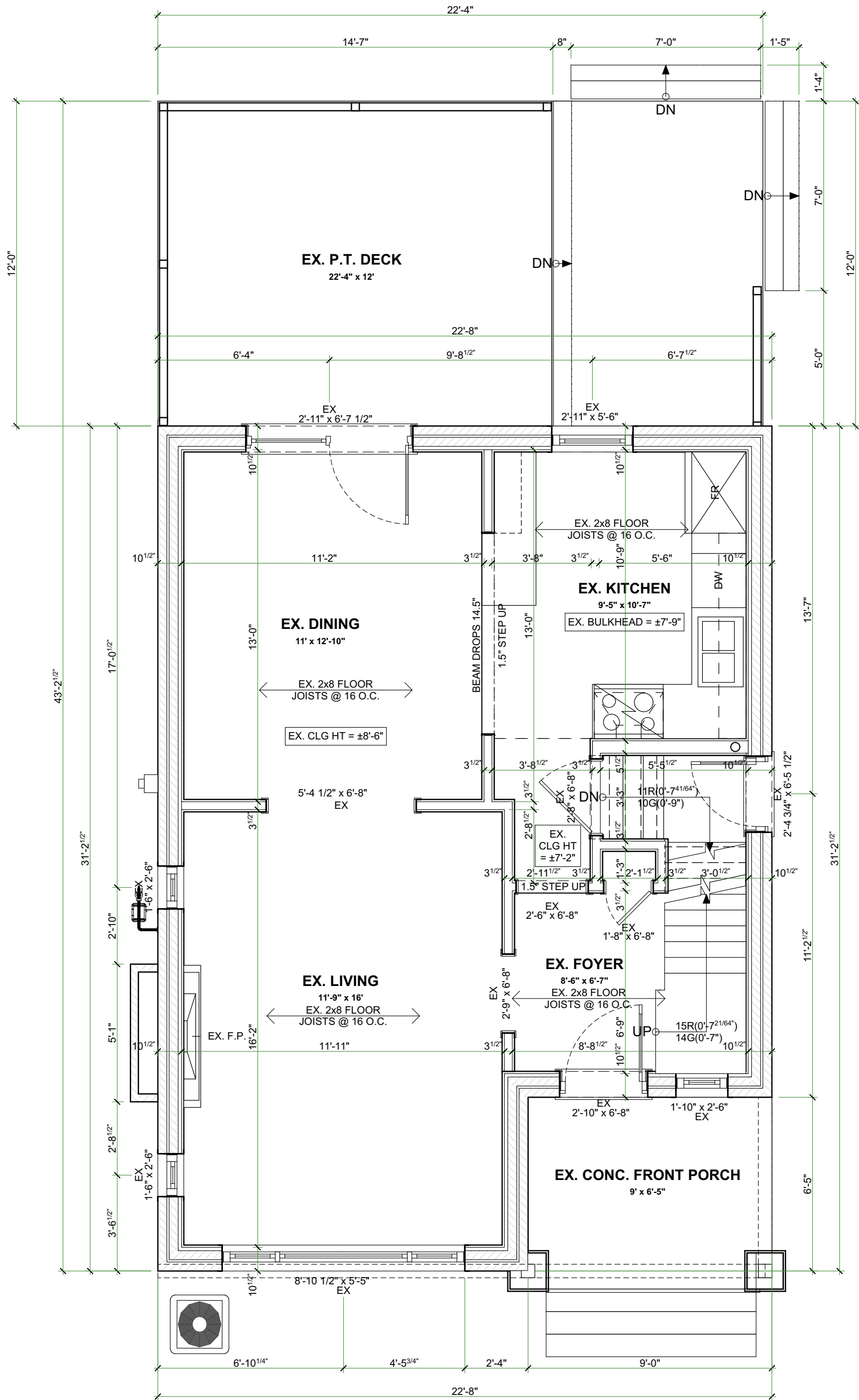
EXISTING BASEMENT PLAN

GUYATT - 2.2.pln

GUYATT RESIDENCE
 260 MACNAB STREET
 DUNDAS ON L9H 2K3

2020-02-06
 1/4" = 1'-0"

A2



SHANE RENOVATIONS
 790 SHAVER RD. ANCASTER
 L9G 3K9 ON | 905-304-4009

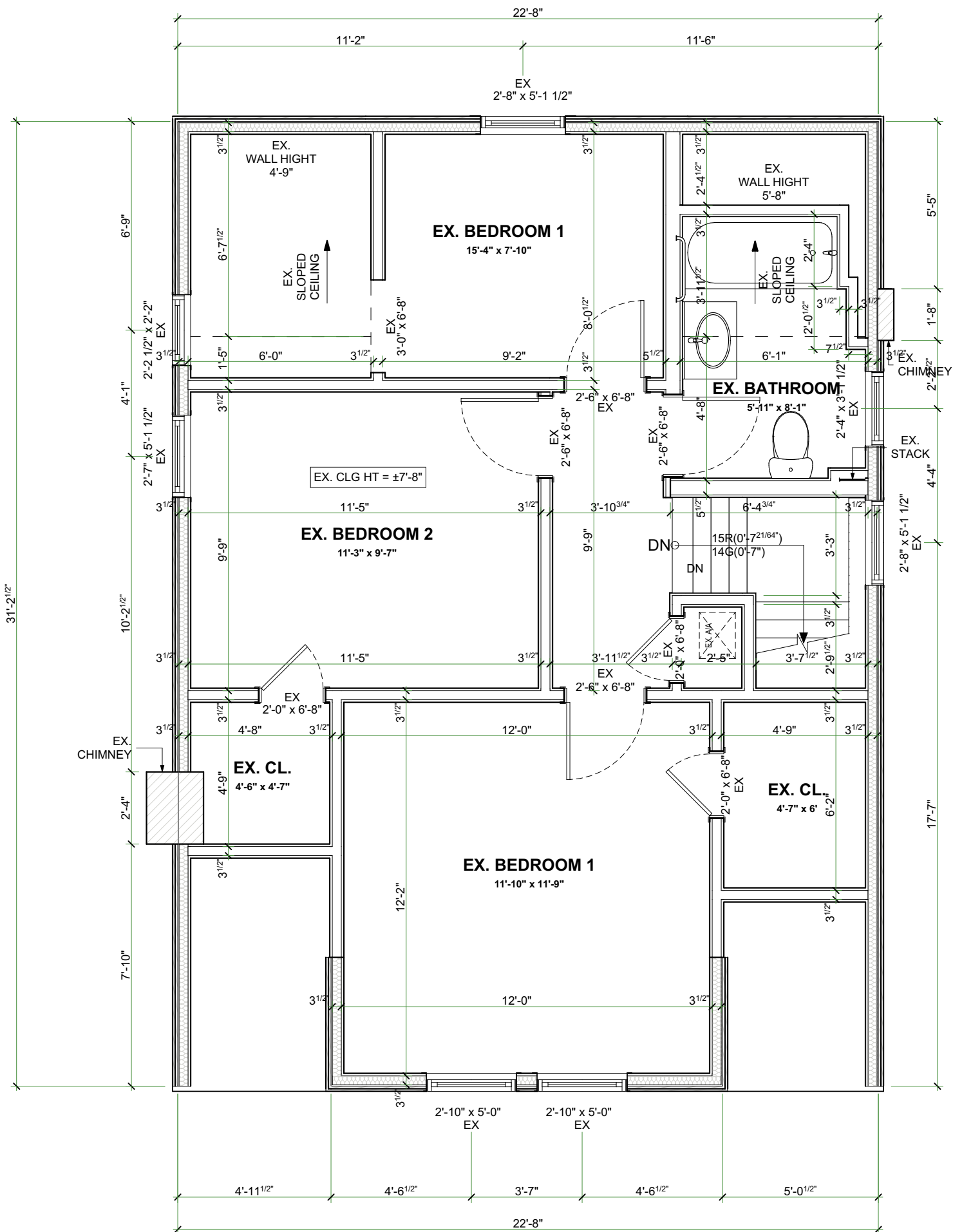
EXISTING MAIN FLOOR PLAN

GUYATT - 2.2.pln

GUYATT RESIDENCE
 260 MACNAB STREET
 DUNDAS ON L9H 2K3

2020-02-06
 1/4" = 1'-0"

A3



SHANE RENOVATIONS
 790 SHAVER RD. ANCASTER
 L9G 3K9 ON | 905-304-4009

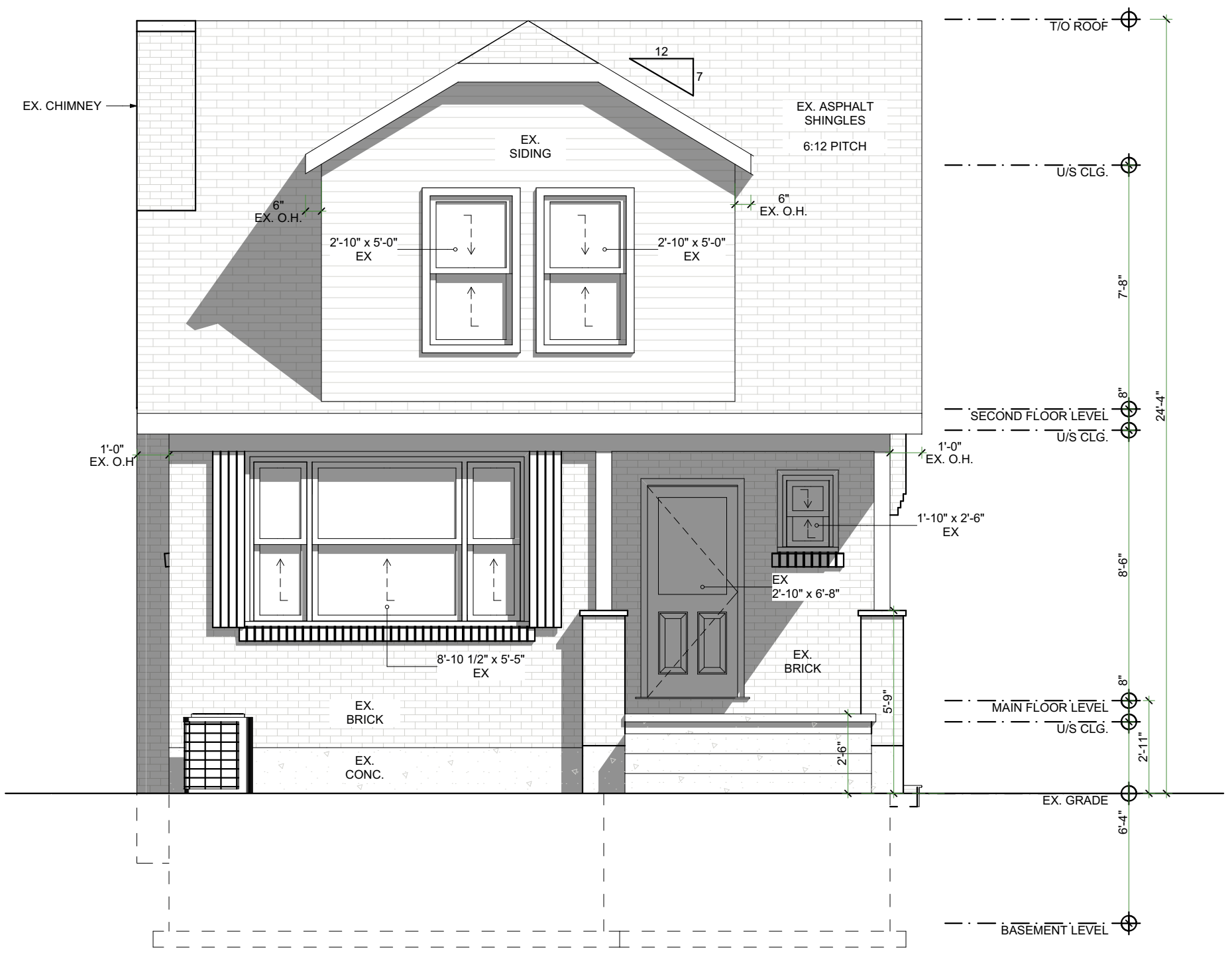
EXISTING SECOND FLOOR PLAN

GUYATT - 2.2.pln

GUYATT RESIDENCE
 260 MACNAB STREET
 DUNDAS ON L9H 2K3

2020-02-06
 1/4" = 1'-0"

A4



SHANE RENOVATIONS
790 SHAVER RD. ANCASTER
L9G 3K9 ON | 905-304-4009

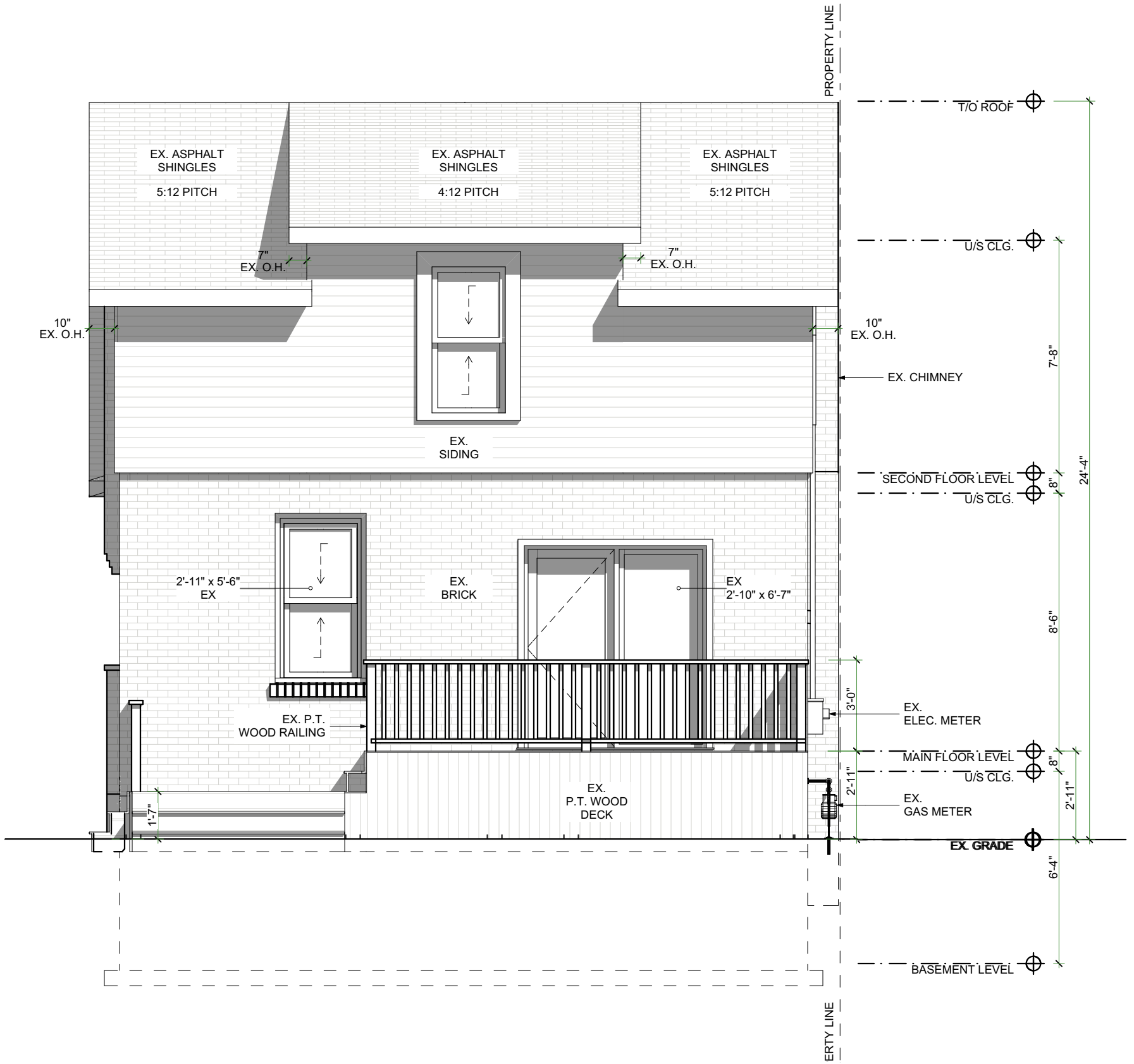
EXISTING FRONT ELEVATION

GUYATT - 2.2.pln

GUYATT RESIDENCE
260 MACNAB STREET
DUNDAS ON L9H 2K3

2020-02-06
1/4" = 1'-0"

A5



EXISTING REAR ELEVATION

GUYATT - 2.2.pln

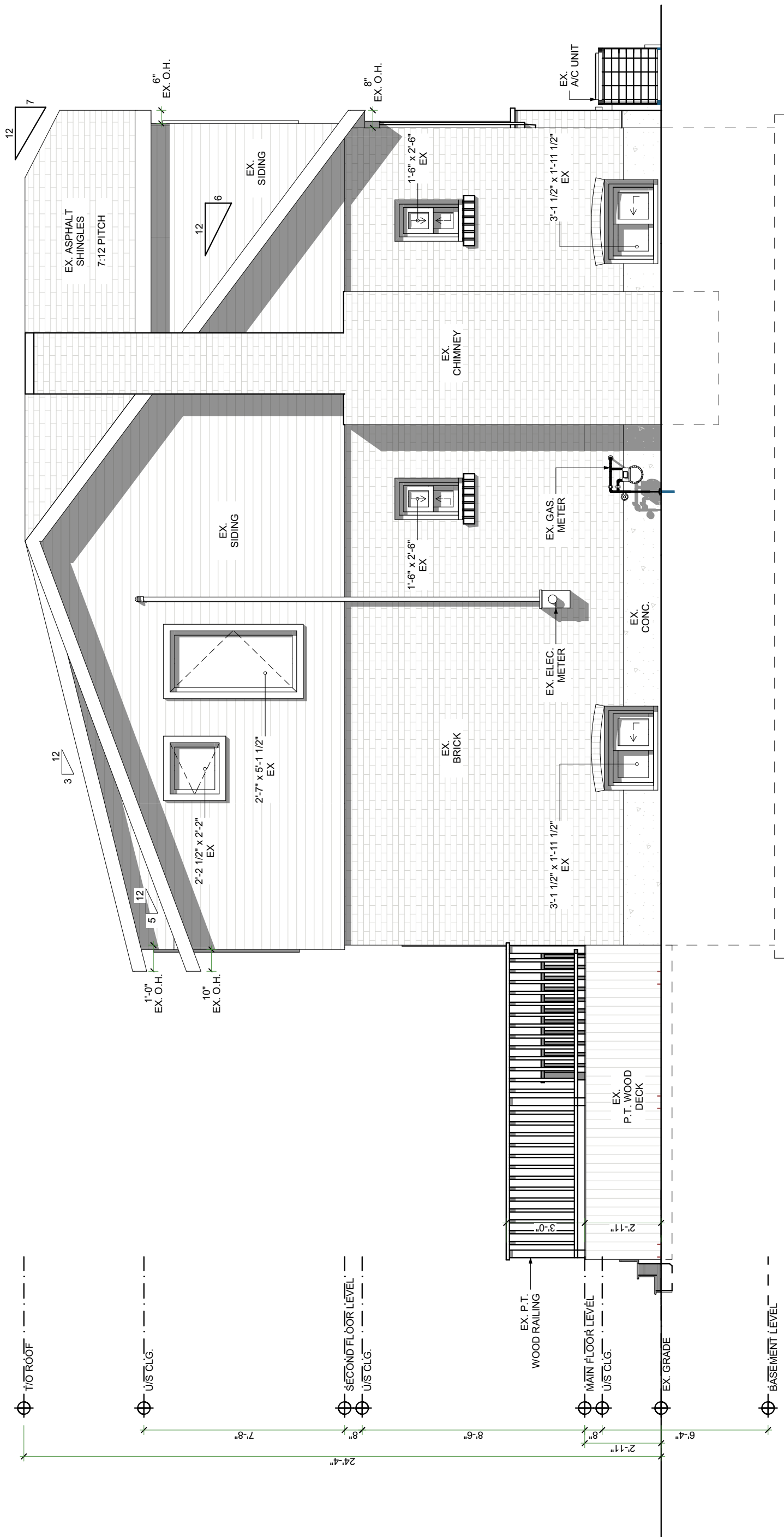
GUYATT RESIDENCE
260 MACNAB STREET
DUNDAS ON L9H 2K3



SHANE RENOVATIONS
790 SHAVER RD. ANCASTER
L9G 3K9 ON | 905-304-4009

2020-02-06
1/4" = 1'-0"

A6



EXISTING LEFT ELEVATION

GUYATT - 2.2.pln

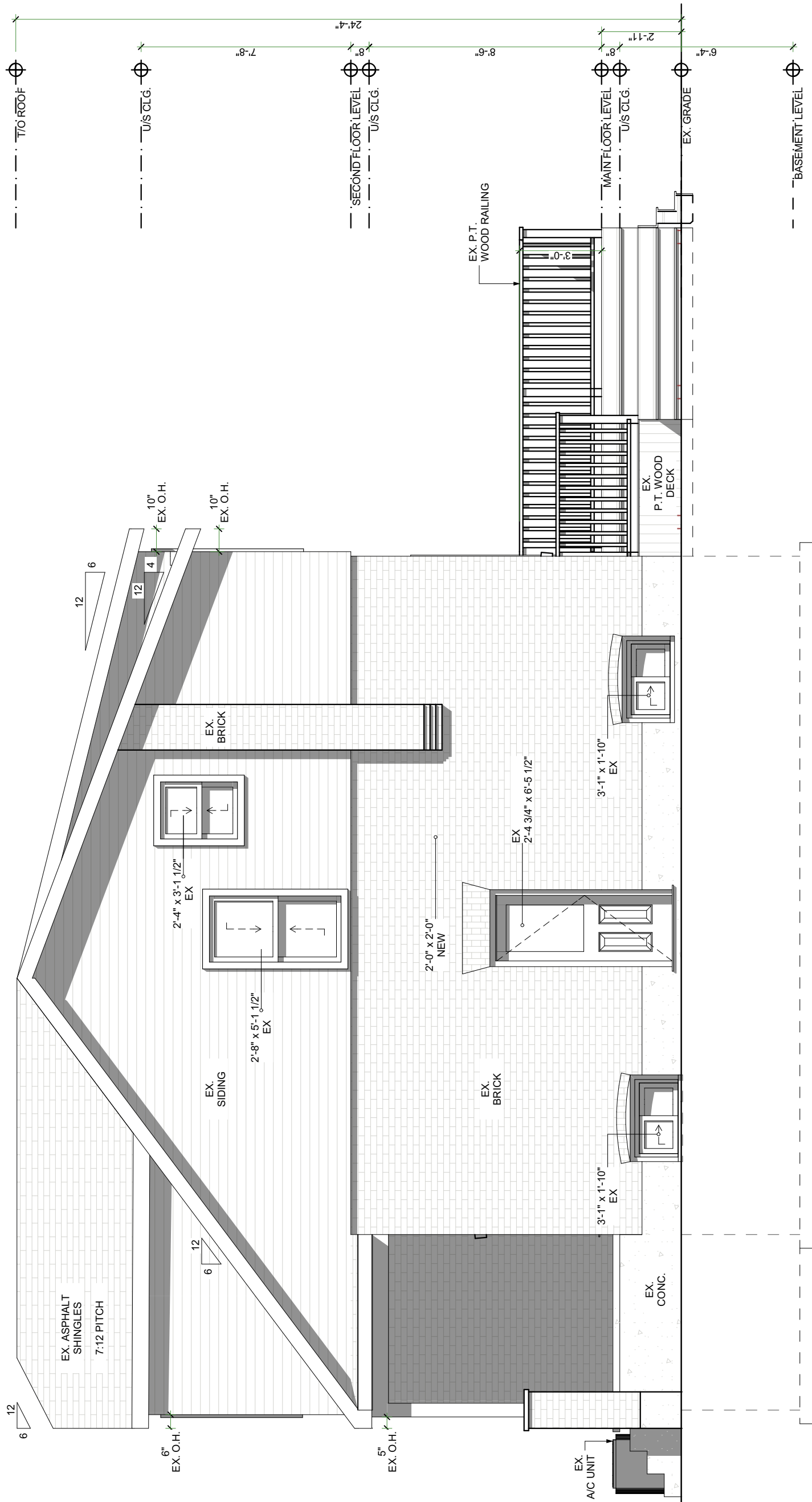
GUYATT RESIDENCE
260 MACNAB STREET
DUNDAS ON L9H 2K3



SHANE RENOVATIONS
790 SHAVER RD. ANCASTER
L9G 3K9 ON | 905-304-4009

2020-02-06
1/4" = 1'-0"

A7



EXISTING RIGHT ELEVATION

GUYATT - 2.2.pln

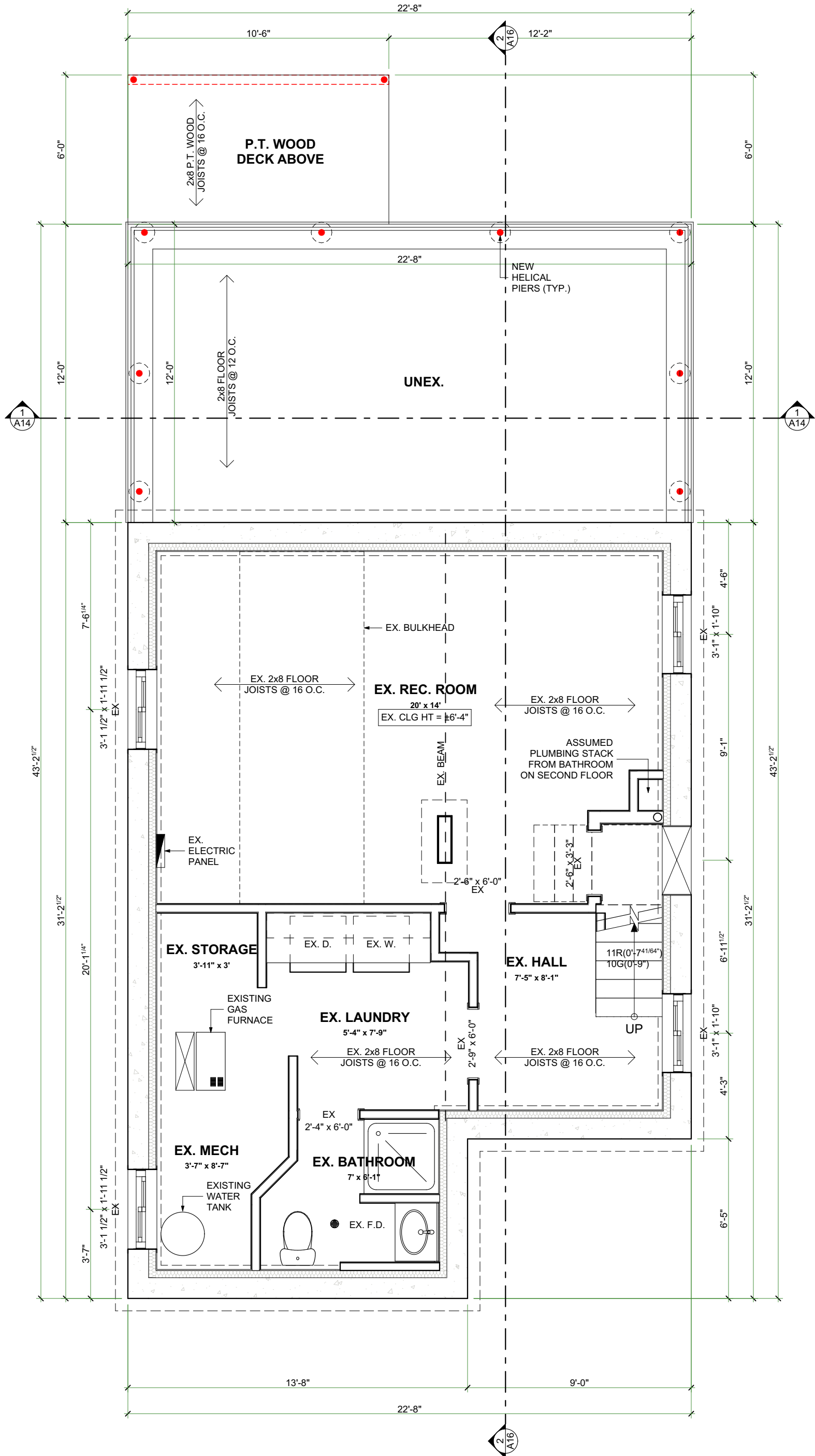
GUYATT RESIDENCE
260 MACNAB STREET
DUNDAS ON L9H 2K3



SHANE RENOVATIONS
790 SHAVER RD. ANCASTER
L9G 3K9 ON | 905-304-4009

2020-02-06
1/4" = 1'-0"

A8



SHANE RENOVATIONS
790 SHAVER RD. ANCASTER
L9G 3K9 ON | 905-304-4009

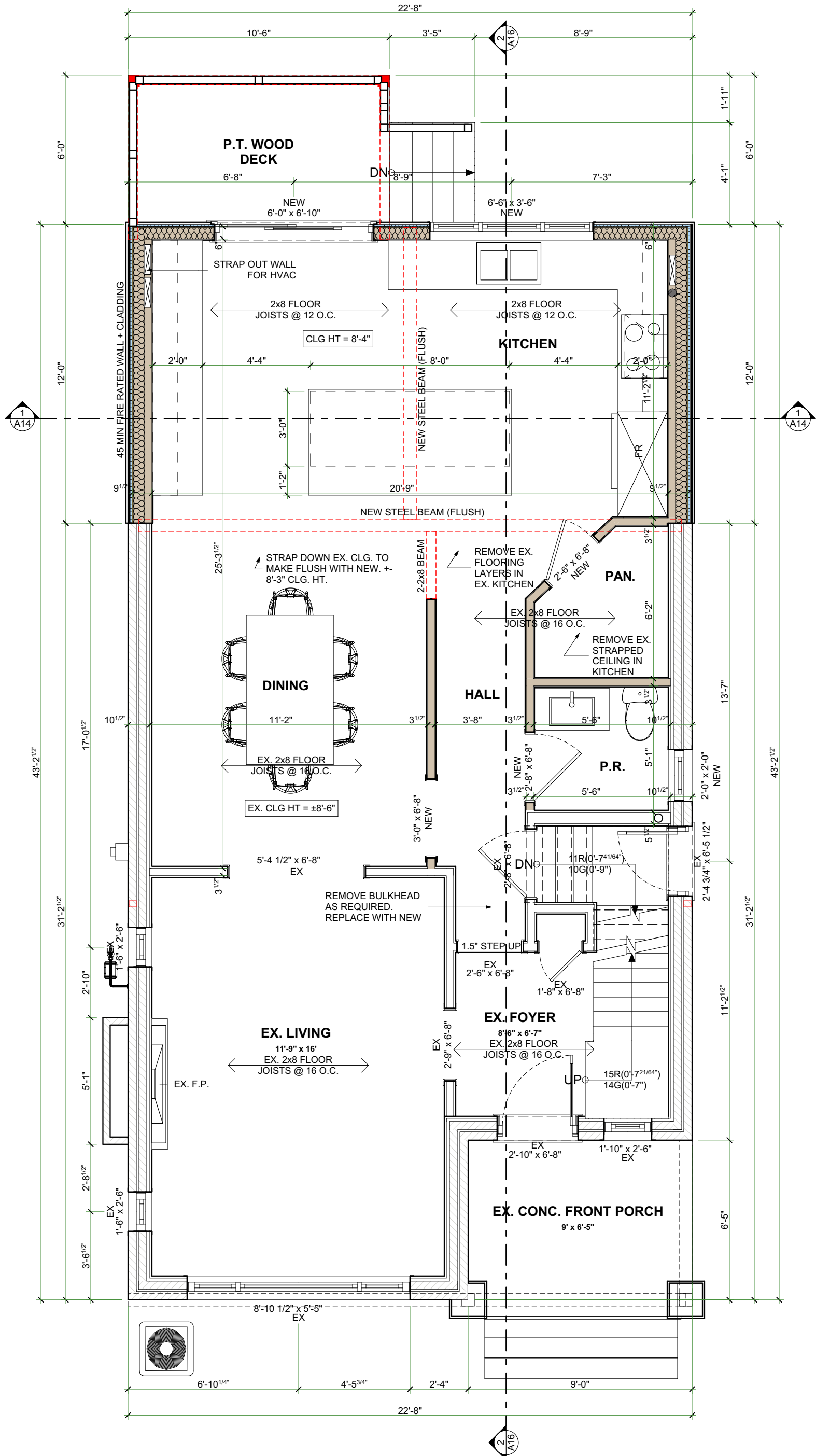
PROPOSED BASEMENT PLAN

GUYATT - 2.2.pln

GUYATT RESIDENCE
260 MACNAB STREET
DUNDAS ON L9H 2K3

2020-02-06
1/4" = 1'-0"

A9



SHANE RENOVATIONS
790 SHAVER RD. ANCASTER
L9G 3K9 ON | 905-304-4009

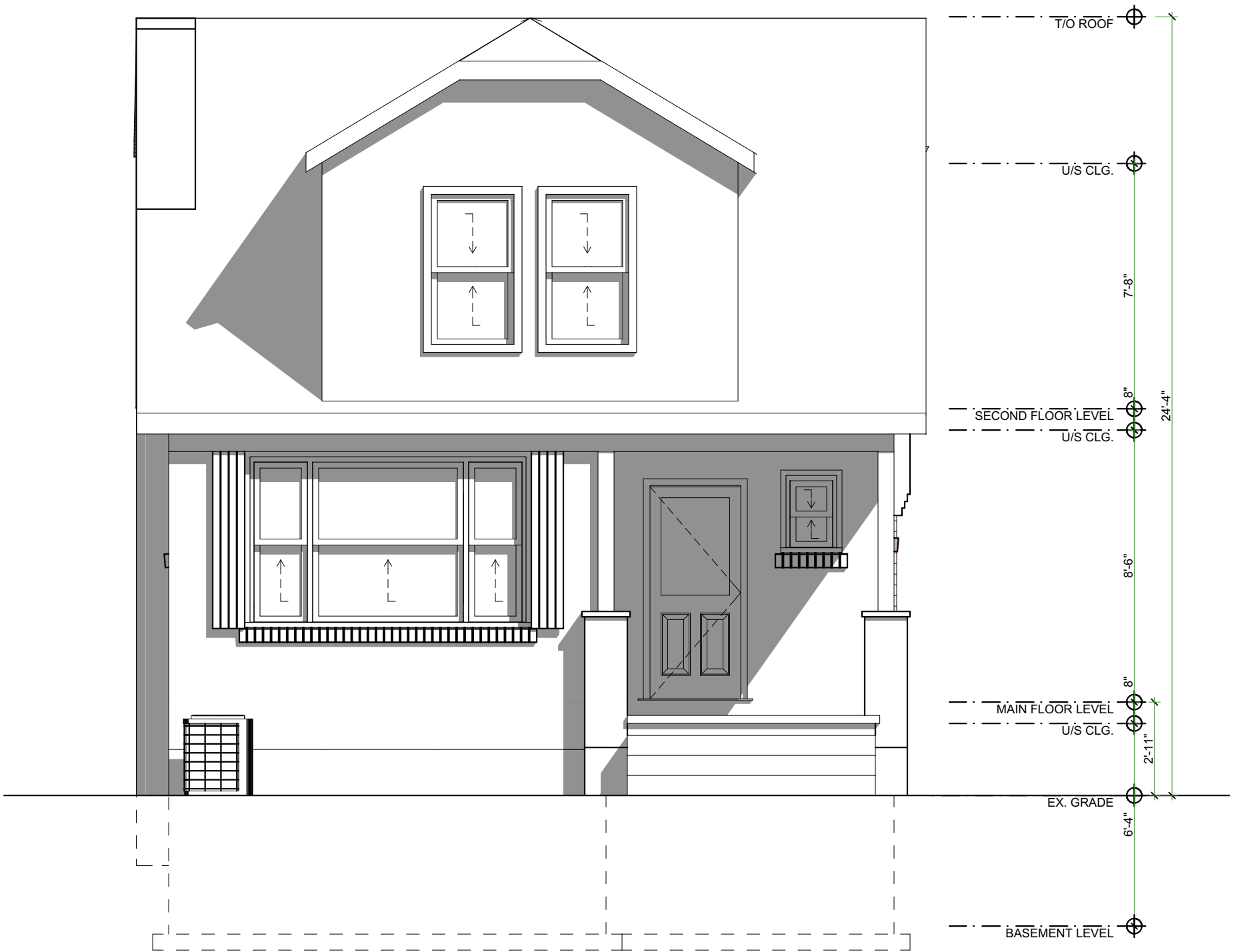
PROPOSED MAIN FLOOR PLAN

GUYATT - 2.2.pln

GUYATT RESIDENCE
260 MACNAB STREET
DUNDAS ON L9H 2K3

2020-02-06
1/4" = 1'-0"

A10



SHANE RENOVATIONS
790 SHAVER RD. ANCASTER
L9G 3K9 ON | 905-304-4009

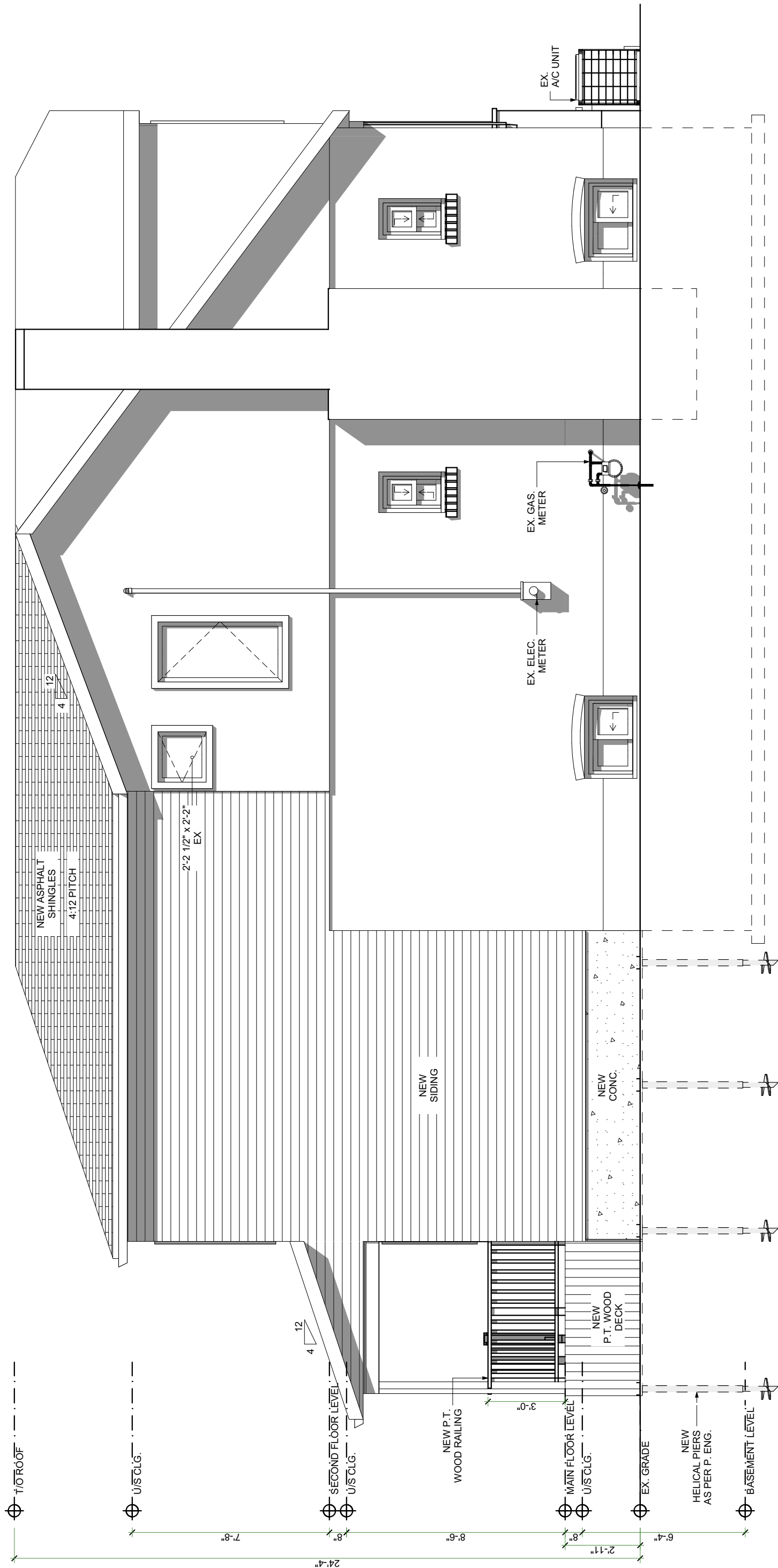
PROPOSED FRONT ELEVATION

GUYATT - 2.2.pln

GUYATT RESIDENCE
260 MACNAB STREET
DUNDAS ON L9H 2K3

2020-02-06
1/4" = 1'-0"

A12



PROPOSED LEFT ELEVATION

GUYATT - 2.2.pln

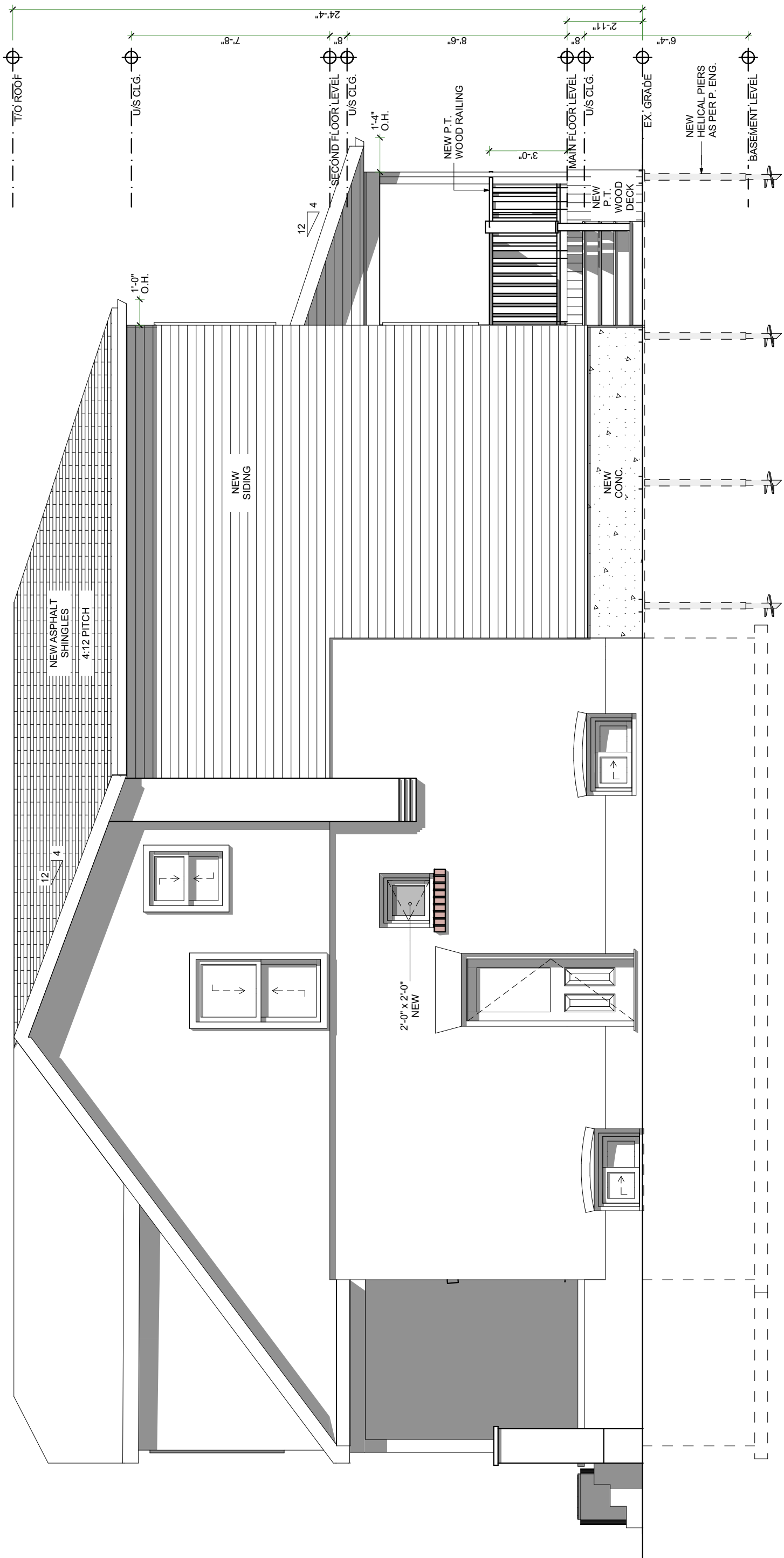
GUYATT RESIDENCE
260 MACNAB STREET
DUNDAS ON L9H 2K3



SHANE RENOVATIONS
790 SHAVER RD. ANCASTER
L9G 3K9 ON | 905-304-4009

2020-02-06
1/4" = 1'-0"

A14



SHANE RENOVATIONS
 790 SHAVER RD. ANCASTER
 L9G 3K9 ON | 905-304-4009

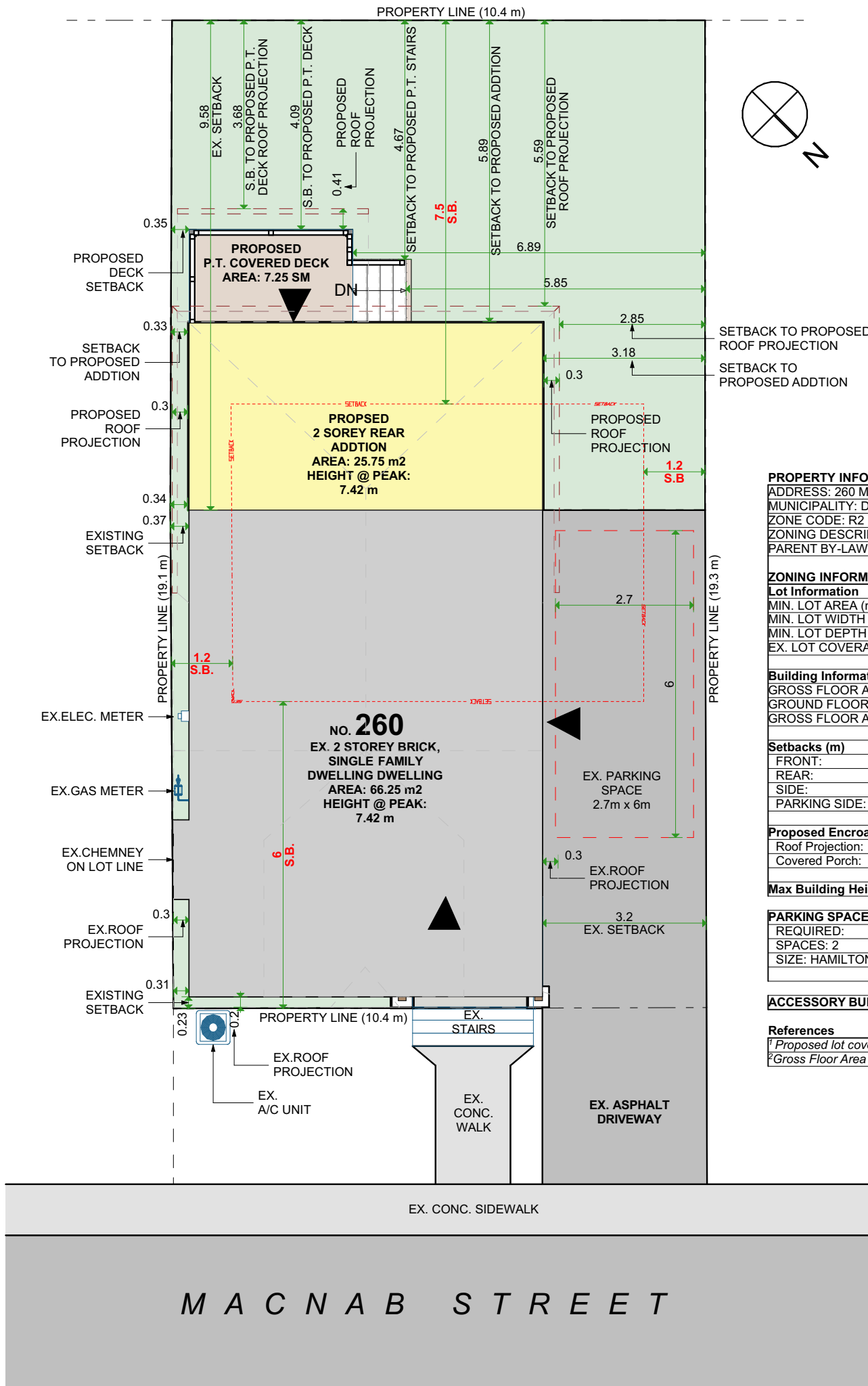
PROPOSED RIGHT ELEVATION

GUYATT - 2.2.pln

GUYATT RESIDENCE
 260 MACNAB STREET
 DUNDAS ON L9H 2K3

2020-02-06
 1/4" = 1'-0"

A15



PROPERTY INFORMATION

ADDRESS: 260 MACNAB STREET	POSTAL CODE: L9H 2K3
MUNICIPALITY: DUNDAS	
ZONE CODE: R2	
ZONING DESCRIPTION: SINGLE DETACHED RESIDENTIAL	
PARENT BY-LAW NUMBER: 3581-86 DUNDAS	

ZONING INFORMATION

Lot Information	
MIN. LOT AREA (m ²): 450	LOT AREA (m ²): 201.3
MIN. LOT WIDTH (m): 15	ACTUAL LOT WIDTH (m): 10.8
MIN. LOT DEPTH (m): N/A	ACTUAL LOT DEPTH (m): 19.3
EX. LOT COVERAGE (%): %30.3	NEW COVERAGE (%): %43

Building Information	Existing	Proposed
GROSS FLOOR AREA RATIO % ² :	91%	129%
GROUND FLOOR AREA:	60.85 m ²	86.50 m ²
GROSS FLOOR AREA:	182.55 m ²	259.50 m ²

Setbacks (m)	Required	Existing	Proposed
FRONT:	6.00	0.20	0.20
REAR:	7.50	9.58	5.89
SIDE:	1.20	0.37	0.34
PARKING SIDE:	5.00	3.20	3.20

Proposed Encroachments (m)

Roof Projection:	As Noted
Covered Porch:	As Noted

Max Building Height (m)	Allowed: 10.5	Existing: 7.42	Proposed: 7.42
--------------------------------	---------------	----------------	----------------

PARKING SPACES:

REQUIRED:	PROVIDED:
SPACES: 2	SPACES: 1 (EXISTING NON-CONFORMING)
SIZE: HAMILTON 2.7 x 6.0m	SIZE: HAMILTON 2.7 x 6.0m

ACCESSORY BUILDINGS:

N/A

References

¹ Proposed lot coverage calculations = Proposed Footprint area / Lot Area
² Gross Floor Area Ratio Calculation: Total Gross Floor Area / Lot Area



SHANE RENOVATIONS
790 SHAVER RD. ANCASTER
L9G 3K9 ON | 905-304-4009

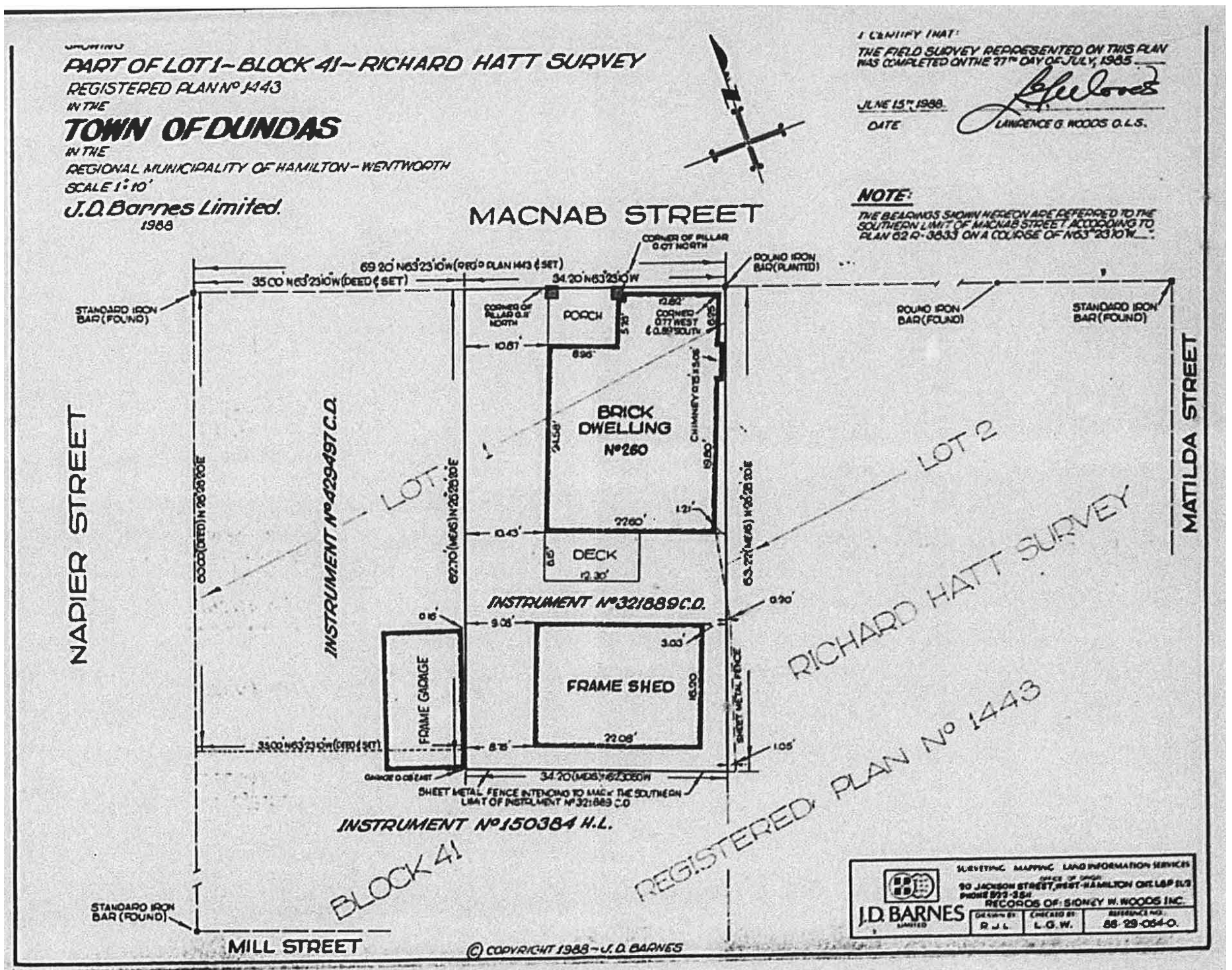
SITE PLAN

GUYATT - 2.2.pln

GUYATT RESIDENCE
260 MACNAB STREET
DUNDAS ON L9H 2K3

2020-02-06
1:100

S1



SHANE RENOVATIONS
 790 SHAVER RD. ANCASTER
 L9G 3K9 ON | 905-304-4009

SURVEY
 GUYATT - 2.2.pln

GUYATT RESIDENCE
 260 MACNAB STREET
 DUNDAS ON L9H 2K3

2020-02-06
 1:200

S2



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221 Fax (905) 546-4202
 E-mail: morgan.evans@hamilton.ca or jamila.sheffield@hamilton.ca

NOTICE OF PUBLIC HEARING Minor Variance

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.: GL/A-20:46

APPLICANTS: Applecreek Farms Inc. c/o Rick Vandebos on behalf of the owner Chris Attema

SUBJECT PROPERTY: Municipal address **8149 English Church Rd., (Glanbrook)**
City of Hamilton

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-law 15-173

ZONING: "A1" (Agriculture) Zone

PROPOSAL: To permit the demolition of an existing accessory building (hog barn) and construct a new accessory building (hog barn) notwithstanding that:

1. The accessory building with manure storage shall be setback a minimum of 283m from Type A land uses instead of the minimum required setback of 355m for buildings with manure storage.
2. The accessory building with manure storage shall be setback a minimum of 200m from Type A land uses instead of the minimum required setback of 709m for buildings with manure storage.
3. The accessory building with livestock shall be setback a minimum of 184m from Type B land uses instead of the minimum required setback of 566m for buildings with livestock.

NOTES:

1. The required distances and accessory building setbacks were based on Minimum Distance Separation II report prepared by Chris Attema dated February 3, 2020. The MDS II Setback Distance Summary chart does not provide exact distance measurements. As a result, variances have been written exactly as requested by the applicant.
2. Submitted plans were lacking details to determine the exact location of the proposed accessory building. The owner shall ensure the new accessory building is not located within the front yard. Section 3 states; Front Yard - shall mean a yard extending across the full width of a lot measured between the front lot line and the nearest part of a building on the lot.
3. This property is subject to Site Plan Control; to date, no formal site plan application has been submitted and a full zoning review has not been conducted for the proposed development. Further variances may be required at such time that a formal zoning review is conducted on the proposed development.

GL/A-20:46
Page 2

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

DATE: Thursday, July 9th, 2020
TIME: 2:45 p.m.
PLACE: Via video link or call in (see attached sheet for details)
To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: June 23rd, 2020.

Original Signed

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.



MDS II Setback Distance Summary

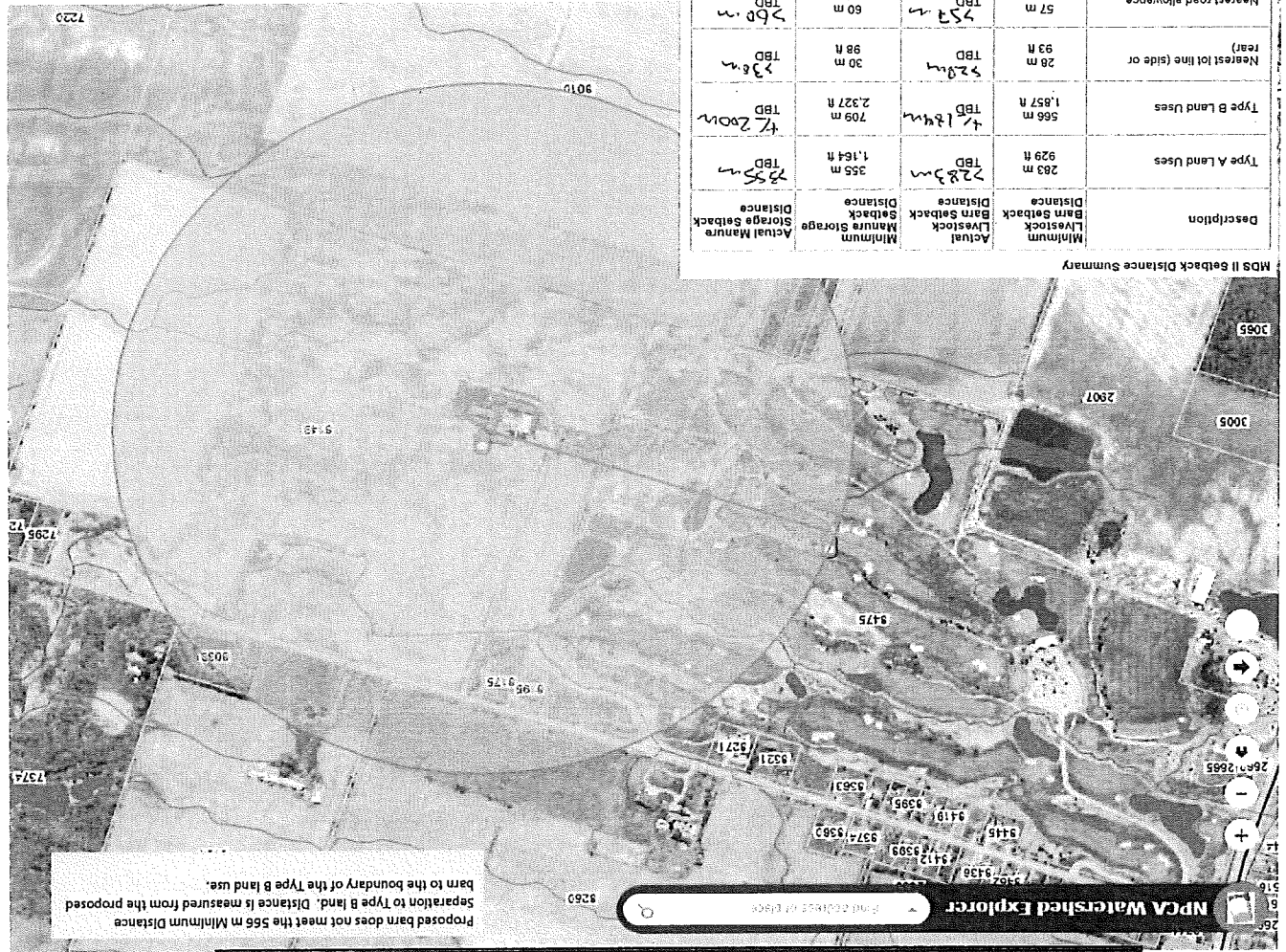
Description	Minimum Distance	Actual Distance	Type A Land Uses	Type B Land Uses	Nearest lot line (side or rear)	Nearest road allowance
Minimum Livestock Barn Setback	283 m	283 m	929 n	566 m	28 m	57 m
Minimum Livestock Manure Storage Barn Setback	355 m	355 m	929 n	709 m	30 m	60 m
Actual Livestock Barn Setback		283 m	929 n	709 m	30 m	60 m
Actual Livestock Manure Storage Barn Setback		355 m	929 n	709 m	30 m	60 m
			929 n	2,327 n	99 n	197 n
			TBD	TBD	TBD	TBD

Description: Apple Creek Farms Inc.
Application Date: Monday, February 3, 2020
Municipal File Number:
Applicant Contact Information
 c/o Rick Vandebos
 Apple Creek Farms Inc.
 Email: rjvdobos@gmail.com
Location of Subject Livestock Facilities
 City of Hamilton
 GLANFORD, Concession: 4, Lot: 8
Roll Number: 251890232052600

GL/H 20:46
 sketch 2

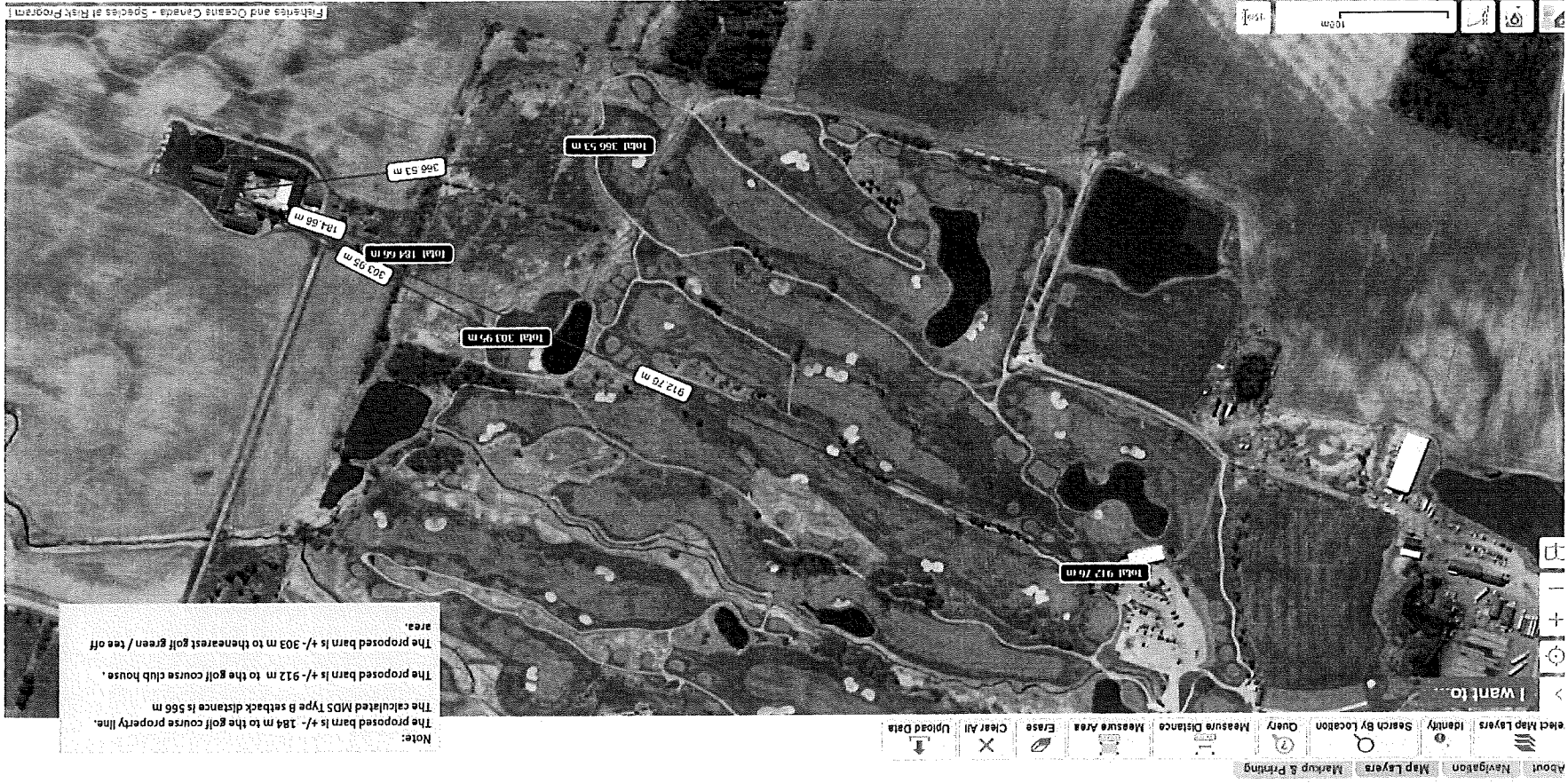
Description	Minimum Livestock Storage Distance	Minimum Manure Storage Distance	Actual Livestock Storage Distance	Actual Manure Storage Distance
Type A Land Uses	283 m	TBD	228 m	355 m
Type B Land Uses	1,857 ft	TBD	4,184 m	709 m
Nearest lot line (side or rear)	20 m	TBD	228 m	30 m
Nearest road allowance	57 m	TBD	452 m	60 m

MDS II setback Distance Summary



Description: Apple Creek Farms Inc.
Application Date: Monday, February 3, 2020
Municipal File Number:
Applicant Contact Information
 c/o Rick Vandenbos
 Apple Creek Farms Inc.
 Email: rjvdos@gmail.com
Location of Subject Livestock Facilities
 City of Hamilton
 GLANFORD, Concession: 4, Lot: 8
 Roll Number: 251890232052600

GL/A 20:46
 Sketch 3



Description: Apple Creek Farms Inc.
Application Date: Monday, February 3, 2020
Municipal File Number:
Applicant Contact Information
 c/o Rick Vandenbos
 Apple Creek Farms Inc.
 Email: rjvdpos@gmail.com
Location of Subject Livestock Facilities
 City of Hamilton
 GLANFORD, Concession: 4, Lot: 8
 Roll Number: 251890232052600

G4/A 20:46
 Sketched 4



Hamilton

Planning and Economic Development Department
Planning Division

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

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

FOR OFFICE USE ONLY.	
APPLICATION NO. <u>GLA-20:40</u>	DATE APPLICATION RECEIVED <u>11/20/01</u>
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

send sign *

- Name of Owner Applecreek Farms Inc.
c/o Rick Vandebos Telephone No.
-
- Name of Agent Chris Attema Telephone No.
-

Note: Unless otherwise requested all communications will be sent to the agent, if any.

- Names and addresses of any mortgagees, holders of charges or other encumbrances:

NONE _____ Postal Code _____

_____ Postal Code _____

6. Nature and extent of relief applied for:

The calculated Minimum Distance separation for the proposed barn is 283 m for Type A land uses and 566 m for Type B land uses. The proposed barn meets the Type A land use setback distance requirements. Relief is requested for the Type B (golf course) barn to property line setback requirement.

7. Why it is not possible to comply with the provisions of the By-law?

The existing hog barn manure storage and feed facilities are located at this location. The proposal is to remove one of the existing barn and to replace a barn with the capacity for a moderate expansion in production capacity. It is not be economically feasible to locate the proposed replacement barn at another location on this property. Other factors to consider include a) the barn was at the location prior to the golf course, b) provisions were made when rezoning for golf course use to ensure the club house facilities were located at least 900 m from the existing barns and c) there is a buffer area between the existing / proposed barns and the nearest golf course greens and tee off areas are located +/- 303 m from the proposed barn. The Type A Minimum Distance setback requirement is 283 m.

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

GLANFORD LOT LOT 8 CONCESSION CON 4 Geographic Township GLANFORD

ARN 251890232052600
Street Number 8149 English Church Road

9. PREVIOUS USE OF PROPERTY

Residential _____ Industrial _____ Commercial _____

Agricultural x _____ Vacant _____

Other _____

9.1 If Industrial or Commercial, specify use

Agriculture

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes _____ No x _____ Unknown _____

9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes _____ No x _____ Unknown _____

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes _____ No x _____ Unknown _____

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes _____ No x _____ Unknown _____

9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes _____ No x _____ Unknown _____

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes _____ No x _____ Unknown _____

9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes _____ No x _____ Unknown _____

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes _____ No x _____ Unknown _____

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?
The farm owner. The property has been owned by family farm since 1972

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

N O T A P P L I C A B L E

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

January 27, 2020
 Date

 Signature Property Owner

 Print Name of Owner

10. Dimensions of lands affected: 8149 English Church Road
 Frontage +/- 700 m
 Depth +/- 678 m
 Area +/- 57.5 ha
 Width of street Not applicable

11. Particulars of all buildings and structures on or proposed for the subject lands:
 (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)
 Existing: See the attached farmstead site map for the livestock housing details

Proposed: Decommission an existing hog barn. Replace with an expanded barn. The current livestock housing capacity is 243.2 "Nutrient Units". After the proposed decommissioning and reconstruction the livestock housing capacity will be 318.7 "Nutrient Units".

12. Location of all buildings and structures on or proposed for the subject lands;
 (Specify distance from side, rear and front lot lines)
 Existing: Site map attached

Proposed: The new and expanding proposed barn will be in the same area as the decommissioned barn.

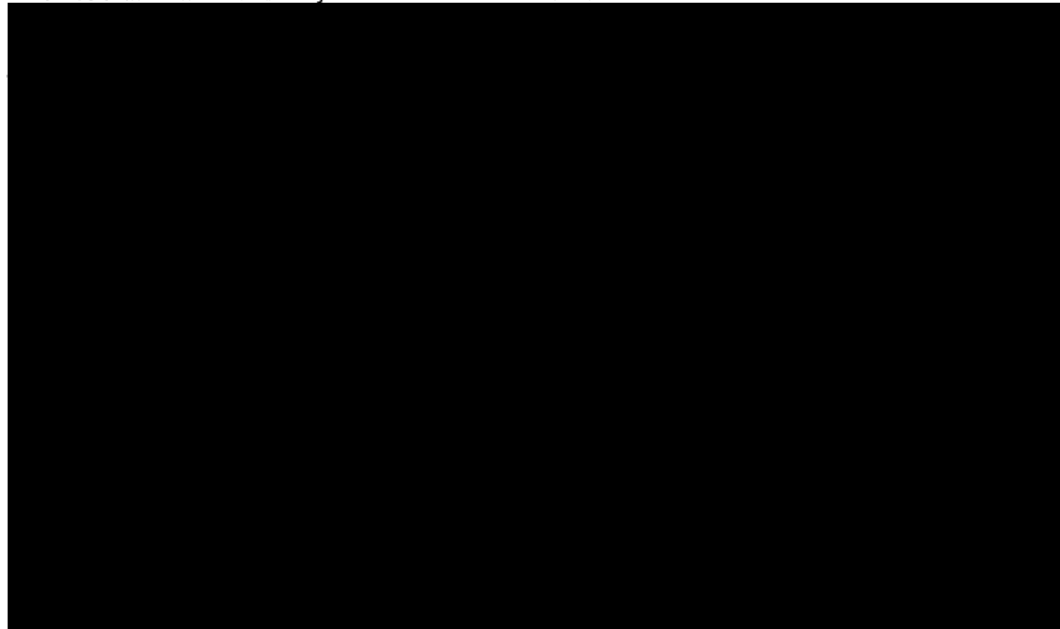
13. Date of acquisition of subject lands:
The land has been owned by the Vandebos family since 1972
14. Date of construction of all buildings and structures on subject lands:
No changes to the existing buildings for +/- 25 years
15. Existing uses of the subject property: _____
Agricultural pork and crop production
16. Existing uses of abutting properties: _____
Type A residential and Type B golf course.
17. Length of time the existing uses of the subject property have continued:
Owned and operated as a farm property by the Vandebos family since 1972.
Utilized as an agricultural crop and livestock production farm prior to 1972.
18. Municipal services available: (check the appropriate space or spaces)
 Water Not applicable Connected n/a
 Sanitary Sewer Not applicable Connected n/a
 Storm Sewers Not applicable No municipal services to agricultural buildings
19. Present Official Plan/Secondary Plan provisions applying to the land:
Agriculture
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Agriculture A1
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.

22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor. Site map and aerial photo attached

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.

PART 24 AFFIDAVIT OR SWORN DECLARATION

This declaration to be sworn by a Commissioner of Oaths.



Expires July 30, 2022.

PART 25 OWNERS AUTHORIZATION

As of the date of this application, I (NAME) APPLE CREEK FARMS am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

Chris Aherne of Attens Consulting Services Inc.

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE Feb 3/2020

SIGNED 

PART 26 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, APPLE CREEK FARMS, the Owner, hereby agree and acknowledge
(Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

Date

FEB 3/2020

Signature of Owner



@

PART 27 PERMISSION TO ENTER

Date: Feb 3 2020

Secretary/Treasurer
Committee of Adjustment
City of Hamilton,
City Hall

* please notify prior to
site visit for farm
biosecurity
- Stuart Vermeulen



Dear Secretary/Treasurer;

Re: Application to Committee of Adjustment

Location of Land: 8149 ENGLISH CHURCH RD.
(Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited purposes of evaluating the merits of this application.



Signature of Owner or Authorized agent

RICK VAN DEN BOS

Please print name

Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee's policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.

PART 28 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1284.





Minimum Distance Separation II
 Apple Creek
 Prepared By: Chris Attema, 5365 Concession Four Road

Description: Apple Creek Farms Inc.
Application Date: Monday, February 3, 2020
Municipal File Number:
Applicant Contact Information
 c/o Rick Vandebos
 Apple Creek Farms Inc.
 Email: rjvdbos@gmail.com

Location of Subject Livestock Facilities
 City of Hamilton
 GLANFORD, Concession: 4, Lot: 8
 Roll Number: 251890232052600

Calculation Name: **Apple Creek**
Description: 8149 English Church Road

The barn area is an estimate only and is intended to provide users with an indication of whether the number of livestock entered is reasonable.

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Total Maximum Number	Total Maximum Number (NU)	Estimated Livestock Barn Area
Liquid	Swine, Sows with litter, dry sows/boars	247	70.6	407	116.3	12,210 ft ²
Liquid	Swine, Feeders (27 - 136 kg), Full Slats	854	162.7	1,010	192.4	10,404 ft ²
Solid	Beef, Feeders (7 - 16 months), Confinement Bedded Pack	30	10.0	30	10.0	1,500 ft ²

Manure Storage: M1. Liquid, outside, no cover, straight-walled storage

Existing design capacity (NU): 243.2
Design capacity after alteration (NU): 318.7

Factor A (Odour Potential) **1.08** X Factor B (Size) **473.71** X Factor C (Orderly Expansion) **0.6923** X Factor D (Manure Type) **X** = Building Base Distance F' (minimum distance from livestock barn) **283 m (929 ft)**

Storage Base Distance 'S'
 (minimum distance from manure storage)
355 m (1164 ft)

MDS II Setback Distance Summary

Description	Minimum Livestock Barn Setback Distance	Actual Livestock Barn Setback Distance	Minimum Manure Storage Setback Distance	Actual Manure Storage Setback Distance
Type A Land Uses	283 m 929 ft	> 283 m TBD	355 m 1,164 ft	> 283 m TBD
Type B Land Uses	566 m 1,857 ft	> 184 m TBD	709 m 2,327 ft	> 200 m TBD
Nearest lot line (side or rear)	28 m 93 ft	> 28 m TBD	30 m 98 ft	> 30 m TBD
Nearest road allowance	57 m 186 ft	> 57 m TBD	60 m 197 ft	> 60 m TBD




Minimum Distance Separation II
 Apple Creek
 Prepared By: Chris Attema, 5365 Concession Four Road

Preparer Information

Chris Attema
 5365 Concession Four Road

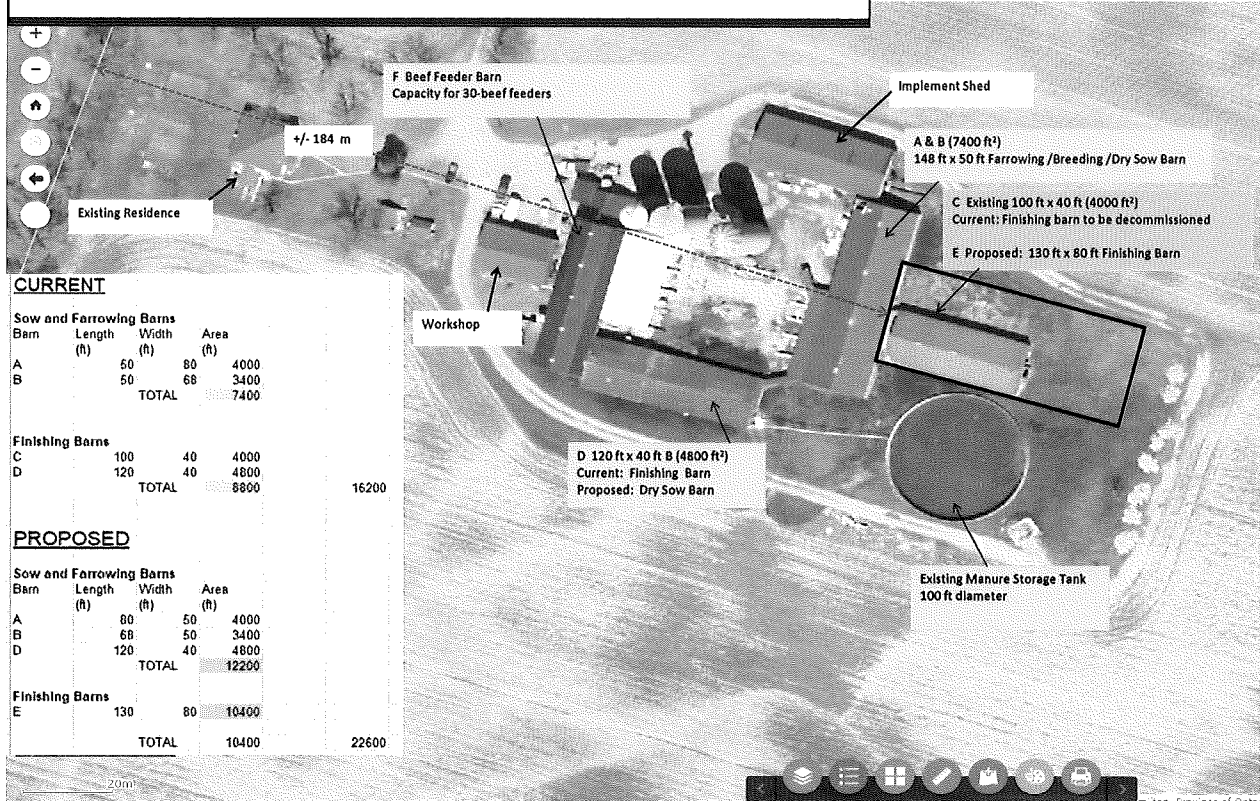
Phone #1: 905 386-0272
 Email: chrisattema@gmail.com

Signature of Preparer:  _____ Date: Feb 31 2020

NOTE TO THE USER:

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information; mistakes in calculation; errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.

Description: Apple Creek Farms Inc.
Application Date: Monday, February 3, 2020
Municipal File Number:
Applicant Contact Information c/o Rick Vandembos
 Apple Creek Farms Inc.
 Email: rjvdobos@gmail.com
Location of Subject Livestock Facilities
 City of Hamilton
 GLANFORD, Concession: 4, Lot: 8
 Roll Number: 251890232052600



CURRENT

Sow and Farrowing Barns			
Barn	Length (ft)	Width (ft)	Area (ft²)
A	50	80	4000
B	50	68	3400
TOTAL			7400

Finishing Barns			
Barn	Length (ft)	Width (ft)	Area (ft²)
C	100	40	4000
D	120	40	4800
TOTAL			8800

16200

PROPOSED

Sow and Farrowing Barns			
Barn	Length (ft)	Width (ft)	Area (ft²)
A	80	50	4000
B	68	50	3400
D	120	40	4800
TOTAL			12200

Finishing Barns			
Barn	Length (ft)	Width (ft)	Area (ft²)
E	130	80	10400
TOTAL			10400

22600

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Total Maximum Number	Total Maximum Number (NU)	Estimated Livestock Barn Area
Liquid	Swine, Sows with litter, dry sows/boars	247	70.6	407	116.3	12,210 ft²
Liquid	Swine, Feeders (27 - 136 kg), Full Slats	854	162.7	1,010	192.4	10,404 ft²
Solid	Beef Feeders (7 - 16 months), Confinement Bedded Pack	30	10.0	30	10.0	1,500 ft²

Manure Storage: M1. Liquid, outside, no cover, straight-walled storage
 Existing design capacity (NU): 243.2
 Design capacity after alteration (NU): 318.7

Factor A (Odour Potential) 1.08 X Factor B (Size) 473.71 X Factor C (Orderly Expansion) 0.6923 X Factor D (Manure Type) 0.8 = Building Base Distance 'F' (minimum distance from livestock barn) 283 m (929 ft)
 Storage Base Distance 'S' (minimum distance from manure storage) 355 m (1164 ft)

MDS II Setback Distance Summary

Description	Minimum Livestock Barn Setback Distance	Actual Livestock Barn Setback Distance	Minimum Manure Storage Setback Distance	Actual Manure Storage Setback Distance
Type A Land Uses	283 m 929 ft	> 283 m TBD	355 m 1,164 ft	> 283 m TBD
Type B Land Uses	566 m 1,857 ft	> 184 m TBD	709 m 2,327 ft	> 200 m TBD
Nearest lot line (side or rear)	28 m 93 ft	> 28 m TBD	30 m 98 ft	> 30 m TBD
Nearest road allowance	57 m 186 ft	> 57 m TBD	60 m 197 ft	> 60 m TBD

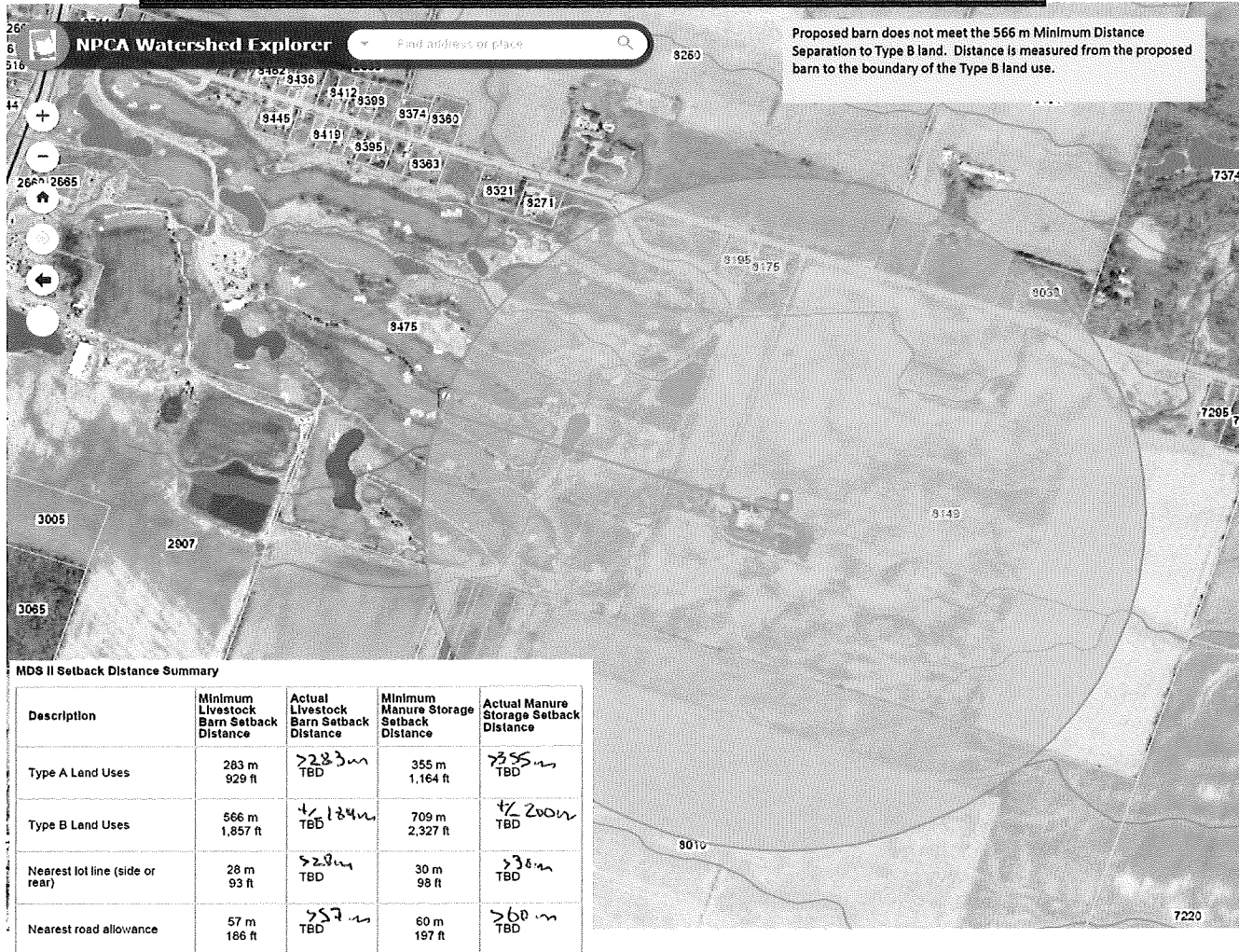
Description: Apple Creek Farms Inc.
Application Date: Monday, February 3, 2020
Municipal File Number:
Applicant Contact Information c/o Rick Vandenbos
 Apple Creek Farms Inc.
 Email: rjvdbos@gmail.com
Location of Subject Livestock Facilities
 City of Hamilton
 GLANFORD, Concession: 4, Lot: 8
 Roll Number: 251890232052600



MDS II Setback Distance Summary

Description	Minimum Livestock Barn Setback Distance	Actual Livestock Barn Setback Distance	Minimum Manure Storage Setback Distance	Actual Manure Storage Setback Distance
Type A Land Uses	283 m 929 ft	2263 m TBD	355 m 1,164 ft	2555 m TBD
Type B Land Uses	566 m 1,857 ft	2124 m TBD	709 m 2,327 ft	2000 m TBD
Nearest lot line (side or rear)	28 m 93 ft	726 m TBD	30 m 98 ft	230 m TBD
Nearest road allowance	57 m 186 ft	252 m TBD	60 m 197 ft	260 m TBD

Description: Apple Creek Farms Inc.
Application Date: Monday, February 3, 2020
Municipal File Number:
Applicant Contact Information **Location of Subject Livestock Facilities**
 c/o Rick Vandebos City of Hamilton
 Apple Creek Farms Inc. GLANFORD, Concession: 4, Lot: 8
 Email: rjvdbos@gmail.com Roll Number: 251890232052600



Description:	Apple Creek Farms Inc.	
Application Date:	Monday, February 3, 2020	
Municipal File Number:		
Applicant Contact Information	Location of Subject Livestock Facilities	
c/o Rick Vandebos	City of Hamilton	
Apple Creek Farms Inc.	GLANFORD, Concession: 4, Lot: 8	
Email: rjvdbos@gmail.com	Roll Number:	251890232052600

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[Select Map Layers](#) | [Identify](#) | [Search By Location](#) | [Query](#) | [Measure Distance](#) | [Measure Area](#) | [Erase](#) | [Clear All](#) | [Upload Data](#)





Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221 Fax (905) 546-4202

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

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.: FL/A-20:47

APPLICANTS: Shane K. Wilson on behalf of the owner Willaim Searle

SUBJECT PROPERTY: Municipal address **14 Stonebury PI (Flamborough) City of Hamilton**

ZONING BY-LAW: Zoning By-law 05-200, as Amended

ZONING: "A2 and Exception 234" (Rural) Zone

PROPOSAL: To permit the construction of a detached garage (accessory building) which is accessory to the existing single detached dwelling, notwithstanding,.

1. The proposed accessory building shall be permitted to be located within the front yard whereas the Zoning By-law does not permit accessory buildings to be located within a front yard.

NOTES:

1. The applicant shall ensure the proposed building height is provided in accordance with the definition of "Building Height" and "Grade" as defined within the Zoning By-law.
2. A further variance will be required if the gross floor area of all existing and proposed accessory buildings exceed 200 square metres.

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

DATE: Thursday, July 9th, 2020

TIME: 2:50 p.m.

PLACE: Via video link or call in (see attached sheet for details)
To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

FL/A-20:47

Page 2

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: June 23rd, 2020.

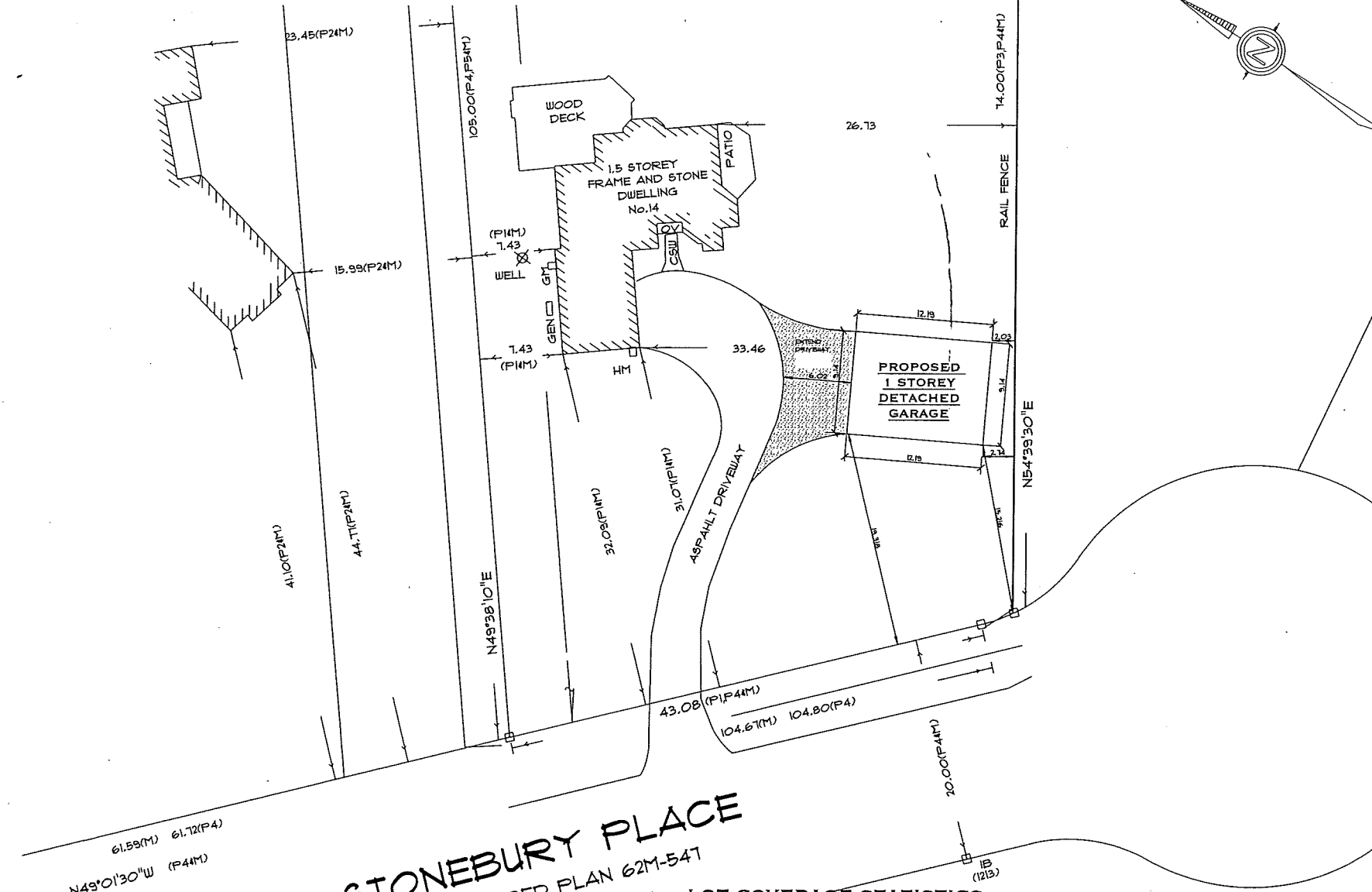
Original Signed

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.

14 STONEBURY PLACE
IN THE
CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH



NO.	DATE:	ISSUE / REVISION
1	01-21-20	FOR CUSTOMER APPROVAL
2	01-31-20	FOR C.O.A.
3	06-10-20	REVISED FOR C.O.A.
4		
5		

GENERAL NOTES:

THE CONTRACTOR IS TO VERIFY ALL DIMENSIONS AND INFORMATION SHOWN ON THESE DRAWINGS WITH CONDITIONS ON SITE AND ANY DISCREPANCIES ARE TO BE REPORTED TO THE DESIGNER PRIOR TO CONSTRUCTION AND FABRICATION OF ITS COMPONENTS. SHOULD EXISTING CONDITIONS OR SERVICES BE FOUND TO VARY FROM THAT INDICATED ON THE DRAWINGS, THE DESIGNER MUST BE NOTIFIED IMMEDIATELY.

ALL DRAWINGS AND RELATED DOCUMENTS SHALL REMAIN THE PROPERTY AND COPYRIGHT OF DETAILS MATTER.

USE LATEST REVISED DRAWINGS.

MAKE GOOD ALL AREAS OF WORK AND SURFACES DISTURBED BY CONSTRUCTION WHETHER SHOWN ON THE DRAWINGS OR NOT.

DO NOT SCALE DRAWINGS.

THESE DRAWINGS ARE IN ACCORDANCE TO THE 2012 O.B.C.

QUALIFICATION INFORMATION

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONT. BUILDING CODE TO BE A DESIGNER. REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIVISION 'C' SECTION 3.2 OF THE O.B.C.

SHANE K WILSON
FIRM NAME: DETAILS MATTER 39141

Details Matter

M. 905.870.8445
SHANE@DETAILSMATTER.CA WWW.DETAILSMATTER.CA

FACEBOOK.COM/DETAILSMATTER2007
@DETAILSMATTER07

PROJECT:
14 STONEBURY PLACE
CARLISLE, ONTARIO

SHEET TITLE:
SITE SKETCH

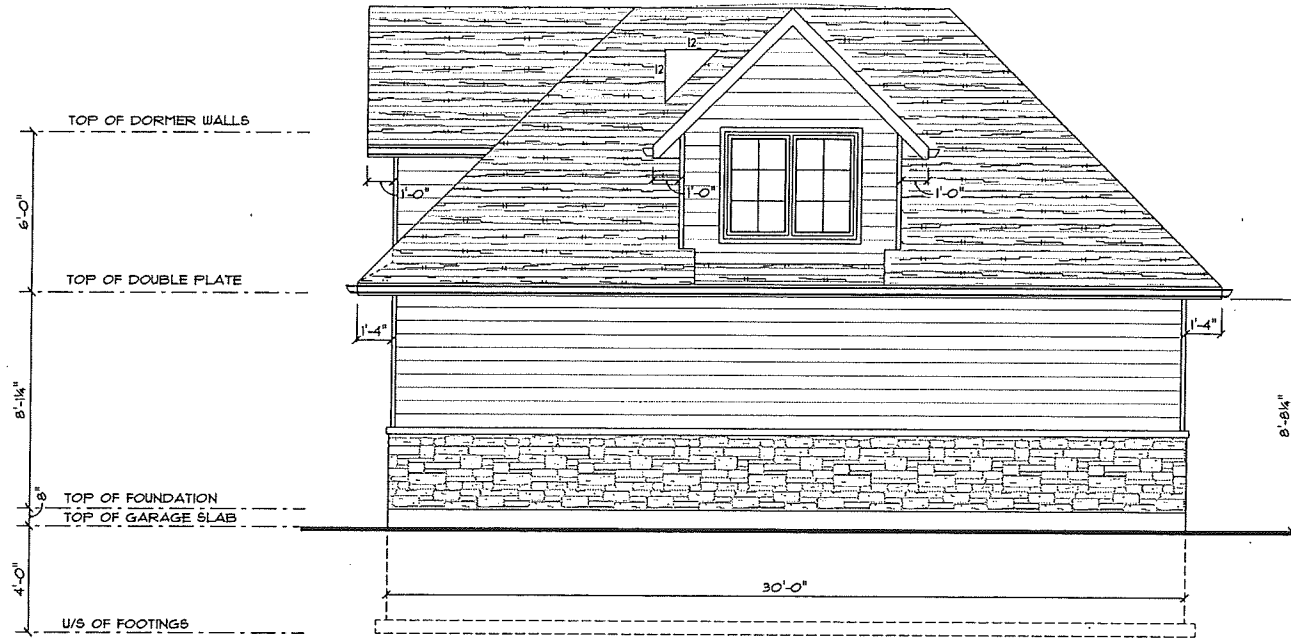
DRAWN BY: S.K.W.	CHECKED BY: S.K.W.	
SCALE: N.T.S.	DATE: JAN 2020	PROJECT NO: DM20-001

DRAWING NO:
AO

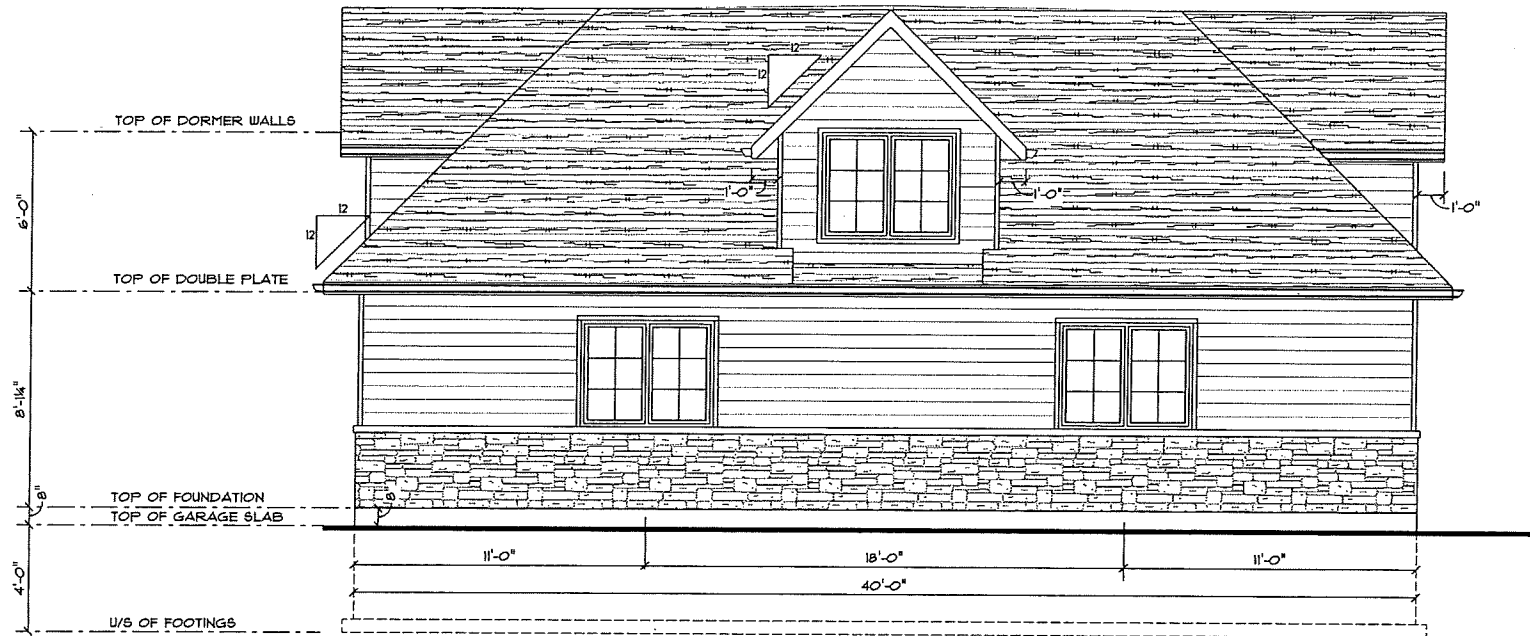
STONEBURY PLACE
(BY REGISTERED PLAN 62M-541
PIN 17524-0013(LT))

LOT COVERAGE STATISTICS

	EXISTING DWELLING	NEW GARAGE	EXIST. SHED	TOTAL
LOT AREA :	1.121 HA (2.77 AC)			
LOT COVERAGE :	207.18 Sq M	111.46 Sq M	9.00 Sq M	299.79 Sq M
LOT COVERAGE :	1.85 %	0.75 %	0.08 %	2.67 %



REAR ELEVATION



RIGHT ELEVATION

NO.	DATE:	ISSUE / REVISION
1	01-21-20	FOR CUSTOMER APPROVAL
2	01-31-20	FOR C.O.A.
3	06-10-20	REVISED FOR C.O.A.
4		
5		

GENERAL NOTES:

THE CONTRACTOR IS TO VERIFY ALL DIMENSIONS AND INFORMATION SHOWN ON THESE DRAWINGS WITH CONDITIONS ON SITE AND ANY DISCREPANCIES ARE TO BE REPORTED TO THE DESIGNER PRIOR TO CONSTRUCTION AND FABRICATION OF ITS COMPONENTS. SHOULD EXISTING CONDITIONS OR SERVICES BE FOUND TO VARY FROM THAT INDICATED ON THE DRAWINGS, THE DESIGNER MUST BE NOTIFIED IMMEDIATELY.

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MAKE GOOD ALL AREAS OF WORK AND SURFACES DISTURBED BY CONSTRUCTION WHETHER SHOWN ON THE DRAWINGS OR NOT.

DO NOT SCALE DRAWINGS.

THESE DRAWINGS ARE IN ACCORDANCE TO THE 2012 O.B.C.

QUALIFICATION INFORMATION

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONT. BUILDING CODE TO BE A DESIGNER, REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIVISION 'C' SECTION 3.2 OF THE O.B.C.

SHANE K WILSON

FIRM NAME: DETAILS MATTER

39141

Details Matter

M. 905.870.8445
SHANE@DETAILSMATTER.CA WWW.DETAILSMATTER.CA

FACEBOOK.COM/DETAILSMATTER2007
@DETAILSMATTER07

PROJECT:
14 STONEBURY PLACE
CARLISLE, ONTARIO

SHEET TITLE:
REAR AND RIGHT ELEVATIONS

DRAWN BY: S.K.W.	CHECKED BY: S.K.W.	PROJECT NO: DM20-001
SCALE: 3/16" = 1'-0"	DATE: JAN 2020	

DRAWING NO:

A2

NO.	DATE:	ISSUE / REVISION
1	01-21-20	FOR CUSTOMER APPROVAL
2	01-31-20	FOR C.O.A.
3	06-10-20	REVISED FOR C.O.A.
4		
5		

GENERAL NOTES:

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USE LATEST REVISED DRAWINGS.

MAKE GOOD ALL AREAS OF WORK AND SURFACES DISTURBED BY CONSTRUCTION WHETHER SHOWN ON THE DRAWINGS OR NOT.

DO NOT SCALE DRAWINGS.

THESE DRAWINGS ARE IN ACCORDANCE TO THE 2012 DBC.

QUALIFICATION INFORMATION

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONT. BUILDING CODE TO BE A DESIGNER. REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIVISION 'C' SECTION 3.2 OF THE O.B.C.

SHANE K WILSON
 FIRM NAME: DETAILS MATTER 39141



M. 905.870.8445
 SHANE@DETAILSMATTER.CA WWW.DETAILSMATTER.CA

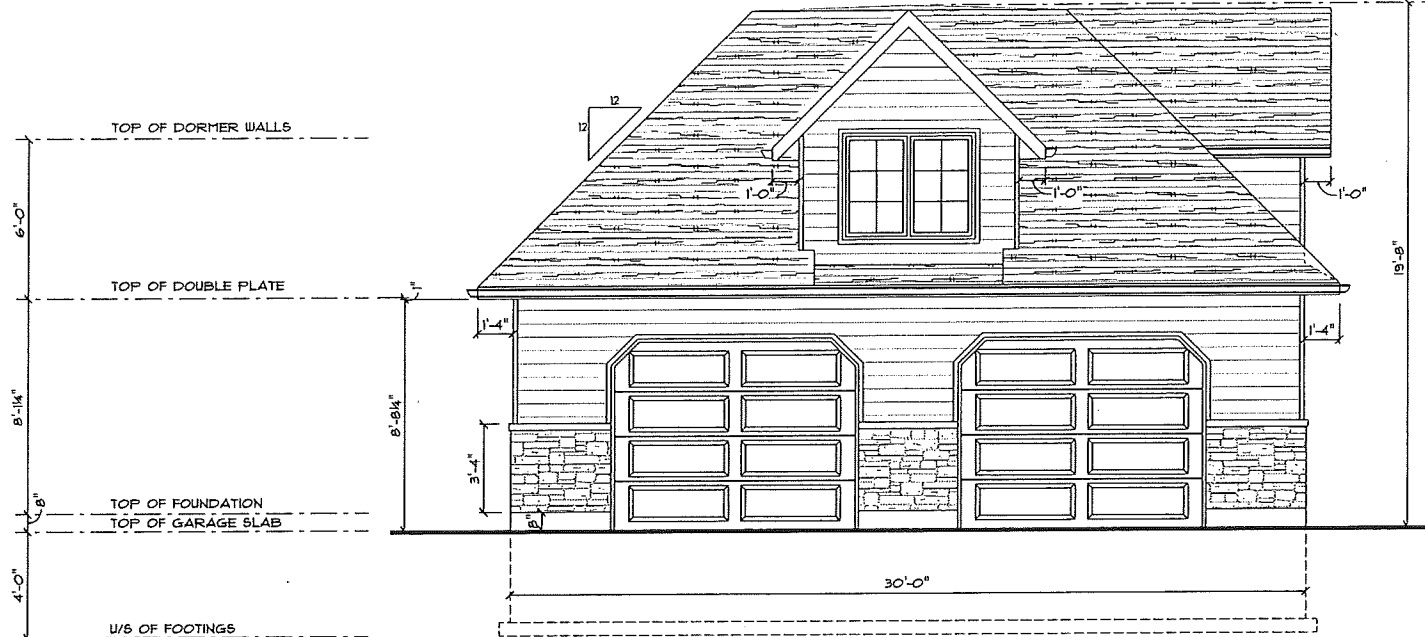

 FACEBOOK.COM/DETAILSMATTER2007
 @DETAILSMATTER07

PROJECT:
 14 STONEBURY PLACE
 CARLISLE, ONTARIO

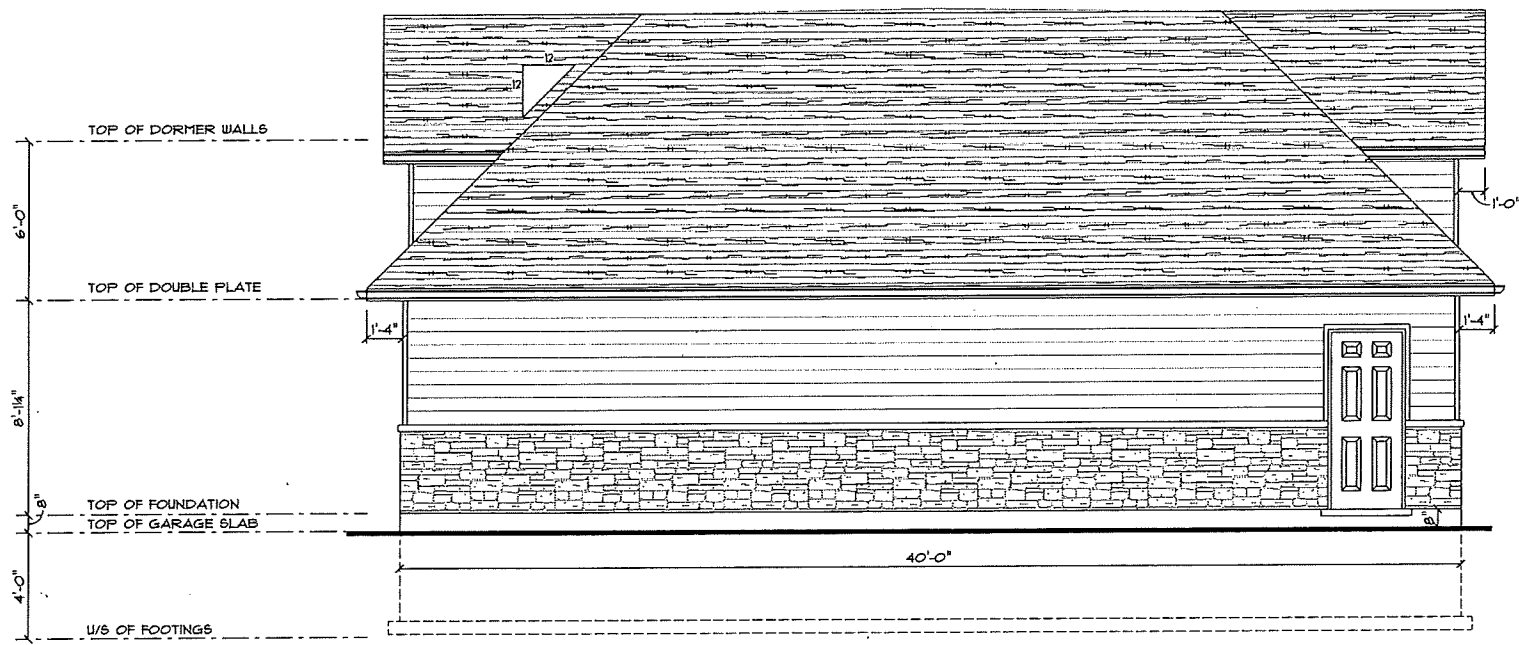
SHEET TITLE:
FRONT AND LEFT ELEVATIONS

DRAWN BY: S.K.W.	CHECKED BY: S.K.W.	
SCALE: 3/16" = 1'-0"	DATE: JAN 2020	PROJECT NO: DM20-001

DRAWING NO:
A1



FRONT ELEVATION



LEFT ELEVATION

NO.	DATE:	ISSUE / REVISION
1	01-21-20	FOR CUSTOMER APPROVAL
2	01-31-20	FOR C.O.A.
3	06-10-20	REVISED FOR C.O.A.
4		
5		

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SHANE K WILSON
 FIRM NAME: DETAILS MATTER 39141



Details Matter

M. 905.870.8445
 SHANE@DETAILSMATTER.CA WWW.DETAILSMATTER.CA


 FACEBOOK.COM/DETAILSMATTER2007
 @DETAILSMATTER07

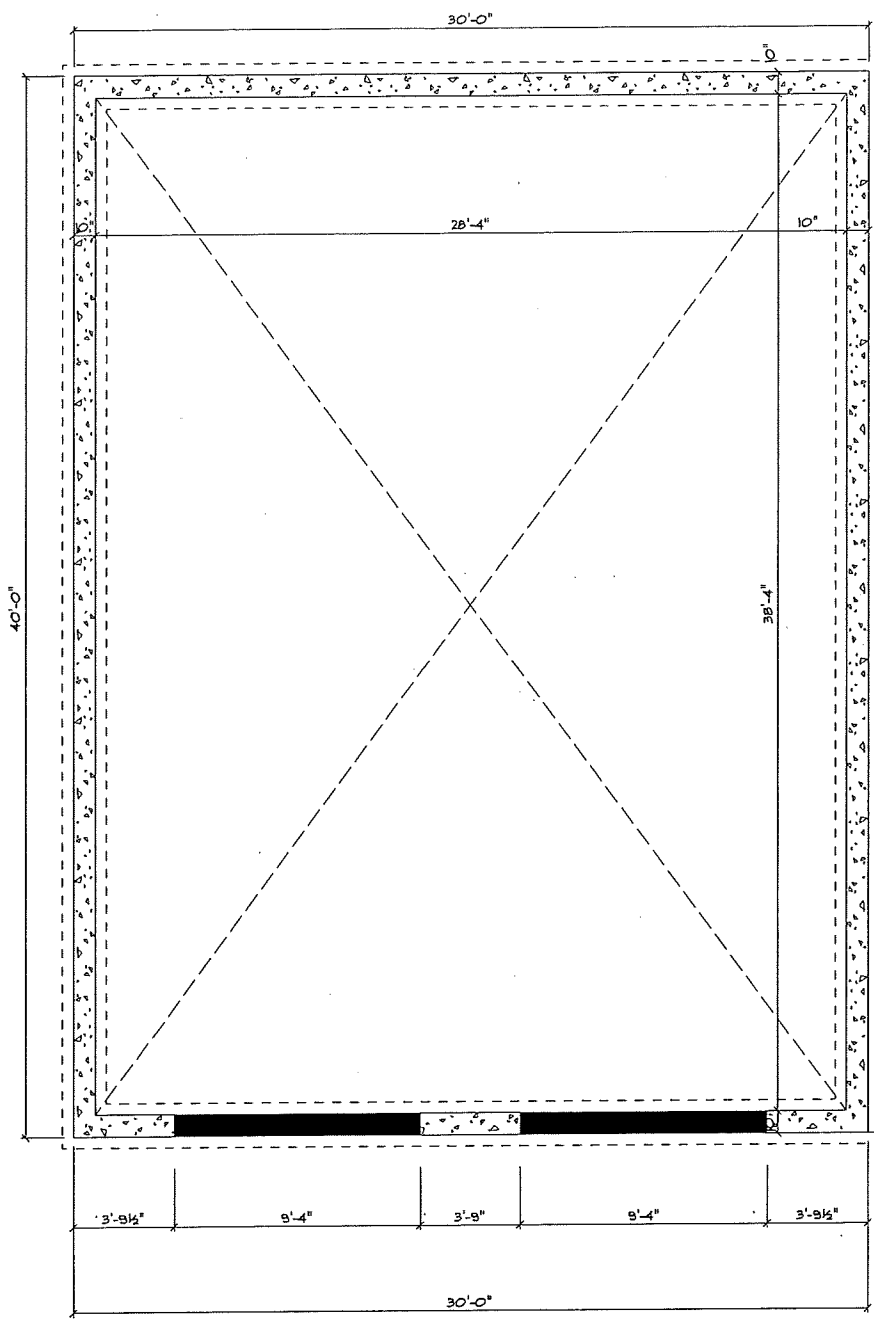
PROJECT:
 14 STONEBURY PLACE
 CARLISLE, ONTARIO

SHEET TITLE:
FLOOR PLANS

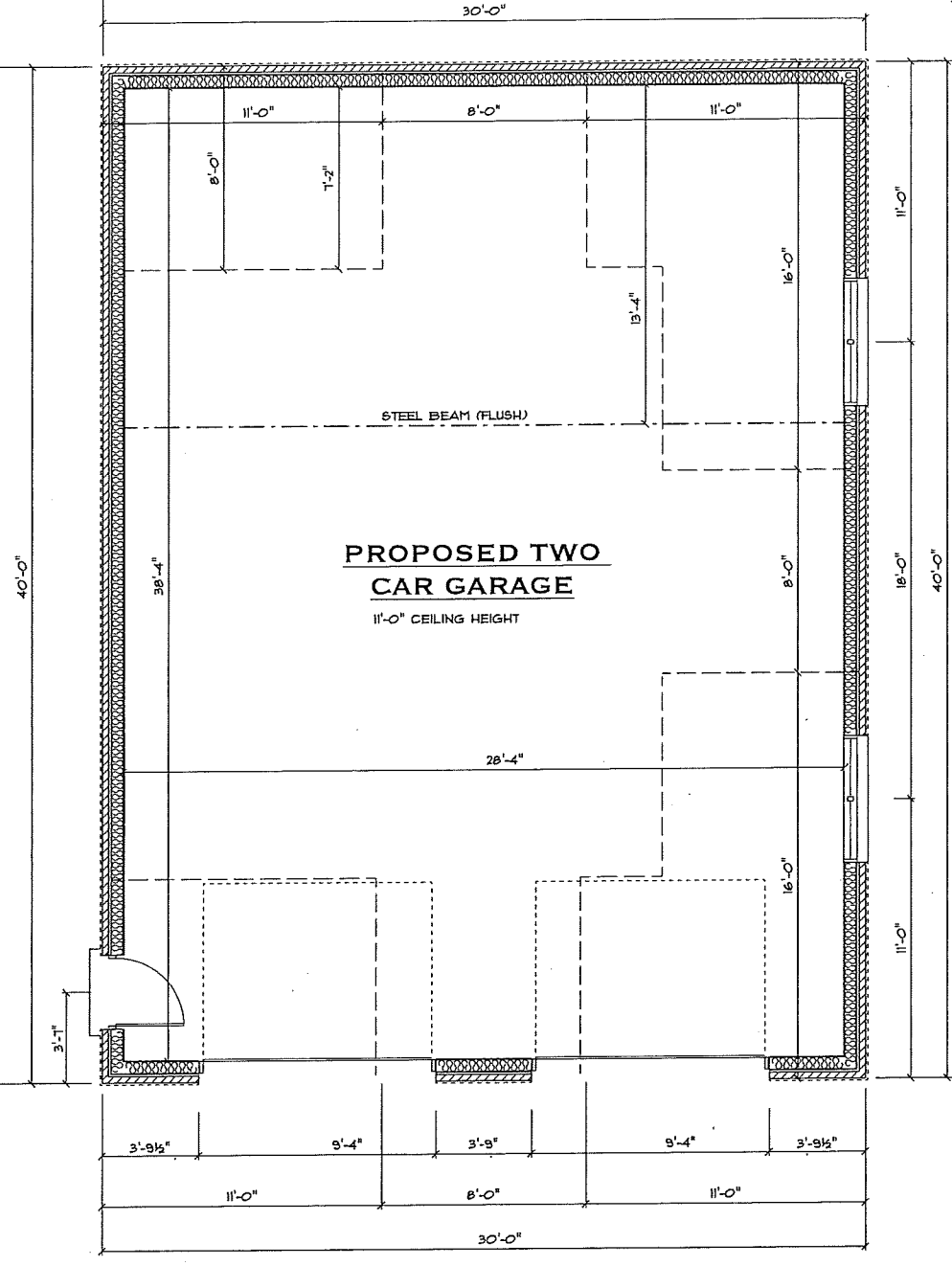
DRAWN BY: S.K.W.	CHECKED BY: S.K.W.
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SCALE: 3/16" = 1'-0"	DATE: JAN 2020	PROJECT NO: DM20-001
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DRAWING NO:
A3



FOUNDATION PLAN



MAIN FLOOR PLAN



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

Planning and Economic Development Department
Planning Division

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

- Name of Owner William (Bill) Searle Telephone No. [REDACTED]
[REDACTED]
- Address [REDACTED]
Postal Code [REDACTED]
- Name of Agent Shane K Wilson Telephone No. [REDACTED]
FAX NO. _____ E-mail address. [REDACTED]
- Address [REDACTED]
Postal Code [REDACTED]

Note: Unless otherwise requested all communications will be sent to the agent, if any.

- Names and addresses of any mortgagees, holders of charges or other encumbrances:

CIBC Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:
 Would like to position new Detached Garage in front yard of property

7. Why it is not possible to comply with the provisions of the By-law?
 We would like to position the new garage across from the existing building
 to utilize the existing driveway. The septic bed is directly beside the home which
 is why we're hoping to position it ahead. The building will match
 the design features of the existing dwelling and have nice curb appeal.
 The street is comprised of unique homes, each with a different architect.
8. Legal description of subject lands (registered plan number and lot number or other
 legal description and where applicable, street and street number):
 Part 1, Plan of Survey of Lot 4, Registered Plan 62M-547

9. PREVIOUS USE OF PROPERTY
- Residential Industrial _____ Commercial _____
 Agricultural _____ Vacant _____
 Other _____
- 9.1 If Industrial or Commercial, specify use

- 9.2 Has the grading of the subject land been changed by adding earth or other
 material, i.e. has filling occurred?
 Yes _____ No _____ Unknown _____
- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes _____ No _____ Unknown _____
- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent
 lands?
 Yes _____ No _____ Unknown _____
- 9.5 Are there or have there ever been underground storage tanks or buried waste on
 the subject land or adjacent lands?
 Yes _____ No _____ Unknown _____
- 9.6 Have the lands or adjacent lands ever been used as an agricultural operation
 where cyanide products may have been used as pesticides and/or sewage sludge
 was applied to the lands?
 Yes _____ No _____ Unknown _____
- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?
 Yes _____ No _____ Unknown _____
- 9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the
 fill area of an operational/non-operational landfill or dump?
 Yes _____ No _____ Unknown _____
- 9.9 If there are existing or previously existing buildings, are there any building materials
 remaining on site which are potentially hazardous to public health (eg. asbestos,
 PCB's)?
 Yes _____ No _____ Unknown _____

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
Yes ___ No ___ Unknown ___

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

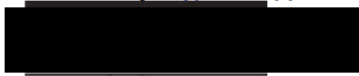
Is the previous use inventory attached? Yes ___ No ___

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

January 30th, 2020

Date



Signature Property Owner

William (Bill) Searle

Print Name of Owner

10. Dimensions of lands affected:
Frontage 43 M
Depth 207 M
Area 1.121 ha (2.77 ac)
Width of street 20 M

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)
Existing: Existing 2 Storey Home lot coverage 207.18 SQ M

revised Proposed: Detached 30'x40' Garage (111.48 SQ M) , 5.99 m height

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)
Existing: _____
Dwelling : North Side Setback : 7.43, Front : 31.07, South Side : 26.73

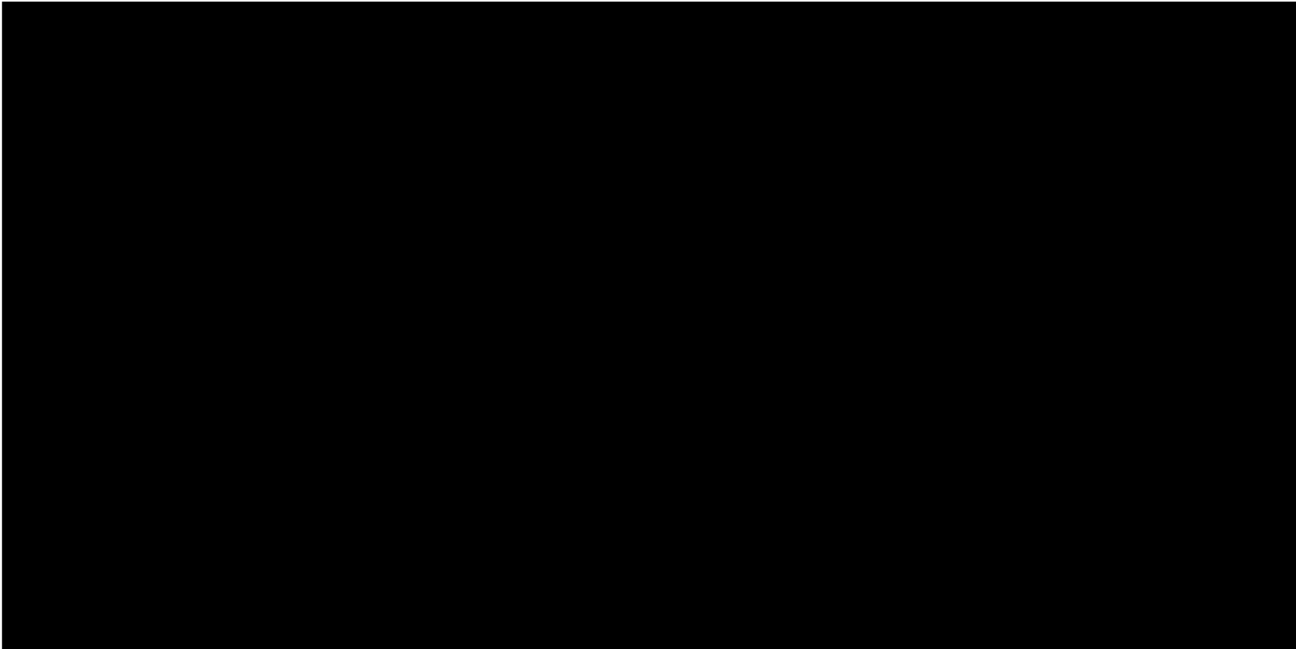
revised Proposed: Front : 15.26/19.32, South Side : 2.03/2.74

13. Date of acquisition of subject lands:
August 2015
14. Date of construction of all buildings and structures on subject lands:
1996
15. Existing uses of the subject property: Single Family Dwelling Detached
16. Existing uses of abutting properties: Single Family Dwelling Detached
17. Length of time the existing uses of the subject property have continued:
always
18. Municipal services available: (check the appropriate space or spaces)
Water Connected
Sanitary Sewer Existing Septic Connected
Storm Sewers
19. Present Official Plan/Secondary Plan provisions applying to the land:
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
21. Has the owner previously applied for relief in respect of the subject property?
Yes No
If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
Yes No
23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.

PART 24 AFFIDAVIT OR SWORN DECLARATION

This declaration to be sworn by a Commissioner of Oaths.

**PART 25 OWNERS AUTHORIZATION**

As of the date of this application, I (NAME) William (Bill) Searle am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

Shane K Wilson of Details Matter

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE January 30th, 2020

SIGNED 

PART 26 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, William (Bill) Searle, the Owner, hereby agree and acknowledge
(Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

January 30th, 2020

Date

Signature of Owner 

PART 27 PERMISSION TO ENTERDate: January 30th, 2020

Secretary/Treasurer
 Committee of Adjustment
 City of Hamilton,
 City Hall

Dear Secretary/Treasurer;

Re: Application to Committee of Adjustment

Location of Land: 14 Stonebury Place, Carlisle (Hamilton)
 (Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited purposes of evaluating the merits of this application.



Signature of Owner or Authorized agent

William (Bill) Searle

Please print name

Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee's policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.

PART 28 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1284.

NO.	DATE:	ISSUE
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SHANE K WILSON
 FIRM NAME: DETAILS MATTER 39141



M. 905.870.8445
 SHANE@DETAILSMATTER.CA WWW.DETAILSMATTER.CA





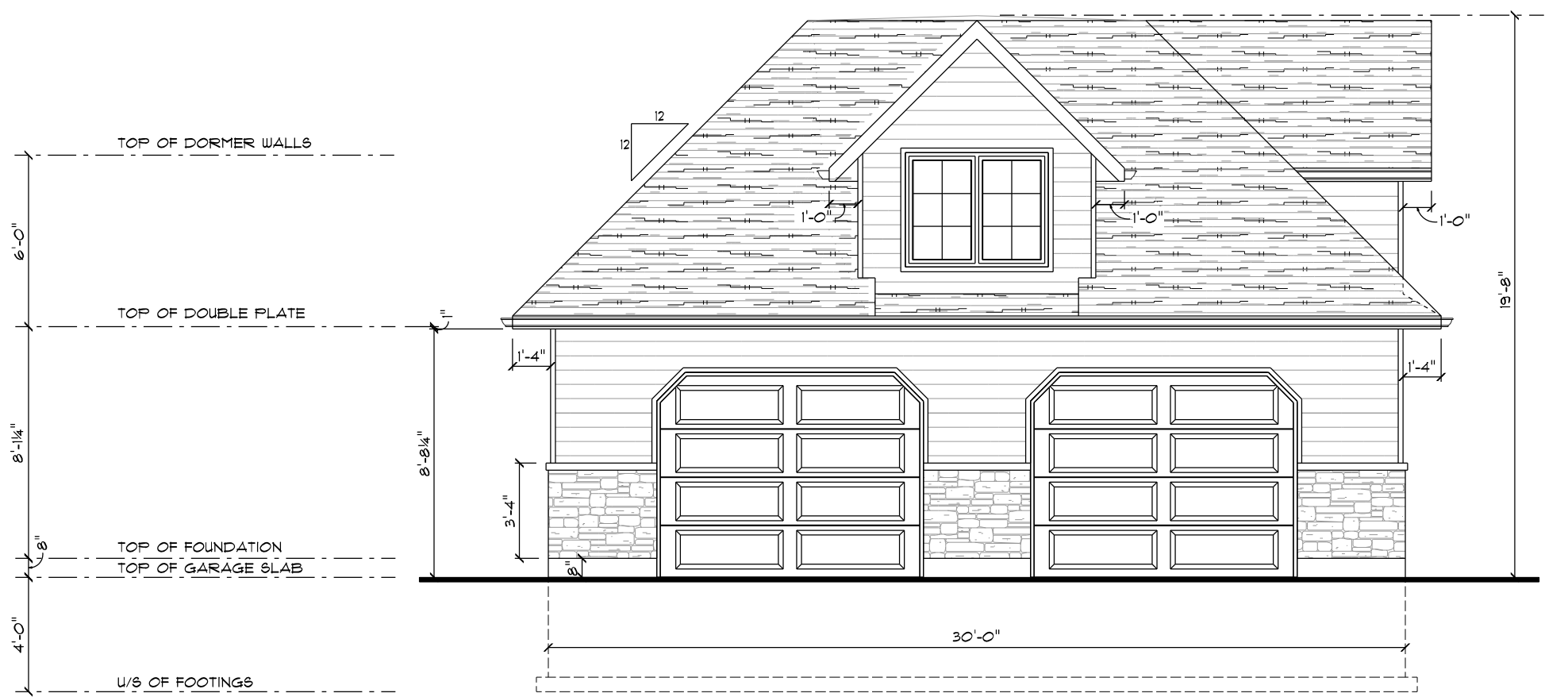
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PROJECT:
 14 STONEBURY PLACE
 CARLISLE, ONTARIO

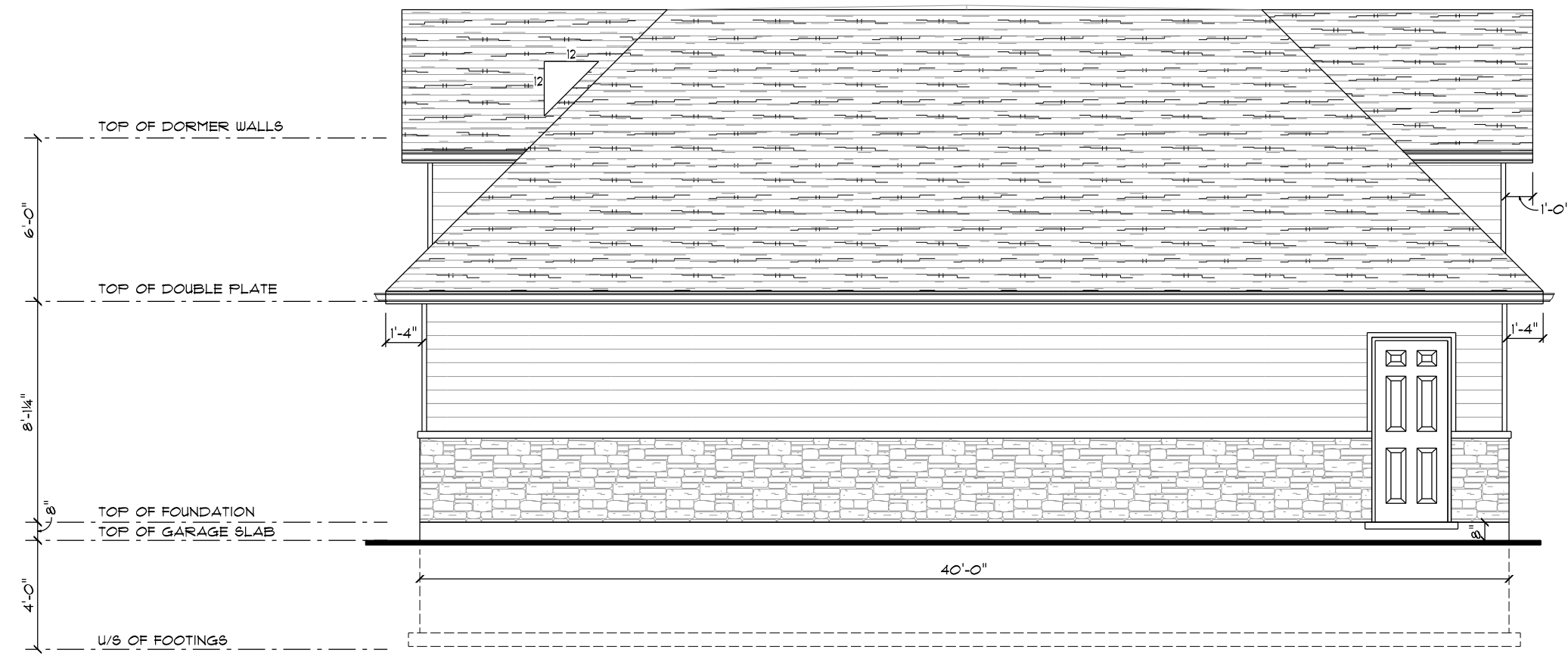
SHEET TITLE:
FRONT AND LEFT ELEVATIONS

DRAWN BY: S.K.W.	CHECKED BY: S.K.W.	PROJECT NO: DM20-001
SCALE: 3/16" = 1'-0"	DATE: JAN 2020	

DRAWING NO:
A1



FRONT ELEVATION



LEFT ELEVATION

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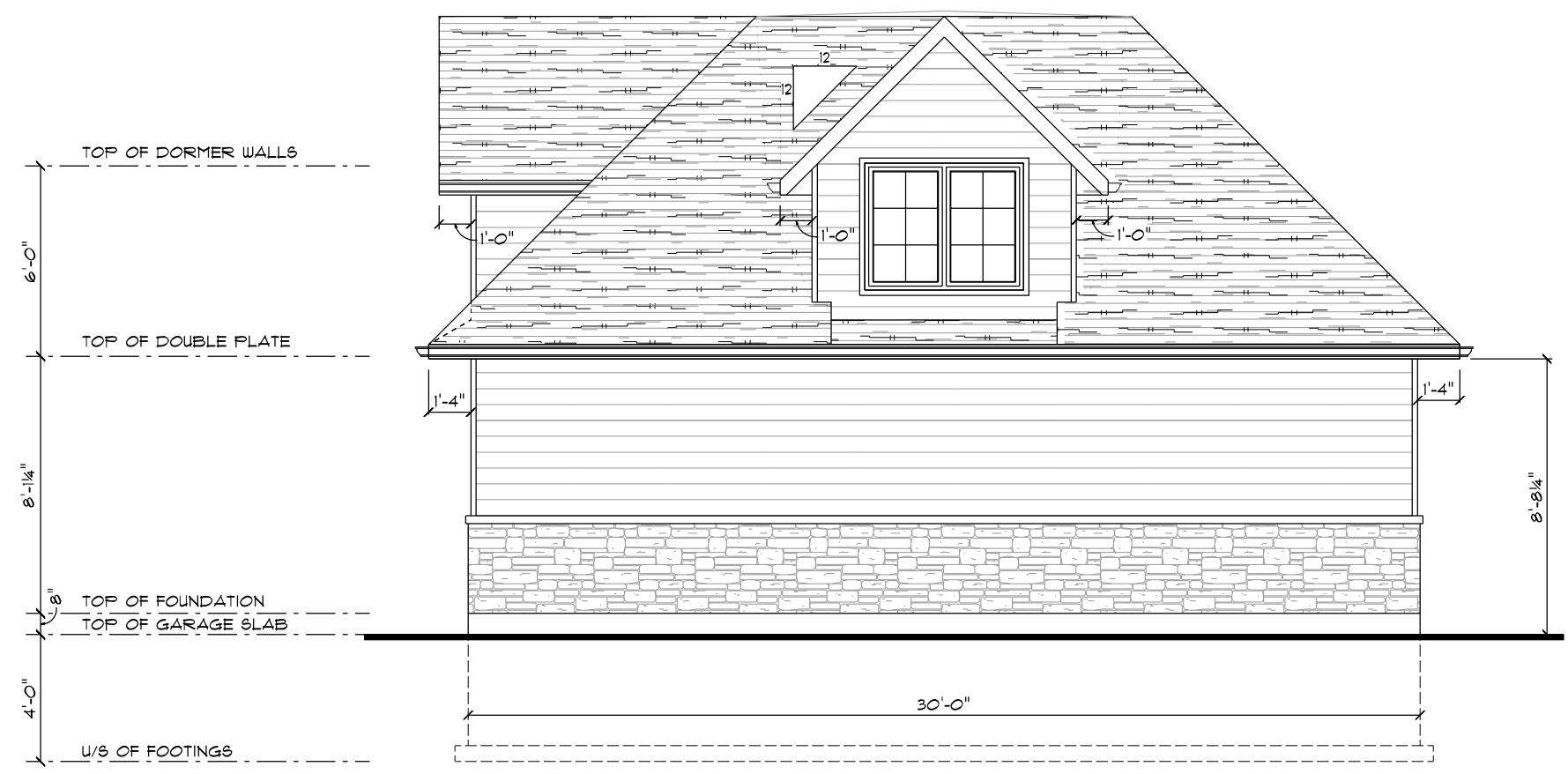
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PROJECT:
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 CARLISLE, ONTARIO

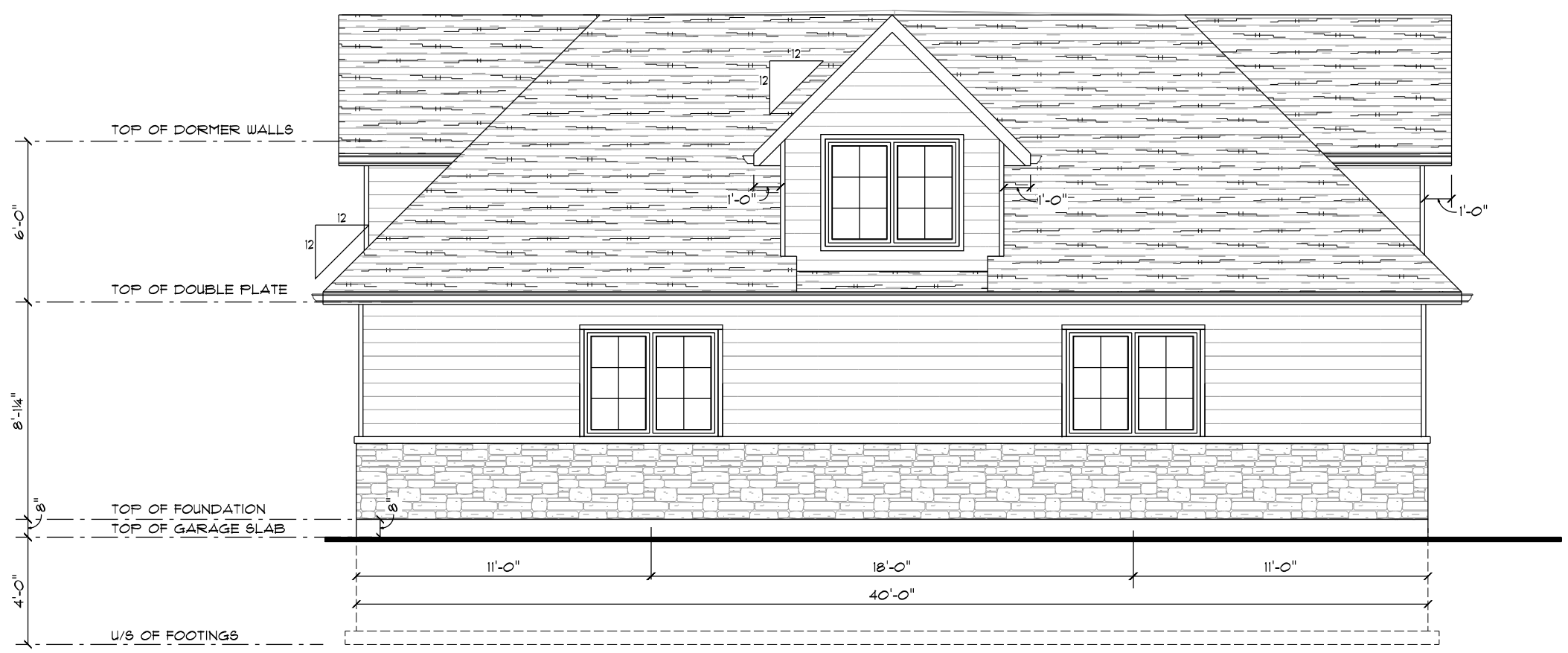
SHEET TITLE:
REAR AND RIGHT ELEVATIONS

DRAWN BY: S.K.W.	CHECKED BY: S.K.W.	PROJECT NO: DM20-001
SCALE: 3/16" = 1'-0"	DATE: JAN 2020	

DRAWING NO:
A2



REAR ELEVATION



RIGHT ELEVATION

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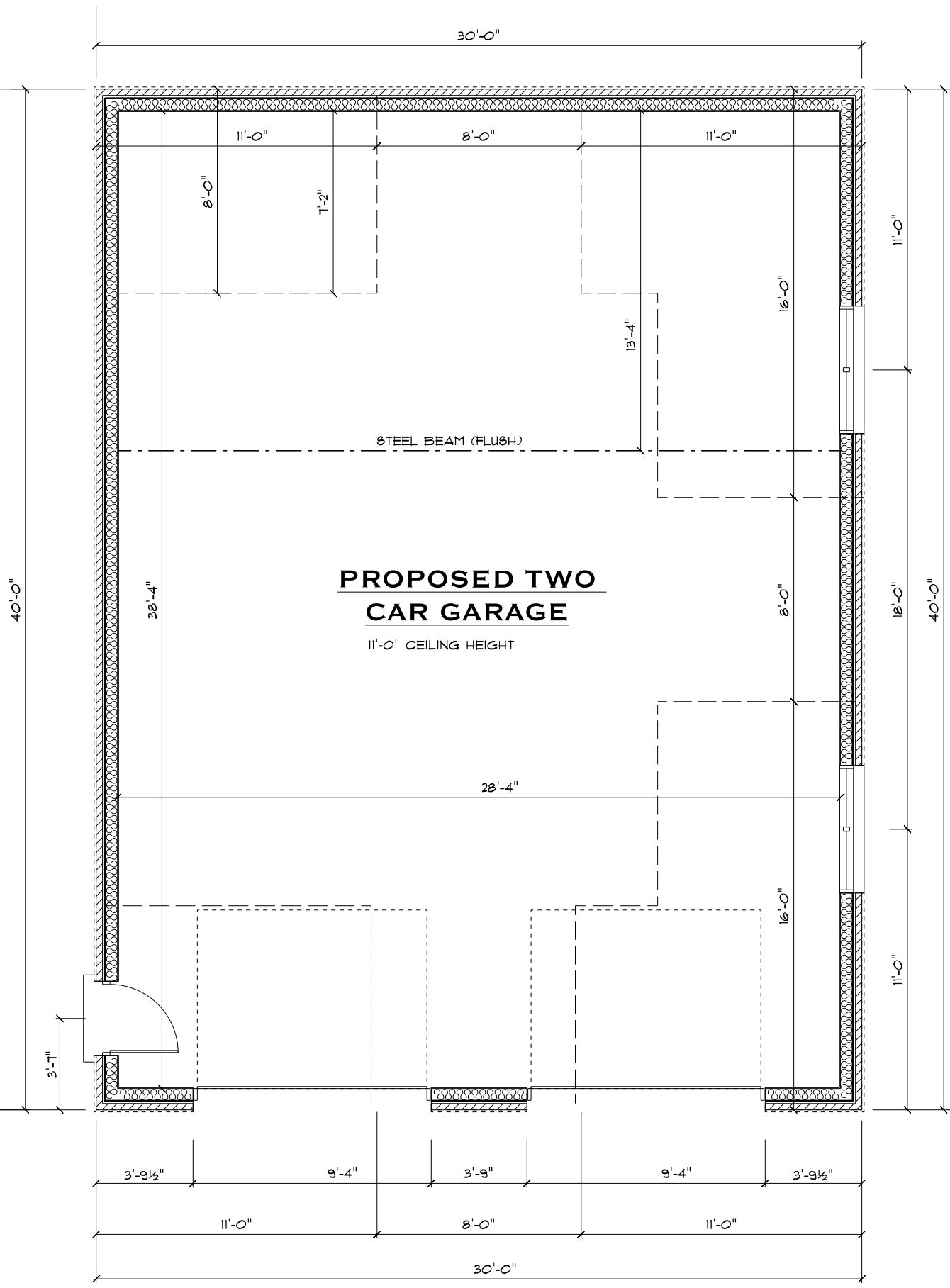
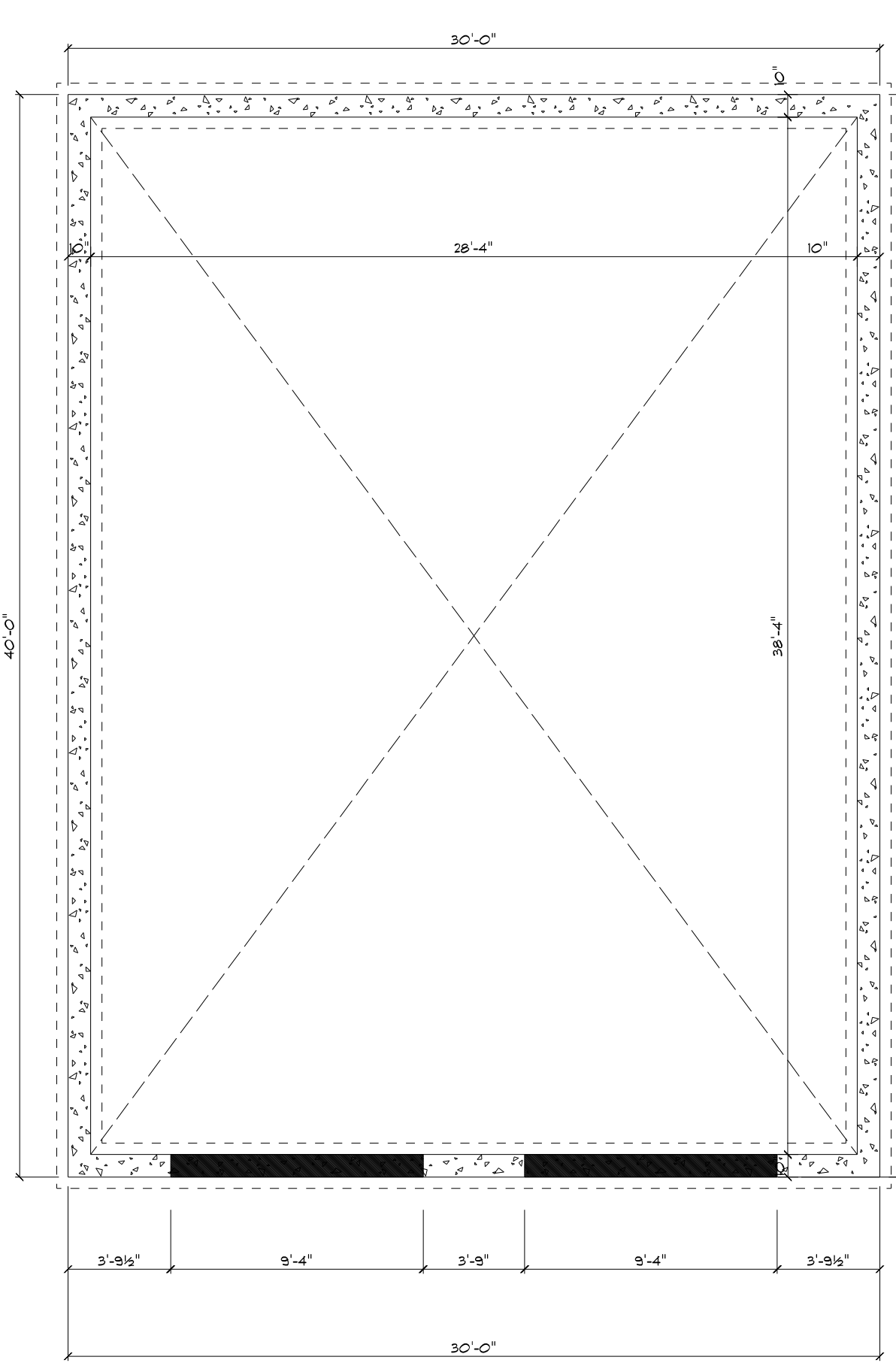

 FACEBOOK.COM/DETAILSMATTER2007
 @DETAILSMATTER07

PROJECT:
**14 STONEBURY PLACE
 CARLISLE, ONTARIO**

SHEET TITLE:
FLOOR PLANS

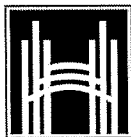
DRAWN BY: S.K.W.	CHECKED BY: S.K.W.	
SCALE: 3/16" = 1'-0"	DATE: JAN 2020	PROJECT NO: DM20-001

DRAWING NO:
A3



FOUNDATION PLAN

MAIN FLOOR PLAN



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221 Fax (905) 546-4202

E-mail: morgan.evans@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

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.: HM/A-20:53

APPLICANTS: Shane VanBarneveld on behalf of the owners C. Moffat & T. O'Neill

SUBJECT PROPERTY: Municipal address **89 Paisley Ave. N., City of Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-laws 96-109 and 19-307

ZONING: "C/S-1361 and C/S-1788" (Urban Protected Residential, etc.) district

PROPOSAL: To the construction of a one (1) storey addition to the rear of the existing single family dwelling, notwithstanding,

1. A floor area ratio of 0.85 shall be applied, permitting a gross floor area of 309.5 square metres, instead of applying the permitted floor area ratio of 0.45 allowing a gross floor area of 163.8 square metres.

NOTES:

1. The variance requested for the increased floor area ratio of 0.85 has been written as requested by the applicant. It should be noted that a gross floor area of 285.08 square metres is indicated to be proposed on the application; additionally, it appears the lot area may be greater than the lot area of 364.22 square metres indicated to be provided on the application.
2. It is unclear if the deductions permitted to be excluded from the Gross Floor Area calculation as provided in amending By-law 96-109 (S-1361) have been applied to the proposed gross floor area calculation.
3. The "Cover Sheet" submitted with this application does not accurately reflect the proposed alterations. Be advised, further variances will be required should the intent be to alter the existing dwelling as shown on the submitted "Cover Sheet".
4. Where an addition or an alteration to an existing single family dwelling does not result in greater than eight (8) habitable rooms being provided in the dwelling the existing parking conditions are permitted to be maintained. As such, the requested variance for a reduction in the number of parking spaces is not required as the submitted drawings indicate a total of eight (8) habitable rooms are proposed.
5. The requested variance to permit a maximum height of three (3) storeys is not required as the proposed addition does not exceed the maximum permitted height of two (2) storeys and 9.0 metres. Please be advised that the height of the existing dwelling is deemed to be legally established non-complying.

HM/A-20:53
Page 2

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

DATE: Thursday, July 9th, 2020

TIME: 3:05 p.m.

PLACE: Via video link or call in (see attached sheet for details)
To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: June 23rd, 2020.

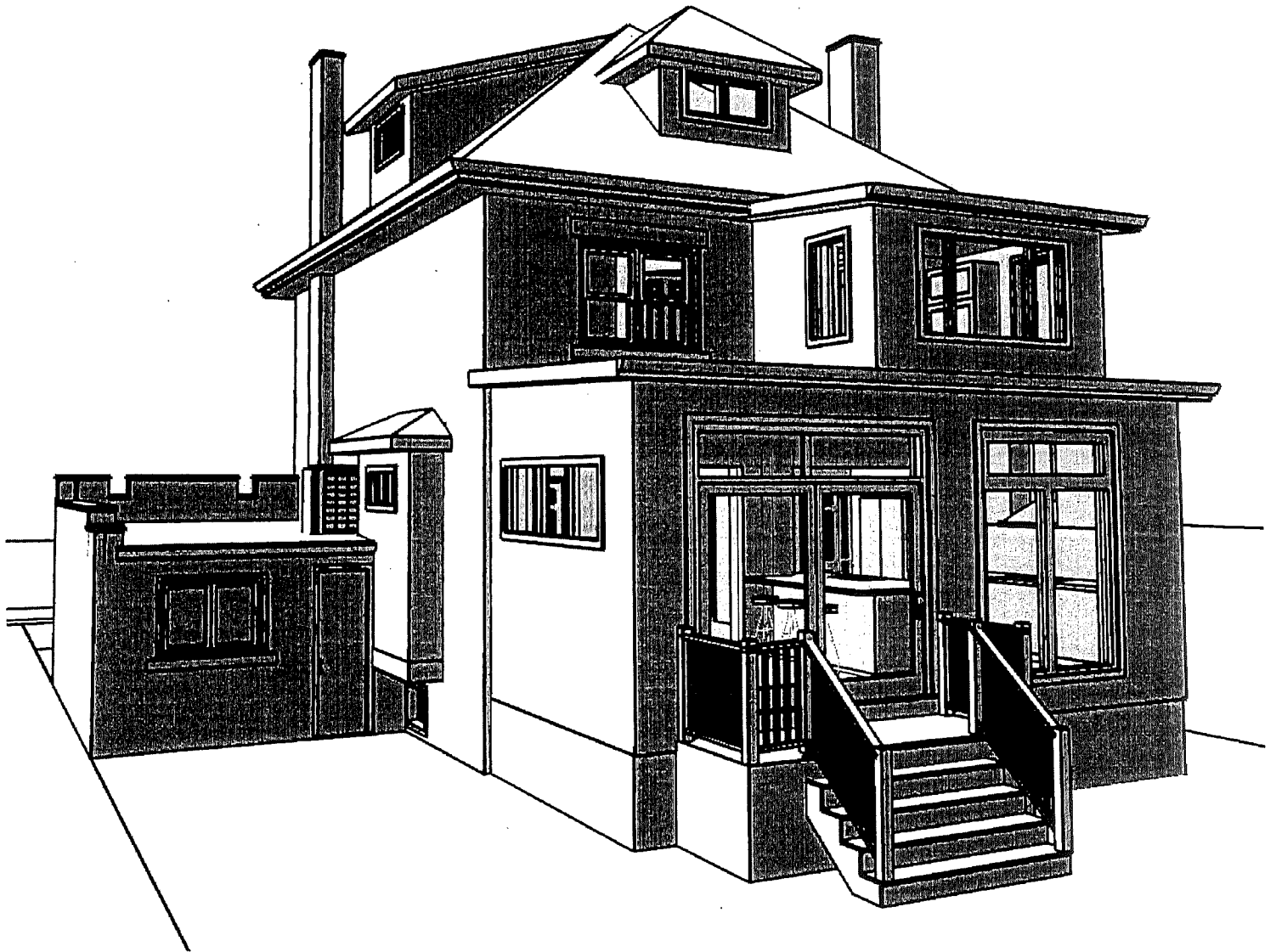
Original Signed

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.

ISSUED FOR VARIANCE: MOFFAT RESIDENCE

89 PAISLEY AVE N HAMILTON ON L8S 4H2



SHANE RENOVATIONS
790 SHAVER RD. ANCASTER
L9G 3K9 ON | 905-304-4009

COVER SHEET
MOFFAT - 3.4.pln

MOFFAT
89 PAISLEY AVE N HAMILTON
ON L8S 4H2

4m/A 20:53
sketch 2

2020-02-06
1:87.27

A1



SHANE RENOVATIONS
790 SHAVER RD. ANCASTER
L9G 3K9 ON | 905-304-4009

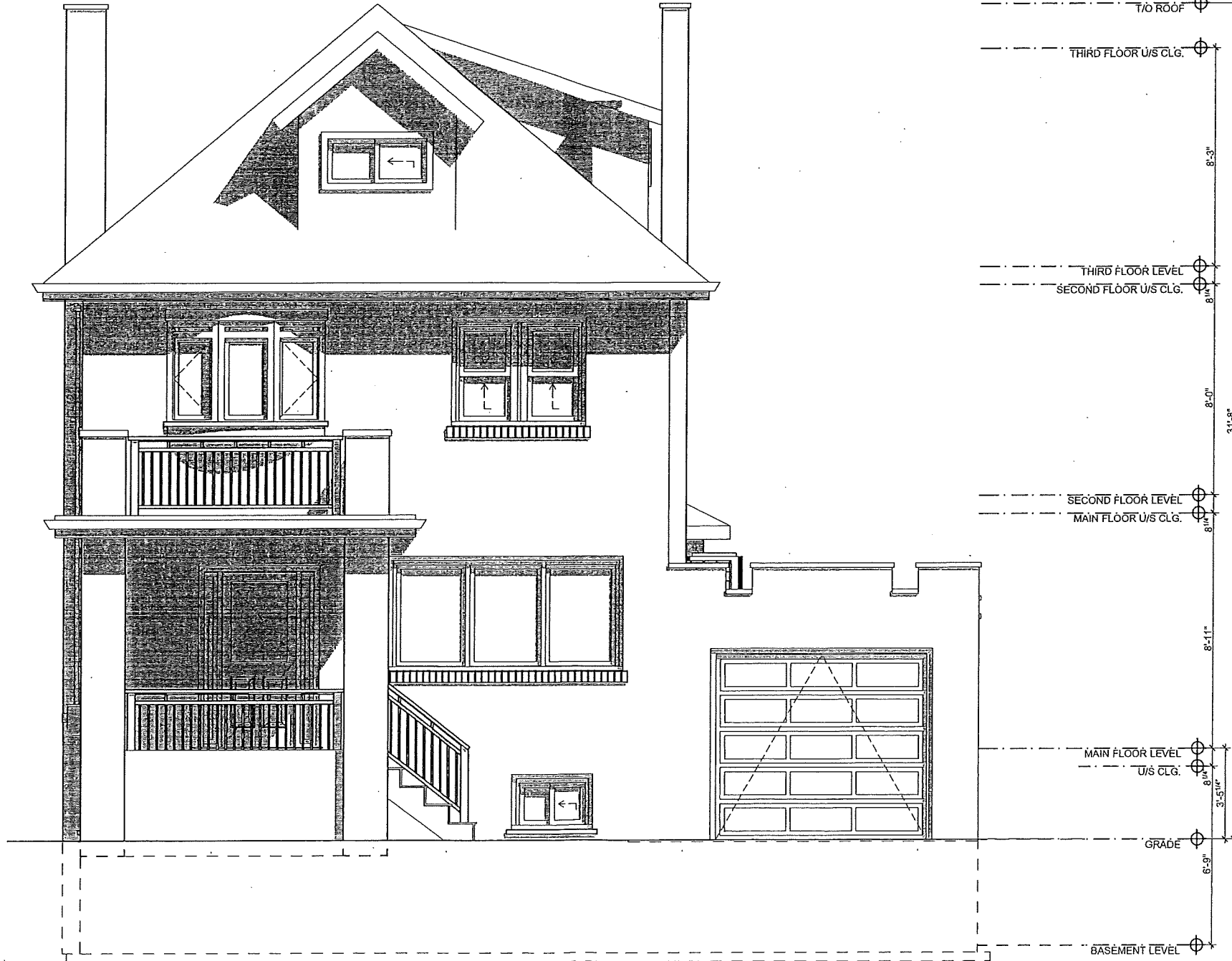
PROPOSED FRONT ELEVATION

MOFFAT
89 PAISLEY AVE N. HAMILTON
ON L8S 4H2

MOFFAT - 3.4.pln

4m/19 20:53
Sketch 3

2020-02-06
1/4" = 1'-0"
A14





SHANE RENOVATIONS
790 SHAVER RD. ANCASTER
L9G 3K9 ON | 905-304-4009

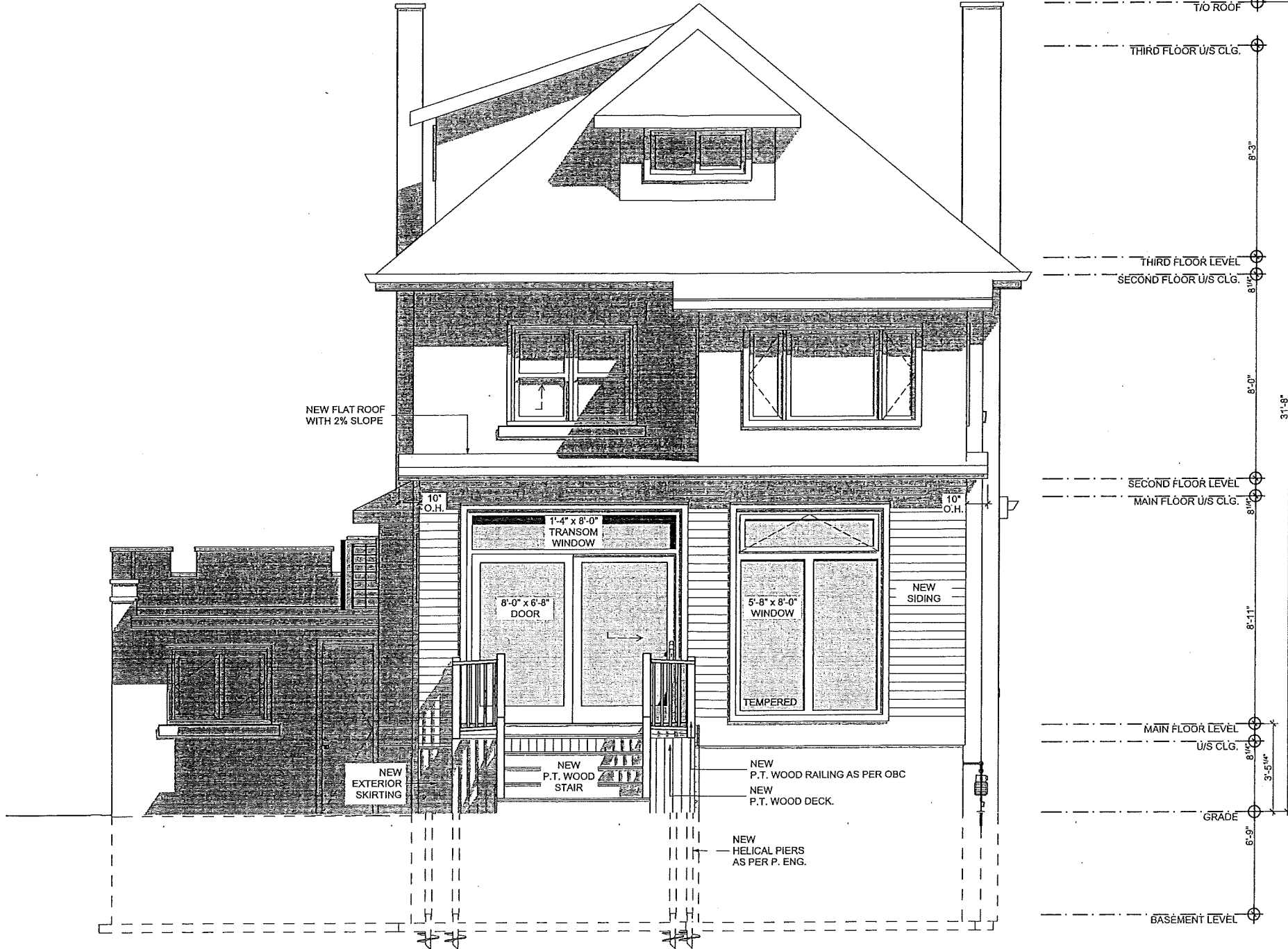
PROPOSED REAR ELEVATION

MOFFAT
88 PASLEY AVEN. HAMILTON
ON L8S 4H2

MOFFAT - 3.4.pln

LMH
Sketches 4
20:53

2020-02-06
1/4" = 1'-0"
A15





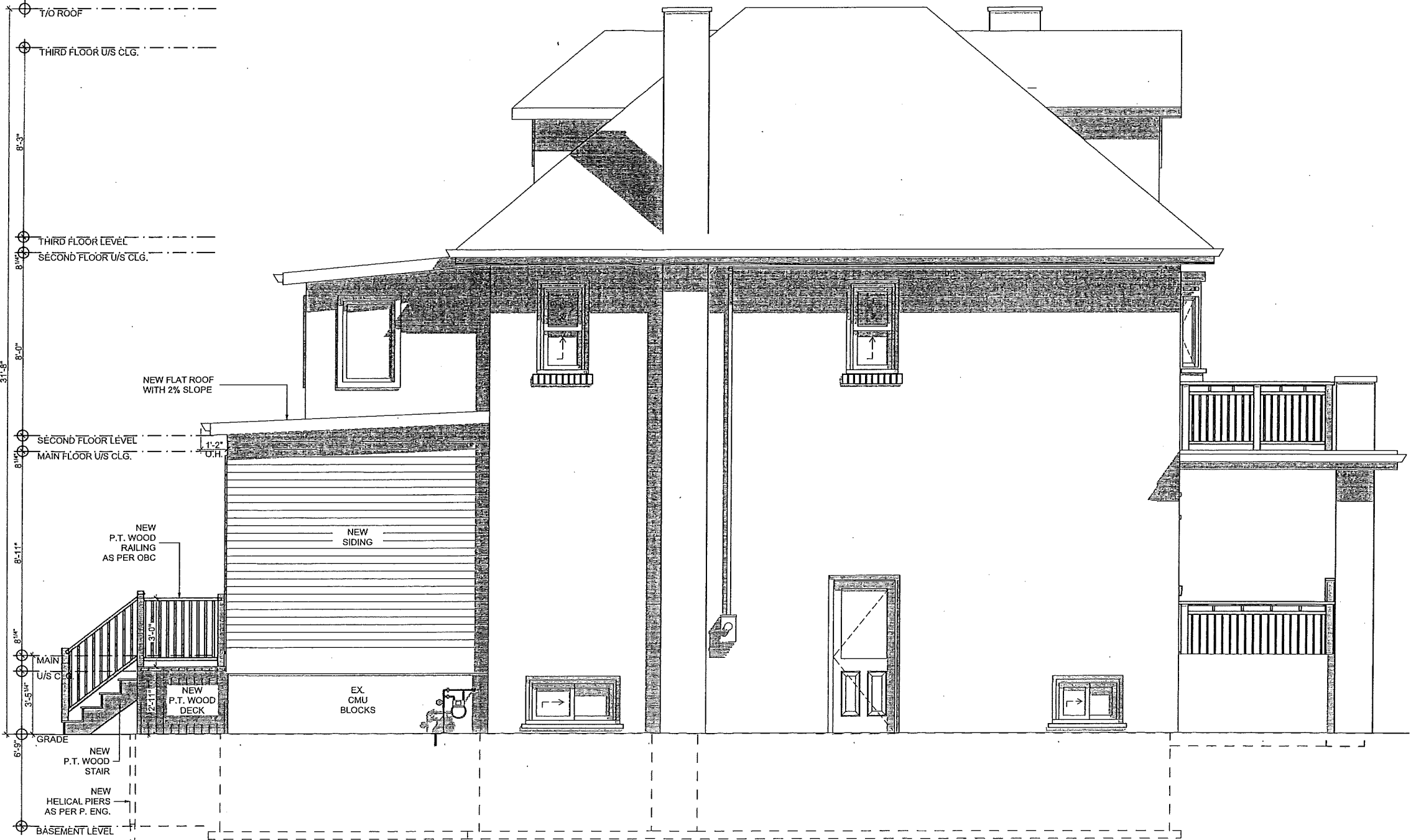
SHANE RENOVATIONS
790 SHAVER RD. ANCASTER
L9G 3K9 ON | 905-304-4009

PROPOSED LEFT ELEVATION

MOFFAT - 3.4 p.h.
89 PAISLEY AVEN. HAMILTON
ON L8S 4H2

Am/14
Sketch 5
20:53

A16
2020-02-06
1/4" = 1'-0"





SHANE RENOVATIONS
790 SHAVER RD. ANCASTER
L9G 3K9 ON | 905-304-4009

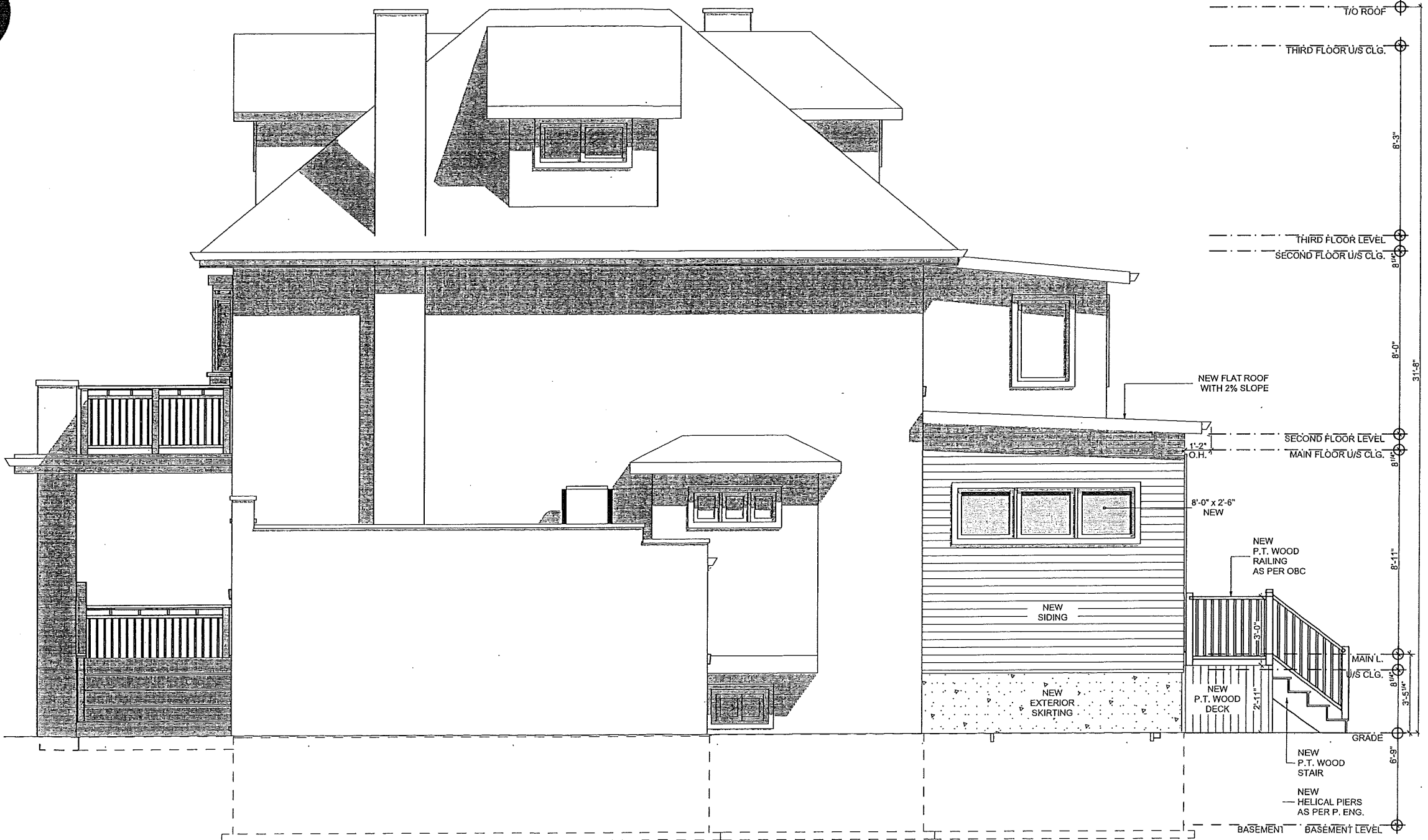
PROPOSED RIGHT ELEVATION

MOFFAT
89 PASLEY AVEN N. HAMILTON
ON L8S 4H2

MOFFAT - 3.4 pin

14m/17 20:52
slater 6

2020-02-06
1/4" = 1'-0"
A17



1/4" = 1'-0"



Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment

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

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

FOR OFFICE USE ONLY.	
APPLICATION NO. <u>HM/A-20:53</u>	DATE APPLICATION RECEIVED <u>FEB 07 2020</u>
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1. Name of Owner CHRISTINA MCFAT & THOMAS O'NEILL Telephone No. [REDACTED]

2. [REDACTED]

3. Name of Agent SHANE VANBARNEVELD Telephone No. [REDACTED]

4. [REDACTED]

Note: Unless otherwise requested all communications will be sent to the agent, if any.

5. Names and addresses of any mortgagees, holders of charges or other encumbrances:
FIRST NATIONAL - 100 UNIVERSITY AVE NORTH TOWER, SUITE 1200
TORONTO, ON Postal Code M5J 1V6

- Postal Code -

6. Nature and extent of relief applied for:

1. TO PERMIT GFA RATIO OF 0.85 INSTEAD OF MAXIMUM PERMITTED 0.45 FOR THE PROPOSED ONE STOREY ADDITION.

2. TO PERMIT NO PARKING SPACE INSTEAD OF THE MIN. REQ. 3 PARKING SPACES.

3. TO PERMIT 3 STOREYS DWELLING HEIGHT INSTEAD OF MAX. 2.5 STOREYS.

* PLEASE NOTE THAT THE DWELLING WEST SIDE SETBACK IS EXISTING NON-CONFORMING.

7. Why it is not possible to comply with the provisions of the By-law?

S-1361 BY-LAW REQUIREMENTS ARE RESTRICTIVE ON SMALL ADDITIONS WHEN IT COMES GFA RATIO, THE PROPOSED ADDITION IS MINOR IN NATURE AS IT WILL ADD ONLY 0.03 TO THE EX. NON-CONFORMING DWELLING GFA RATIO(ADD AREA 13.75 m²), PLEASE NOTE THE ADDITION WILL BE ATTACHED THE EX. 3 STOREY DWELLING.

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

89 PAISLEY AVE. N. , HAMILTON, ON, L8S 4H2

9. PREVIOUS USE OF PROPERTY

Residential Industrial _____ Commercial _____

Agricultural _____ Vacant _____

Other _____

9.1 If Industrial or Commercial, specify use

N/A

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes _____ No Unknown _____

9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes _____ No Unknown _____

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes _____ No Unknown _____

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes _____ No Unknown _____

9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes _____ No Unknown _____

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes _____ No Unknown _____

9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes _____ No Unknown _____

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes _____ No Unknown _____

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

PREVIOUS USES OF THE SUBJECTED PROPERTY.


9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

2020.01.17
 Date


 Signature Property Owner
CHRISTINA MOFFAT
THOMAS O'NEILL
 Print Name of Owner

10. Dimensions of lands affected:

Frontage 12.2 m
 Depth 38.31 m
 Area 364.22 m²
 Width of street 7.2 m (TO BE CONFIRMED BY PUBLIC WORKS)

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: GROUND FLOOR AREA: 107.75 m²
GROSS FLOOR AREA: 273.58 m², GFA RATIO: 0.751
NUMBER OF STORIES: 3
WIDTH:10.39 m , LENGTH: 15.23 m, HEIGHT: 9.65 m

Proposed: GROUND FLOOR AREA: 119.25 m²
GROSS FLOOR AREA: 285.08 m², GFA RATIO: 0.783
NUMBER OF STORIES: 3
WIDTH:10.39 m , LENGTH: 15.23 m, HEIGHT: 9.65 m

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing: FRONT (NORTH) SIDE:4.88 m
SIDE (EAST) SIDE:1.81 m
SIDE (WEST) SIDE:0 m (EX. NON-CONFORMING)
REAR (SOUTH) SIDE:20.77 m

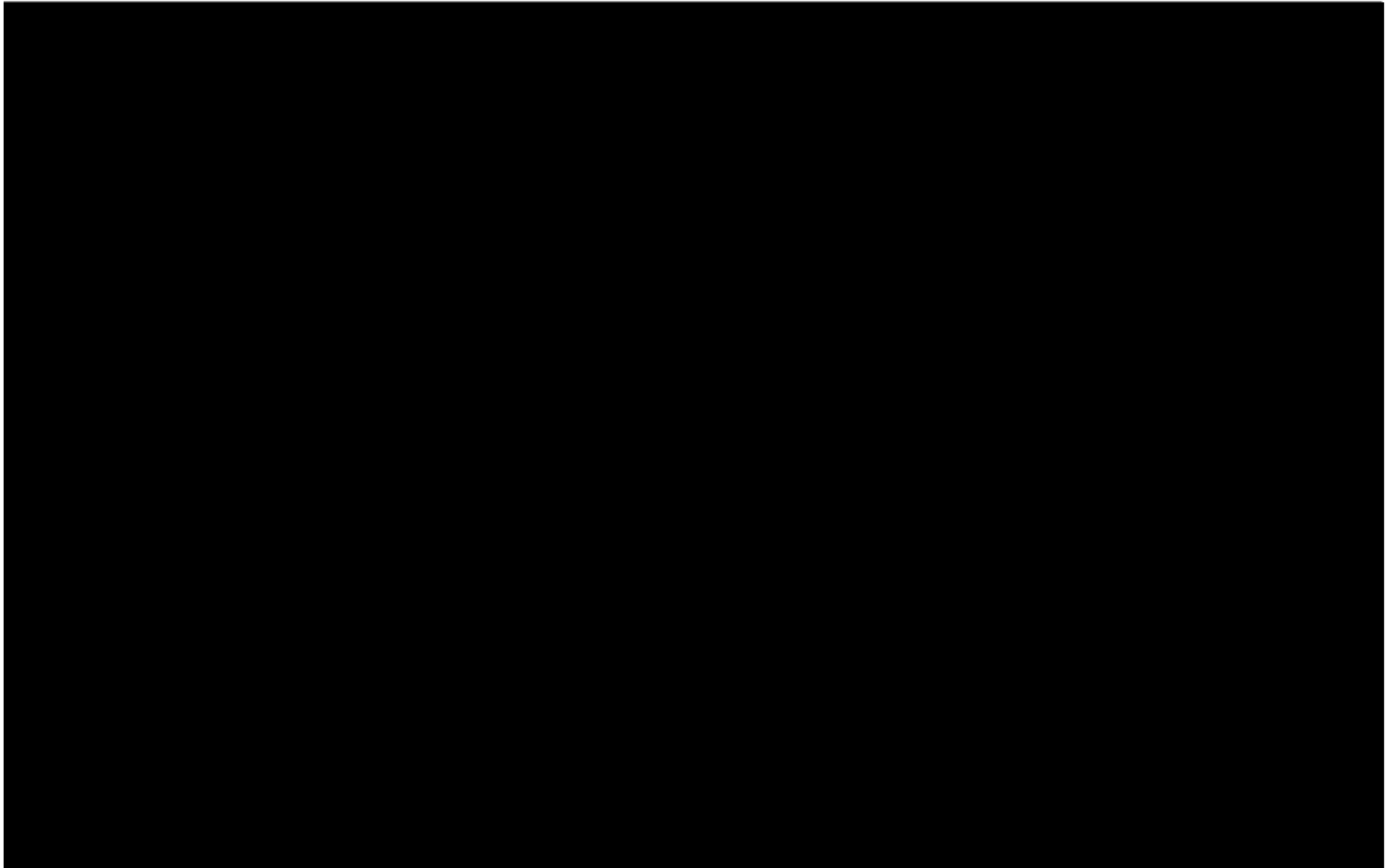
Proposed: FRONT (NORTH) SIDE:4.88 m ADDITION SETBACK:
SIDE (EAST) SIDE:1.81 m SIDE (EAST) SIDE:2 m
SIDE (WEST) SIDE:0 m (EX. NON-CONFORMING) SIDE (WEST) SIDE:3.67 m
REAR (SOUTH) SIDE:20.77 m REAR (SOUTH) SIDE:20.77 m

13. Date of acquisition of subject lands:
May 2005
14. Date of construction of all buildings and structures on subject lands:
1920's
15. Existing uses of the subject property: RESIDENTIAL single detached
16. Existing uses of abutting properties: RESIDENTIAL single detached.
17. Length of time the existing uses of the subject property have continued:
SINCE BUILT
18. Municipal services available: (check the appropriate space or spaces)
 Water YES Connected -
 Sanitary Sewer YES Connected -
 Storm Sewers YES
19. Present Official Plan/Secondary Plan provisions applying to the land:
N/A Low density residential 2.
Ainslie woods westdale secondary plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
C/S-1361
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.
N/A
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.

PART 24 AFFIDAVIT OR SWORN DECLARATION

This declaration to be sworn by a Commissioner of Oaths.



PART 25 OWNERS AUTHORIZATION THOMAS O'NEILL

As of the date of this application, I (NAME) CHRISTINA MOFFAT am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

Shane Van Bameveld of Shane Renovations

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE Jan. 17, 2020

SIGNED 
[Signature]

PART 26 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

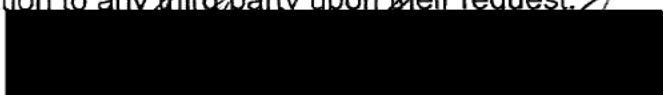
Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, THOMAS O'NEILL
CHRISTINA MOFFAT, the Owner, hereby agree and acknowledge
(Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

Jan. 16, 2020
Date


Signature of Owner

PART 27 PERMISSION TO ENTER

Date: Jan. 16, 2020

Secretary/Treasurer
Committee of Adjustment
City of Hamilton,
City Hall

Dear Secretary/Treasurer;

Re: Application to Committee of Adjustment

Location of Land: 89 Paisley Av. W.
(Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited purposes of evaluating the merits of this application.



Signature of Owner or Authorized agent

CHRISTINA MOFFAT THOMAS O'MALL

Please print name

Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee's policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.

PART 28 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1284.

ISSUED FOR VARIANCE: MOFFAT RESIDENCE

89 PAISLEY AVE N HAMILTON ON L8S 4H2



SHANE RENOVATIONS
790 SHAVER RD. ANCASTER
L9G 3K9 ON | 905-304-4009

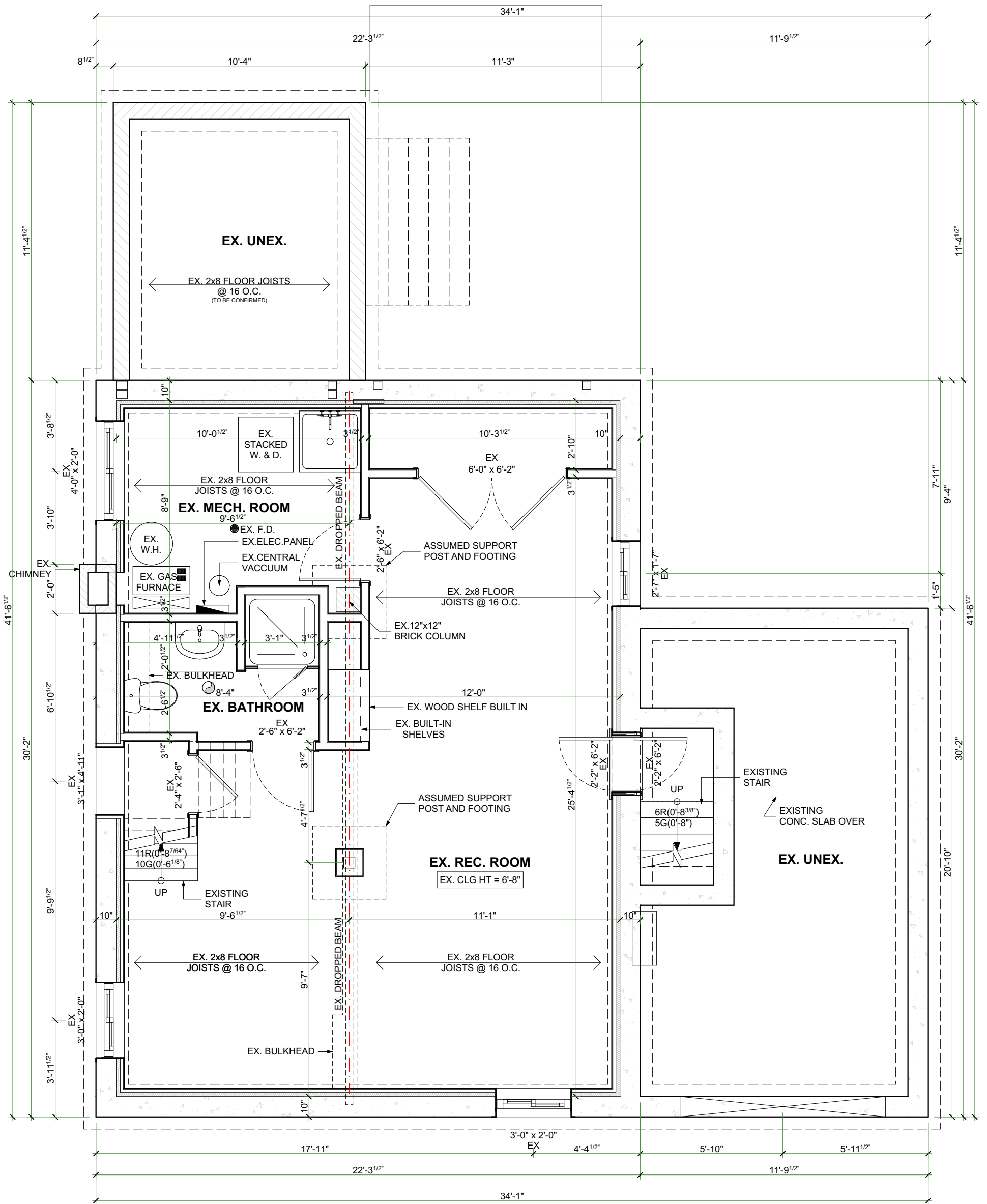
COVER SHEET

MOFFAT - 3.4.pln

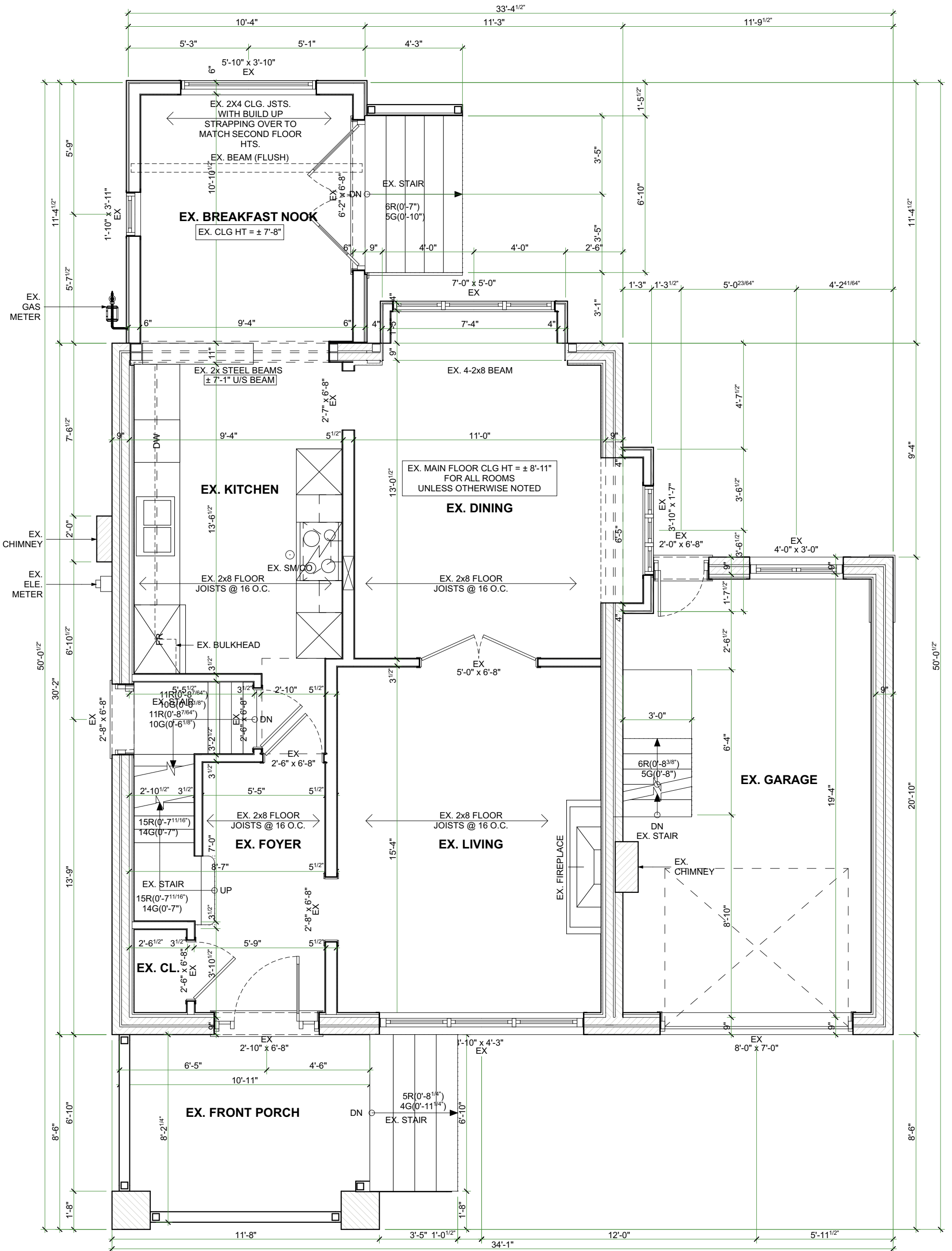
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89 PAISLEY AVE N HAMILTON
ON L8S 4H2

2020-02-06
1:87.27

A1



EXISTING BASEMENT PLAN



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 L9G 3K9 ON | 905-304-4009

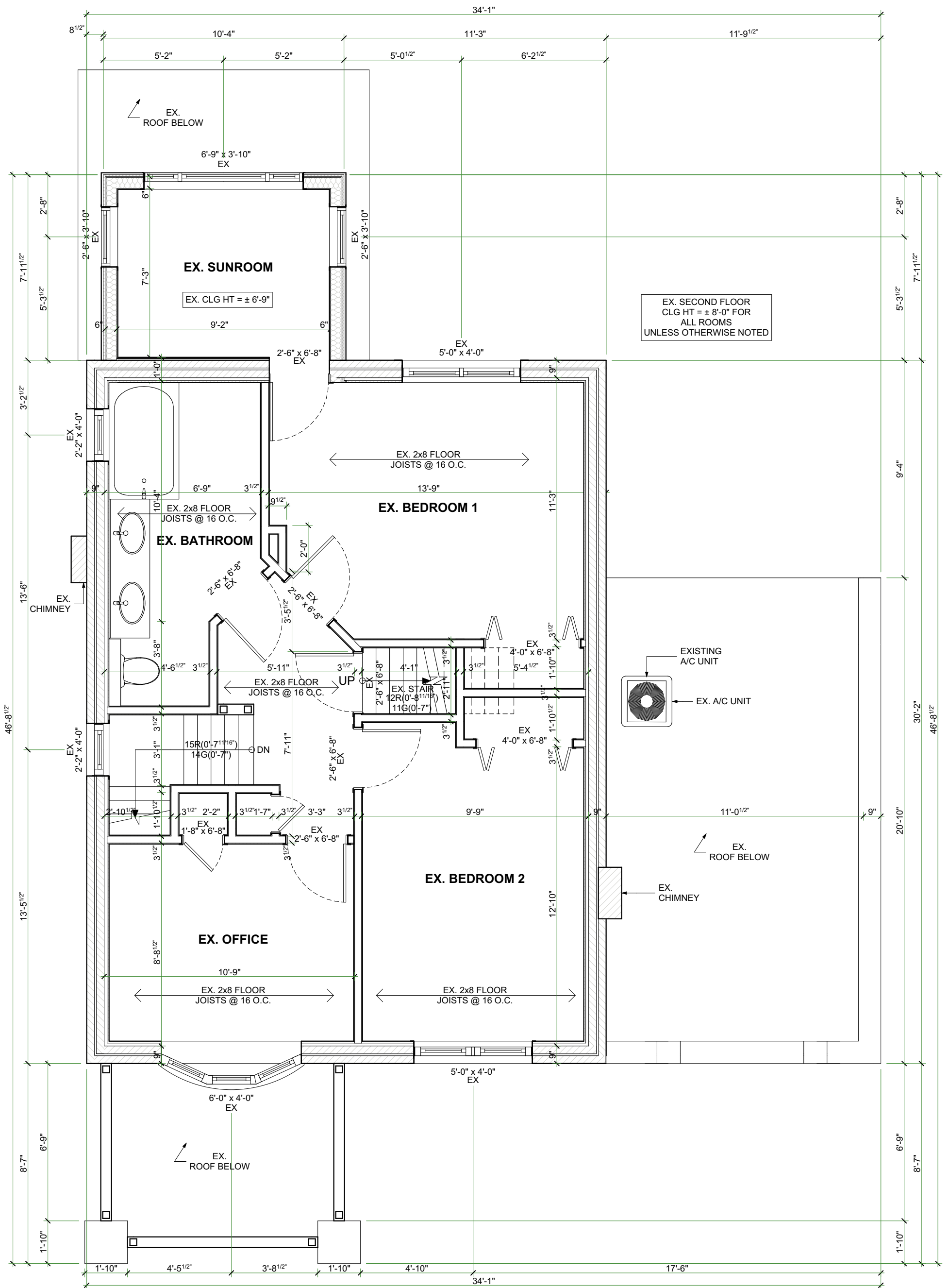
EXISTING MAIN FLOOR PLAN

MOFFAT - 3.4.pln

MOFFAT
 89 PAISLEY AVE N HAMILTON
 ON L8S 4H2

2020-02-06
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A3



SHANE RENOVATIONS
 790 SHAVER RD. ANCASTER
 L9G 3K9 ON | 905-304-4009

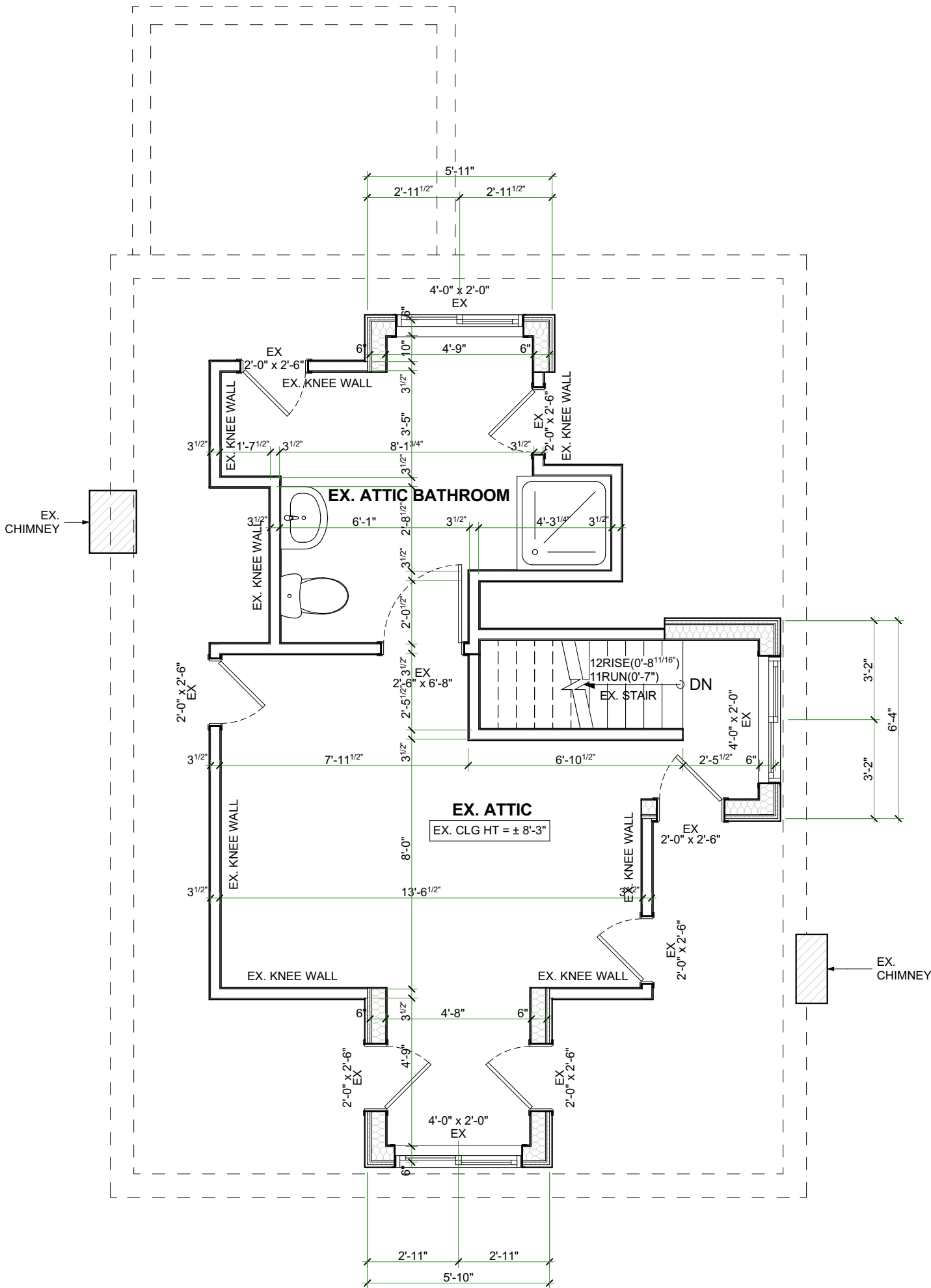
EXISTING SECOND FLOOR PLAN

MOFFAT - 3.4.pln

MOFFAT
 89 PAISLEY AVE N HAMILTON
 ON L8S 4H2

2020-02-06
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A4



SHANE RENOVATIONS
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 L9G 3K9 ON | 905-304-4009

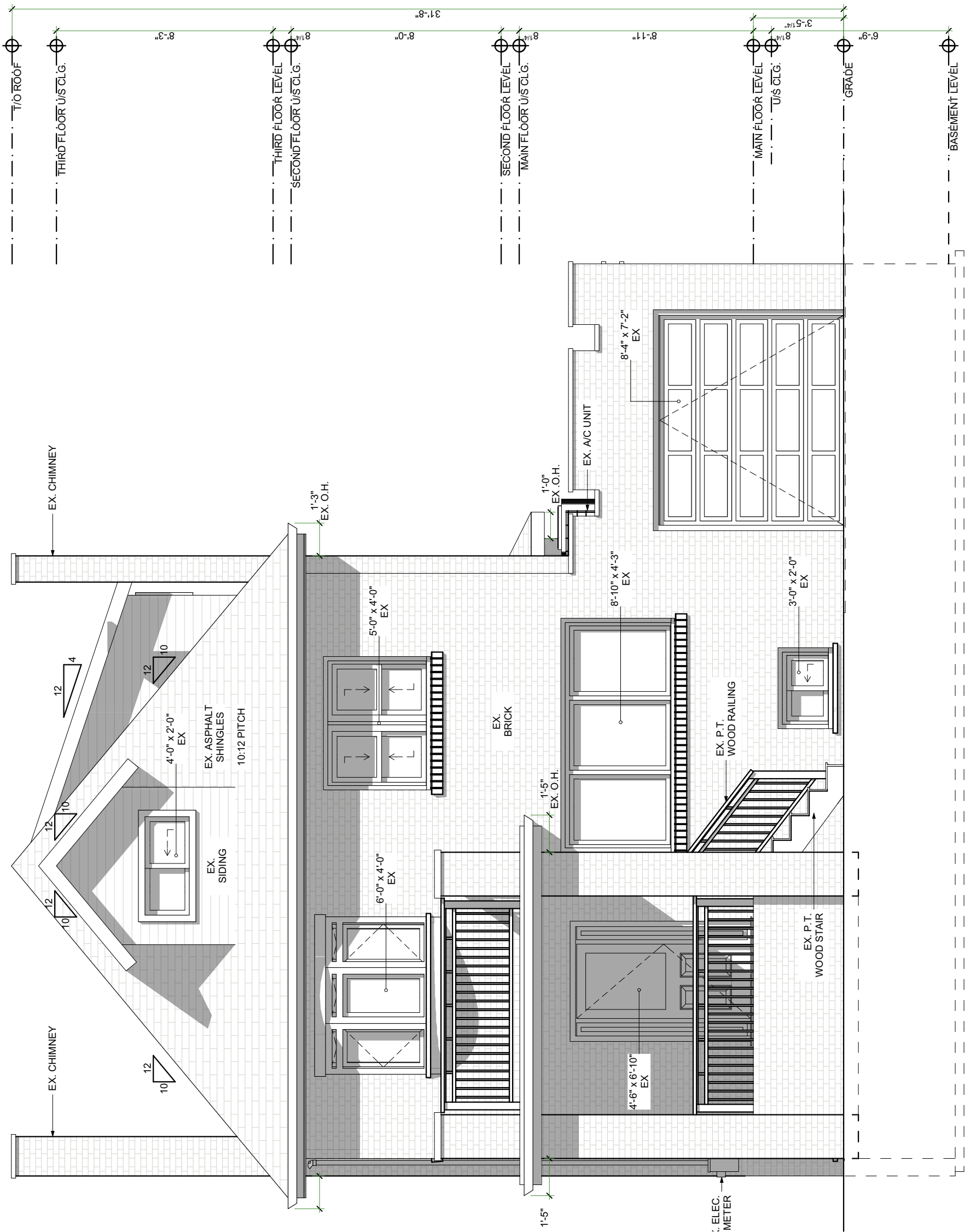
EXISTING THIRD FLOOR PLAN

MOFFAT - 3.4.pln

MOFFAT
 89 PAISLEY AVE N HAMILTON
 ON L8S 4H2

2020-02-06
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A5



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L9G 3K9 ON | 905-304-4009

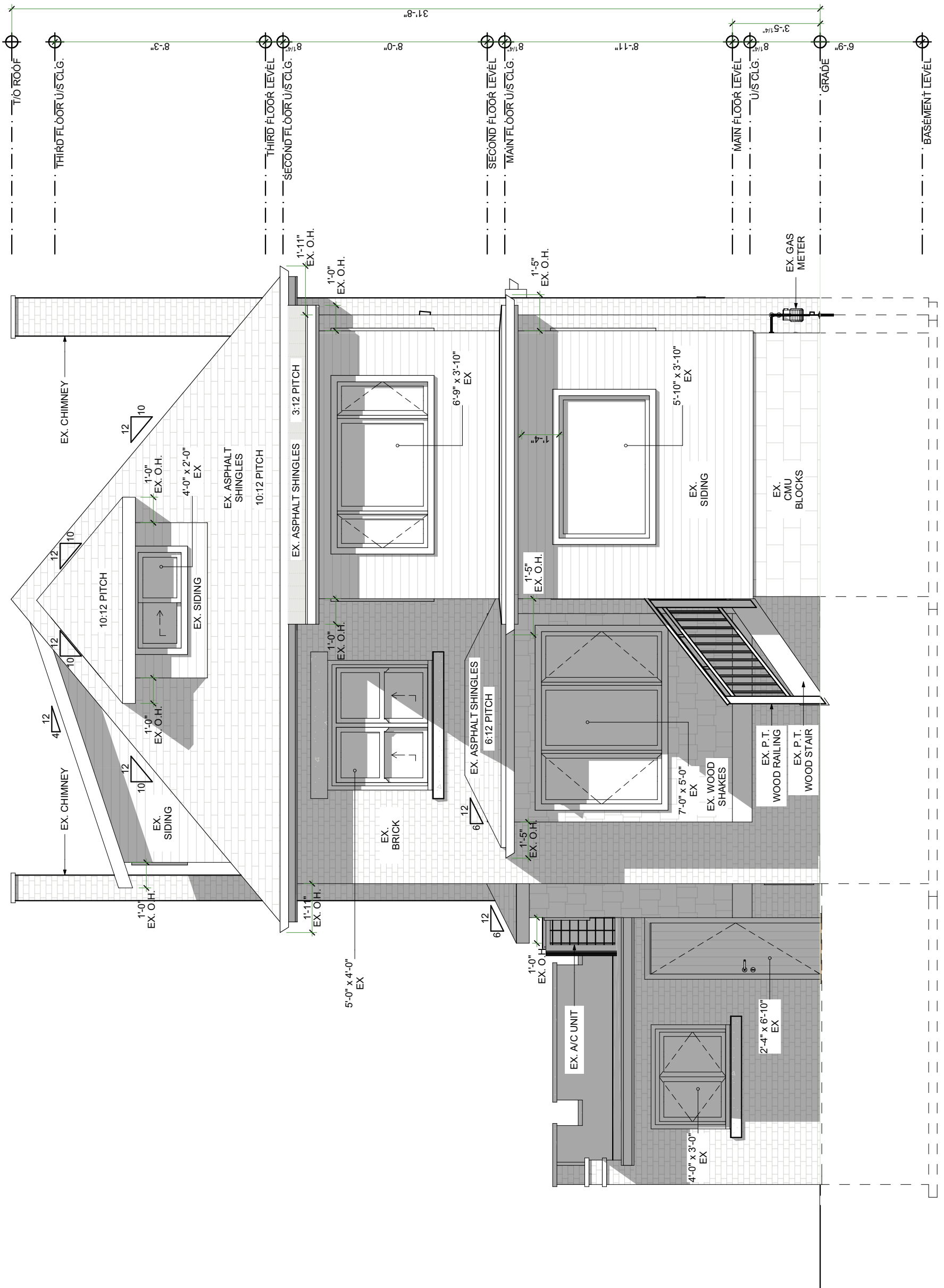
EXISTING FRONT ELEVATION

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89 PAISLEY AVE N HAMILTON
ON L8S 4H2

2020-02-06
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A6



SHANE RENOVATIONS
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L9G 3K9 ON | 905-304-4009

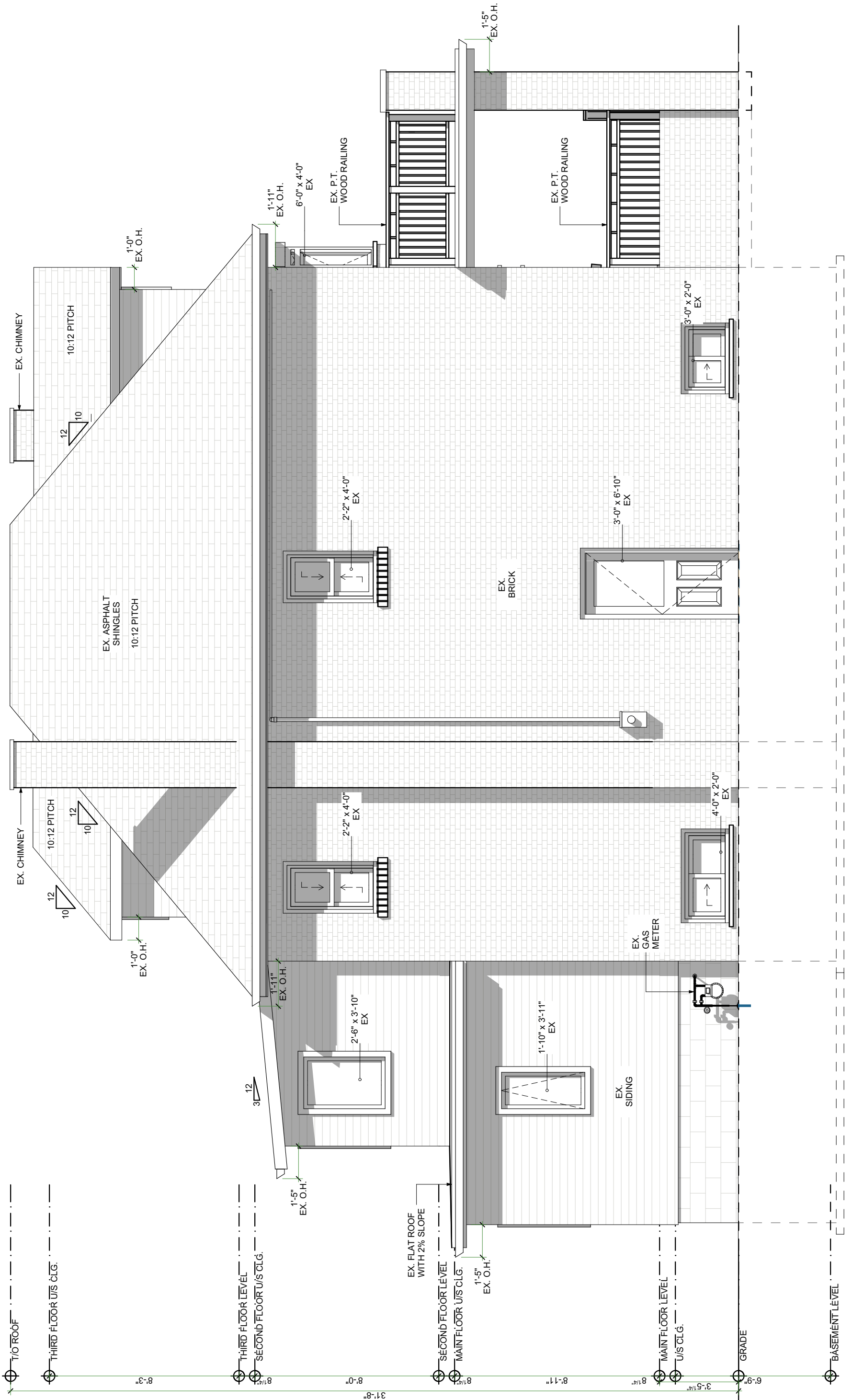
EXISTING REAR ELEVATION

MOFFAT - 3.4.pln

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89 PAISLEY AVE N HAMILTON
ON L8S 4H2

2020-02-06
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A7



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L9G 3K9 ON | 905-304-4009

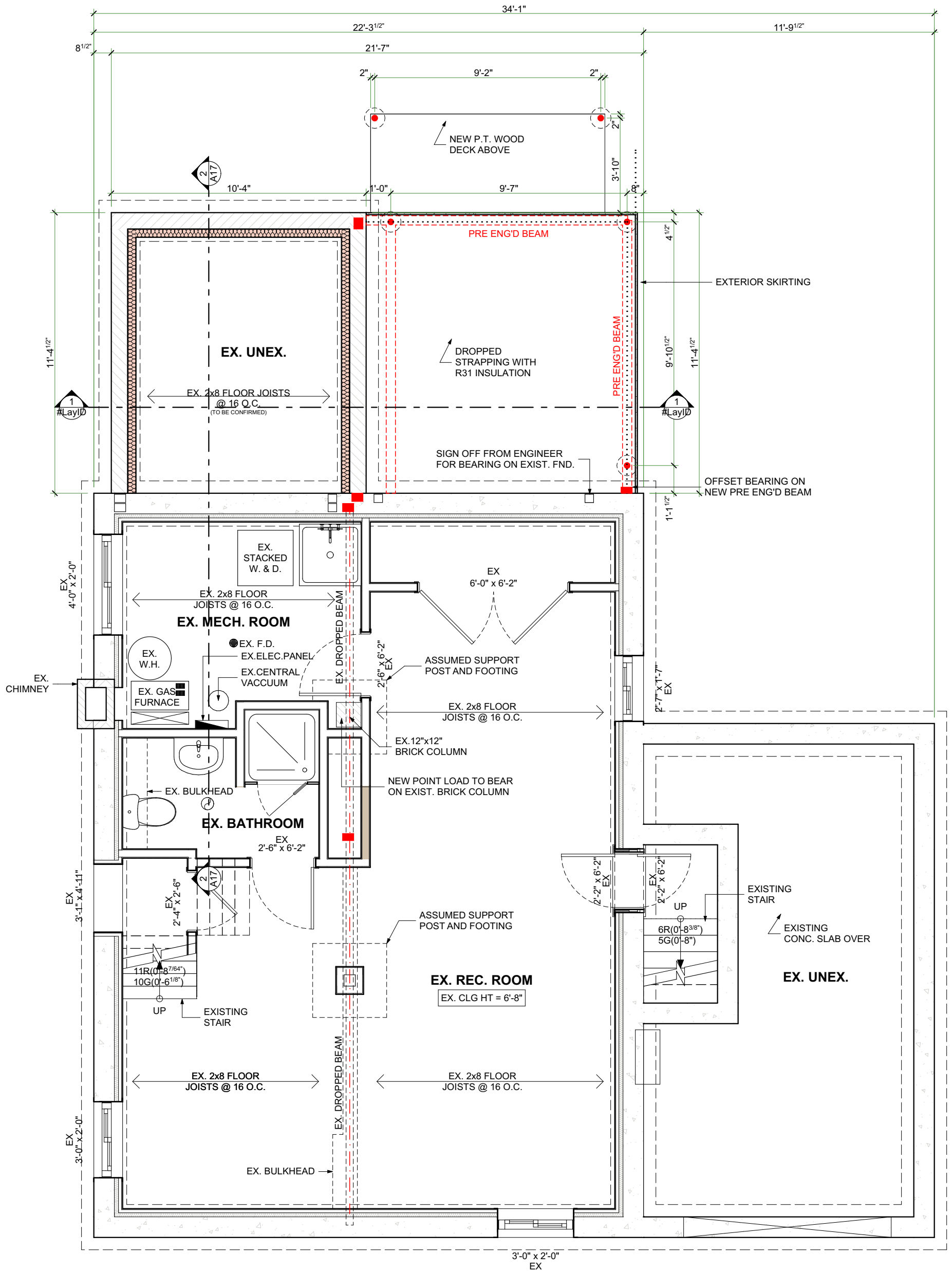
EXISTING LEFT ELEVATION

MOFFAT - 3.4.pln

MOFFAT
89 PAISLEY AVE N HAMILTON
ON L8S 4H2

2020-02-06
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A8



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 L9G 3K9 ON | 905-304-4009

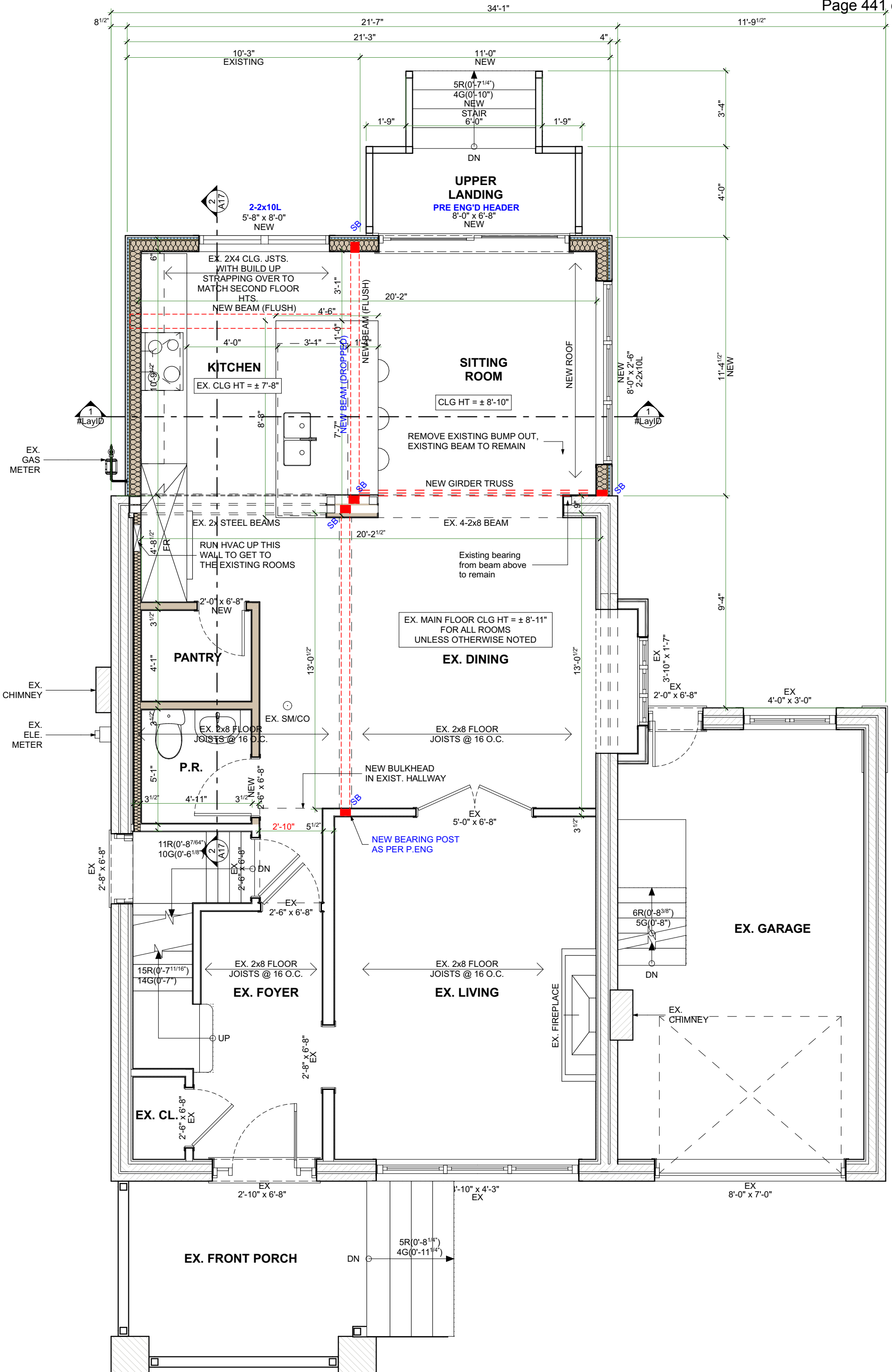
PROPOSED BASEMENT PLAN

MOFFAT - 3.4.pln

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 89 PAISLEY AVE N HAMILTON
 ON L8S 4H2

2020-02-06
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A10



SHANE RENOVATIONS
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L9G 3K9 ON | 905-304-4009

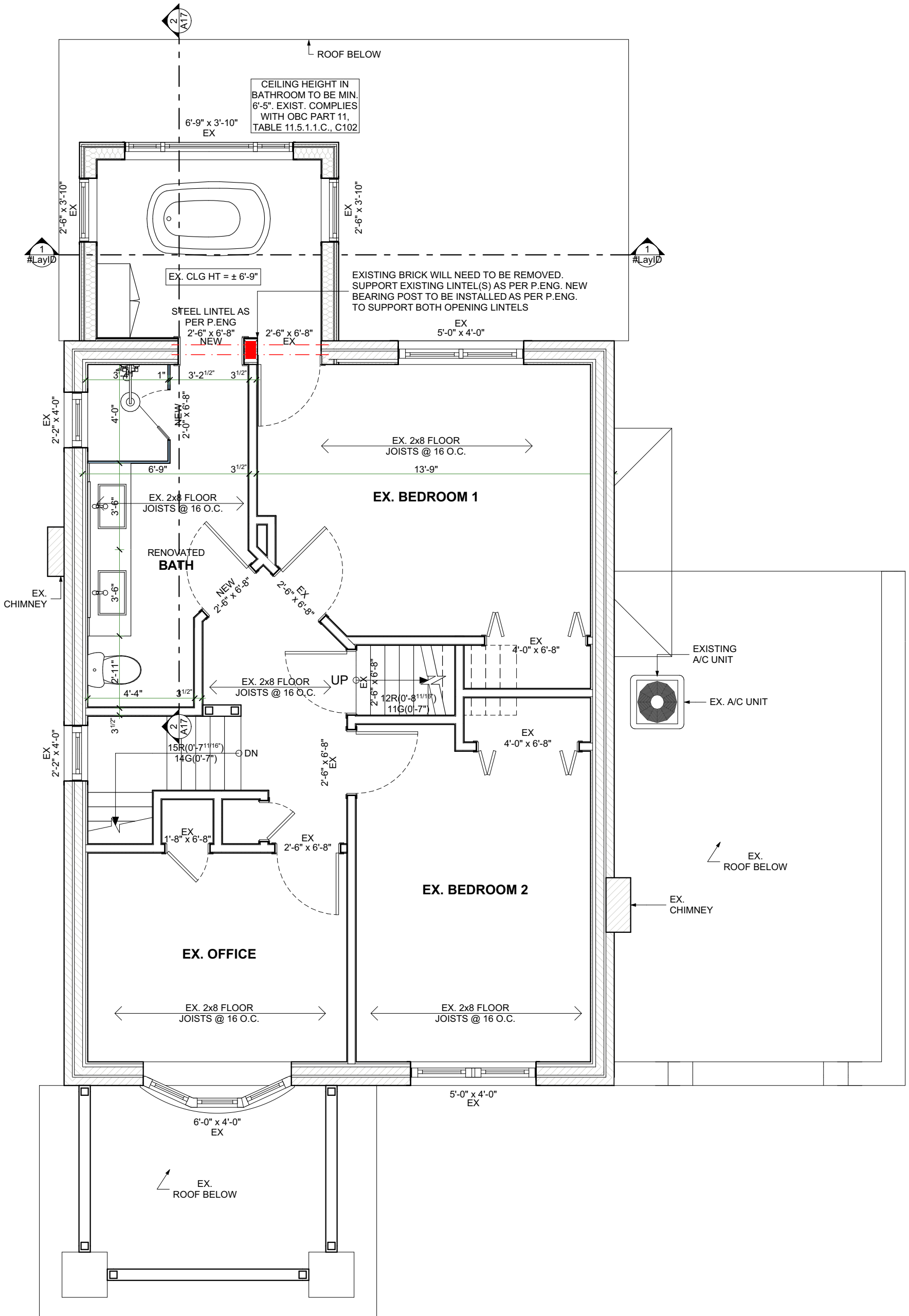
PROPOSED MAIN FLOOR PLAN

MOFFAT - 3.4.pln

MOFFAT
89 PAISLEY AVE N HAMILTON
ON L8S 4H2

2020-02-06
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A11



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L9G 3K9 ON | 905-304-4009

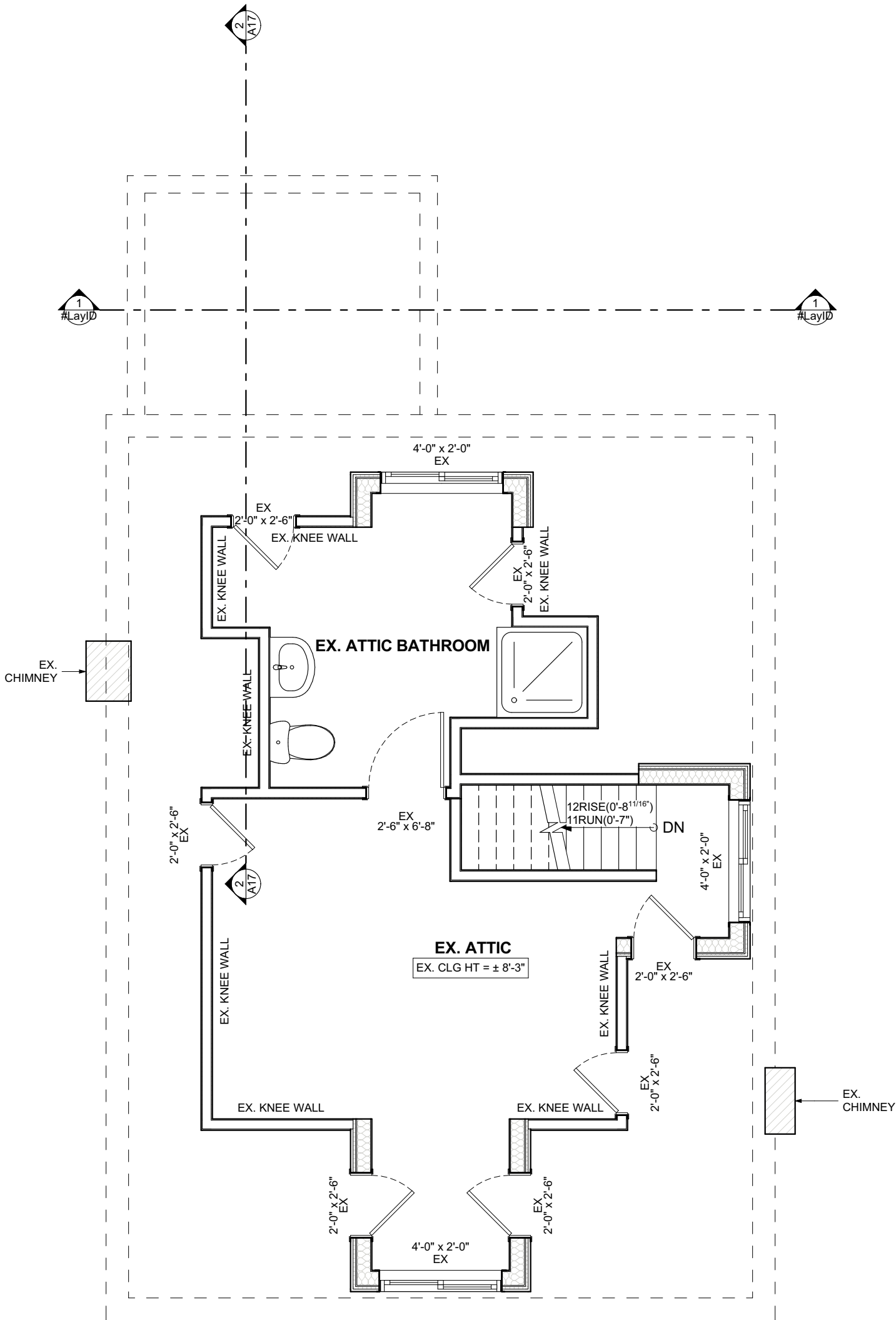
PROPOSED SECOND FLOOR PLAN

MOFFAT - 3.4.pln

MOFFAT
89 PAISLEY AVE N HAMILTON
ON L8S 4H2

2020-02-06
1/4" = 1'-0"

A12



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 L9G 3K9 ON | 905-304-4009

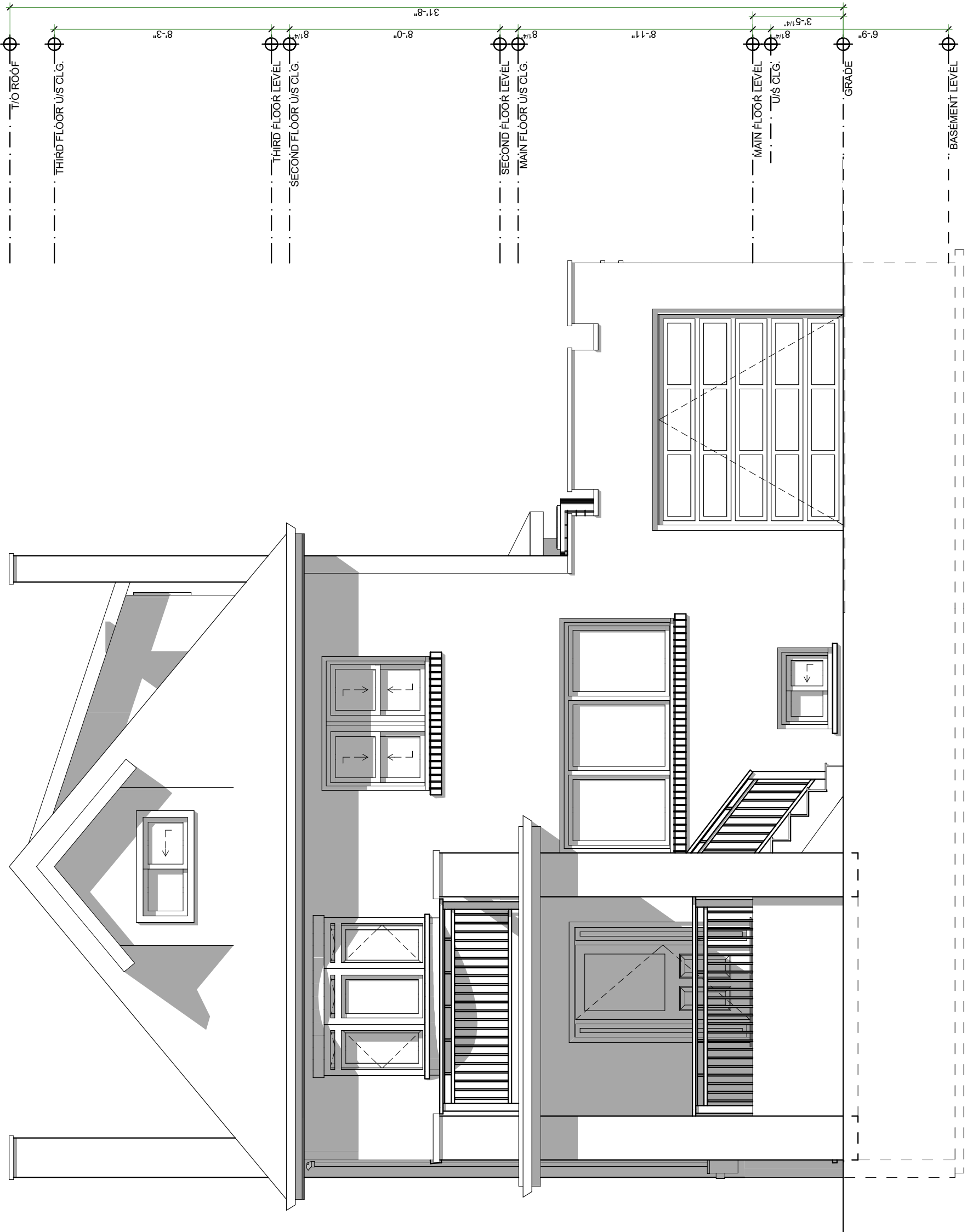
PROPOSED THIRD FLOOR PLAN

MOFFAT - 3.4.pln

MOFFAT
 89 PAISLEY AVE N HAMILTON
 ON L8S 4H2

2020-02-06
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A13



SHANE RENOVATIONS
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 L9G 3K9 ON | 905-304-4009

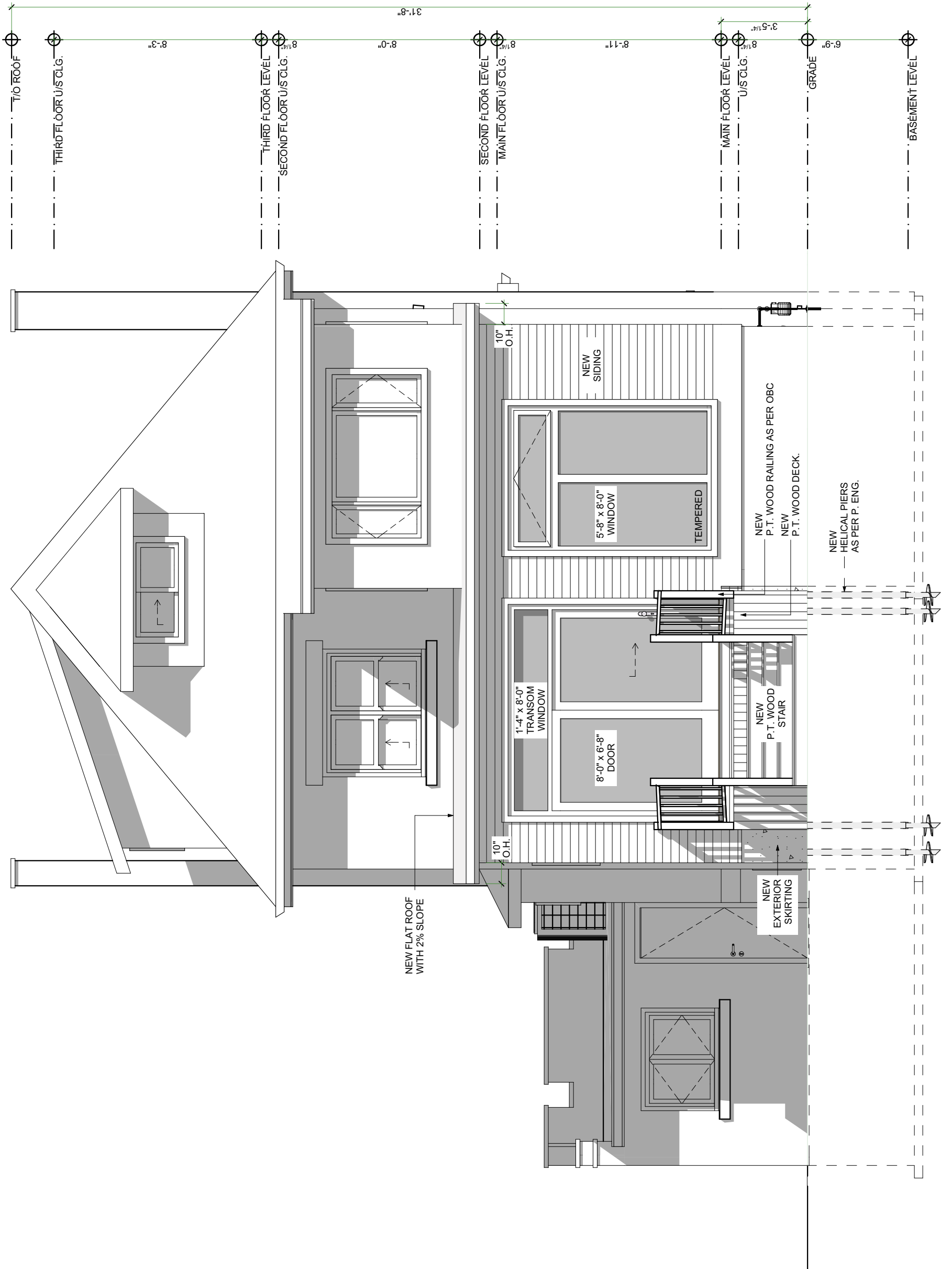
PROPOSED FRONT ELEVATION

MOFFAT - 3.4.pln

MOFFAT
 89 PAISLEY AVE N HAMILTON
 ON L8S 4H2

2020-02-06
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A14



SHANE RENOVATIONS
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 L9G 3K9 ON | 905-304-4009

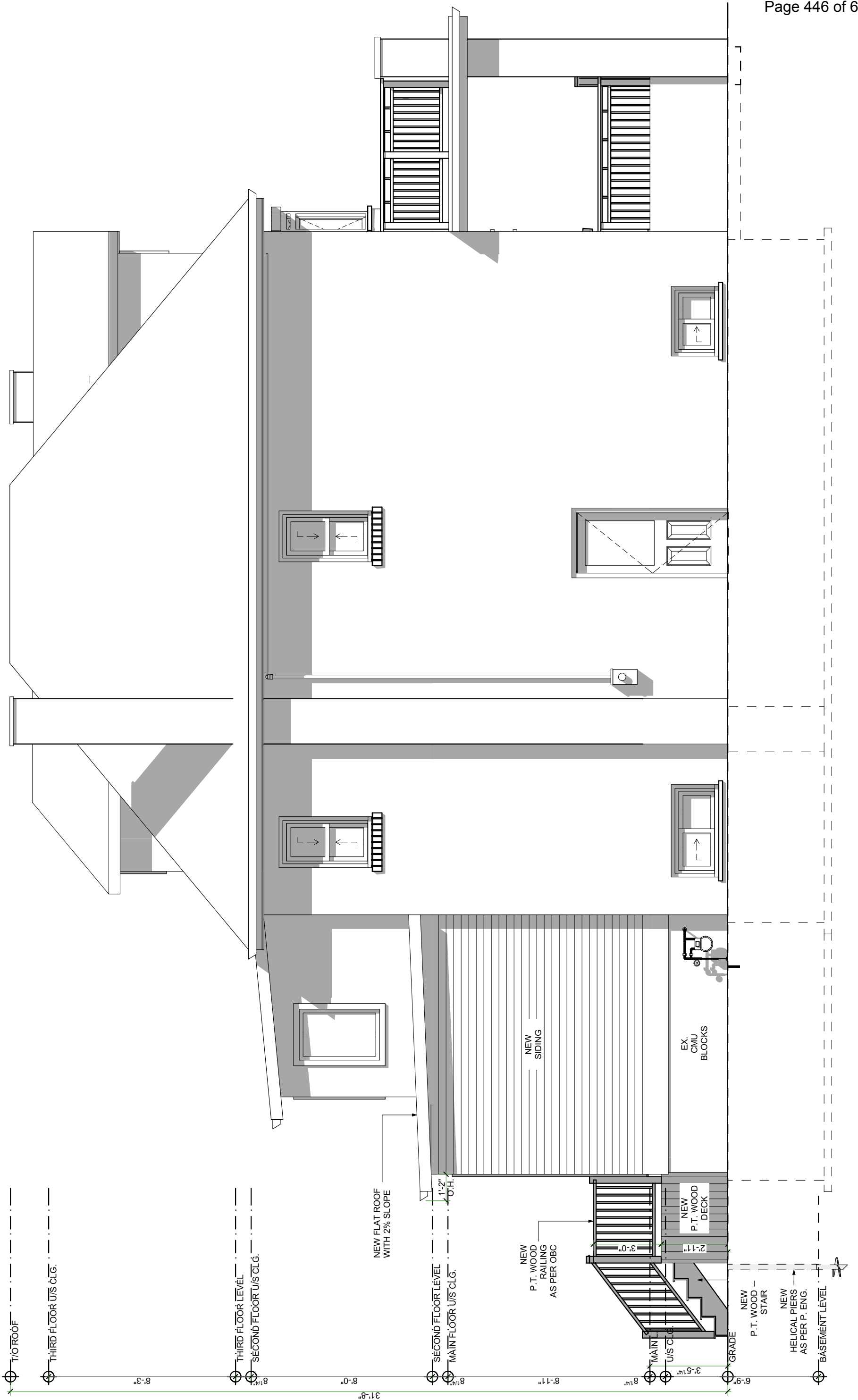
PROPOSED REAR ELEVATION

MOFFAT - 3.4.pln

MOFFAT
 89 PAISLEY AVE N HAMILTON
 ON L8S 4H2

2020-02-06
 1/4" = 1'-0"

A15



SHANE RENOVATIONS
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 L9G 3K9 ON | 905-304-4009

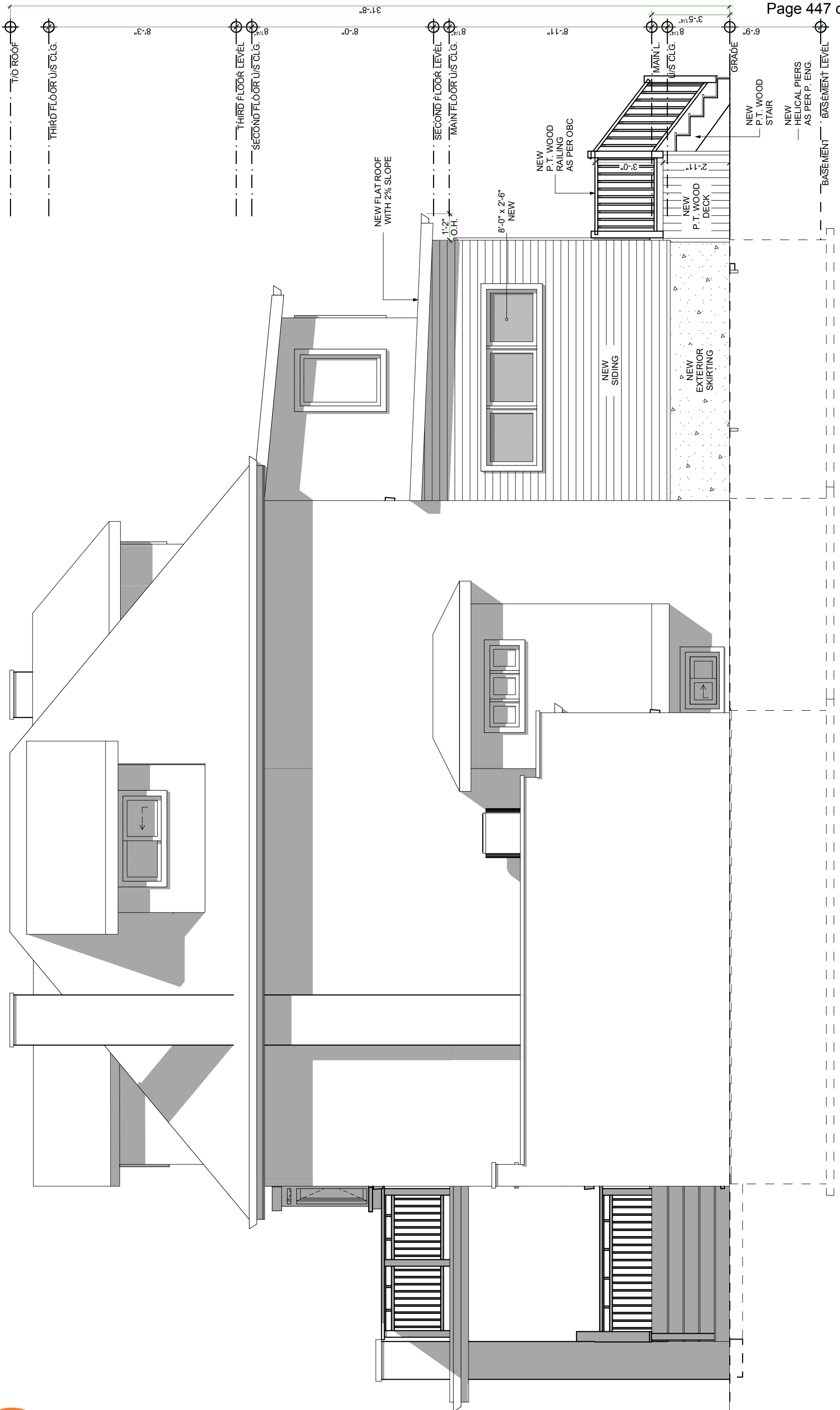
PROPOSED LEFT ELEVATION

MOFFAT - 3.4.pln

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 89 PAISLEY AVE N HAMILTON
 ON L8S 4H2

2020-02-06
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A16



PROPOSED RIGHT ELEVATION

MOFFAT - 3.4.pln

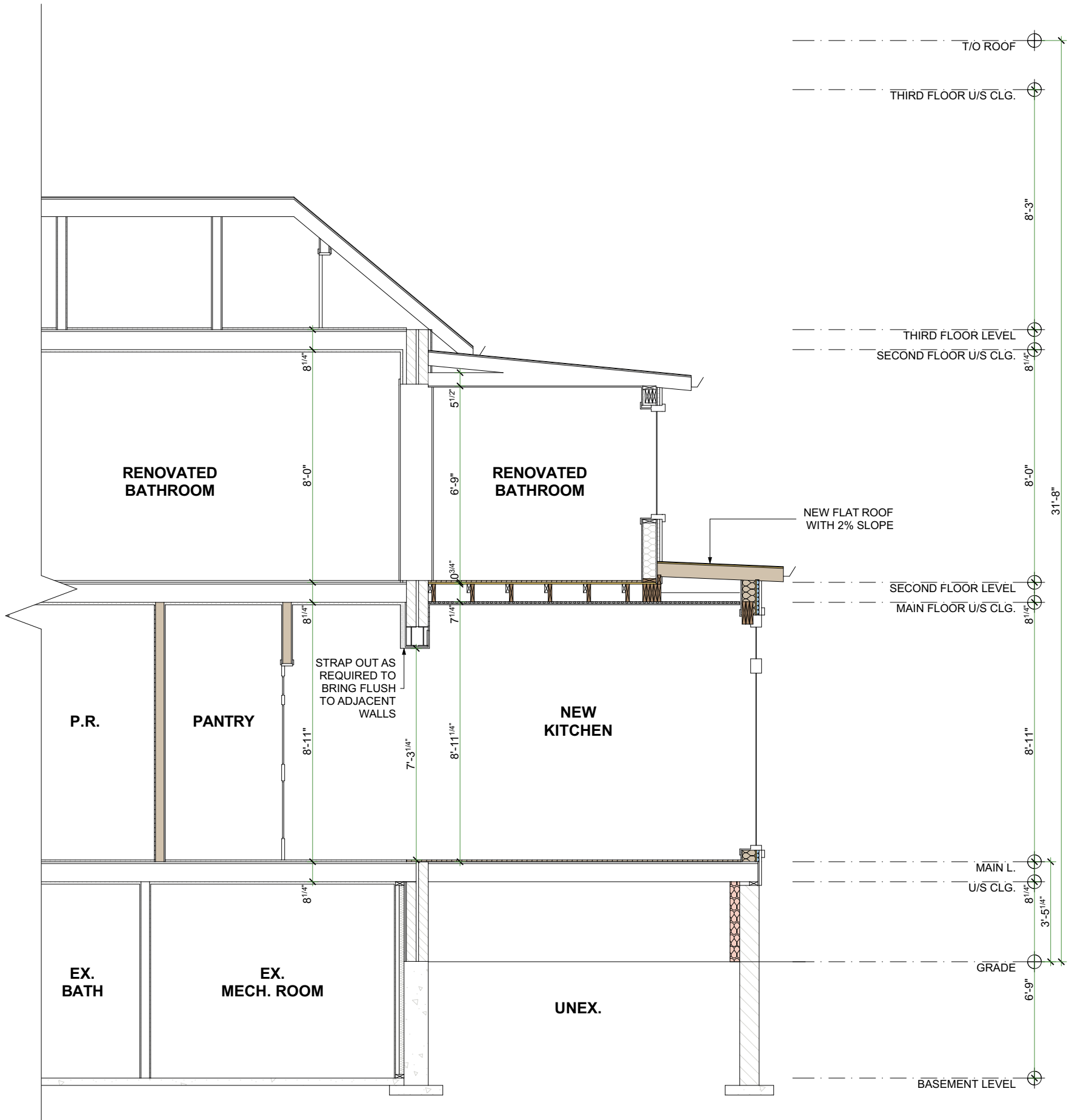
MOFFAT
89 PAISLEY AVE N HAMILTON
ON L8S 4H2



SHANE RENOVATIONS
790 SHAVER RD. ANCASTER
L9G 3K9 ON | 905-304-4009

2020-02-06
1/4" = 1'-0"

A17



PROPOSED SECTION

MOFFAT - 3.4.pln

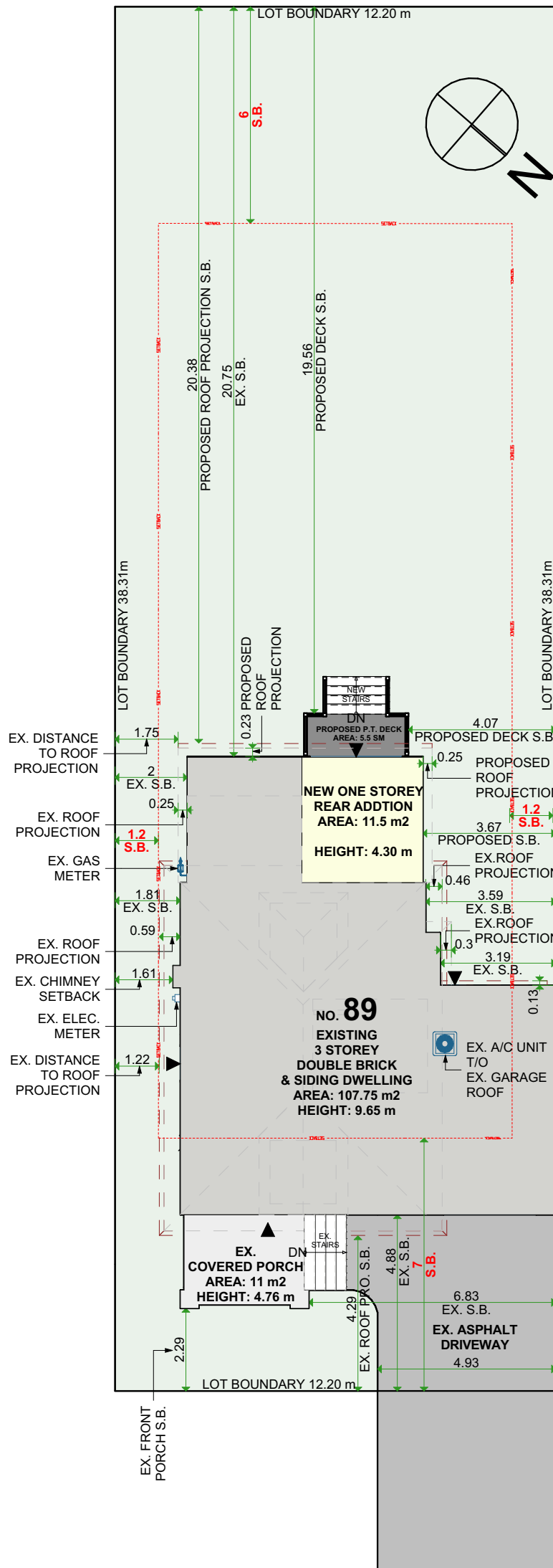
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89 PAISLEY AVE N HAMILTON
ON L8S 4H2

2020-02-06
1/4" = 1'-0"

A19



SHANE RENOVATIONS
790 SHAVER RD. ANCASTER
L9G 3K9 ON | 905-304-4009



PROPERTY INFORMATION

ADDRESS: 89 PAISLEY AVE N	POSTAL CODE: L8S 4H2
MUNICIPALITY: HAMILTON	
ZONE CODE: C/S-1361	
ZONING DESCRIPTION: URBAN PROTECTED RESIDENTIAL, ETC.	
PARENT BY-LAW NUMBER: 6593 FORMER HAMILTON	
BY-LAW NUMBER: 96-109	
EXCEPTION: C/S-1788 , 19-307	
WARD: 1	

ZONING INFORMATION

Lot Information	
MIN. LOT AREA (m ²): 360	LOT AREA (m ²): 364.2
MIN. LOT WIDTH (m): 12	ACTUAL LOT WIDTH (m): 12.2
MIN. LOT DEPTH (m): 30	ACTUAL LOT DEPTH (m): 39.3
EX. LOT COVERAGE (%): %29.59	NEW LOT COVERAGE (%): %32.47

Building Information		Existing	Proposed
GROSS FLOOR AREA RATIO % ² :		75.11%	78.27%
GROUND FLOOR AREA:		107.75 m ²	119.25 m ²
GROSS FLOOR AREA:		273.58 m ²	285.08 m ²

Setbacks (m)	Required	Existing	Proposed
FRONT:	6.00	4.88	4.88
REAR:	7.50	20.77	20.77
SIDE:	1.20	1.81 & 0	1.81 & 0

Proposed Encroachments (m)

Roof Projection:	As Noted
Covered Porch:	As Noted
Deck:	As Noted

Max Building Height (m)	ALLOWED: 2.5 STOREYS 11m
	EXISTING: 3 STOREYS 9.65m (EXISTING NON-CONFORMING)
	PROPOSED: 3 STOREYS 9.65m (EXISTING NON-CONFORMING)

PARKING SPACES:

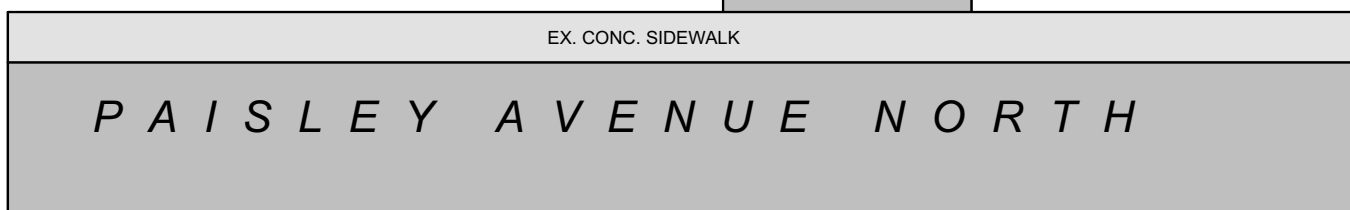
REQUIRED SPACES: 3	PROVIDED SPACES: 0
SIZE: HAMILTON 2.7 x 6.0m	ONE SPACE (EXISTING NON-CONFORMING)
	SIZE: HAMILTON 2.7 x 6.0m

ACCESSORY BUILDINGS:

	N/A
--	-----

References

¹ Proposed lot coverage calculations = Proposed Footprint area / Lot Area
² Gross Floor Area Ratio Calculation: Total Gross Floor Area / Lot Area



SHANE RENOVATIONS
790 SHAVER RD. ANCASTER
L9G 3K9 ON | 905-304-4009

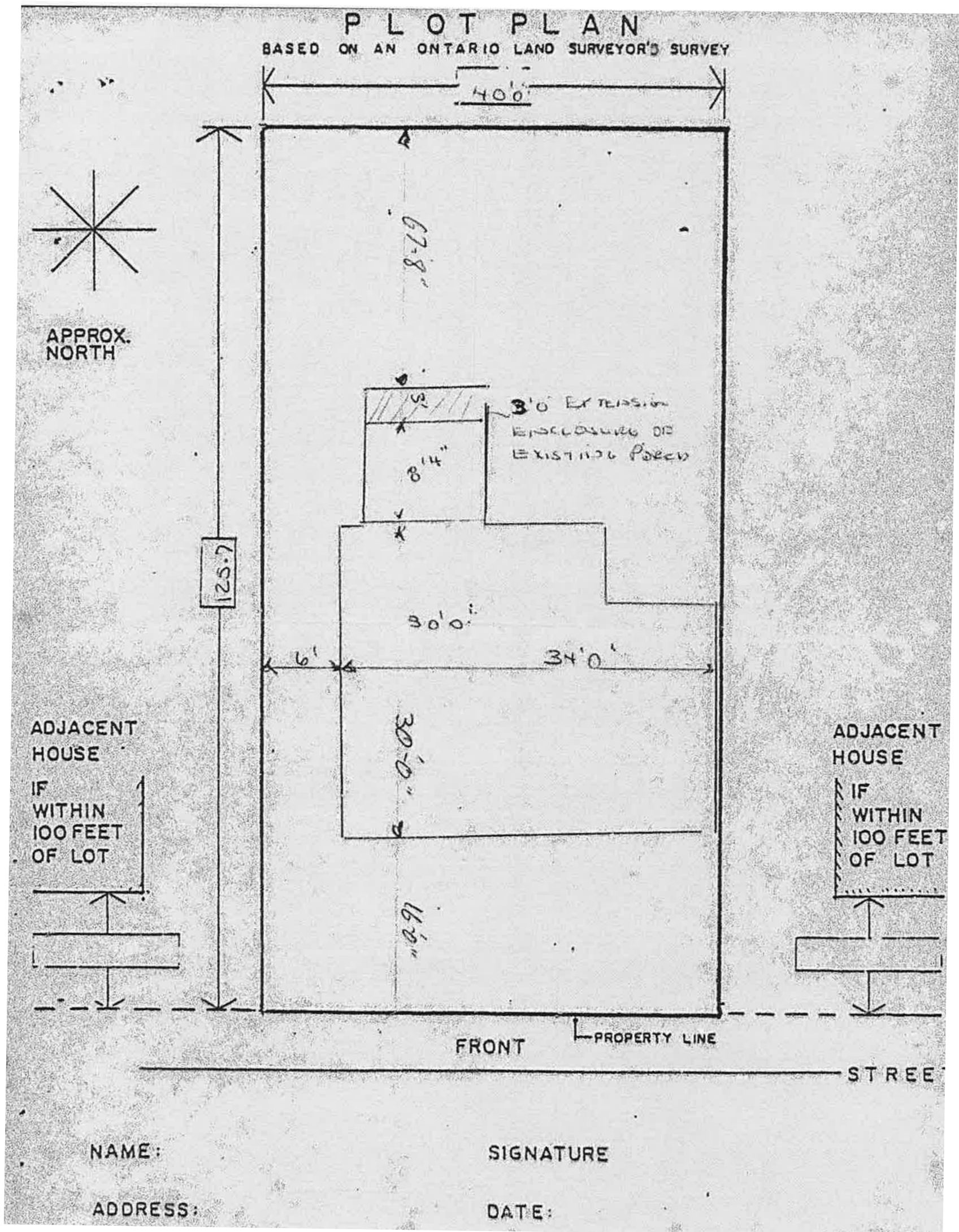
SITE PLAN

MOFFAT - 3.4.pln

MOFFAT
89 PAISLEY AVE N HAMILTON
ON L8S 4H2

2020-02-06
1:150, 1:100

S1



SHANE RENOVATIONS
790 SHAVER RD. ANCASTER
L9G 3K9 ON | 905-304-4009

SURVEY
MOFFAT - 3.4.pln

MOFFAT
89 PAISLEY AVE N HAMILTON
ON L8S 4H2

2020-02-06
1:100

S2



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221 Fax (905) 546-4202

E-mail: morgan.evans@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

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.: HM/A-20:50

APPLICANTS: Tricia Thomson on behalf of the owner The Hamilton Young Woman's Christian Association c/o Denise Christopherson CEO

SUBJECT PROPERTY: Municipal address **52 Ottawa St. N., City of Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended

ZONING: "C5a, 710 (Mixed Use Medium Density - Pedestrian Focus (C5a) Zone

PROPOSAL: To permit the construction a six (6) storey YWCA building containing a Community Centre/Place of Assembly/Social Services Establishment, Administrative Offices and a Multiple Dwelling containing a maximum of fifty (50) dwelling units in order to facilitate Site Plan Application File Numbers DA-18-043 and MDA-19-154 notwithstanding that:

1. A minimum rear yard of 2.7m shall be permitted instead of the minimum required rear yard of 7.5m.
2. Rooftop mechanical equipment shall not be required to be located or screened from view of the abutting streets instead of the requirement that rooftop mechanical equipment shall be located and/or screened from view of any abutting street.
3. A minimum of 36% of the area of the ground floor façade facing Ottawa Street North and a minimum of 32% of the area of the ground floor façade facing Dunsmure Road shall be composed of doors and windows instead of the requirement that a minimum of 60% of the area of the ground floor façade facing the street shall be composed of doors and windows.
4. A 5.7m parking space length shall be permitted to be reduced in length for the area of the space occupied by a sign instead of the requirement that a parking space length of 5.7m shall be provided.
5. Parking spaces and aisles shall be permitted to be located within 2.1m of the Ottawa Street North street line instead of the requirement that parking spaces and aisles, giving direct access to abutting parking spaces, excluding driveways extending directly from the street, shall not be located within 3.0 metres of a street line.
6. A minimum 2.0m wide landscaped area shall be provided between the Ottawa Street North street line and the parking spaces and aisles and a column exceeding a maximum height of 0.6m shall be permitted to be located within this landscaped area instead of the requirement that a 3.0 metre wide planting strip shall be required and permanently

HM/A-20:50

Page 2

maintained between the street line and the parking spaces or aisle and where a planting strip is provided any architectural wall or feature within the planting strip shall be limited to a maximum height of 0.6 metres.

7. No short term bicycle parking spaces shall be required instead of the minimum required five (5) short term bicycle parking spaces

NOTE:

i) The variances are necessary to facilitate Site Plan Application File Numbers DA-18-043 and MDA-19-154.

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

DATE: Thursday, July 9th, 2020
TIME: 3:15 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at www.hamilton.ca/committeeofadjustment
 for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

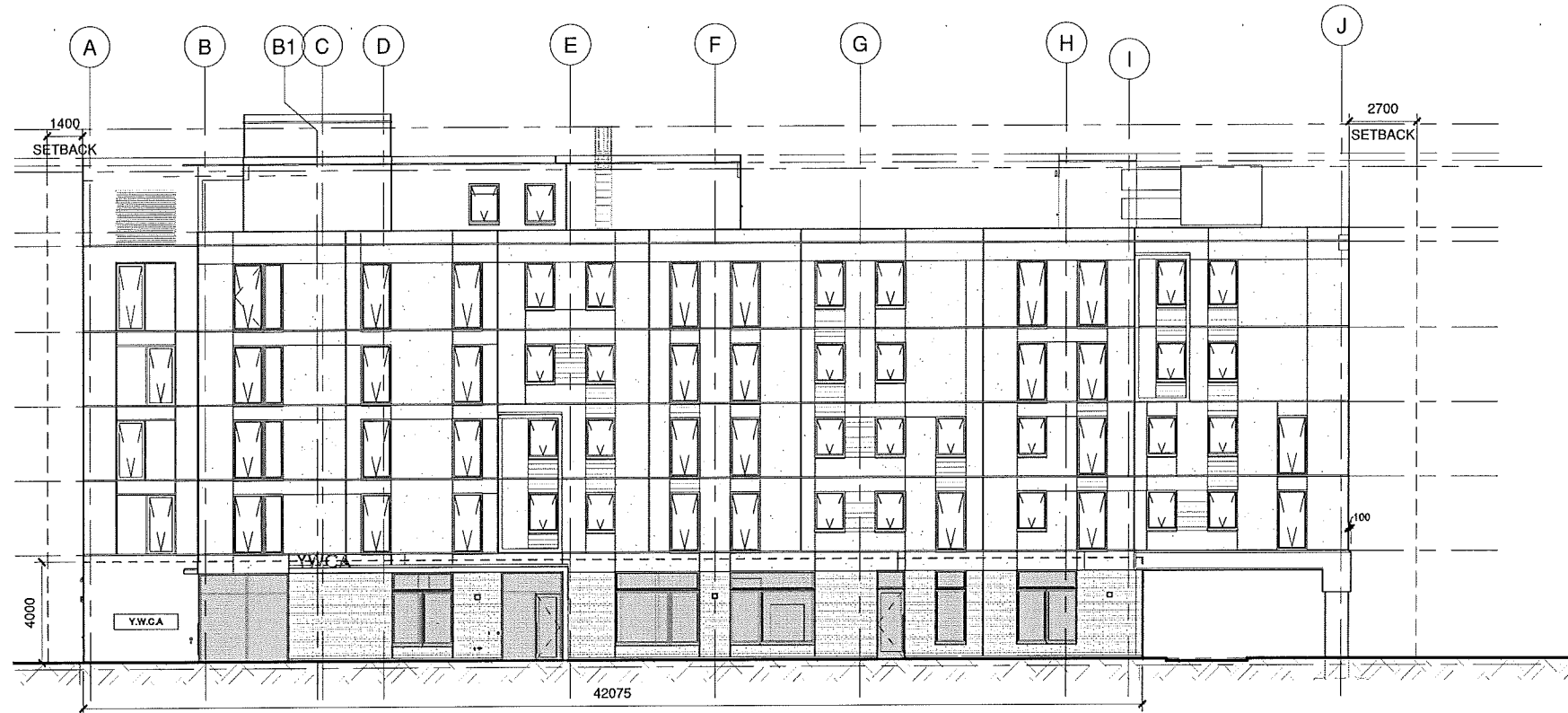
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: June 23rd, 2020.

Original Signed

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.



1 WEST ELEVATION-Door and Window Ratio
 P007 1 : 200

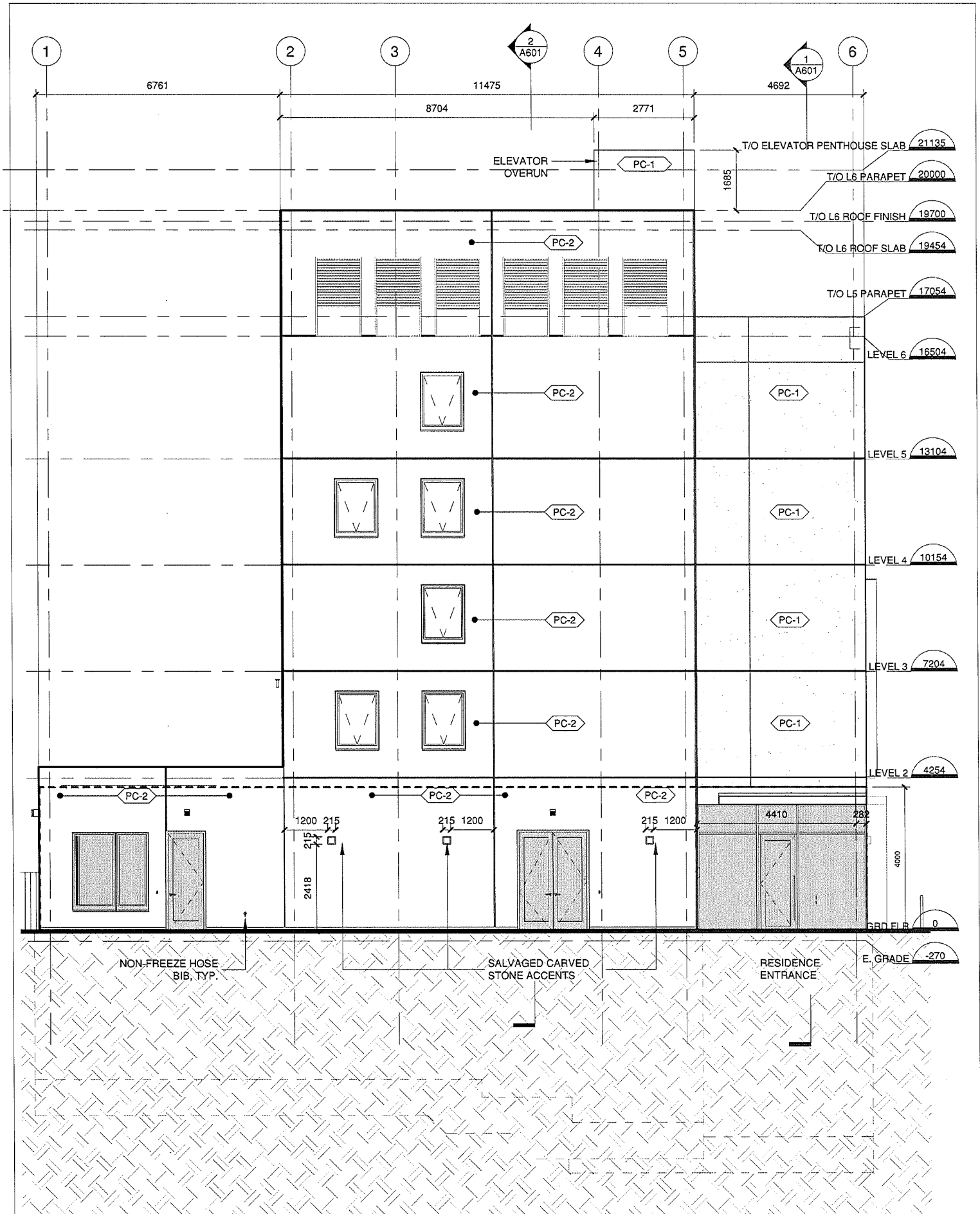
62 m2 DOOR AND WINDOW AREA
 168.3 M2 TOTAL WALL AREA AT STREET LEVEL FACING WEST
 TOTAL OF 36.9% DOOR AND WINDOWS AT STREET LEVEL FACING WEST.

03/05/20
 HMA-20:50
 sketch(2)

KEARNS MANCINI ARCHITECTS
 1 Atlantic Avenue, Suite 104
 Toronto, Ontario, M6K 3E7
 T 416.536.5666 F 416.536.8626
 kmai.com



Project:		52 Ottawa Street North, Hamilton, ON		Client:		YWCA Hamilton	
Drawing Title:				Drawing No:			
WEST ELEVATION -WINDOW AND DOOR FACADE RATIO				P007			
Drawn By:		Scale:		Date:		Project No:	
Author		1 : 200		2020.03.04		18-022	
				Revision:		23	



1 NORTH ELEVATION -Door and Window Ratio
 P006 1:100

30 M2 DOORS AND WINDOWS
 91.62 M2 TOTAL WALL AREA AT STREET

TOTAL OF 32% DOORS AND WINDOW AT STREET
 LEVEL FACING NORTH

KEARNS MANCINI ARCHITECTS
 1 Atlantic Avenue, Suite 104
 Toronto, Ontario, M6K 3E7
 T 416.536.5666 F 416.536.6626
 kmai.com



Project:		52 Ottawa Street North, Hamilton, ON		Client:		YWCA Hamilton	
Drawing Title:				Drawing No:			
NORTH ELEVATION -WINDOW AND DOOR FACADE RATIO				P006			
Drawn By:		Scale:		Date:		Project No:	
Author		1:100		2020.03.04		18-022	
Re-issued for S.P.A							

*Hm/A 20:50
 Sketch (3)*

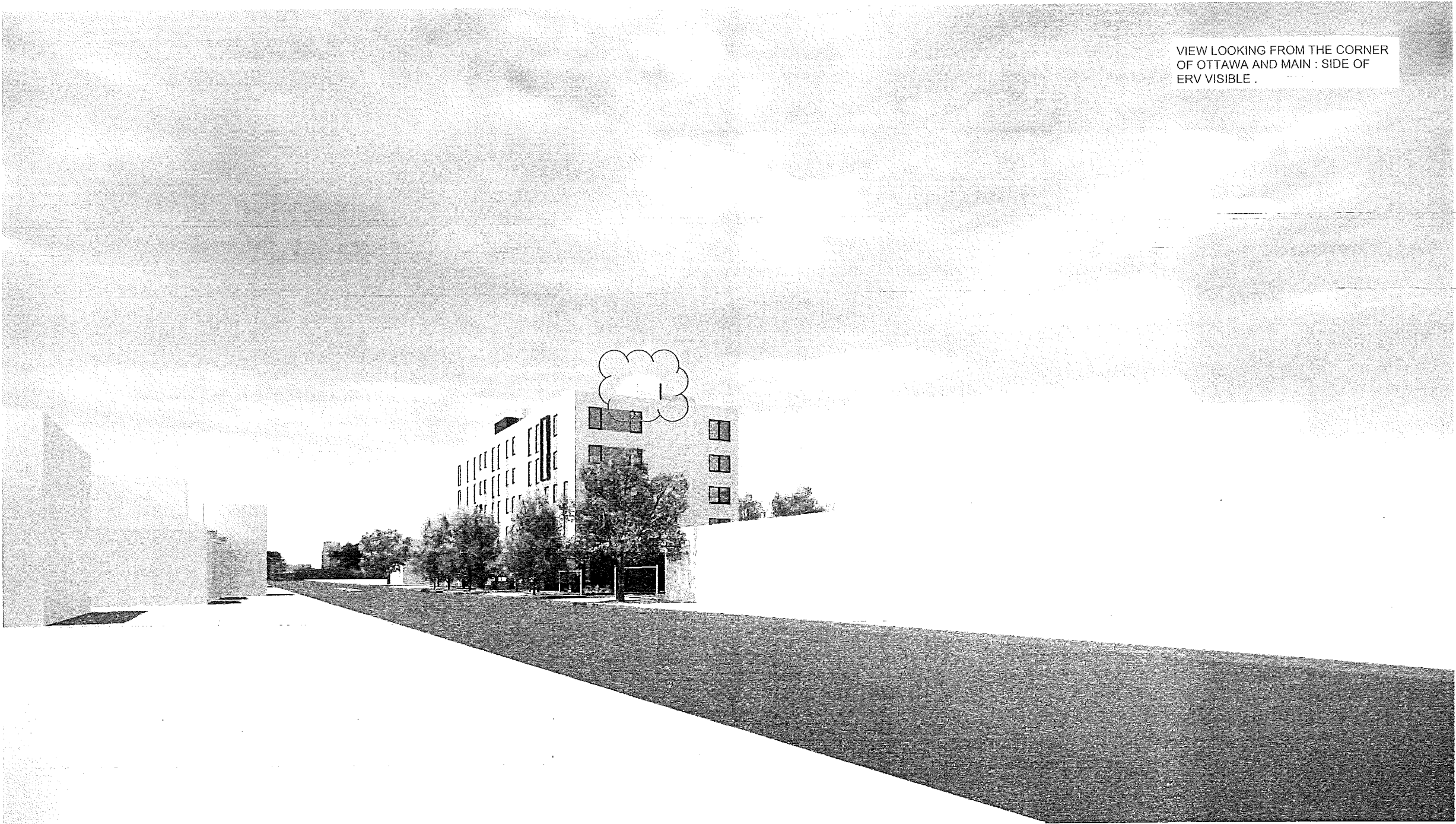
*03/05/20
 Hm/A-20:50
 Sketch(3)*

VIEW LOOKING FROM DIRECTLY
ACROSS THE STREET :
MECHANICAL NOT VISIBLE



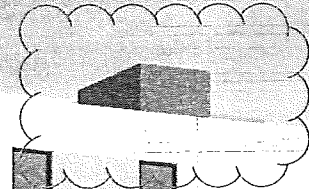
AmIA 20:50
Sketch 4

VIEW LOOKING FROM THE CORNER
OF OTTAWA AND MAIN : SIDE OF
ERV VISIBLE .



Hm/A 20:50
Sketch 5

VIEW FROM THE SCHOOL-ERV UNIT
HIGHLIGHTED RED FOR CLARITY.
NOTE THE UNIT IS A SWEGON RX GOLD
ERV UNIT



Hm/A 20:50
sketch 6

VIEW LOOKING FROM OTTAWA AND
DUNSMIRE: MECHANICAL NOT
VISIBLE



HM/A 20:50
Sketch (7)



Hamilton

Planning and Economic Development Department
Planning Division

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

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

FOR OFFICE USE ONLY.		FEB 05 2020
APPLICATION NO. <u>HM/A-20-50</u>	DATE APPLICATION RECEIVED _____	
PAID _____	DATE APPLICATION DEEMED COMPLETE _____	
SECRETARY'S SIGNATURE _____		

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1. Name of Owner The Hamilton Young Woman's Christian Association – Denise Christopherson, CEO Telephone No. [REDACTED]

2. [REDACTED]

3. Name of Agent Tricia Thomson Telephone No. [REDACTED]

4. [REDACTED]

*Send Sign **

Note: Unless otherwise requested all communications will be sent to the agent, if any.

5. Names and addresses of any mortgagees, holders of charges or other encumbrances:

NA

_____ Postal Code _____

_____ Postal Code _____

6. Nature and extent of relief applied for:

- Grading changes from previous plan (#1 – page 1)
 - Minor changes were made due to coreslab beam size increase and minimum clearances for service vehicle.
- Retail reference (#3 iii and in #6 vi) Rick remove retail reference on the drawings
 - Removed references to retail

Site specific section/sub sections (#8);

- Minimum rear yard (page 5) – as part of the revised site plan dwgs.
 - City determination of building front yard orientation has changes vs original site plan review – Original submission was accepted
- Maximum building height (page 5) – Rick confirm the 19.970m is correct with changes to the walk out
 - This is correct- Elevator overrun does not count towards height
- Build for development (page 6) – comment on the window compliance
 - See elevations – Door and Window ratio is below 60% - Elevations are as accepted in original site plan approval submissions and in line with Passive House principals
- Build for development (page 6 & 8) – parking comments
 - No retail is being provided – Parking layout and sizing is as accepted in original site plan agreement
- Build for development (page 9) – bicycle parking comments
 - Bike racks are provided along road allowance on Ottawa street as per original Site plan submission and agreement. There are 20 spaces provided- Bike racks location can be relocated as directed by City and Owner if required

*June
Feb 05/2
See attached
Question #6*

7. Why it is not possible to comply with the provisions of the By-law?

For each point that does not comply indicate here why it can't or won't be possible to change the plans i.e. Passive House Design compliance etc.

Building has been designed, engineered and fabricated to meet the requirements as outlined in the original site plan approvals. It would have dramatic financial and timing consequences to change at this time

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

Plan 497, Lots 14 to 19. Official Plan designation, would be Mixed Use – Medium Density and Secondary Corridor. *52 OTTAWA ST. NORTH*

9. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other _____

- 9.1 If Industrial or Commercial, specify use ____ The previous building was a community centre for children, seniors and staff managed community programs and activities

- 9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
Yes X No ____ Unknown ____ Geopiers added for ground improvements as per approved building permit and site plan approval drawings. Minor site grading to accommodate new building.
- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?
Yes ____ No X Unknown ____
- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
Yes ____ No X Unknown ____
- 9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
Yes ____ No X Unknown ____
- 9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
Yes ____ No X Unknown ____
- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?
Yes ____ No X Unknown ____
- 9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
Yes ____ No X Unknown ____
- 9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
Yes ____ No X Unknown ____
- 9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
Yes ____ No X Unknown ____
- 9.11 What information did you use to determine the answers to 9.1 to 9.10 above?
An environmental study was completed for this property prior to demolition.
- 9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
Is the previous use inventory attached? Yes ____ No X

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Jan 31, 2020
Date


Signature Property Owner

Denise Christopherson, CEO

Print Name of Owner

Question No. 6

Nature and Extent of Relief applied for:

A minimum rear yard of 2.7m to be provided;

37% of the ground floor front façade, facing north, is composed of windows and doors;

42% of the ground floor front façade, facing west, is composed of windows and doors;

A visitor parking space sign is located within the parking space reducing the length of the space;

Barrier free parking space size is 2.7m x 5.7m;

Parking space and aisle is located 2.1m from the Ottawa Street North lot line;

A 2.0m wide landscape strip, which includes a column, is provided abutting the Ottawa Street North street line;

A 3.845m column is located within the landscaped area;

Short-term bicycle spaces are provided adjacent to the site on municipal lands as the building is situated closely to all lot lines; and

Other variances as required to implement approved DA-18-043, and MDA-19-154.

10. Dimensions of lands affected:

Frontage	22.942 m
Depth	47.675 m
Area	1496.84 m ²
Width of street	~ 20.0 m

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: __ Previous building has been demolished.

Proposed: _ See attached site plan and elevation plan that has been approved.

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing: _____ Previous building has been demolished.

Proposed: __ See attached site plan and elevation plan that has been approved.

13. Date of acquisition of subject lands:

Agreement with the City of Hamilton 1962/11/30 fully converted and transferred to The Hamilton Young Woman's Christian Association 1996/07/22

14. Date of construction of all buildings and structures on subject lands:

Previous building has been demolished

15. Existing uses of the subject property: __ Property is not currently in use.

16. Existing uses of abutting properties:

Residential (single family dwellings) and a variety of commercial and community spaces.

17. Length of time the existing uses of the subject property have continued:

Ongoing use

18. Municipal services available: (check the appropriate space or spaces)
- Water X Connected X
- Sanitary Sewer X Connected X
- Storm Sewers X
19. Present Official Plan/Secondary Plan provisions applying to the land:
 Neighbourhoods
-
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
 C5a, 710 (zoning by-law 05-200)
-
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
- If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

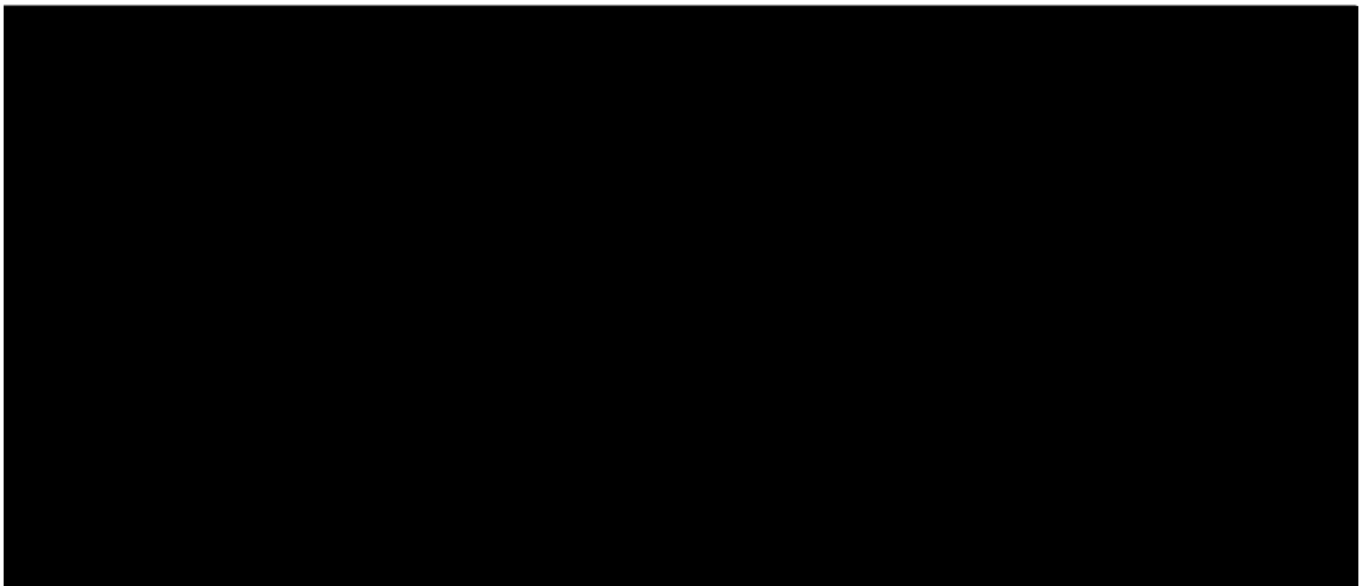
NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.

PART 24 AFFIDAVIT OR SWORN DECLARATION

This declaration to be sworn by a Commissioner of Oaths.

TRICIA THOMPSON
 I, Denise Christopherson of The Hamilton Young Woman's Christian Association
 in the City of Hamilton solemnly declare that:

All of the above statements are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.



PART 25 OWNERS AUTHORIZATION

PART 25 OWNERS AUTHORIZATION

As of the date of this application, I (NAME) Denise Christopherson am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

Tricia Thomson of The Hamilton Young Woman's Christian Association

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE Jan. 31, 2020

SIGNED 

PART 26 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation


Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, Denise Christopherson, the Owner, hereby agree and acknowledge
(Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

Jan. 31, 2020

Date


Signature of Owner:

Denise Christopherson, CEO

PART 27 PERMISSION TO ENTER

Date: FEB. 5 / 2020

Secretary/Treasurer
Committee of Adjustment
City of Hamilton,
City Hall

Dear Secretary/Treasurer;

Re: Application to Committee of Adjustment

Location of Land: 52 OTTAWA ST. N.
(Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited purposes of evaluating the merits of this application.



Signature of Owner or Authorized agent

TRICIA THOMSON

Please print name

Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee's policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.

PART 28 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1284.

1 Atlantic Avenue, Suite 104
Toronto, Ontario, M5A 3E7
T 416.593.5666 F 416.536.8026
kma.com



The General Contractor shall check and verify all dimensions and report all errors and omissions. Do not scale drawings. These documents shall only be used for the purposes indicated below, when as noted and issued by the Architect.

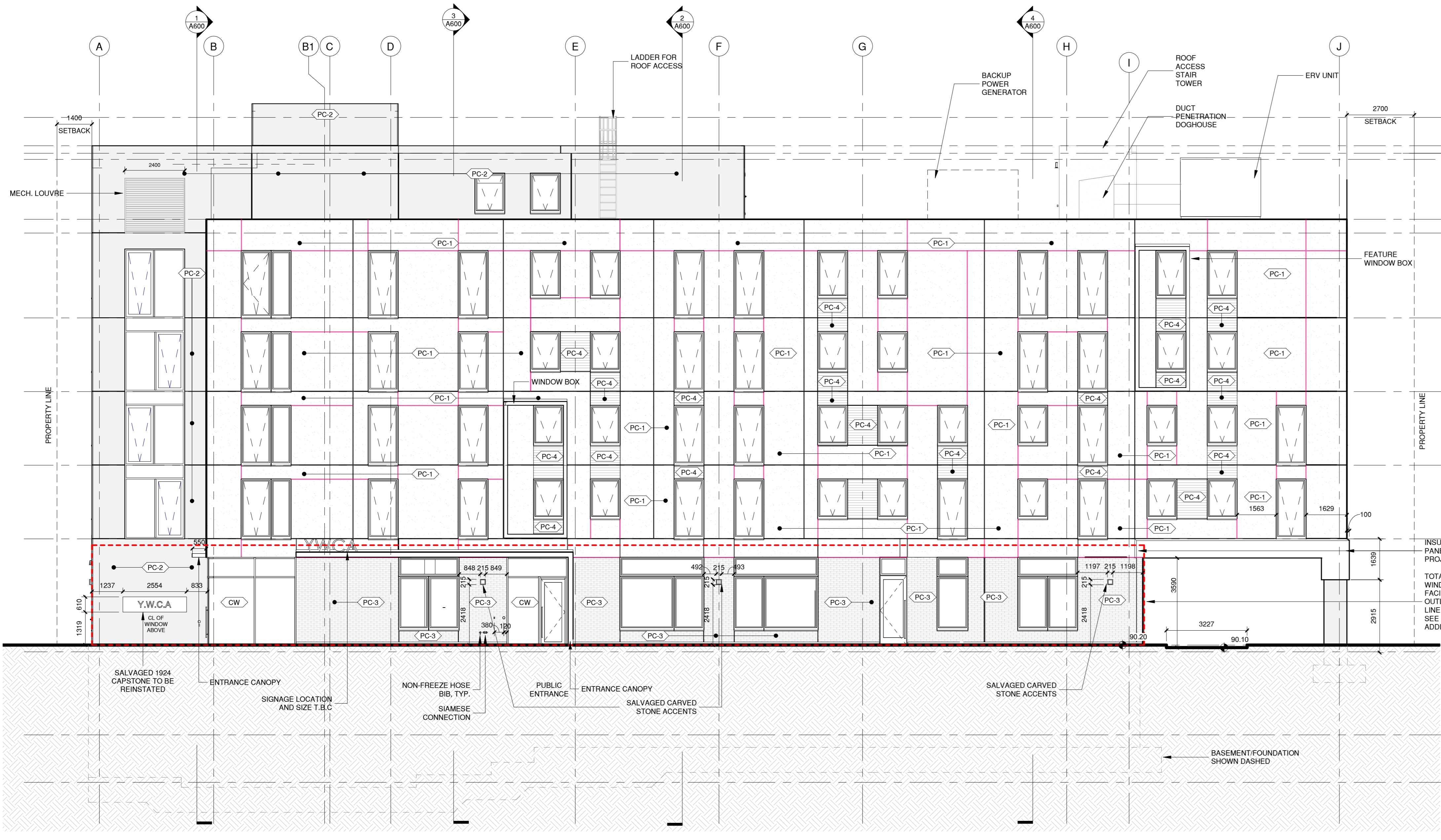
Certificate of Practice No. 1796
Architect's BCIN: 3064

No.	Description	CHK'd	Date
1	Issued for SPA	KMA	Feb 5, 2018
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9	Re-issued for Permit	KMA	Nov 22, 2018
10	Re-issued for Permit	KMA	Nov 22, 2018
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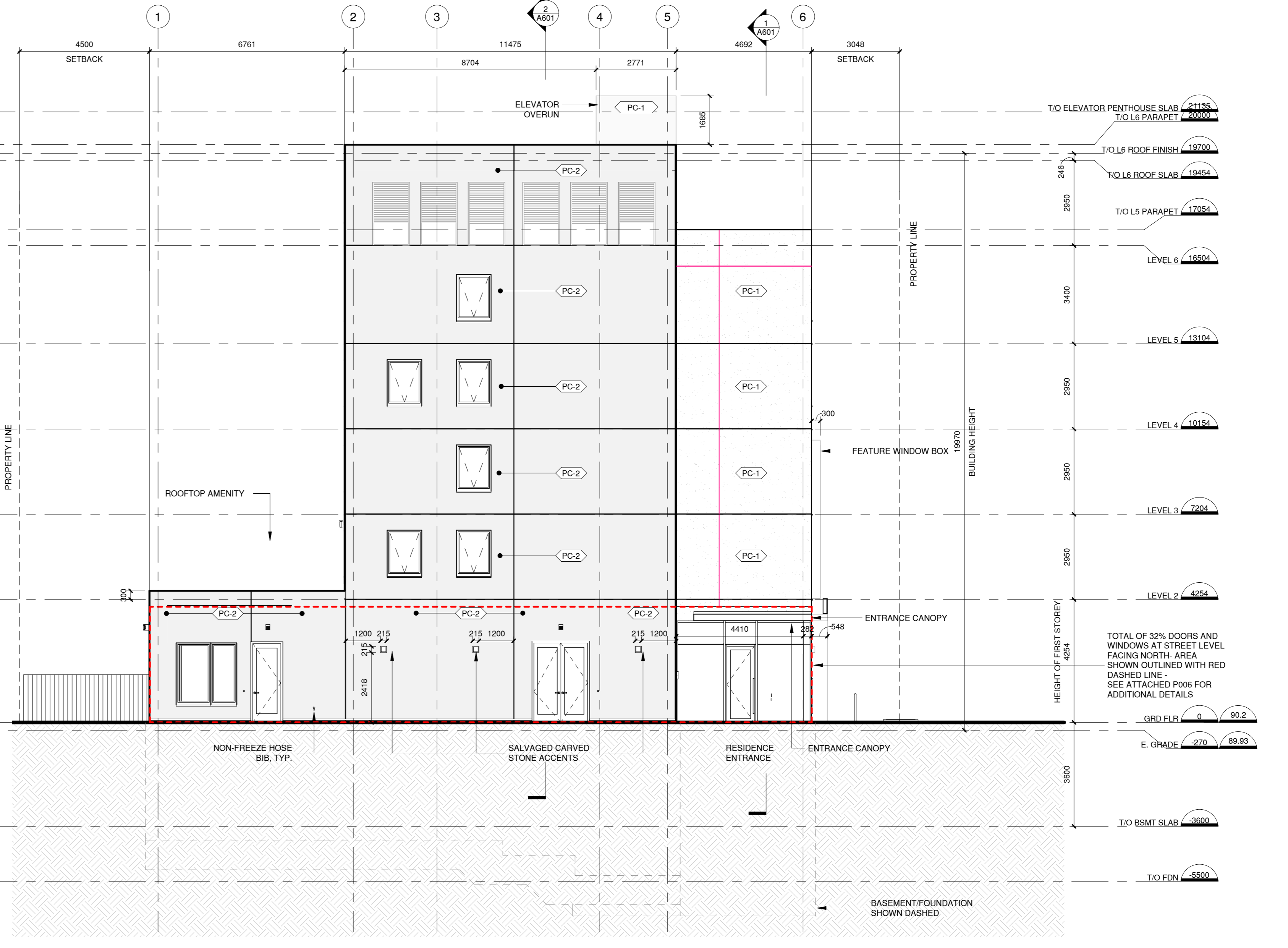
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YWCA Hamilton
 52 Ottawa Street North,
 Hamilton, ON
 DA-18-043
 52 Ottawa Street North
 Hamilton ON
 L8H 4B2

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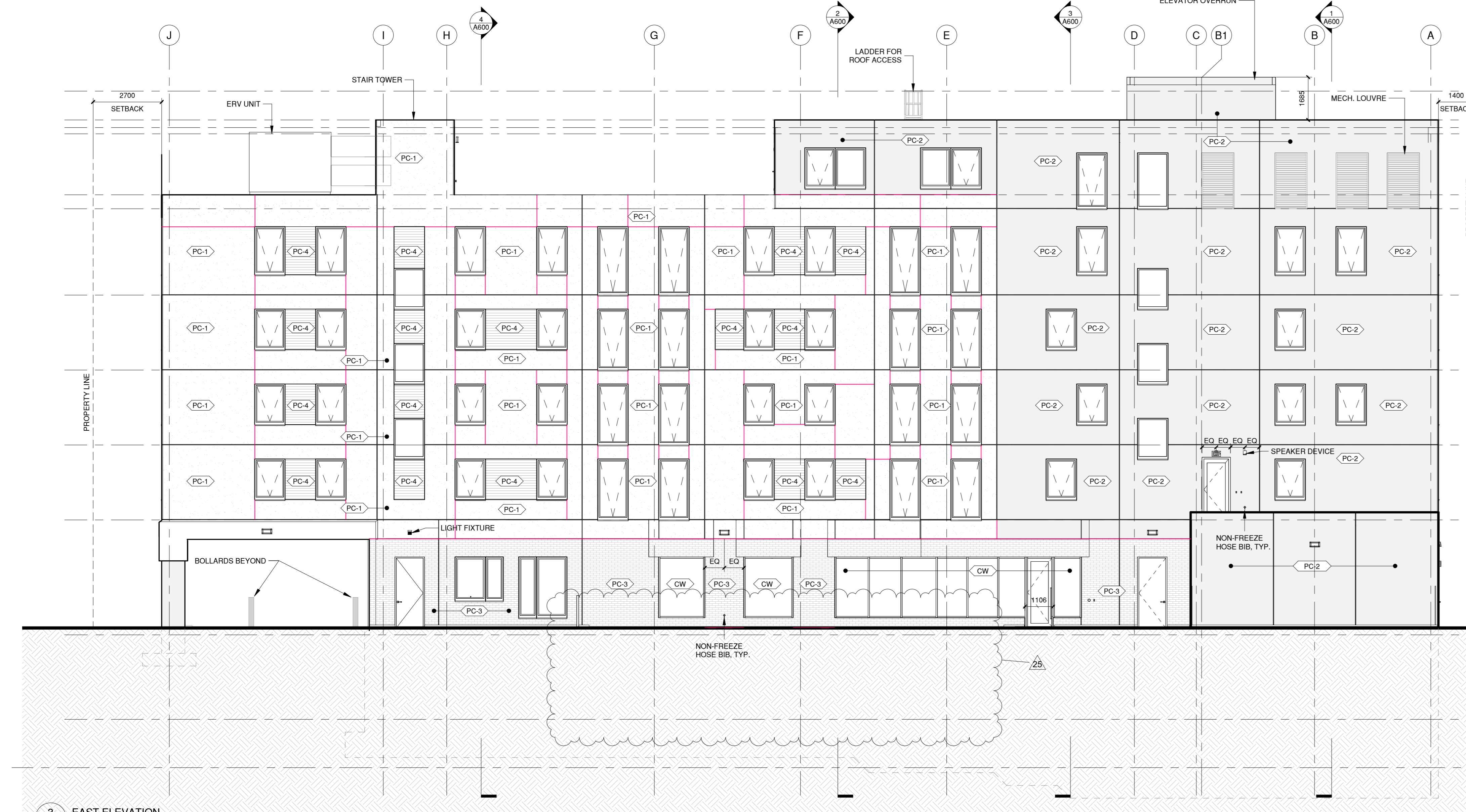
Building Elevations
A400
 6/15/2020



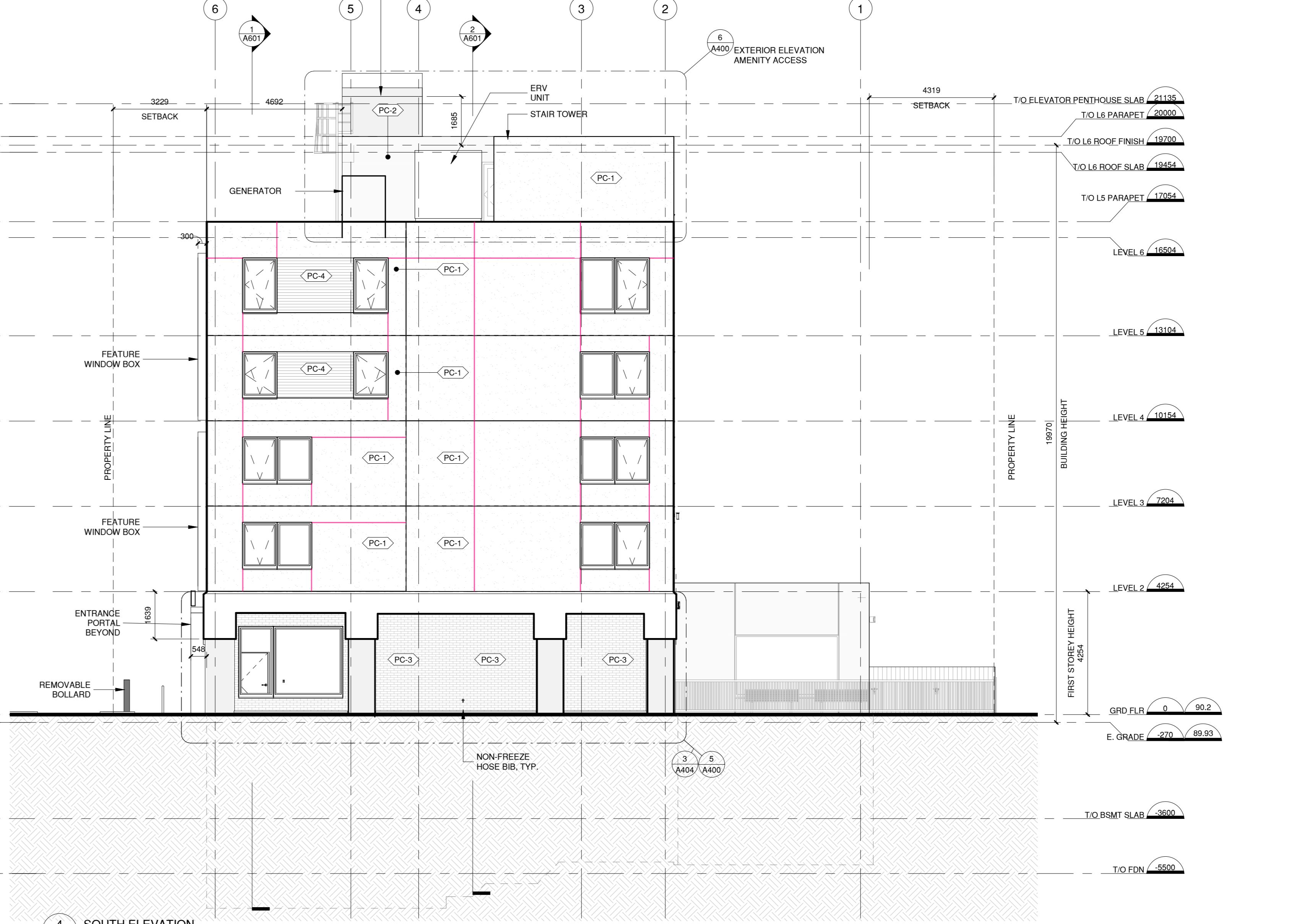
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 A400 1:100



2 NORTH ELEVATION
 A400 1:100



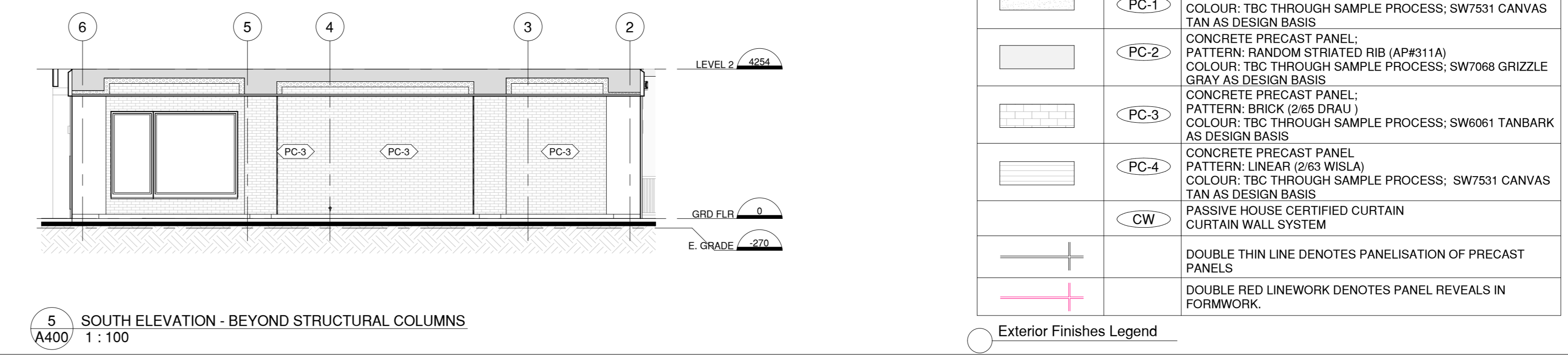
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 A400 1:100



4 SOUTH ELEVATION
 A400 1:100



6 SOUTH ELEVATION - LEVEL 6 ROOF ACCESS
 A400 1:100



5 SOUTH ELEVATION - BEYOND STRUCTURAL COLUMNS
 A400 1:100

EXTERIOR BUILDING MATERIAL LEGEND:

	CONCRETE PRECAST PANEL: PATTERN: SMOOTH FINISH COLOUR: TBC THROUGH SAMPLE PROCESS; SW7631 CANVAS TAN AS DESIGN BASIS
	CONCRETE PRECAST PANEL: PATTERN: RANDOM STRIATED RIB (APK311A) COLOUR: TBC THROUGH SAMPLE PROCESS; SW7668 GRIZZLE GRAY AS DESIGN BASIS
	CONCRETE PRECAST PANEL: PATTERN: BRICK (265 DRAU) COLOUR: TBC THROUGH SAMPLE PROCESS; SW6061 TANBRK AS DESIGN BASIS
	CONCRETE PRECAST PANEL: PATTERN: LINEAR (G15 WLSLA) COLOUR: TBC THROUGH SAMPLE PROCESS; SW7531 CANVAS TAN AS DESIGN BASIS
	PASSIVE HOUSE CERTIFIED CURTAIN CURTAIN WALL SYSTEM
	DOUBLE THIN LINE DENOTES PANELISATION OF PRECAST PANELS
	DOUBLE RED LINEWORK DENOTES PANEL REVEALS IN FORMWORK

Exterior Finishes Legend



1 WEST ELEVATION-Door and Window Ratio
 P007 1 : 200

62 m2 DOOR AND WINDOW AREA
 168.3 M2 TOTAL WALL AREA AT STREET LEVEL FACING WEST

TOTAL OF 36.9% DOOR AND WINDOWS AT STREET LEVEL FACING WEST.

KEARNS MANCINI ARCHITECTS

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 kmai.com

CERTIFICATE OF PRACTICE NO. 1796



Project: 52 Ottawa Street North, Hamilton, ON

Client: YWCA Hamilton

Drawing Title: WEST ELEVATION -WINDOW AND DOOR FACADE RATIO

Drawing No: P007
 Revision: 23

Drawn By: Author
 Scale: 1 : 200
 Date: 2020.03.04
 Project No: 18-022



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CERTIFICATE OF PRACTICE NO. 1796



Project:		52 Ottawa Street North, Hamilton, ON		Client:		YWCA Hamilton	
Drawing Title:				Drawing No:		P007	
WEST ELEVATION -WINDOW AND DOOR FACADE RATIO				Revision:		23	
Drawn By:	Scale:	Date:	Project No:				
Author	1 : 200	2020.03.04	18-022				

1 Atlantic Avenue, Suite 104
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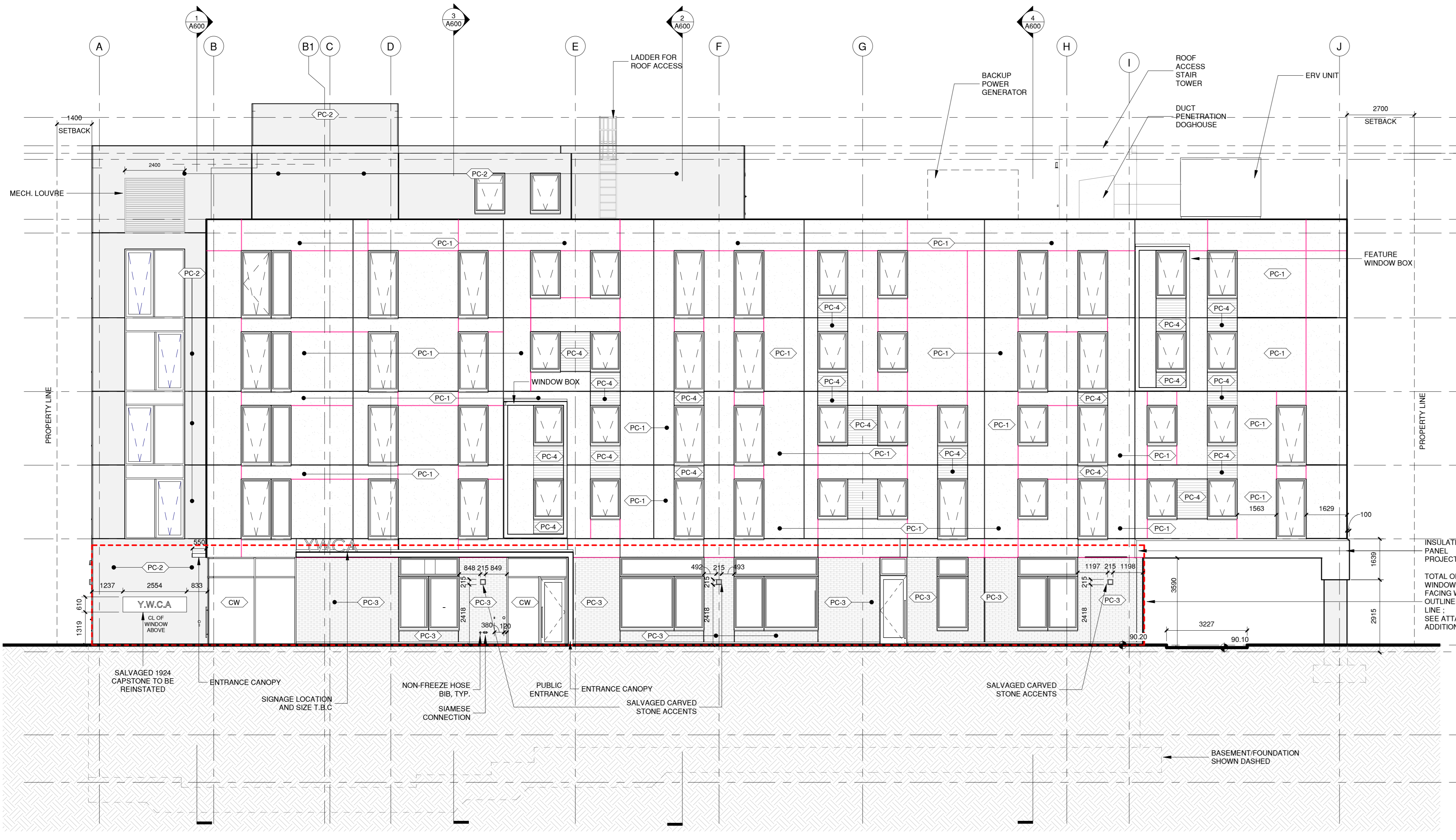
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8	Re-issued for Permit	KMA	Nov 22, 2018
9	Re-issued for Tender	KMA	Dec 4, 2018
10	Re-issued for Tender	KMA	Mar 04, 2019
11	Re-issued for Tender	KMA	May 22, 2019
12	Re-issued for SPA	KMA	Sept 10, 2019
13	Re-issued for SPA	KMA	Sept 10, 2019
14	Re-issued for SPA	KMA	Sept 10, 2019
15	Re-issued for SPA	KMA	Sept 10, 2019
16	Re-issued for SPA	KMA	Sept 10, 2019
17	Re-issued for SPA	KMA	Sept 10, 2019
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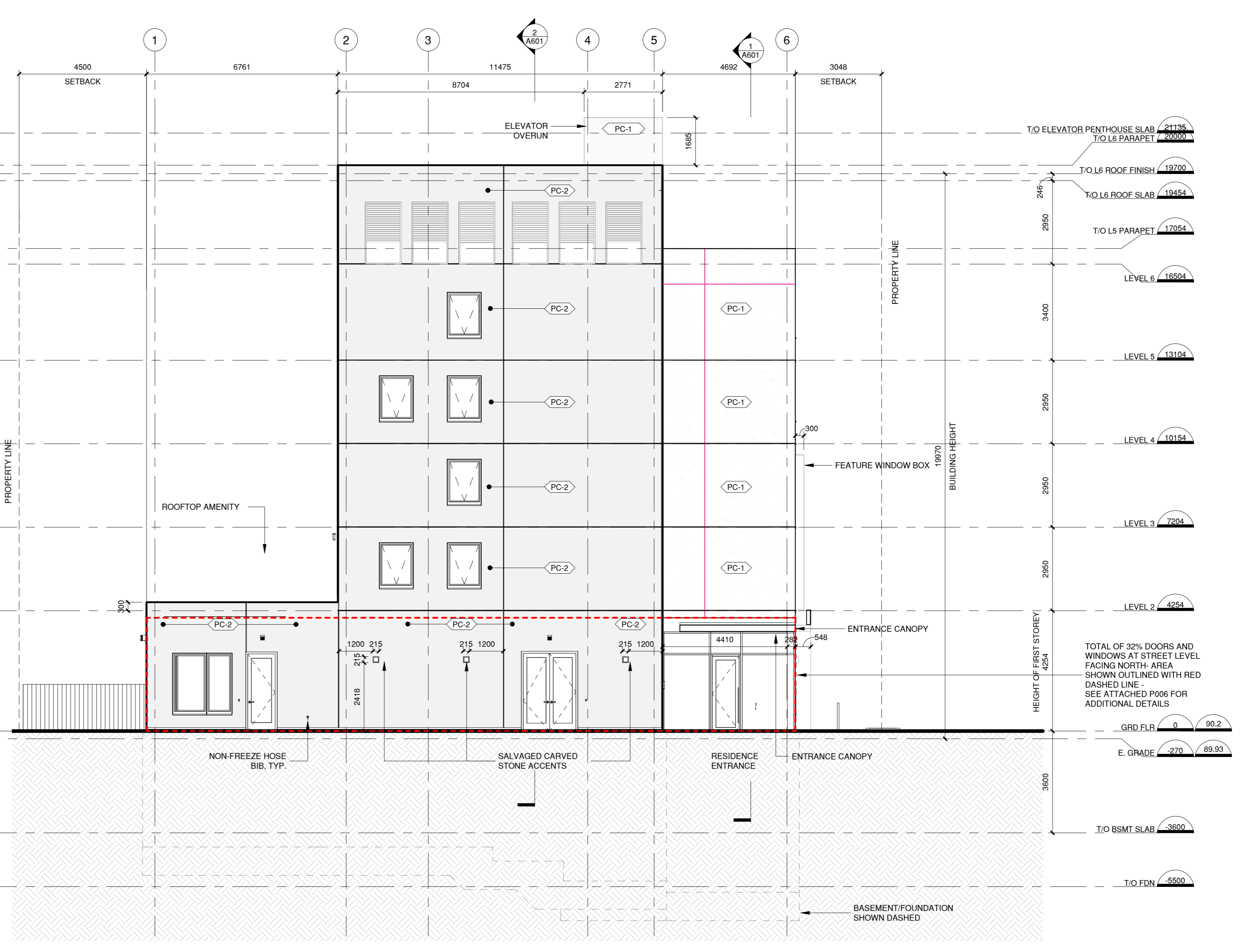
Project
YWCA Hamilton
 52 Ottawa Street North,
 Hamilton, ON
 DA-18-043
 52 Ottawa Street North
 Hamilton ON
 L8H 4B2

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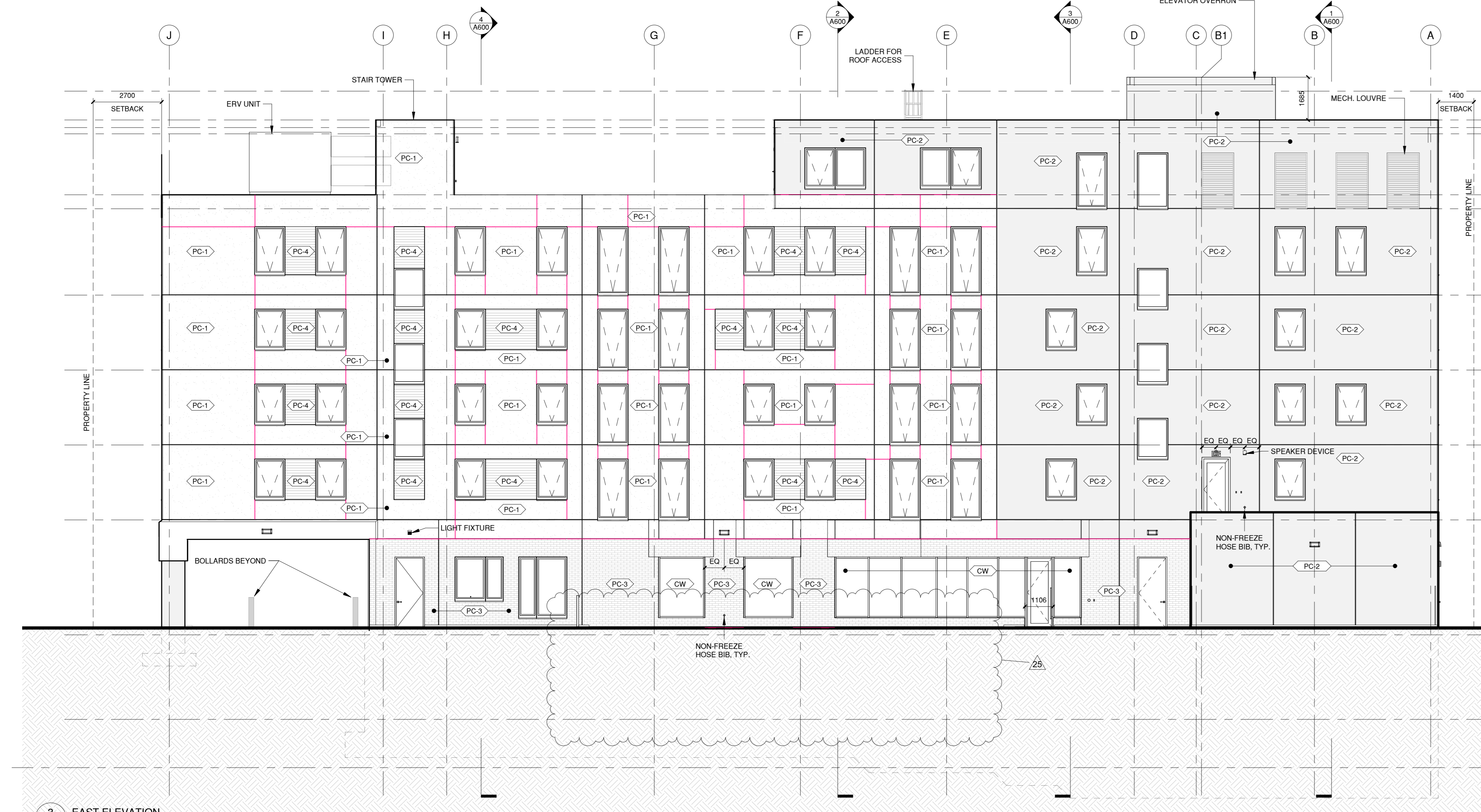
18-022
 Building Elevations
A400



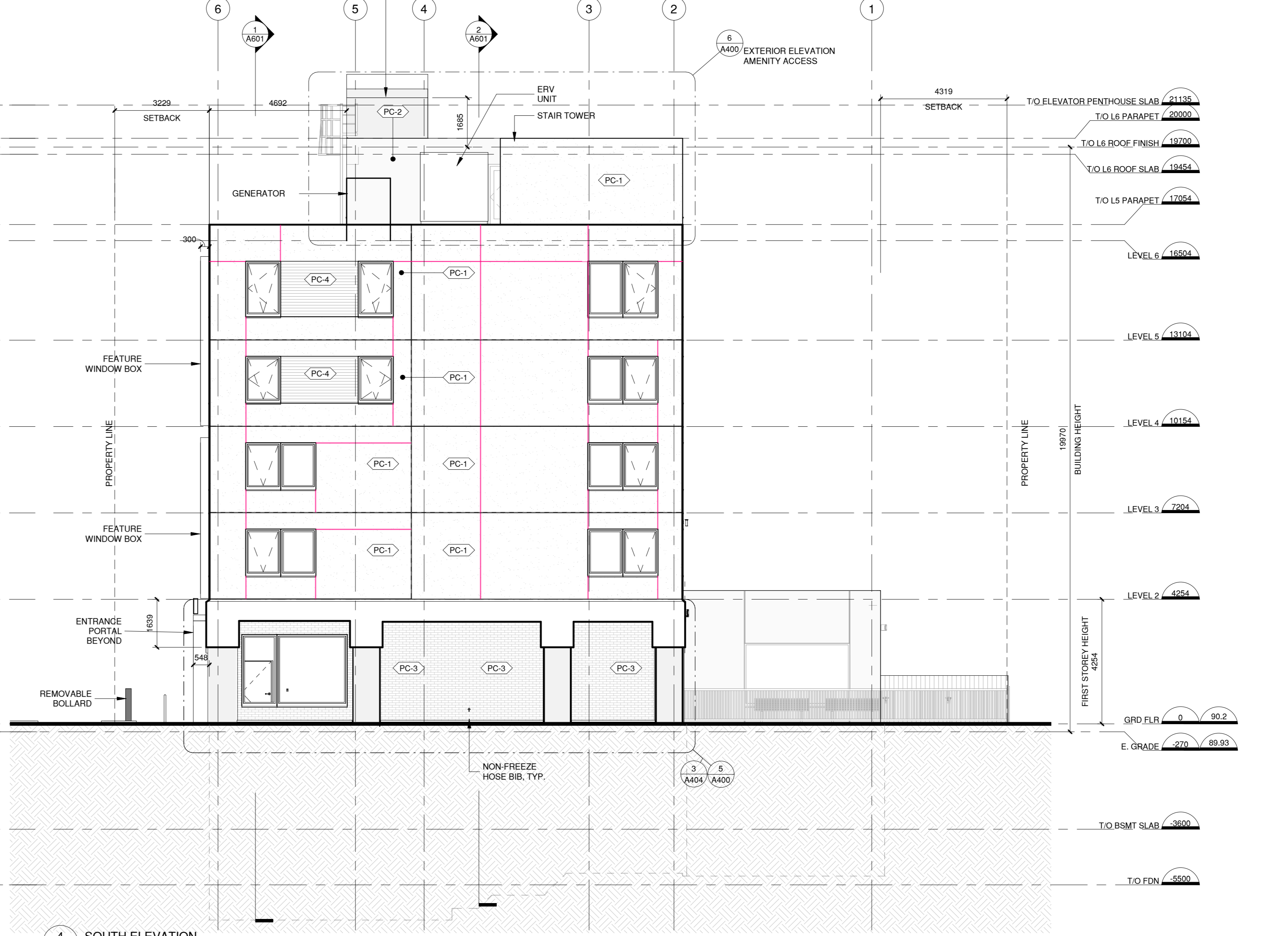
1 WEST ELEVATION
 A400 1:100



2 NORTH ELEVATION
 A400 1:100



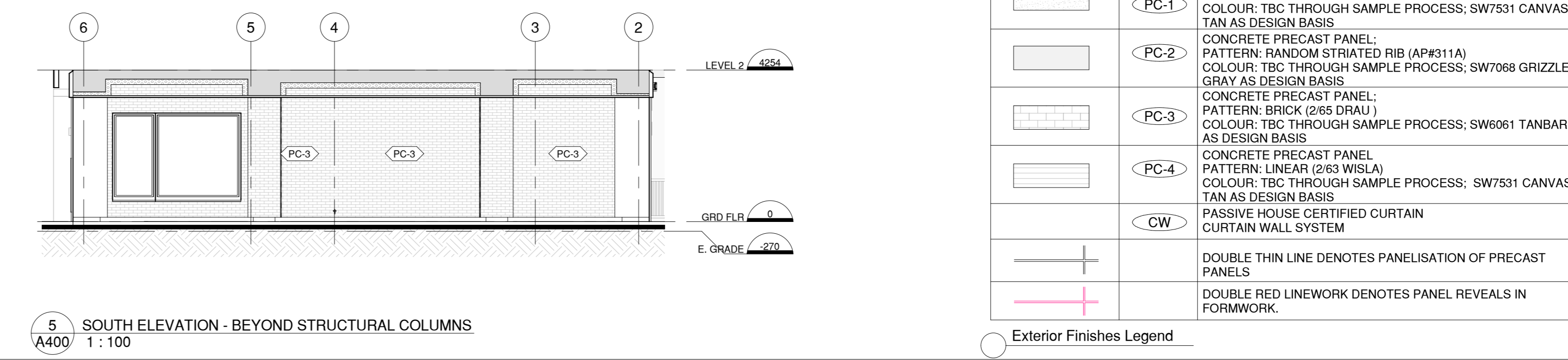
3 EAST ELEVATION
 A400 1:100



4 SOUTH ELEVATION
 A400 1:100



6 SOUTH ELEVATION - LEVEL 6 ROOF ACCESS
 A400 1:100

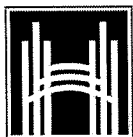


5 SOUTH ELEVATION - BEYOND STRUCTURAL COLUMNS
 A400 1:100

EXTERIOR BUILDING MATERIAL LEGEND:

	CONCRETE PRECAST PANEL: PATTERN: SMOOTH FINISH COLOUR: TBC THROUGH SAMPLE PROCESS; SW7631 CANVAS TAN AS DESIGN BASIS
	CONCRETE PRECAST PANEL: PATTERN: RANDOM STRIATED RIB (APK11A) COLOUR: TBC THROUGH SAMPLE PROCESS; SW7668 GRIZZLE GRAY AS DESIGN BASIS
	CONCRETE PRECAST PANEL: PATTERN: BRICK (265 DRAU) COLOUR: TBC THROUGH SAMPLE PROCESS; SW6061 TANBRK AS DESIGN BASIS
	CONCRETE PRECAST PANEL: PATTERN: LINEAR (G15 WLSL) COLOUR: TBC THROUGH SAMPLE PROCESS; SW7531 CANVAS TAN AS DESIGN BASIS
	PASSIVE HOUSE CERTIFIED CURTAIN CURTAIN WALL SYSTEM
	DOUBLE THIN LINE DENOTES PANELISATION OF PRECAST PANELS
	DOUBLE RED LINEWORK DENOTES PANEL REVEALS IN FORMWORK

Exterior Finishes Legend



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221 Fax (905) 546-4202

E-mail: morgan.evans@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

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.: HM-/A-20:60

APPLICANTS: Marina Fensham on behalf of the owners Charles & Jennifer Warford

SUBJECT PROPERTY: Municipal address **69 Aikman Ave., City of Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended

ZONING: "E" (Multiple Dwellings, Lodges, Clubs and etc.) district

PROPOSAL: To permit the conversion of the existing three (3) family dwelling under Section 19 (Residential Conversion Requirements) of the Zoning By-law to contain four (4) dwelling units, notwithstanding,

1. A minimum lot area of 360 square metres shall be provided instead of the minimum required lot area of 450 square metres;
2. No on-site parking spaces shall be provided instead of providing a minimum of five (5) parking spaces, which includes one (1) parking space required to be designated as visitor parking, which are required for a multiple dwelling containing four (4) dwelling units; and,
3. The "proposed new fire escape" (open stair and balcony) shall be permitted to encroach the entire width of the required easterly side yard instead of the maximum permitted encroachment of 1.0 metre or 1/3 the width of the required side yard, whichever is lesser.

NOTES:

1. A further variance will be required if a minimum floor area of 65 square metres is not contained within each dwelling unit.
2. The applicant shall ensure the minimum clear height as required by the Ontario Building Code is provided for the required floor area in each dwelling unit.
3. Details have not been provided to calculate the minimum required side yard width to determine the maximum encroachment permitted for the proposed open stair and balcony.
4. The requested variances for the location of the existing buildings are not required as these are existing conditions and deemed to be legally established non-complying.

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

.../2

HM/A-20:60
Page 2

DATE: Thursday, July 9th, 2020
TIME: 3:20 p.m.
PLACE: Via video link or call in (see attached sheet for details)
To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

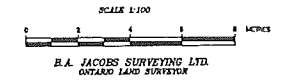
DATED: June 23rd, 2020.

Original Signed

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.

CITY OF HAMILTON



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

BEARING NOTE:
 BEARINGS ARE ASTERISKED AND ARE REFERRED TO THE NORTHERLY LIMIT OF ARIKAN AVENUE AS SHOWN ON REGISTERED PLAN 210, HAVING A BEARING OF N 72° 00' W.

- LEGEND:**
- DENOTES SURVEY MONUMENT FOUND
 - DENOTES SURVEY MONUMENT PLANNED
 - ▬ DENOTES STANDARD IRON BAR
 - ▬ DENOTES IRON BAR
 - CP DENOTES CONCRETE PIN
 - W.E. DENOTES WITNESS
 - (OU) DENOTES OUBON UNCOMMON
 - P1 DENOTES REGISTERED PLAN 210
 - P2 DENOTES PLAN BY A.L. CLARKE O.L.S. (FILE N-2416)
 - P3 DENOTES PLAN BY ADENHART MOUMENS LTD.
 - DATE: AUGUST 28, 2015
 - P4 DENOTES PLAN BY THIS OFFICE (FILE: 85-553)
 - P5 DENOTES REGISTERED PLAN 155
 - D1 DENOTES INSTRUMENT No. C053311
 - D2 DENOTES INSTRUMENT No. C045311
 - (12) DENOTES A.L. CLARKE O.L.S.
 - (1511) DENOTES G.V. CONDON O.L.S.

**SURVEYOR'S REAL PROPERTY REPORT
 PART 2 - REPORT SUMMARY**

DESCRIPTION OF LAND
 BEING PART OF LOTS 18 & 19, REGISTERED PLAN 210, KNOWN AS PARCELS No. 18 ARKAN AVENUE, CITY OF HAMILTON

REGISTERED EASEMENTS AND/OR RIGHTS OF WAY
 NO EASEMENTS LISTED ON THE PARCEL REGISTER FOUND IN THE LAND REGISTRY OFFICE.

BOUNDARY FEATURES
 NOTE LOCATION OF THE FENCES AS THEY RELATE TO THE BOUNDARIES OF THE SUBJECT PROPERTY.
 PORTION OF THE NEIGHBOR'S DECK IS BEYOND THE EASTERLY BOUNDARY OF THE PROPERTY.
 THERE IS A UTILITY POLE PARTIALLY WITHIN THE LIMITS OF THE PROPERTY, AND EACHSHOT IS LISTED ON THE PARCEL REGISTER.
 PORTION OF THE ASPHALT DRIVEWAY IS BEYOND THE WESTERLY BOUNDARY OF THE PROPERTY.

COMPLIANCE WITH MUNICIPAL ZONING BY-LAWS
 NOT CERTIFIED BY THIS REPORT



THIS REPORT WAS PREPARED FOR CHARLES & JENNIFER WARDRO

SURVEYOR'S CERTIFICATE

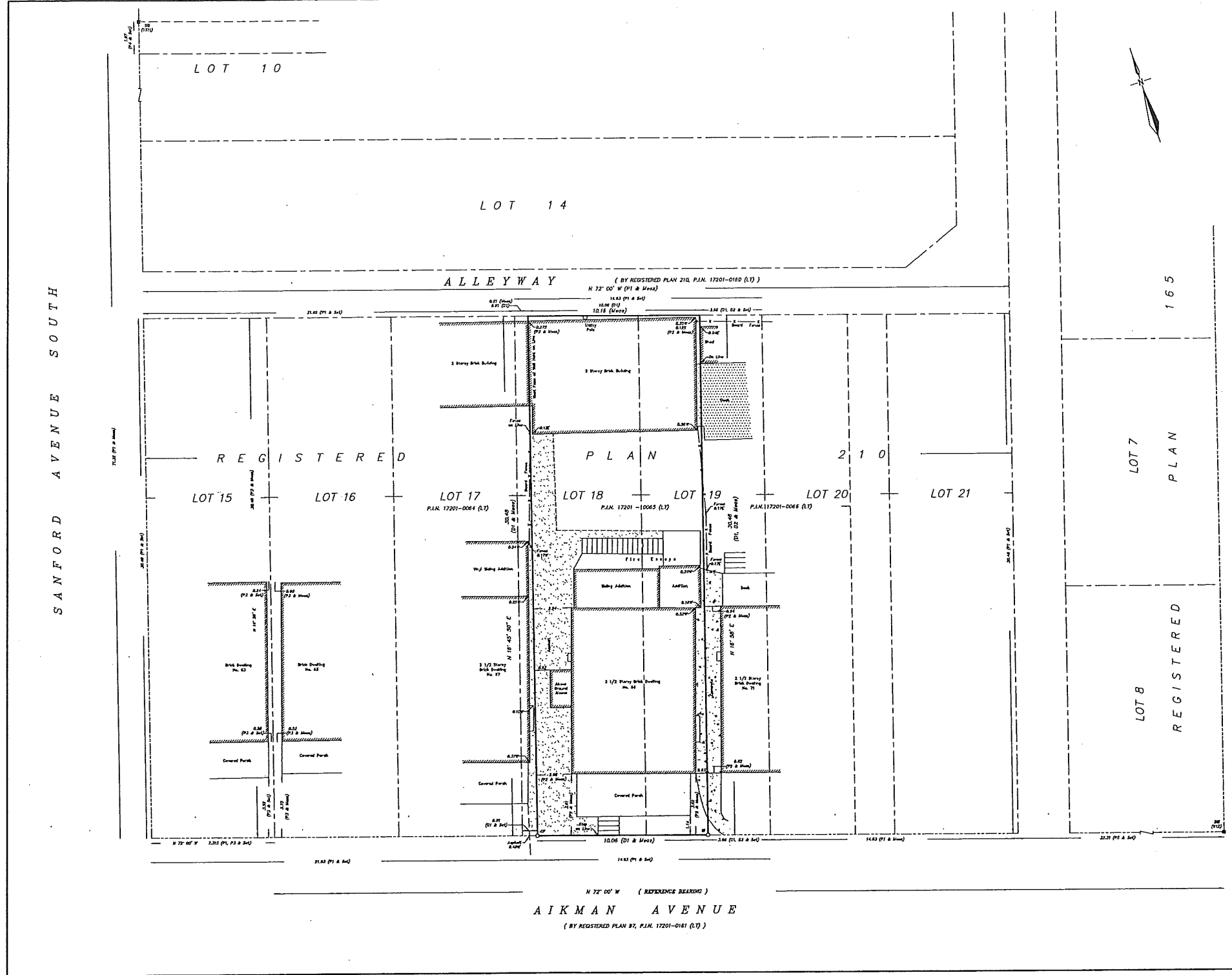
- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 - THE SURVEY WAS COMPLETED ON DECEMBER 17, 2015.

DECEMBER 17, 2015
 DATE

Bryan Jacobs
 BRYAN JACOBS
 ONTARIO LAND SURVEYOR

B.A. JACOBS SURVEYING LTD.
 158 JACKSON STREET EAST, SUITE 102
 HAMILTON, ONTARIO (L8N 1L5)
 PHONE 905-661-1335 b.jacobs@rogers.com

Hm/A 2015
 Sketch 1



SANFORD AVENUE SOUTH

165

LOT 7

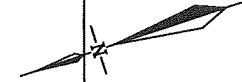
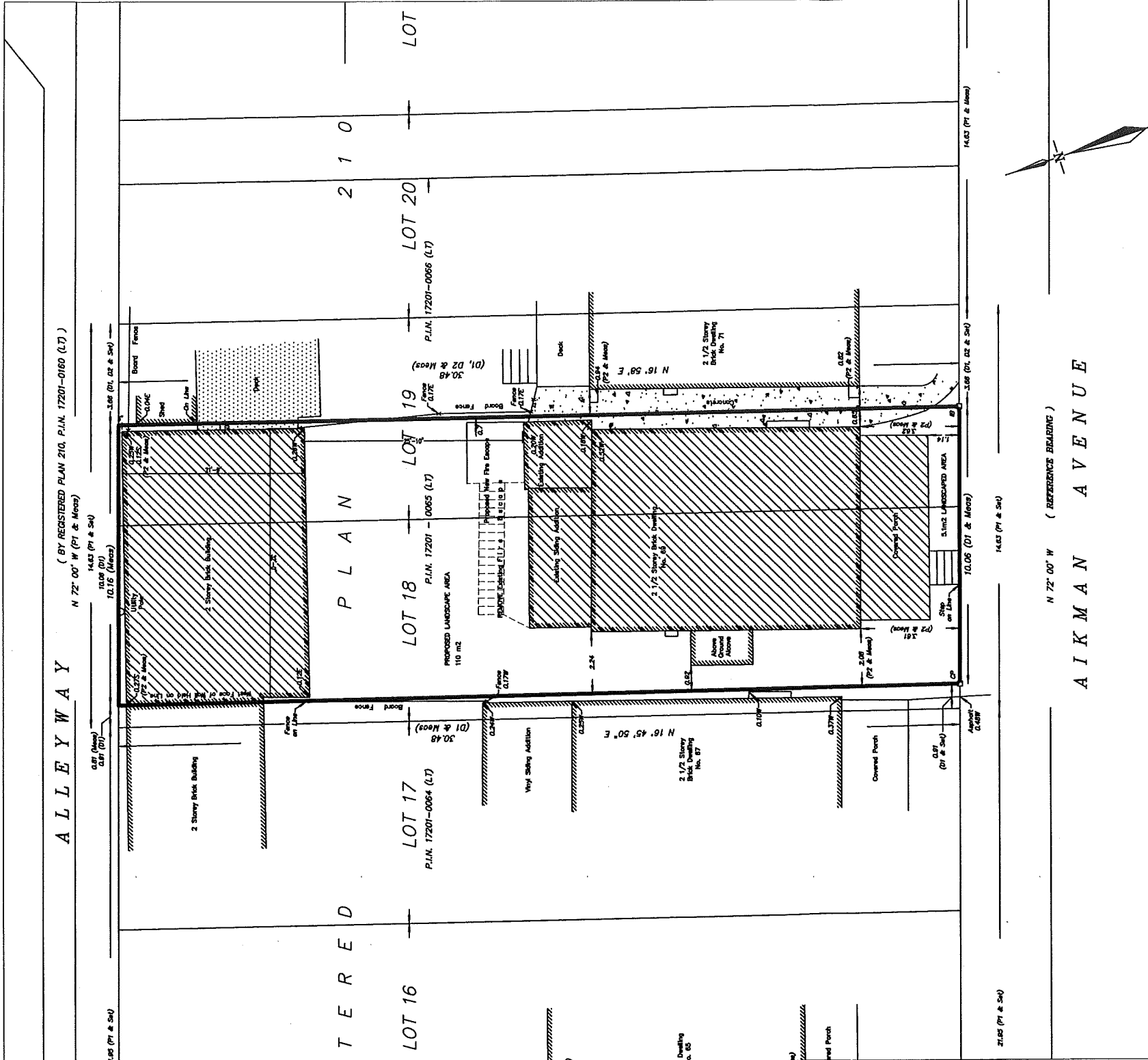
REGISTERED PLAN

ARTHUR AVENUE

LOT 8

REGISTERED PLAN

N 72° 00' W (REFERENCE BEARING)
 AIKMAN AVENUE
 (BY REGISTERED PLAN 87, P.L.N. 17201-0181 (L7))



Zoning Code E
 Zoning Description MULTIPLE DWELLINGS, LODGES, CLUBS, ETC.
 Parent Bylaw Number 6593
 FORMER HAMILTON

SITE STATISTICS
 Lot Area: 308.6m2
 Landscaped Area: 55.1m2 / 17.9%

Existing Setbacks:
 Front - 1.14m
 Side West: 0m Rear Building
 2.08 Front Building
 Side East: 0.25m Rear Building & Bicycle Storage
 Rear: 0.15m

CONTRACTOR IS TO CHECK AND VERIFY ALL DIMENSIONS ON THE JOB. NOTIFY DESIGNERS OF ALL DISCREPANCIES BEFORE INITIATING WORK. ALL DRAWINGS ARE THE PROPERTY OF THINKGIRAFFE. DRAWINGS ARE NOT TO BE REPRODUCED WITHOUT WRITTEN PERMISSION FROM DESIGNERS. PRINTS ARE NOT TO BE SCALED.

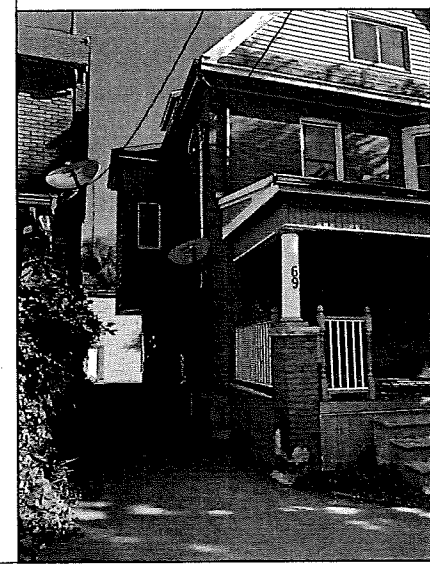
Marina Ferahm, Owner thinkGiraffe Design has reviewed and taken responsibility for the design activities described in this drawing set under OAC 2.17.4.7 (1) BCIN: 21574 / 27645

Hm/A 20:60 sketch 2

February 12, 2020 ISSUE FOR VARIANCE

REMARKS	DATE	NO.
REVISIONS		

thinkGiraffe
 ENVIRONMENTAL DESIGN
 16 Sulphur Springs Road,
 Ancaster, ON, L9G 1L8
 905 304 1496
 thinkgiraffe@belsnet.ca



PROJECT
 Triplex Renovation
 Existing Basement Apt
 Added
 69 Aikman Avenue
 Hamilton, On.

SHEET TITLE
 SITE PLAN

FOLDER	DRAWN BY MLF
FILE	SCALE 1/8" = 1'-0"
DATE	NUMBER

A1



Hamilton

Planning and Economic Development Department
Planning Division

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

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.

FOR OFFICE USE ONLY.

APPLICATION NO. HM/A-20-60 DATE APPLICATION RECEIVED Feb. 14/20

PAID _____ DATE APPLICATION DEEMED COMPLETE _____

SECRETARY'S SIGNATURE _____

CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO

69 Aikman The Planning Act Planner Review:
Jennifer Allen
Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1. Name of Owner Charles and Jennifer Warford Telephone No. _____

3. Name of Agent Marina Fenshaw Telephone No. _____

Note: Unless otherwise requested all communications will be sent to the agent, if any.

5. Names and addresses of any mortgagees, holders of charges or other encumbrances:

_____ Postal Code _____

_____ Postal Code _____

(Multiple)
42 Dwellings

E District Section 18 (8)

6. Nature and extent of relief applied for:

- 3 (i) b Add Basement Unit to Existing Triplex : Street Parking Reduction
- 3 (ii) b Front Yard (Existing) if ~~Applicable~~
- 3 (iii) b Side Yard if ~~Applicable~~ 0m / 0.25m (No Parking)
- 4 (iii) b Rear Yard (Sec Coach House) 0.15m
- 4 (iii) Lot Width and Area (6) Landscaped Area 17.9%

7. Why it is not possible to comply with the provisions of the By-law?

Buildings are existing

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

Reg Plan 210
Part of Lots 18 and 19
69 Aikman Ave.

9. PREVIOUS USE OF PROPERTY

Residential X Industrial Commercial
 Agricultural Vacant
 Other

9.1 If Industrial or Commercial, specify use

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No ✓ Unknown

9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No ✓ Unknown

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No ✓ Unknown

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No ✓ Unknown

9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No ✓ Unknown

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No ✓ Unknown

9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No ✓ Unknown

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No ✓ Unknown

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Existing Conditions

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

February 11, 2020
 Date

[Signature]
 Signature Property Owner

Jennifer Warford Charles Warford
 Print Name of Owner

10. Dimensions of lands affected:

Frontage 10.06 m
 Depth 30.48 m
 Area 306.6 m²
 Width of street _____

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

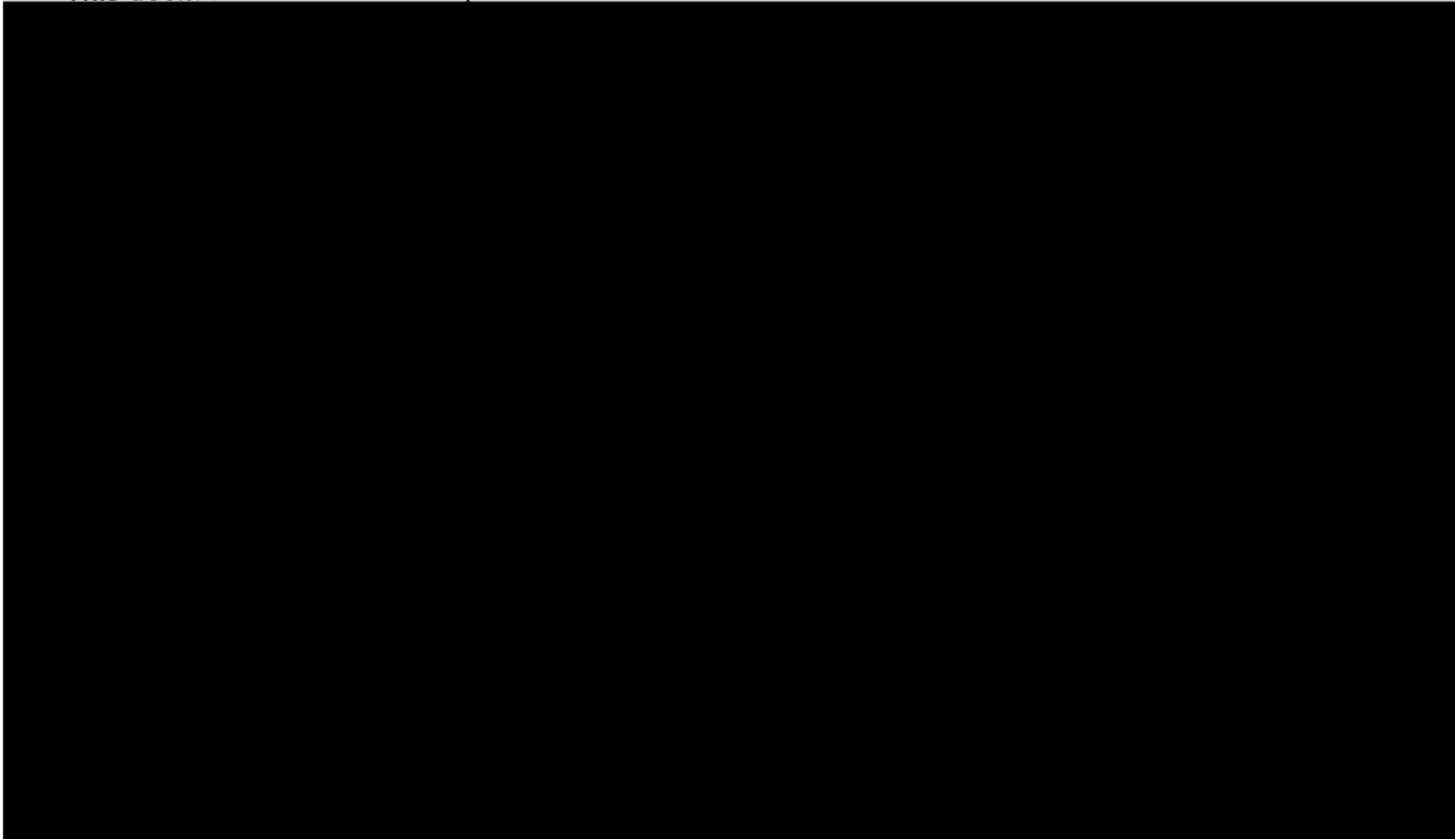
Existing: Front Residence 88.3m Area / 219.7m² Gross Area
2.5 Storeys
In Rear Yard: 2 storey Coachhouse with
2 apartments (Permission pending in Future. Unoccupied)
 Proposed: 21'-9" x 32'-0" = 64.56 m² Area 129.1 m² GFA
No Additions Proposed

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing: See Site Plan
Two Buildings
Lot Coverage: 306.6 m² - 88.3m - 64.56 m
= 49.85%
 Proposed: No Change

PART 24 AFFIDAVIT OR SWORN DECLARATION

This declaration to be sworn by a Commissioner of Oaths.



PART 25 OWNERS AUTHORIZATION

As of the date of this application, I (NAME) Charles and Jennifer Warford am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

Marina Fanshawe of City of Hamilton

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE February 11, 2020

SIGNED 

PART 26 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.


Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, Charles and Jennifer Warford the Owner, hereby agree and acknowledge
(Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

February 11, 2020
Date


Signature of Owner

13. Date of acquisition of subject lands:
June 3 2019

14. Date of construction of all buildings and structures on subject lands:
Approx 1930

15. Existing uses of the subject property: Triplex + Duplex
Existing triplex in front. Existing 2 units
in rear building - Currently vacant.

16. Existing uses of abutting properties: Residential
SF Dwellings as far as we know

17. Length of time the existing uses of the subject property have continued:
Approx since 1970

18. Municipal services available: (check the appropriate space or spaces)
 Water ✓ Connected ✓
 Sanitary Sewer ✓ Connected ✓
 Storm Sewers ✓

19. Present Official Plan/Secondary Plan provisions applying to the land:
Zoning

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Zoning By Law 6593

21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.

22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No

23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.

PART 27 PERMISSION TO ENTER

Date: Feb 14, 2020

Secretary/Treasurer
 Committee of Adjustment
 City of Hamilton,
 City Hall

Dear Secretary/Treasurer;

Re: Application to Committee of Adjustment

Location of Land: 69 Aikman Avenue Hamilton
 (Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited purposes of evaluating the merits of this application.



Signature of Owner or Authorized agent

Marina Fenshaw

Please print name

Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee's policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.

PART 28 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1284.

6 Nature of Relief
 E District Section 18/8 (Multiple Dwellings) Section 8
 • Parking Reduction for proposed basement unit in existing triplex.
 • 3(i)b Front Yard 1.14 m
 • 3(ii)b Side Yard 0.2 m East Front building
 0.26 m East Rear building
 0.92 m West Front Building
 • 3(iii)b Rear Yard Rear building 0.15 m West Rear building

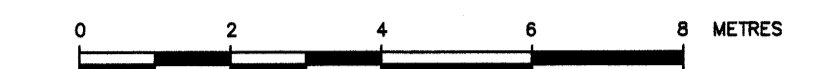
SURVEYOR'S REAL PROPERTY REPORT - PART 1

PLAN OF

PART OF LOTS 18 & 19
REGISTERED PLAN 210

CITY OF HAMILTON

SCALE 1:100



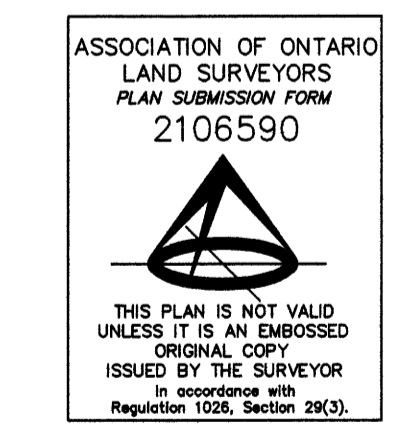
B.A. JACOBS SURVEYING LTD.
ONTARIO LAND SURVEYOR

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

BEARING NOTE:
BEARINGS ARE ASTROMOMIC AND ARE REFERRED TO THE
NORTHERLY LIMIT OF AIKMAN AVENUE AS SHOWN ON
REGISTERED PLAN 210, HAVING A BEARING OF N 72° 00' W.

- LEGEND:**
- DENOTES SURVEY MONUMENT FOUND
 - DENOTES SURVEY MONUMENT PLANTED
 - SIB DENOTES STANDARD IRON BAR
 - IB DENOTES IRON BAR
 - CP DENOTES CONCRETE PIN
 - WT. DENOTES WITNESS
 - (OU) DENOTES ORIGIN UNKNOWN
 - P1 DENOTES REGISTERED PLAN 210
 - P2 DENOTES PLAN BY A.J. CLARKE O.L.S. (FILE H-2416)
 - P3 DENOTES PLAN BY ASHENHURST NOUMENS LTD. DATED: AUGUST 28, 2015.
 - P4 DENOTES PLAN BY THIS OFFICE (FILE: 88-583)
 - P5 DENOTES REGISTERED PLAN 165
 - D1 DENOTES INSTRUMENT No. C053511
 - D2 DENOTES INSTRUMENT No. C0453111
 - (912) DENOTES A.J. CLARKE O.L.S.
 - (1511) DENOTES G.V. CONSOLI O.L.S.

SURVEYOR'S REAL PROPERTY REPORT PART 2 - REPORT SUMMARY
DESCRIPTION OF LAND BEING PART OF LOTS 18 & 19, REGISTERED PLAN 210, KNOWN AS MUNICIPAL No. 69 AIKMAN AVENUE, CITY OF HAMILTON
REGISTERED EASEMENTS AND/OR RIGHTS OF WAY NO EASEMENTS LISTED ON THE PARCEL REGISTER FOUND IN THE LAND REGISTRY OFFICE.
BOUNDARY FEATURES NOTE LOCATION OF THE FENCES AS THEY RELATE TO THE BOUNDARIES OF THE SUBJECT PROPERTY. PORTION OF THE NEIGHBOUR'S DECK IS BEYOND THE EASTERLY BOUNDARY OF THE PROPERTY. THERE IS A UTILITY POLE PARTIALLY WITHIN THE LIMITS OF THE PROPERTY. NO EASEMENT IS LISTED ON THE PARCEL REGISTER. PORTION OF THE ASPHALT DRIVEWAY IS BEYOND THE WESTERLY BOUNDARY OF THE PROPERTY.
COMPLIANCE WITH MUNICIPAL ZONING BY-LAWS NOT CERTIFIED BY THIS REPORT



THIS REPORT WAS PREPARED FOR CHARLES & JENNIFER WARFORD

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE
WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE
REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON DECEMBER 17, 2019.

DECEMBER 17, 2019. DATE
BRYAN JACOBS
ONTARIO LAND SURVEYOR

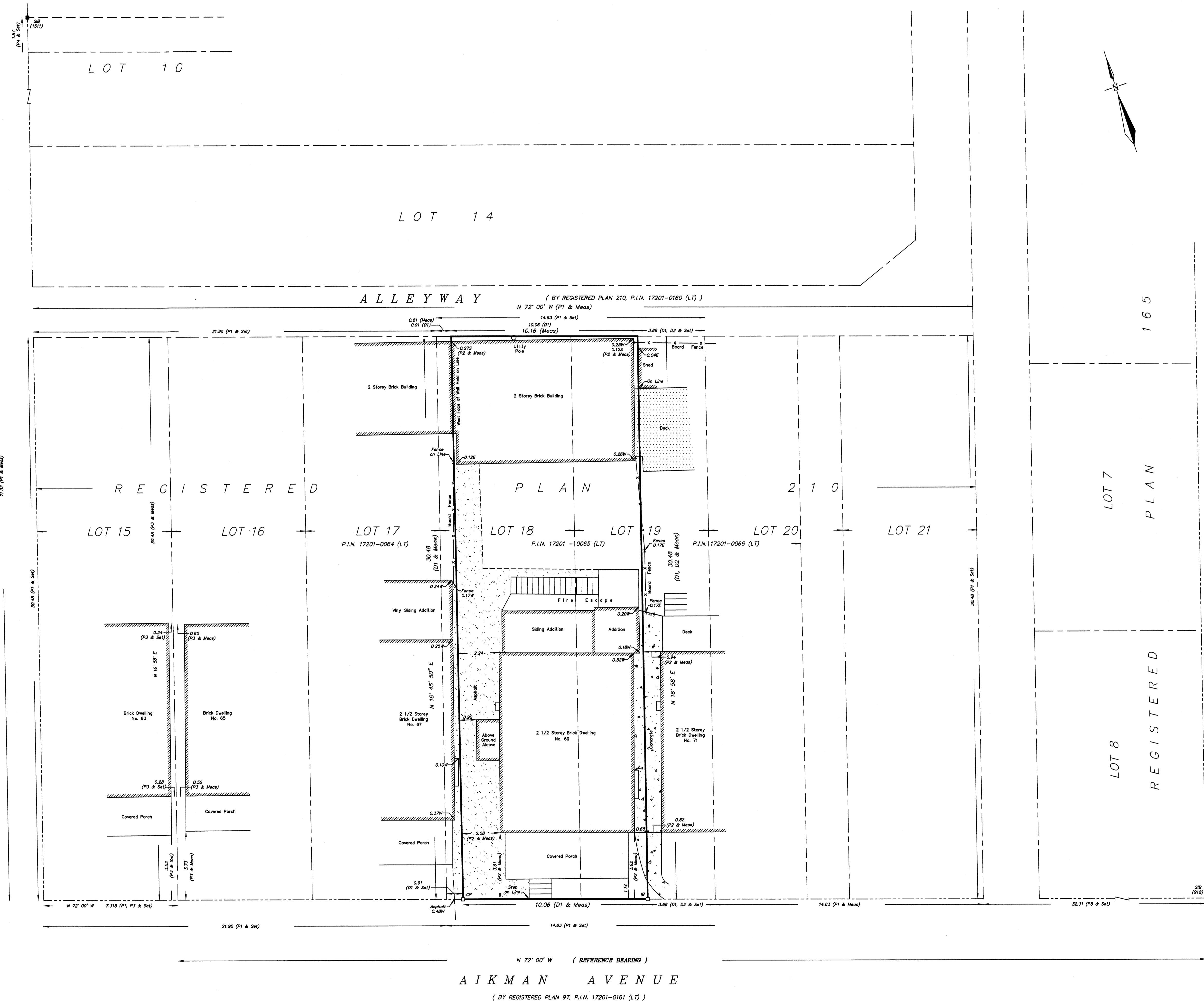
B.A. JACOBS SURVEYING LTD.
162 JACKSON STREET EAST, SUITE 102
HAMILTON, ONTARIO (L9N 1L3)
PHONE 905-521-1636 bjacobs@rogers.com

SANFORD AVENUE SOUTH

ARTHUR AVENUE

LOT 7
REGISTERED PLAN 165

LOT 8
REGISTERED PLAN 165



AIKMAN AVENUE
(BY REGISTERED PLAN 97, P.I.N. 17201-0161 (LT))



Planning and Economic Development Department
Building Division
71 Main Street West
Hamilton, Ontario, L8P 4Y5
Phone: 905-546-2720 Fax: 905-546-2764
Email: building@hamilton.ca

**CERTIFICATE OF ZONING VERIFICATION
AND PROPERTY REPORT**

Hamilton

PROPERTY ADDRESS: 69 Aikman Ave. , Hamilton

SECTION No.:

ATTENTION OF: Kayla Medeiros

PROPOSED USE: Triplex

TELEPHONE: 905.546.2424 ext. 5867

A. ZONING VERIFICATION

AS OF THIS DATE, Building Division records indicate the property is subject to:

**ZONING DISTRICT: E (MULTIPLE DWELLINGS, LODGES, CLUBS, ETC.)
SECTION 11 OF HAMILTON ZONING BY-LAW 6593 AS AMENDED**

THE PROPOSED USE IS: SEE COMMENTS

COMMENTS:

Building Division records indicate that the recognized use is a three (3) family dwelling which is permitted.

The term "triplex" is not defined within Hamilton Zoning By-Law 6593. The recognized term is a three (3) family dwelling.

The land must have been held in separate registered title from prior to the 25th of July 1950 to be considered an existing Lot of Record.

Tenant improvements, change of use, conversions, renovations, alterations, additions or new buildings are subject to the issuance of a building permit from the Building Division.

No survey submitted showing actual conditions.

IMPORTANT:

THIS CERTIFICATE DOES NOT INDICATE THAT AN EXISTING BUILDING OR ITS USE CONFORMS TO THE REQUIREMENTS OF APPLICABLE BY-LAWS, AND REGULATIONS, NOR THAT A LICENCE WILL BE ISSUED IF REQUIRED, OR THAT THE ZONING WILL NOT BE CHANGED AFTER THE DATE OF ISSUANCE. (COPIES OF THE CITY BY-LAWS MAY BE OBTAINED FROM THE CITY CLERK)

B. PROPERTY REPORT

AS OF THIS DATE, Building Division records indicate the following:

No outstanding work orders.

NOTE:

PROPERTY REPORTS PERTAIN TO BUILDING DIVISION FILES ONLY AND RELATE TO ENFORCEMENT PROCEEDINGS COMMENCED BY THIS DIVISION. OTHER DIVISIONS/DEPARTMENTS, INCLUDING BUT NOT LIMITED TO THE PARKING AND BY-LAW ENFORCEMENT DIVISION, FIRE DEPARTMENT, PUBLIC HEALTH SERVICES DEPARTMENT AND PUBLIC WORKS DEPARTMENT MAY HAVE COMMENCED ENFORCEMENT PROCEEDINGS. TO OBTAIN INFORMATION CONCERNING ANY SUCH ENFORCEMENT PROCEEDINGS, YOU MUST CONTACT THOSE DIVISIONS/DEPARTMENTS YOURSELF. ALSO NOTE THAT THIS DOES NOT IMPLY THAT A FIELD INSPECTION HAS BEEN CARRIED OUT.

NOTE: THE PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT IS CURRENTLY DRAFTING A NEW COMPREHENSIVE ZONING BY-LAW 05-200 FOR THE ENTIRE CITY OF HAMILTON. HAMILTON ZONING BY-LAW 05-200 WILL BE INTRODUCED IN VARIOUS STAGES FOR RESIDENTIAL, COMMERCIAL, INDUSTRIAL AND RURAL ZONES. AS A RESULT, THE ZONING OF PROPERTIES THROUGHOUT THE CITY MAY BE AFFECTED.

*** THIS CERTIFICATE IS ISSUED WITHOUT LIABILITY ON THE PART OF THE CITY OF HAMILTON OR ITS OFFICIALS ***

Kayla Medeiros
FOR DIRECTOR OF BUILDING DIVISION

CERT. NO. [19-125967 00 ZE2]

DATE ISSUED: May 31, 2019

MAIL TO: JANELLE MATTHEWS, MITCHELL BATES, 15 BOLD ST. , HAMILTON, Ontario, L8P 1T3

CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL DIMENSIONS ON THE JOB SITE AND NOTIFY DESIGNERS OF ALL DISCREPANCIES BEFORE INITIATING WORK. ALL DRAWINGS ARE THE PROPERTY OF THINKGIRAFFE. DRAWINGS ARE NOT TO BE REPRODUCED WITHOUT WRITTEN PERMISSION FROM DESIGNERS. PRINTS ARE NOT TO BE SCALED.

Marina Fensham, Owner thinkGiraffe Design has reviewed and taken responsibility for the design activities described in this drawing set under OBC 2.17.4.7 f (ii) BCIN: 21574 / 27645

Zoning Code E
 Zoning Description MULTIPLE DWELLINGS, LODGES, CLUBS, ETC.
 Parent Bylaw Number 6593
 FORMER HAMILTON

SITE STATISTICS

Lot Area: 306.6m²
 Landscaped Area: 55.1m² / 17.9%

Existing Setbacks:
 Front - 1.14m

Side West: 0m Rear Building
 2.08 Front Building
 Side East: 0.25m Rear Building & Bicycle Storage
 Rear: 0.15m

February 12, 2020 ISSUE FOR VARIANCE

REMARKS	DATE	NO.
REVISIONS		

thinkGiraffe

ENVIRONMENTAL DESIGN

16 Sulphur Springs Road,
 Ancaster, ON, L9G 1L8

905 304 1496

thinkgiraffe@bellnet.ca

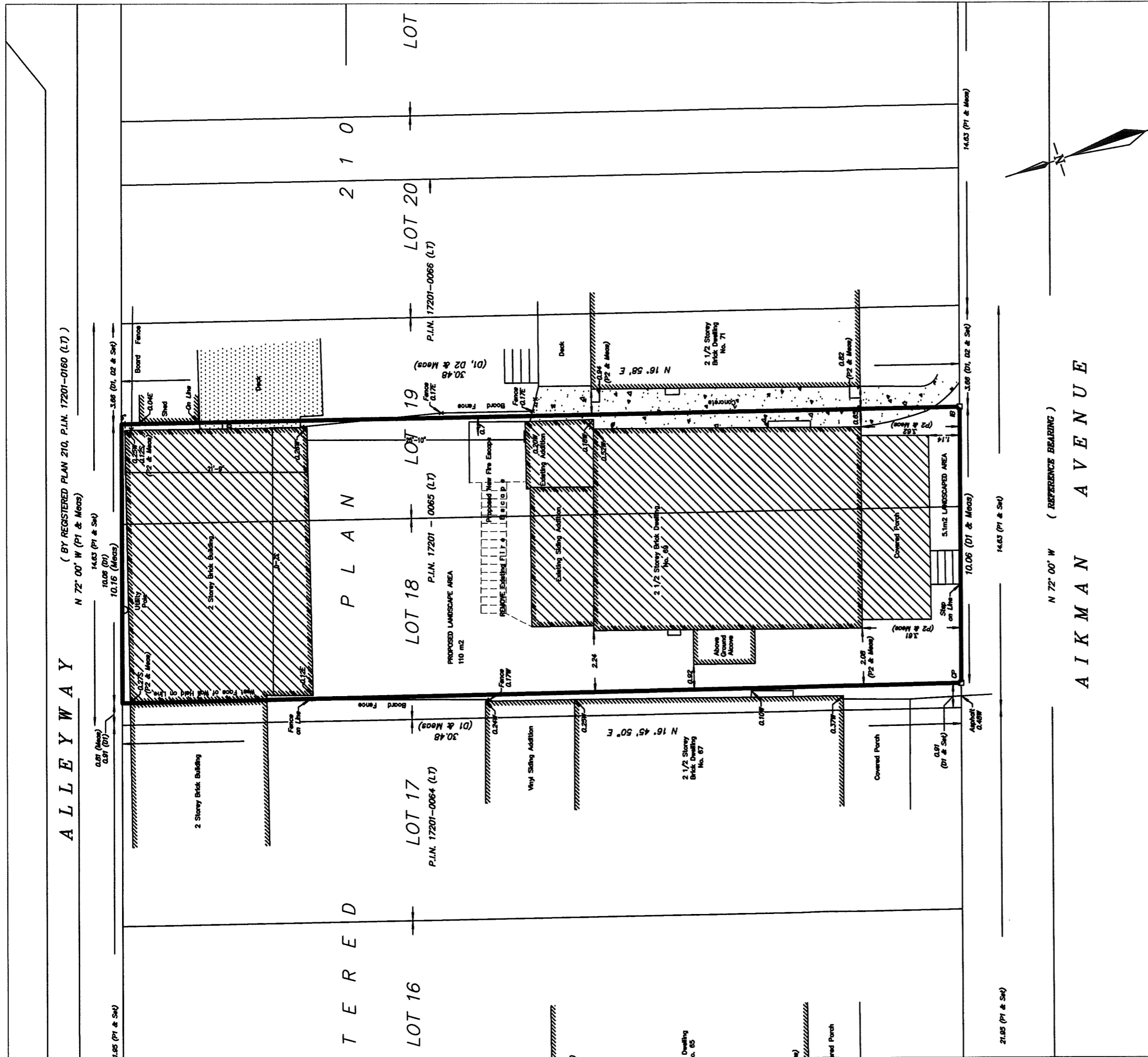
PROJECT

Triplex Renovation
 Existing Basement Apt
 Added
 69 Aikman Avenue
 Hamilton, On.

SHEET TITLE
 SITE PLAN

FOLDER	DRAWN BY MLF
FILE	SCALE 1/8" = 1'-0"
DATE	NUMBER

A1



AIKMAN AVENUE

N 72° 00' W (REFERENCE BEARING)

ALLEYWAY

TERRED

210

210

LOT

LOT 20

LOT 19

LOT 18

LOT 17

LOT 16

PLAN

PLAN

P.I.N. 17201-0066 (LT)

P.I.N. 17201-0065 (LT)

P.I.N. 17201-0064 (LT)

P.I.N. 17201-0063 (LT)

Dwelling
c. 65

2 1/2 Storey
Brick Dwelling
No. 67

2 1/2 Storey Brick Dwelling
No. 69

2 1/2 Storey
Brick Dwelling
No. 71

2 Storey Brick Building

2 Storey Brick Building

30.48
(D1, D2 & Meas)

30.48
(D1 & Meas)

30.48
(D1 & Meas)

N 16° 45' 50" E

N 16° 58' E

21.62 (P1 & S4)

14.63 (P1 & S4)

14.63 (P1 & Meas)

14.63 (P1 & Meas)

0.81 (Meas)
0.91 (D1)

10.08 (D1)
10.16 (Meas)

3.68 (D1, D2 & S4)

0.91 (D1 & S4)

10.06 (D1 & Meas)

3.68 (D1, D2 & S4)

14.63 (P1 & Meas)

0.17W

2.08 (P2 & Meas)

0.82 (P2 & Meas)

0.82 (P2 & Meas)

0.10W

0.92 (P2 & Meas)

0.82 (P2 & Meas)

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0.24W

2.24

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0.17W

0.82 (P2 & Meas)

Basement Apartment

Area:
580 Sq Ft

CONTRACTOR IS TO CHECK AND VERIFY ALL DIMENSIONS ON THE JOB SITE AND NOTIFY DESIGNERS OF ALL DISCREPANCIES BEFORE INITIATING WORK. ALL DRAWINGS ARE THE PROPERTY OF THINKGIRAFFE. DRAWINGS ARE NOT TO BE REPRODUCED WITHOUT WRITTEN PERMISSION FROM DESIGNERS. PRINTS ARE NOT TO BE SCALED.

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February 12, 2020 ISSUE FOR VARIANCE

REMARKS	DATE	NO.
REVISIONS		

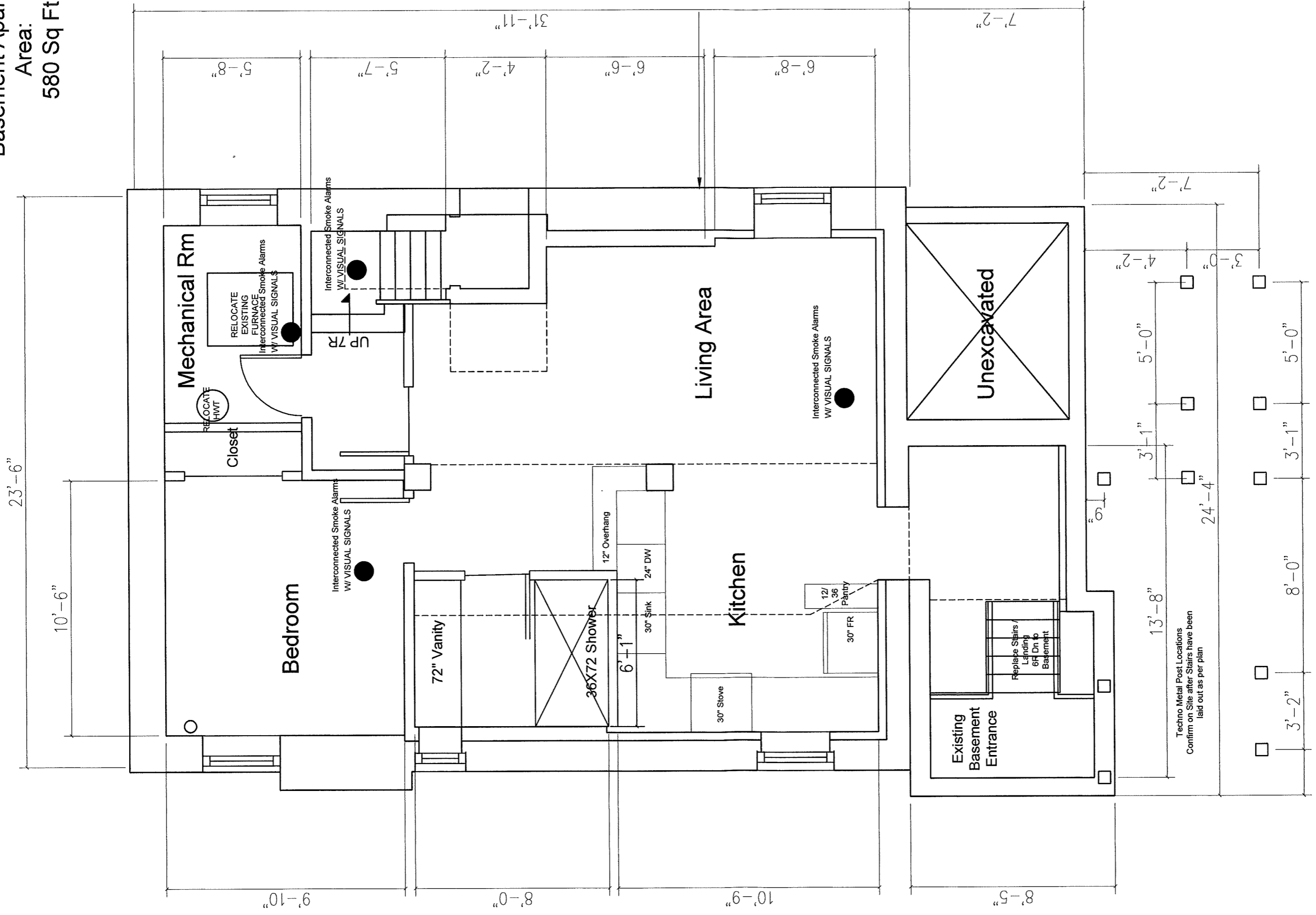
thinkGiraffe
ENVIRONMENTAL DESIGN
16 Sulphur Springs Road,
Ancaster, ON, L9G 1L8
905 304 1496
thinkgiraffe@bellnet.ca

PROJECT
Existing Triplex
- Basement Apt Added
69 Aikman Avenue
Hamilton, On.

SHEET TITLE
Proposed Basement Unit

FOLDER	DRAWN BY MLF
FILE	SCALE 1/4" = 1'-0"
DATE	NUMBER

A2



Techno Metal Post Locations
Confirm on Site after Stairs have been
laid out as per plan

CONTRACTOR IS TO CHECK AND VERIFY ALL DIMENSIONS ON THE JOB SITE AND NOTIFY DESIGNERS OF ALL DISCREPANCIES BEFORE INITIATING WORK. ALL DRAWINGS ARE THE PROPERTY OF THINKGIRAFFE. DRAWINGS ARE NOT TO BE REPRODUCED WITHOUT WRITTEN PERMISSION FROM DESIGNERS. PRINTS ARE NOT TO BE SCALED.

Marina Fensham, Owner thinkGiraffe Design has reviewed and taken responsibility for the design activities described in this drawing set under OBC 2.17.4.7 (f) BCIN: 21574 / 27845

February 12, 2020 ISSUE FOR VARIANCE

REMARKS	DATE	NO.
REVISIONS		

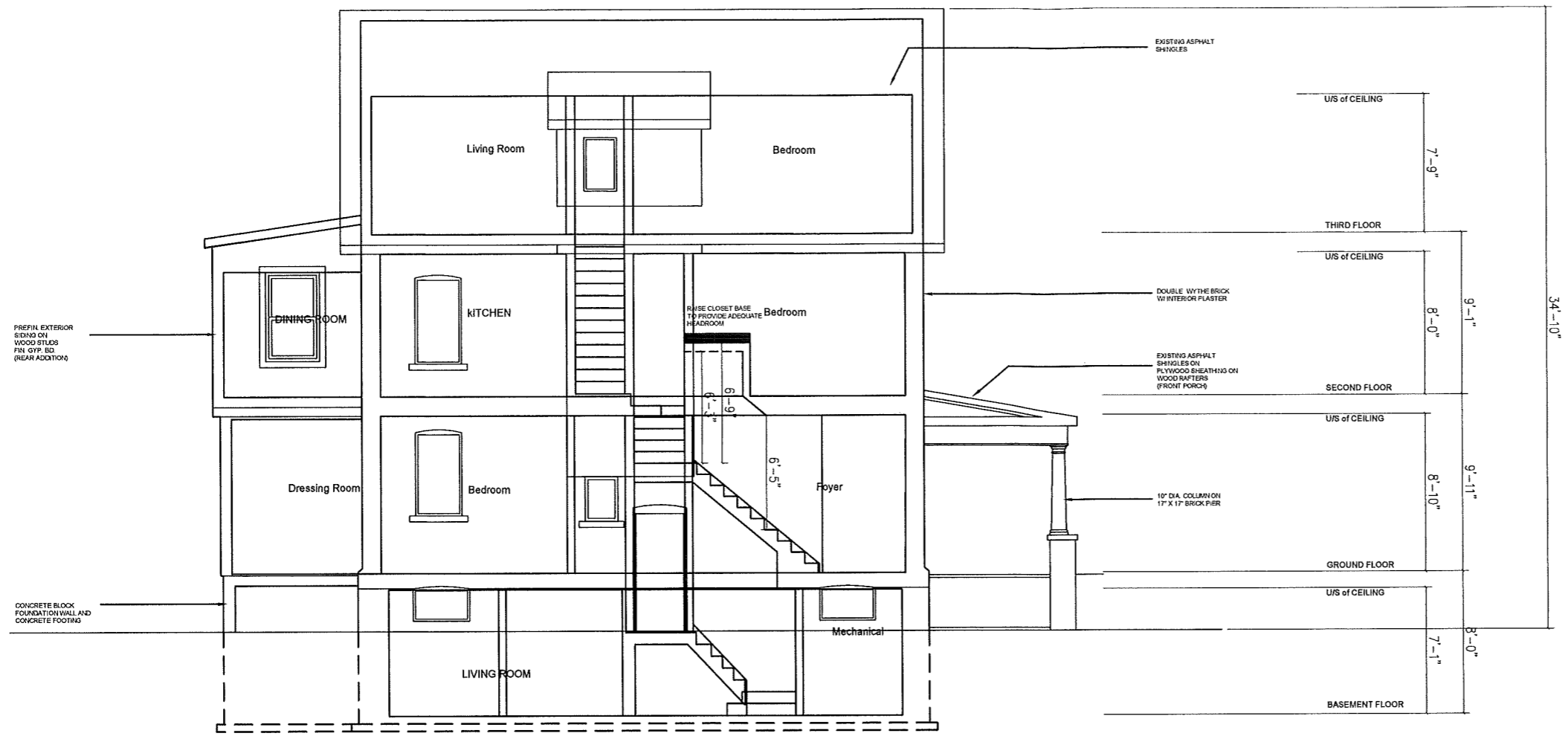
thinkGiraffe
ENVIRONMENTAL DESIGN
16 Sulphur Springs Road,
Ancaster, ON, L9G 1L8
905 304 1496
thinkgiraffe@bellnet.ca

PROJECT
Existing Triplex
- Basement Apt
Added
69 Aikman Avenue
Hamilton, On.

SHEET TITLE
Proposed Basement Unit
Section. Code Matrix

FOLDER	DRAWN BY MLF
FILE	SCALE 1/8" = 1'-0"
DATE	NUMBER

A3



SIDE SECTION (West)

ITEM	ONTARIO BUILDING CODE DATA MATRIX	OBC REFERENCE
1	PROJECT DESCRIPTION: Existing Triplex. Add Basement Apt <input type="checkbox"/> NEW Ensure Code Compliance <input type="checkbox"/> ADDITION <input checked="" type="checkbox"/> ALTERATION <input type="checkbox"/> CHANGE OF USE Finished Area above grade 187.9m ²	<input type="checkbox"/> PART 3 <input checked="" type="checkbox"/> PART 9
2	MAJOR OCCUPANCY(S) C - RESIDENTIAL	-
3	BUILDING AREA (m ²) EXISTING 88.3m ² NEW 0 m ² TOTAL 88.3m ²	-
4	GROSS AREA EXISTING 219.7 m ² NEW 0 m ² TOTAL 219.7 m ²	-
5	NUMBER OF STOREYS ABOVE GRADE 2.5 BELOW GRADE BASEMENT	-
6	HEIGHT OF BUILDING (m) 10.5 m ³	-
7	NUMBER OF STREETS/ACCESS ROUTES ONE + Alley	-
8	BUILDING CLASSIFICATION	3.2.2.47.
9	SPRINKLER SYSTEM PROPOSED <input type="checkbox"/> ENTIRE BUILDING <input type="checkbox"/> BASEMENT ONLY <input type="checkbox"/> IN LIEU OF ROOF RATING <input checked="" type="checkbox"/> NOT REQUIRED	-
10	STANDPIPE REQUIRED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	-
11	FIRE ALARM REQUIRED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	9.10.18.2.(1)
12	WATER SERVICE SUPPLY IS ADEQUATE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	-
13	HIGH BUILDING <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	3.2.6.
14	CONSTRUCTION RESTRICTIONS COMBUSTIBLE OR NON-COMBUSTIBLE PERMITTED	3.2.2.47.
15	MEZZANINE(S) AREA m ² N/A	-
16	TOTAL OCCUPANCY LOAD BASED ON <input type="checkbox"/> m ² /PERSON <input checked="" type="checkbox"/> DESIGN OF BUILDING	9.9.1.3.(1)(o)
17	BARRIER-FREE DESIGN (SEE COMMENT 2.) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	3.8.1.1(q)Duplex.
18	HAZARDOUS SUBSTANCES <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	-
19	REQUIRED FIRE RESISTANCE RATING (FRR) HORIZONTAL ASSEMBLIES FRR (HOURS) FLOORS 45 minutes OR N/C ROOF N/A MEZZANINE N/A FRR OF SUPPORTING FLOORS 45 minutes OR N/C ROOF N/A MEZZANINE N/A LISTED DESIGN NO. OR DESCRIPTION (SG-2) See A2 LISTED DESIGN NO. OR DESCRIPTION (SG-2) See A2	-
20	SPATIAL SEPARATION - CONSTRUCTION OF EXTERIOR WALLS EXISTING WALL AREA OF EBF (m ²) LD (m) PERMITTED MAX % OF OPENINGS PROPOSED % OF OPENINGS FRR (HOURS) LISTED DESIGN OR DESCRIPTION COMB CONSTR COMB CONSTR NON COMB CONSTR NORTH No Change - - - - - Attic X Brick SOUTH No Change - - - - - Attic X Brick EAST No Change - - - - - - - Brick WEST No Change - - - - - - - Brick	T.9.10.14.4.
21	OTHER	OBC REFERENCE

CODE MATRIX



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221 Fax (905) 546-4202

E-mail: morgan.evans@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

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.: HM/A-20:61

APPLICANTS: A-Railing Inc.

SUBJECT PROPERTY: Municipal address **106 Barnesdale Ave. N., City of Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-law 92-281 (Section 19)

ZONING: "C" (Urban Protected Residential) district

PROPOSAL: To permit the conversion of a single family dwelling to create a second dwelling unit under Section 19 of the Zoning By-law, notwithstanding that:

1. The minimum lot area shall be 183 square metres instead of the required minimum lot area of 270 square metres for a converted dwelling.
2. The required parking shall consist of one (1) parking space for both dwelling units which is based on 0.5 parking spaces per dwelling unit instead of the required two (2) parking spaces which is based on one (1) space per dwelling unit.

NOTES:

1. The variances are written as requested by the applicant.
2. The property is a corner lot. The frontage of the property is recognized as being along Barnesdale Avenue North and the flankage side is along Edward Street.
3. The proposed parking space is intended to be within an existing 3.7m x 7.3m garage which is accessible from Edward Street. The applicant's site plan does not identify a parking space but the garage would be of sufficient size to accommodate one parking space with the required minimum dimensions of 2.7m x 6.0m.
4. No manouevering space would be provided for the proposed parking space. However, this would be considered to comply with the Section 19 requirements which permits manouevering to be off-site for one of the required parking spaces.

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

DATE: Thursday, July 9th, 2020
TIME: 3:25 p.m.
PLACE: Via video link or call in (see attached sheet for details)
To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only

HM/A-20:61

Page 2

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

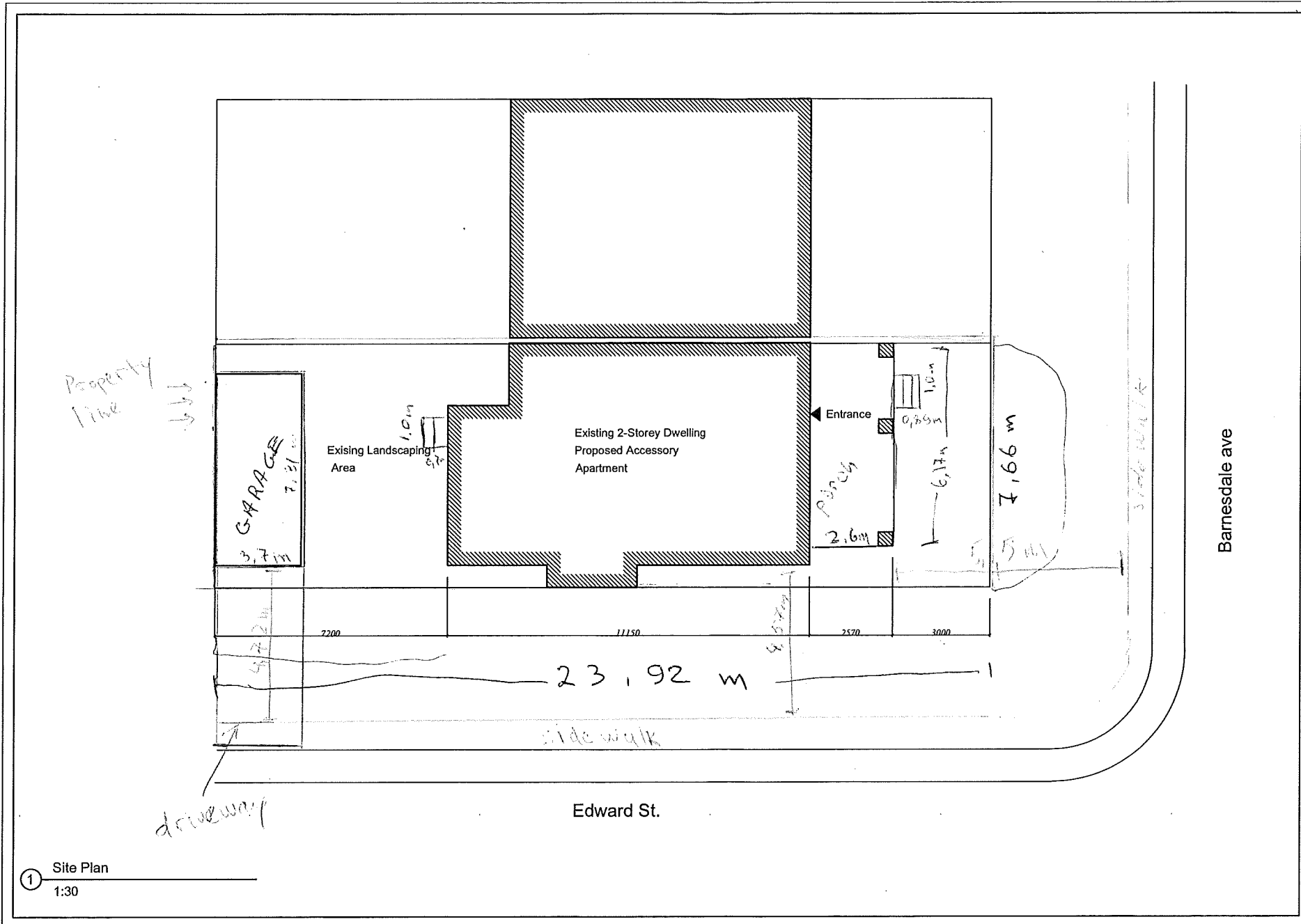
DATED: June 23rd, 2020.

Original Signed

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.

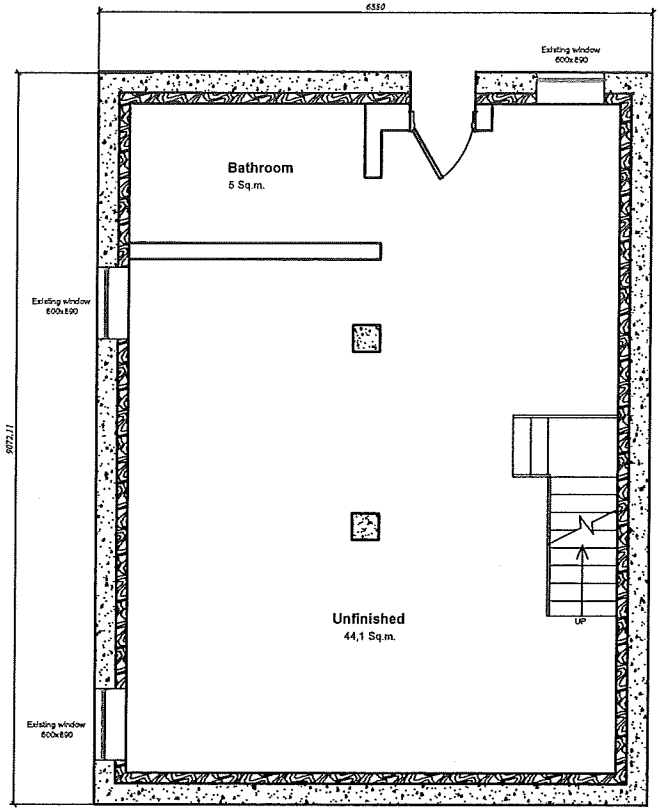
Hm/A 20:6 / sketch 1



① Site Plan
1:30

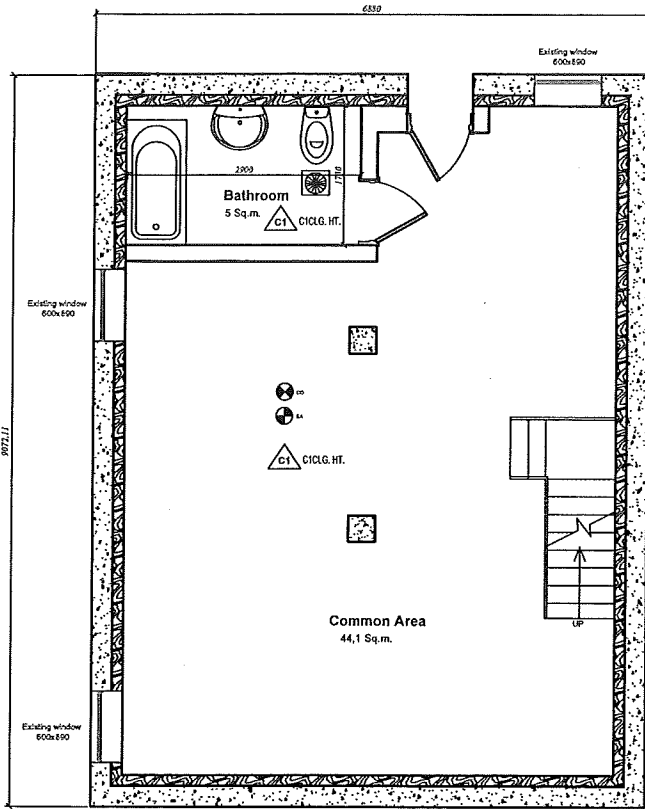
GENERAL NOTES: - ALL EXISTING & PROPOSED WORK MUST BE VERIFIED ON SITE PRIOR TO ANY CONSTRUCTION. - DO NOT SCALE DRAWINGS - CONTRACTORS AND OWNERS ARE RESPONSIBLE FOR ANY MODIFICATIONS TO THIS PLAN DO TO FIELD CONSTRUCTION CONDITIONS AND CONSTRUCTION METHODS. - SEE ATTACHED FOR ALL GENERAL NOTES, CONSTRUCTION SPECIFICATIONS AND DETAILS. - ALL CONSTRUCTION MUST BE ADHERE TO ONTARIO BUILDING CODE REQUIREMENTS AND ANY AUTHORITIES HAVING JURISDICTION. - CONTRACTORS TO REVIEW APPROVED PERMIT DRAWINGS FOR ACCURACY.	
NOTES AND RELATED DOCUMENTS - ALL PRODUCTS & COLOUR SELECTIONS ARE THE RESPONSIBILITY OF THE CLIENT AND/OR CONTRACTOR.	
UNLESS STATED OTHERWISE IN THESE:	
PLANS	
ANALYTICALS	
SUBSTITUTIONS	
GRATER	
Date : Description :	
Seal :	
Drawn By : Vlad	
Date :	Andriuca Issue
Date :	
Scale :	1:30
Project :	
106 Barnesdale ave North, Hamilton,	
Sheet	L8L
Number :	6S5
Site Plan	
Sheet	A0
Number :	

*Am/A 20:61
Sketch 2*



① 02- Existing Basement
1:30

Provide 90Min Ceiling Fire Rated Refer to Ceiling Legend



② 02- Proposed Basement
1:30

GENERAL NOTES:
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 - CONTRACTORS TO REVIEW APPROVED PERMIT DRAWINGS FOR ADDITIONAL NOTES AND RELATED DOCUMENTS.
 - ALL PROJECTS & COLOUR SELECTIONS ARE THE RESPONSIBILITY OF THE CLIENT AND/OR CONTRACTOR UNLESS STATED OTHERWISE IN THESE PLANS.
 - ANY MATERIALS SUBSTITUTIONS MUST BE OF EQUAL OR GREATER PERFORMANCE.

Date :	Description :

Seal :

Drawn By :
Viad Andriuca

Date :
Issue Date

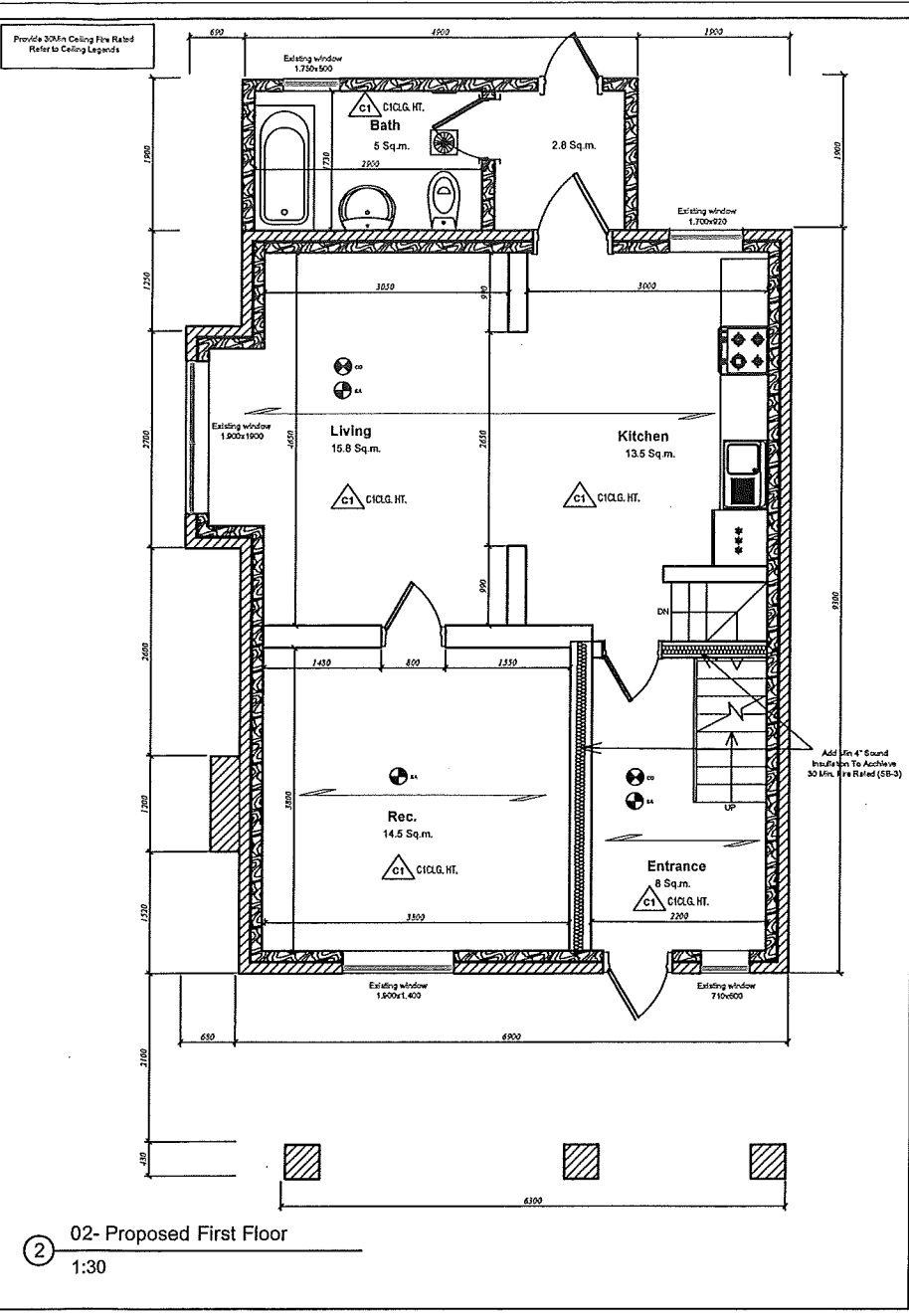
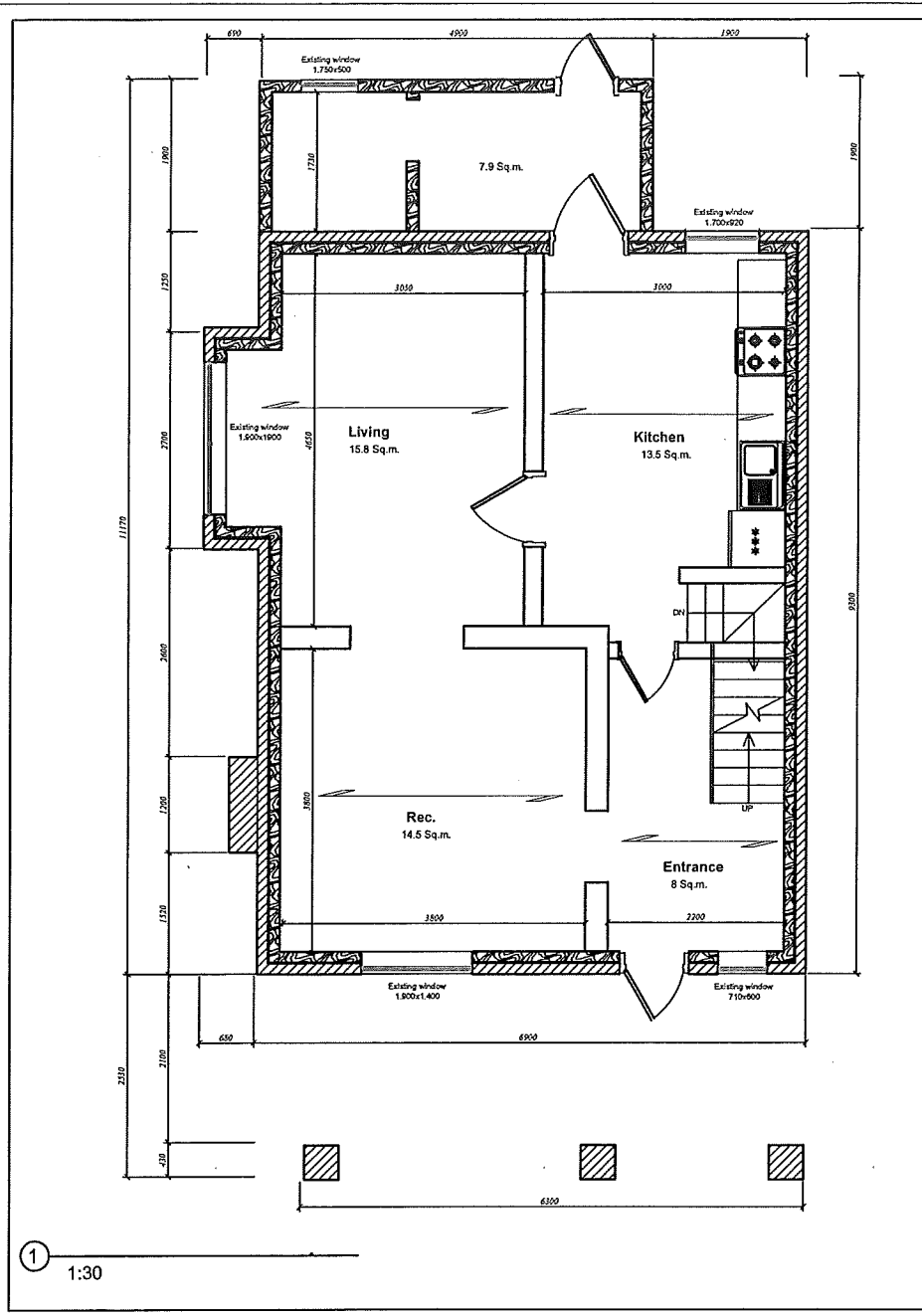
Scale :
1:30

Project :
106 Barnesdale ave
North, Hamilton,
On, L8L 6S5

Sheet Title :
Basement

Sheet Number :
A1

Hm/A 20:61
Sketch-3



GENERAL NOTES:
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Date :	Description :

Seal :

Drawn By :
Vlad Andriuca

Date :
Issue Date

Scale :
1:30

Project :
106 Barnesdale ave
North, Hamilton,
On, L8L 6S5

Sheet Title :

First Floor

Sheet Number :

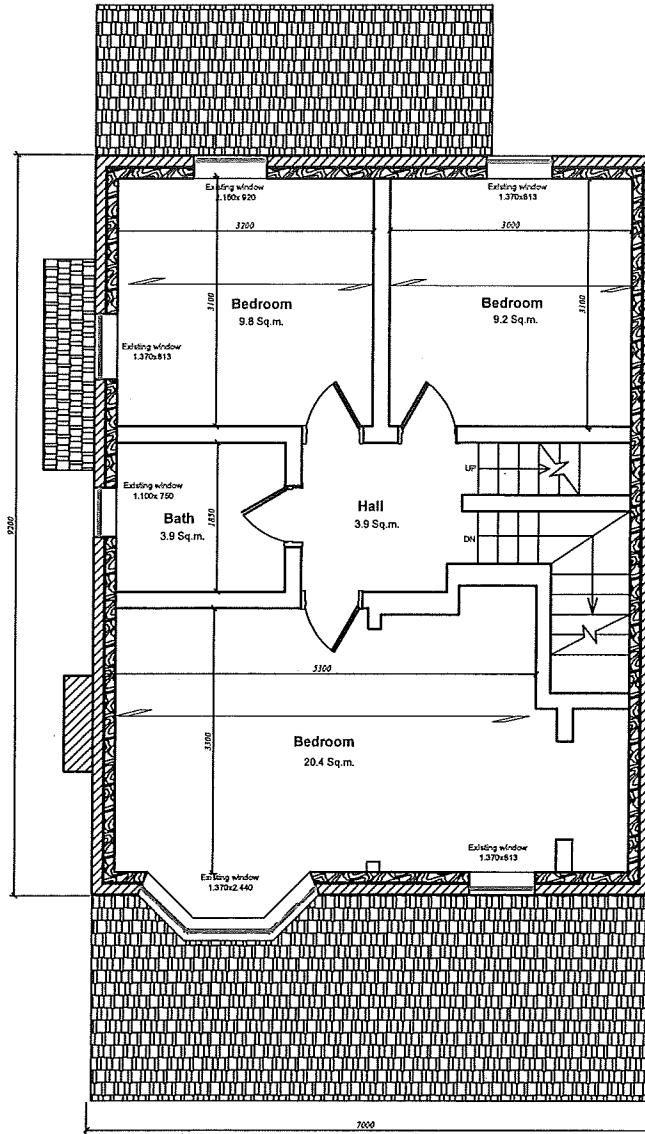
A2

② 02- Proposed First Floor
1:30

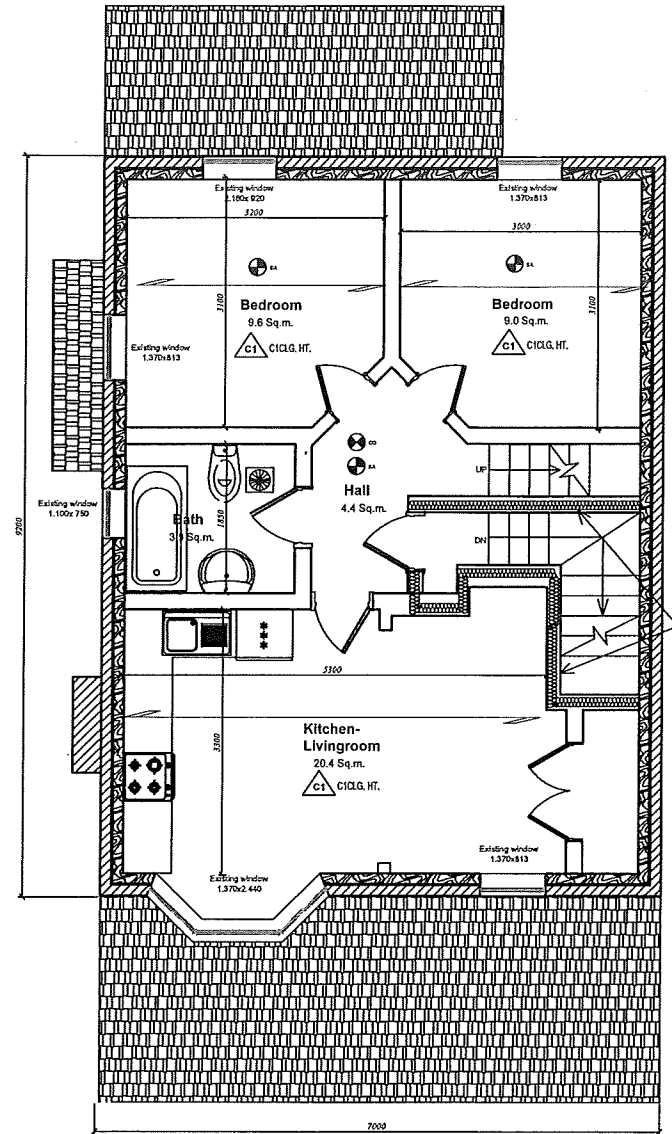
① 1:30

Hm/A 20:61
Sketch 4

Provide 30Min Ceiling Fire Rated
Refer to Ceiling Legends



① 02- Existing Second Floor
1:30



② 02- Proposed Second Floor
1:30

Add Min 4" Sound
Insulation To Achieve
30 Min. Fire Rated (S1-3)

<p>GENERAL NOTES:</p> <ul style="list-style-type: none"> - ALL EXISTING & PROPOSED WORK MUST BE VERIFIED ON SITE PRIOR TO ANY CONSTRUCTION. - DO NOT SCALE DRAWINGS - CONTRACTORS AND OWNERS ARE RESPONSIBLE FOR ANY MODIFICATIONS TO THIS PLAN DO TO FIELD CONSTRUCTION CONDITIONS AND CONSTRUCTION METHODS. - SEE ATTACHED FOR ALL GENERAL NOTES, CONSTRUCTION SPECIFICATIONS AND DETAILS - ALL CONSTRUCTION MUST BE ADHERE TO ONTARIO BUILDING CODE REQUIREMENTS AND ANY AUTHORITIES HAVING JURISDICTION - CONTRACTORS TO REVIEW APPROVED PERMIT DRAWINGS FOR ADDITIONAL NOTES AND RELATED DOCUMENTS - ALL PRODUCTS & COLOUR SELECTIONS ARE THE RESPONSIBILITY OF THE CLIENT AND/OR CONTRACTOR UNLESS STATED OTHERWISE IN THESE PLANS - ANY MATERIALS SUBSTITUTIONS MUST BE OF EQUAL OR GREATER PERFORMANCE 	
Date :	Description :
Seal :	
Drawn By :	Vlad Andriuca
Date :	Issue Date
Scale :	1:30
Project :	
106 Barnesdale ave North, Hamilton, On, L8L 6S5	
Sheet Title :	
Second Floor	
Sheet Number :	
A3	



Hamilton

Planning and Economic Development Department
Planning Division

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

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

FOR OFFICE USE ONLY.	
APPLICATION NO. <u>HM/A-20-61</u>	DATE APPLICATION RECEIVED <u>FEB 14 2020</u>
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1. Name of Owner A-Railing inc Telephone No. [REDACTED]

2. [REDACTED]

3. Name of Agent _____ Telephone No. _____

FAX NO. _____ E-mail address. _____

4. Address _____

_____ Postal Code _____

Note: Unless otherwise requested all communications will be sent to the agent, if any.

5. Names and addresses of any mortgagees, holders of charges or other encumbrances:

_____ Postal Code _____

_____ Postal Code _____

6. Nature and extent of relief applied for:

Minimum lot area of 270 m²
is permitted for legal second unit
conversion
One parking space is required per unit

7. Why it is not possible to comply with the provisions of the By-law?

Lot size is (169.5^{m²}) 1,825 sq ft, it has
no space for second parking
required.

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

PA LTS 267, 268 & 269, PL 477, AS IN
VM 8682, S/T VM 8682; HAM
106 Barnesdale ave. N,

9. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
 Agricultural Vacant
 Other _____

9.1 If Industrial or Commercial, specify use

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes ___ No Unknown ___

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Visually inspected


9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes ___ No ___

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Feb 14, 2020
Date


Signature Property Owner
Andriuca Vead
Print Name of Owner

10. Dimensions of lands affected:

Frontage 25 ft
Depth 73 ft
Area 1,825 sq ft
Width of street 2 lines

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: 2 1/2 stories
11.15 m long, 7.58 m wide
Ground floor area 60 m², 147 m²
gross floor area, 8 m high

Proposed: _____

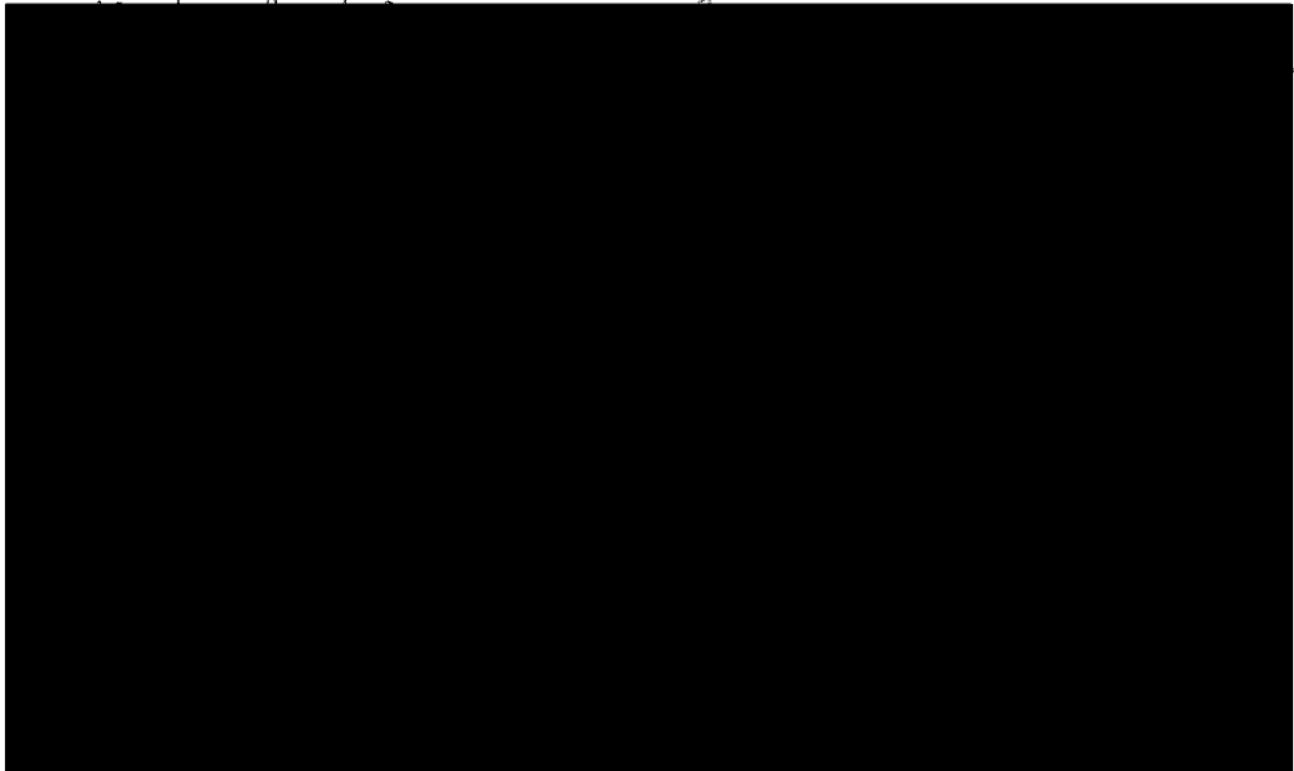
12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing: 7.2 m at rear, on line of
the property on left and right
side, 3 m at front

Proposed: same

PART 24 AFFIDAVIT OR SWORN DECLARATION

This declaration to be sworn by a Commissioner of Oaths.



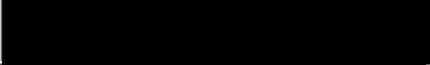
Expires July 30, 2022.

PART 25 OWNERS AUTHORIZATION

As of the date of this application, I (NAME) A - Railing am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

_____ of _____

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE Feb 14, 2020 SIGNED 

PART 26 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, A - Railing, the Owner, hereby agree and acknowledge
(Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

Feb 14, 2020 
Date Signature of Owner

PART 27 PERMISSION TO ENTERDate: Feb 14, 2020

Secretary/Treasurer
 Committee of Adjustment
 City of Hamilton,
 City Hall

Dear Secretary/Treasurer;

Re: Application to Committee of Adjustment

Location of Land: 106 Barnesdale ave N.
 (Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited purposes of evaluating the merits of this application.



Signature of Owner or Authorized agent

Vlad Andriuca

Please print name

Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee's policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.

PART 28 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1284.

From: [Thomas, Cameron](#)
To: [Sheffield, Jamila](#)
Cc: [Mignano, Martha](#); [Evans, Morgan](#)
Subject: FW: 106 Barnesdale Ave N - Variances
Date: Wednesday, March 11, 2020 9:12:39 AM

Please print for file

From: Vlad Andriuca <andriucavlad@gmail.com>
Sent: March 11, 2020 8:55 AM
To: Thomas, Cameron <Cameron.Thomas@hamilton.ca>
Subject: Re: 106 Barnesdale Ave N - Variances

Hello Cameron,
First dwelling combined will be basement and first floor for a total of 95.8 square meters and second dwelling will be the second floor and attic for a total of 75 square meters.
Please let me know if you have any questions or concerns
Thank you
Vlad

On Tue, Mar 10, 2020 at 4:13 PM Thomas, Cameron <Cameron.Thomas@hamilton.ca> wrote:

Hello – I am reviewing the variance application for zoning. I wanted to ask you if you can please tell me the size (area) for the 2 dwelling units to be created through conversion so I can check this with our requirements. Thanks in advance,

Regards,

Cam Thomas, RPP
Zoning Examiner
Building Division
City of Hamilton
(905) 546-2424 ext. 4229



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221 Fax (905) 546-4202
 E-mail: morgan.evans@hamilton.ca or jamila.sheffield@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

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.: HM/A-20:13

APPLICANTS: Joe & Shelley Graci

SUBJECT PROPERTY: Municipal address **103 Whitney Avenue**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-laws 95-02, 95-33, 80-274 & 19-307

ZONING: "C/S-1335, 1335a, 720 & 1788" (Urban Protected Residential further amended) district

PROPOSAL: To permit the increase in the number of habitable rooms in an existing single-family dwelling from 7 to 10 notwithstanding that;

1. A minimum of 2.3 m access width shall be maintained instead of the minimum required access driveway having a width of at least 2.8 m.

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

DATE: Thursday, July 9th, 2020
TIME: 3:30 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at www.hamilton.ca/committeeofadjustment
 for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

HM/A-20:13
Page 2

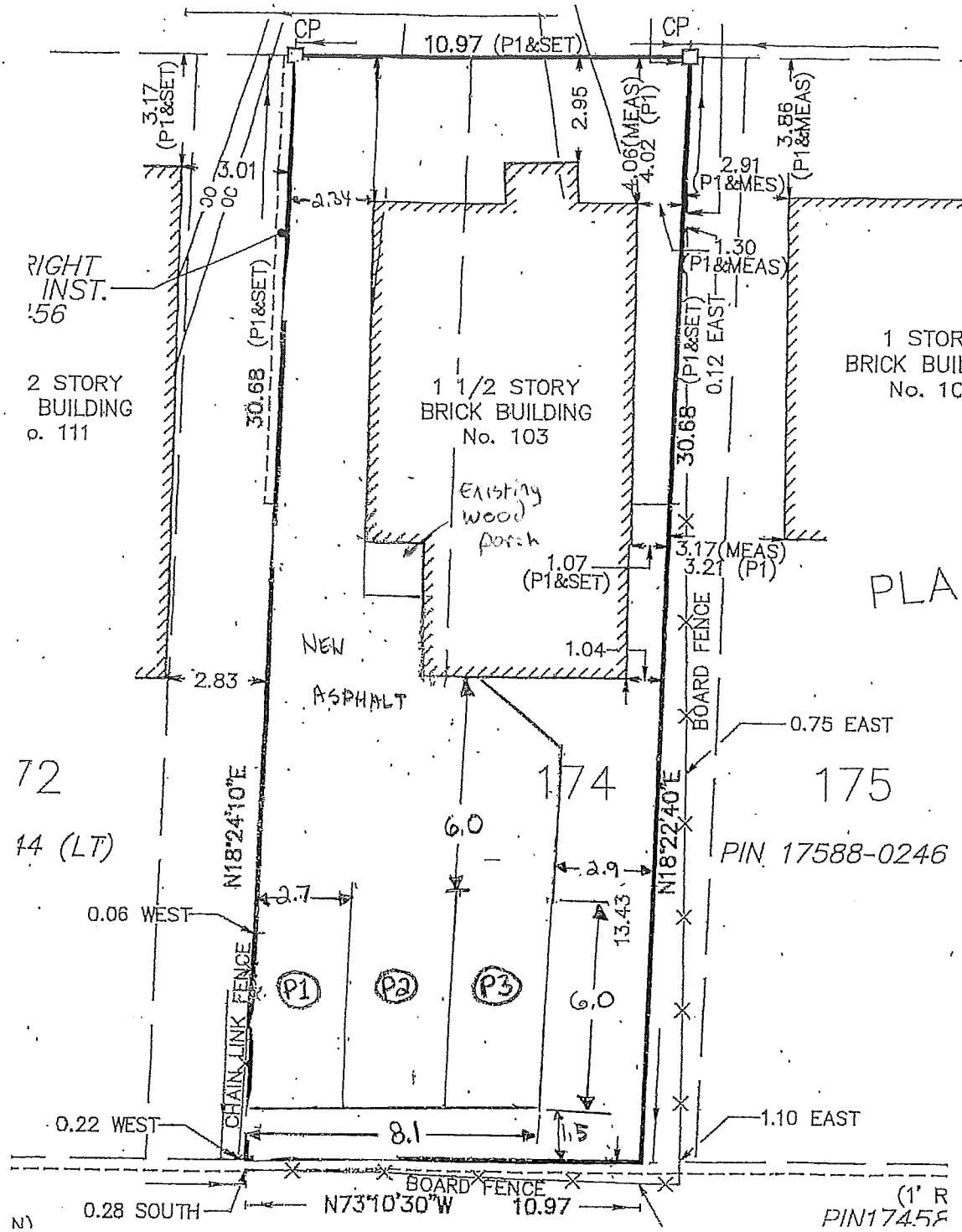
DATED: June 23rd, 2020.

Original Signed

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.

WHITNEY AVE



72

Hm/A 2013
Sketch 1

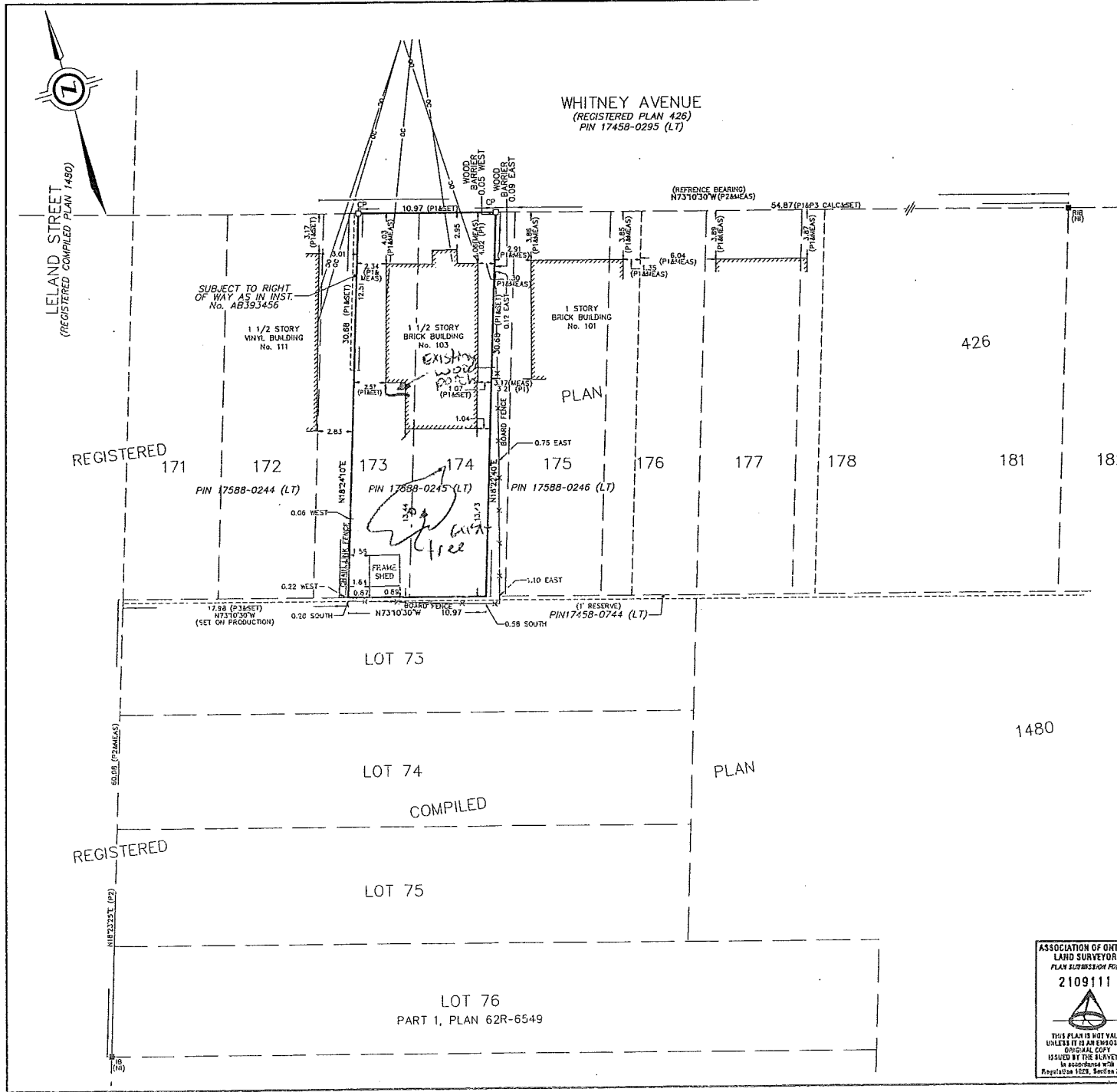
72
14 (LT)

PLA


PIN 17588-0246

PARKING SITE PLAN
103 Whitney Ave.

1:175



Hm/19
 SKETCH 2
 20.13


SURVEYOR'S REAL PROPERTY REPORT
PART 1 - PLAN OF SURVEY
PART OF LOT 173 AND 174
REGISTERED PLAN 426
 (GEOGRAPHIC TOWNSHIP OF)
CITY OF HAMILTON
 REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
 SCALE 1 : 200

J.D. BARNES LIMITED
 © COPYRIGHT
 METRIC DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.


PART 2 - SURVEY REPORT
 - DESCRIPTION
 PART OF LOT 173 AND 174, REGISTERED PLAN 426, BEING ALL OF PIN 17588-0245 (LT).
 - REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY TOGETHER WITH RIGHT OF WAY AS IN INST. No. AB393546.
 - ZONING COMPLIANCE
 COMPLIANCE WITH ONTARIO BUILDING CODE SETBACK REQUIREMENTS ARE NOT VERIFIED BY THIS SURVEY.
 - ADDITIONAL REMARKS
 PLAN PREPARED FOR BRANTCO CONSTRUCTION.

LEGEND
 ■ DENOTES SURVEY MONUMENT FOUND
 □ DENOTES SURVEY MONUMENT SET
 RB DENOTES ROUND IRON BAR
 IB DENOTES IRON BAR
 CP DENOTES CONCRETE PIN AND WASHER
 P1 BUILDING LOCATION SURVEY BY MACKAY AND MACKAY ENGINEERS & SURVEYORS DATED JANUARY 30, 1912
 P2 DENOTES PLAN 62R-6627
 P3 DENOTES REGISTERED PLAN 426
 MEAS DENOTES MEASURED
 JDB DENOTES J.D. BARNES LIMITED
 NI DENOTES NOT IDENTIFIABLE
 OC DENOTES OVERHEAD CABLE
 N=NORTH / S=SOUTH / E=EAST / W=WEST

NOTES
 ALL BUILDING NES ARE TAKEN TO FOUNDATION WALL.
 BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERN LIMIT OF WHITNEY AVENUE, PLAN 62R-6627, HAVING A BEARING OF N73°10'30"W.

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON NOVEMBER 26, 2019.
 DATE Dec. 5, 2019
 SURV. PEREIRA
 ONTARIO LAND SURVEYOR

ASSOCIATION OF ONTARIO
 LAND SURVEYORS
 PLAN SUBMISSION FORM
 2109111

 THIS PLAN IS NOT VALID UNLESS IT IS AN EMPLOYED ORIGINAL COPY ISSUED BY THE SURVEYOR in accordance with Regulation 1023, Section 23(2).


J.D. BARNES LIMITED
 LAND INFORMATION SPECIALISTS
 401 WHEELABRATOR WAY, SUITE A, MILTON, ON L9T 3C1
 T: (905) 875-9955 F: (905) 875-9955 www.jdbarnes.com
 SURVEYING MAPPING GIS
 DRAWN BY: AA CHECKED BY: SP REFERENCE NO.: 19-30-463-00
 FILE: C:\19-30-463\09\Drawing\19-30-463-00-1.dwg DATED: 12/04/19
 PLOTTED: 12/5/2019



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

Planning and Economic Development Department
546-2424 ext.4221
Planning Division

Phone (905)
Fax (905) 546-4202

PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.

FOR OFFICE USE ONLY.

APPLICATION NO. Hm/A 20:13 DATE APPLICATION RECEIVED Jan 9/20

PAID _____ DATE APPLICATION DEEMED COMPLETE _____

SECRETARY'S SIGNATURE _____

CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1. Name of Owner Joe Graci & Shelley Graci Telephone No. [REDACTED]

2. [REDACTED] Postal Code L8B 0J2

3. Name of Agent _____ Telephone No. _____
FAX NO. _____ E-mail address. _____

4. Address _____
Postal Code _____

Note:
Unless otherwise requested all communications will be sent to the agent, if any.

5. Names and addresses of any mortgagees, holders of charges or other encumbrances:

NA

Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:
variance to by-law 6593 section 18A – the proposal is to add 3 habitable rooms to the existing 7 habitable rooms for a total of 10 rooms. The parking by-law regulations require 2 parking spaces for the 1st 8 rooms and 0.5 spaces per additional room which would equal a total of 3 parking spaces required. As per the by-law, each parking space is to be 2.7m wide by 6.0m long and the access driveway must have a width of 2.8m.

7. Why it is not possible to comply with the provisions of the By-law?
Due to the position of the existing home, the minimum driveway width at the west property line is 2.34m (short by 0.46m)

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
part of lot 173 and 174, registered plan 426, 103 Whitney ave.
Hamilton

9. PREVIOUS USE OF PROPERTY

Residential X Industrial _____ Commercial _____

Agricultural _____ Vacant _____

Other _____

9.1 If Industrial or Commercial, specify use _____

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes _____ No X Unknown _____

9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes _____ No X Unknown _____

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes _____ No X Unknown _____

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes _____ No X Unknown _____

9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes _____ No X Unknown _____

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes _____ No X Unknown _____

9.8 is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes _____ No X Unknown _____

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Visual inspection and conversation with elder who has lived in the neighbourhood for over 50 years

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

JAN. 9 2020
Date


Signature Property Owner

Shelley Graci Joe Graci
Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>10.97m</u>
Depth	<u>30.68</u>
Area	<u>336.56 sqm</u>
Width of street	<u>11.5m</u>

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: main floor area 84 sqm, gross floor area 185 sqm, 2 story home, approx. 7m wide x 12m long, 6.7m high

Proposed

no changes made to existing

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing: 4.06m from north p.line, 1.3m from east p.line, 2.34m from west p.line and 13.44m from south p.line Existing Shed

Proposed: no changes made to existing
Existing shed to be removed.

13. Date of acquisition of subject lands:
June, 2019
14. Date of construction of all buildings and structures on subject lands:
1952 (estimated)
15. Existing uses of the subject property: single family home
16. Existing uses of abutting properties: single family home
17. Length of time the existing uses of the subject property have continued:
+50 years (estimated)
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|----------|-----------|----------|
| Water | <u>X</u> | Connected | <u>X</u> |
| Sanitary Sewer | <u>X</u> | Connected | <u>X</u> |
| Storm Sewers | <u>X</u> | | 19. |

Present Official Plan/Secondary Plan provisions applying to the land:
Urban land use – residential dwelling

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Zone C/S-1335

21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.

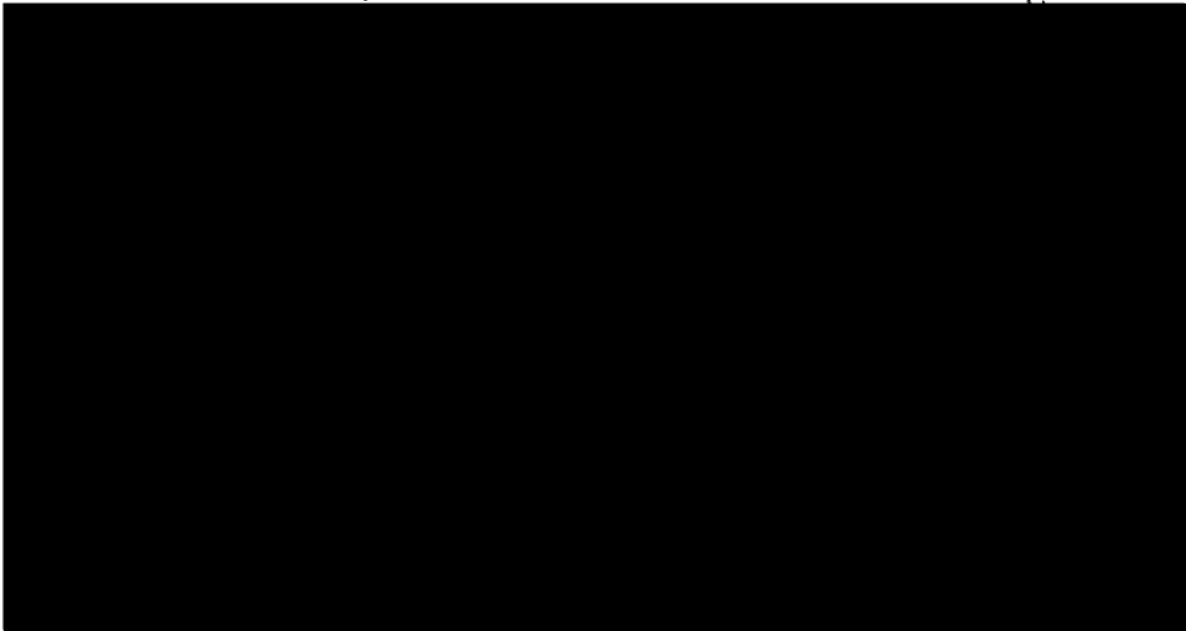
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No

23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.

PART 24 AFFIDAVIT OR SWORN DECLARATION


This declaration to be sworn by a Commissioner of Oaths.



PART 25 OWNERS AUTHORIZATION

As of the date of this application, I (NAME) _____ am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

_____ of _____
to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE Jan 9, 2020 SIGNED 

PART 26 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.
Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, Shelley Graci, Joe Graci, the Owner, hereby agree and acknowledge
(*Print name of Owner*)
that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

Jan 9, 2020 Date  Signature of Owner



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221 Fax (905) 546-4202

E-mail: morgan.evans@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

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.: HM/A-20:54

APPLICANTS: W. Botetzayas, J. Marchesan & L. DiNardo

SUBJECT PROPERTY: Municipal address **50 Broadway Ave. City of Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended

ZONING: "C/S-1335; C/S-1335a; C/S-1788" (Urban Protected Residential) district 95-02, 95-33, 19:307

PROPOSAL: To permit the alterations to an existing single family dwelling to establish eleven habitable rooms notwithstanding that:

1. A minimum three (3) parking spaces shall be provided instead of the minimum required four (4) parking spaces.
2. No on-site maneuvering space shall be provided.
3. Two (2) required parking spaces shall be obstructed instead of the requirement that every parking space shall be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking.
4. One parking space as well as a portion of a second parking space is permitted to be located within the front yard.

NOTES:

1. This site requires a minimum of four (4) parking spaces based on a total of eleven (11) habitable rooms.
2. The owner shall be made aware that a Lodging House is not a permitted use in the C/S-1335; C/S-1335a; C/S-1788 District. The variances have been written for a Single Family Dwelling only.

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

DATE: Thursday, July 9th, 2020
TIME: 3:35 p.m.
PLACE: Via video link or call in (see attached sheet for details)
To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only

HM/A-20:54
Page 2

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: June 23rd, 2020.

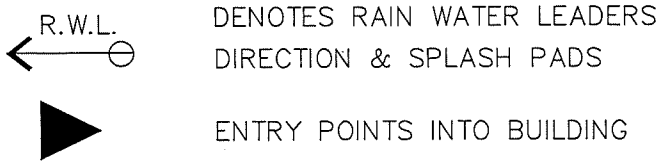
Original Signed

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.

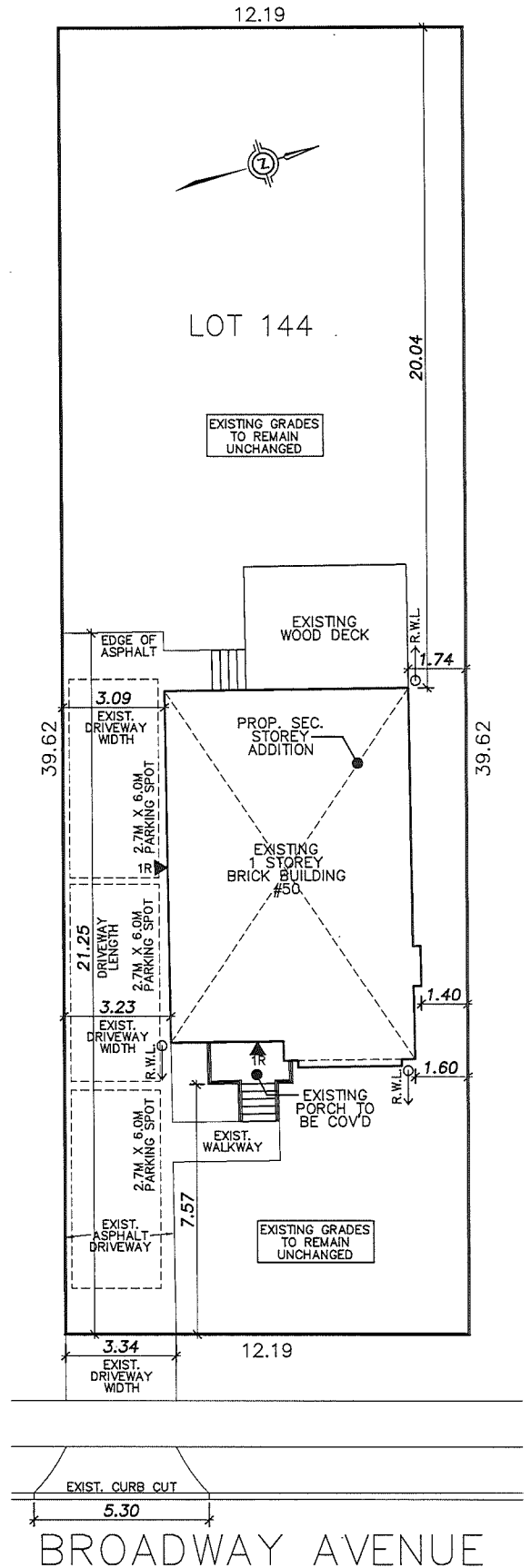
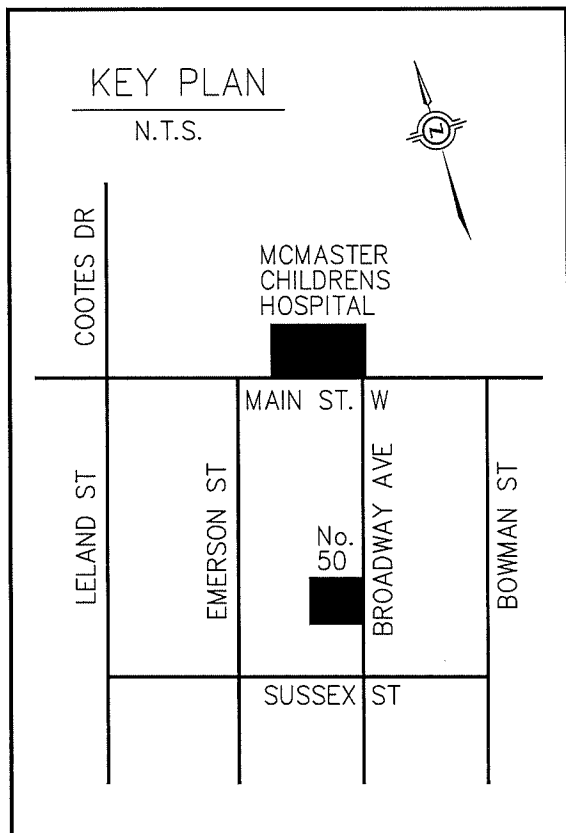
LOTS 144
 WEST HAMILTON
 REGISTERED PLAN 420
 CITY OF HAMILTON

LEGEND:



LANDSCAPE AREA

EXISTING FRONT YARD AREA = 99.66 m²
 EXISTING PAVED AREA = 32.77 m²
 EXISTING LANDSCAPE AREA = 67.12%



PROJECT ADDRESS: 50 BROADWAY AVENUE

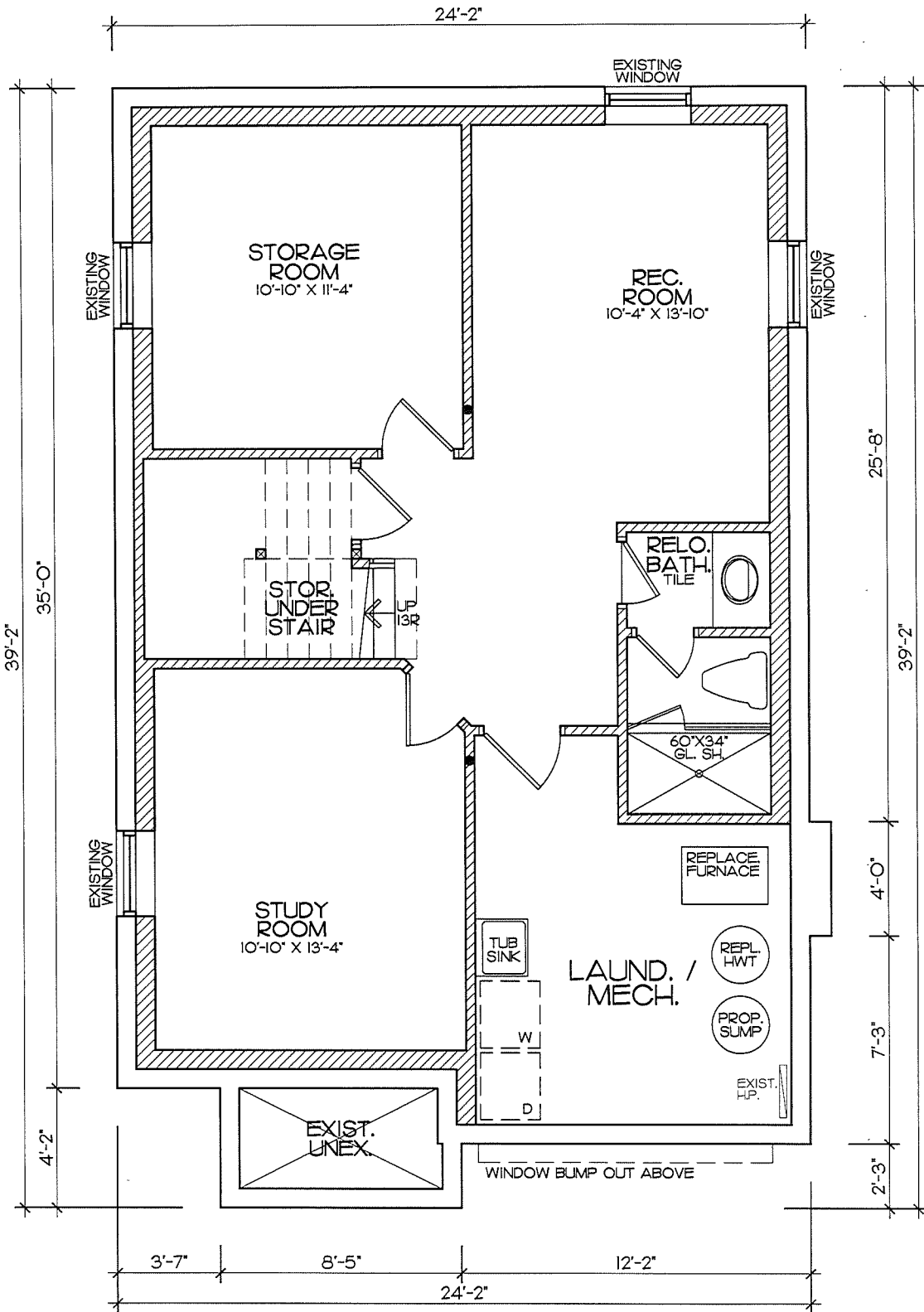
REVISIONS NO.	DATE	DESCRIPTION	QUALIFIED DESIGNER BCIN - 30272 FIRM BCIN - 110042 DATE: JAN. 27/2019 SIGNATURE:	PROJECT LUCIANO	DRAWING SITE PLAN
1.	MAR. 3/2020	ADDED DRIVEWAY DIMS. AND LANDSCAPE AREA CALCS.		SCALE 1:200	DATE JAN. 27/2019
				DRAWN BY C.A.	MODEL TYPE H-048
				PROJECT LOCATION HAMILTON	CHK'D BY J.J.
				FILE NO. 2019-048S	PROJECT NO. 2019-048
					DRAWING NO. S1



70 Main Street N., P.O. Box 38
 Campbellville, ON, L0P 1B0
 Ph. 905-854-9696
 Fax 905-854-9559
 EMAIL: jeffjansen@xplomet.com

OWNERS INFORMATION
 LUCIANO DINARDO

Amended
 HMLA-20-54
 Sketch (1)



BASEMENT FLOOR PLAN

- NEW WALLS

PROJECT ADDRESS: 50 BROADWAY AVENUE

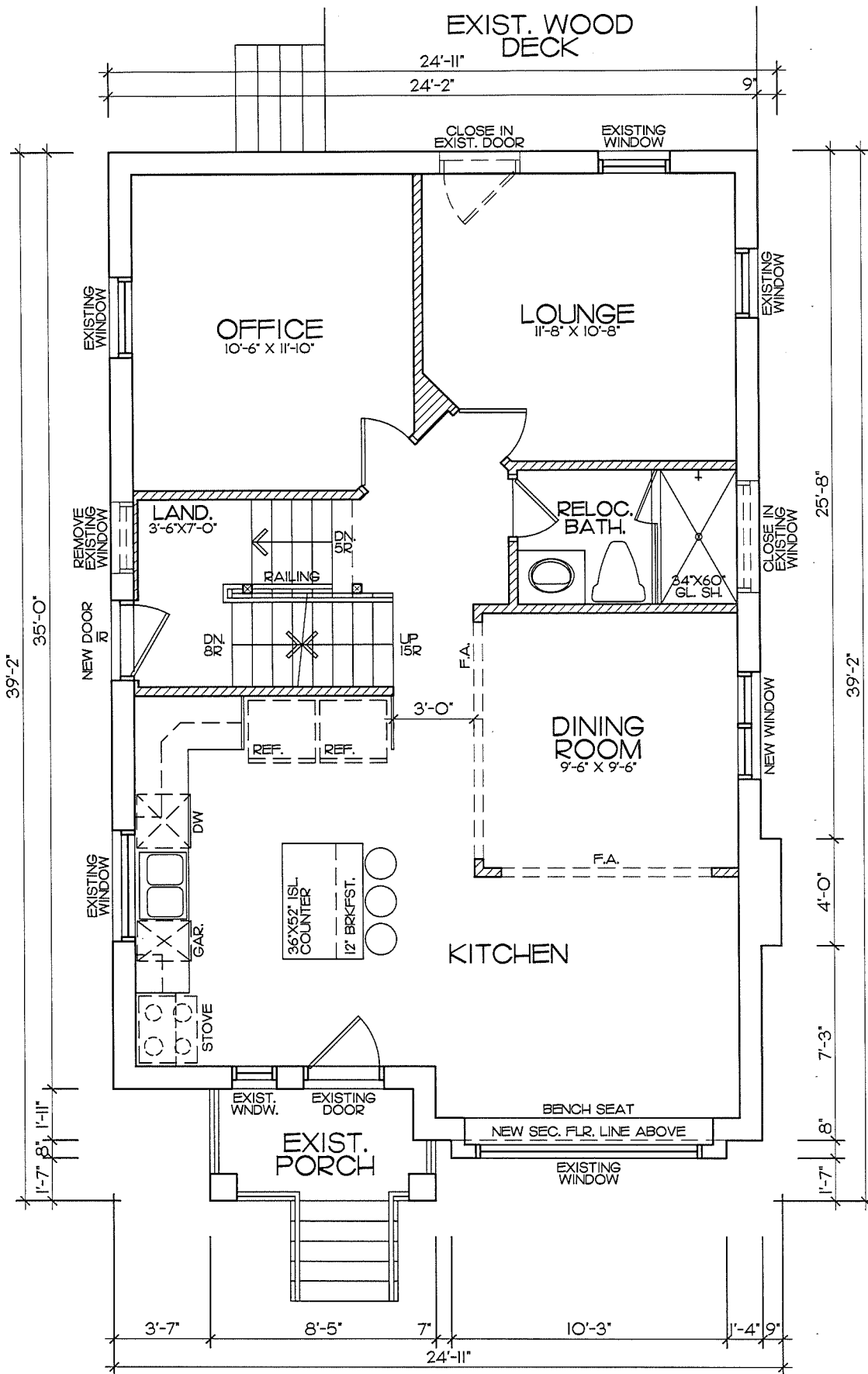
REVISIONS NO.	DATE	DESCRIPTION	QUALIFIED DESIGNER BCIN - 30272 FIRM BCIN - 110042 DATE: JAN. 27/2020 SIGNATURE:	PROJECT DINARDO	DRAWING BASEMENT PLAN
				SCALE 3/16"=1'-0"	DATE JAN. 27/2020
				DRAWN BY C.A.	CHK'D BY J.J.
				PROJECT LOCATION HAMILTON	MODEL TYPE H-048
				FILE NO. 2019-048F	PROJECT NO. 2019-048
					DRAWING NO. A1



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OWNERS INFORMATION
LUCIANO DINARDO

Amended
H41A-20:54
Sketch (2)



MAIN FLOOR PLAN

EXISTING MAIN FLOOR AREA = 878 S.F.
NEW SECOND FLOOR AREA ADDED = 810 S.F.
NEW FIN. BSMNT. FLR. AREA ADDED = 601 S.F.
TOTAL AREA = 2289 S.F. (212.65 M2)

LOT AREA = 482.97 M2
GROSS FLOOR AREA ALLOWED AT 45% = 217.33 M2 (2339.46 S.F.)

= NEW WALLS

PROJECT ADDRESS: 50 BROADWAY AVENUE

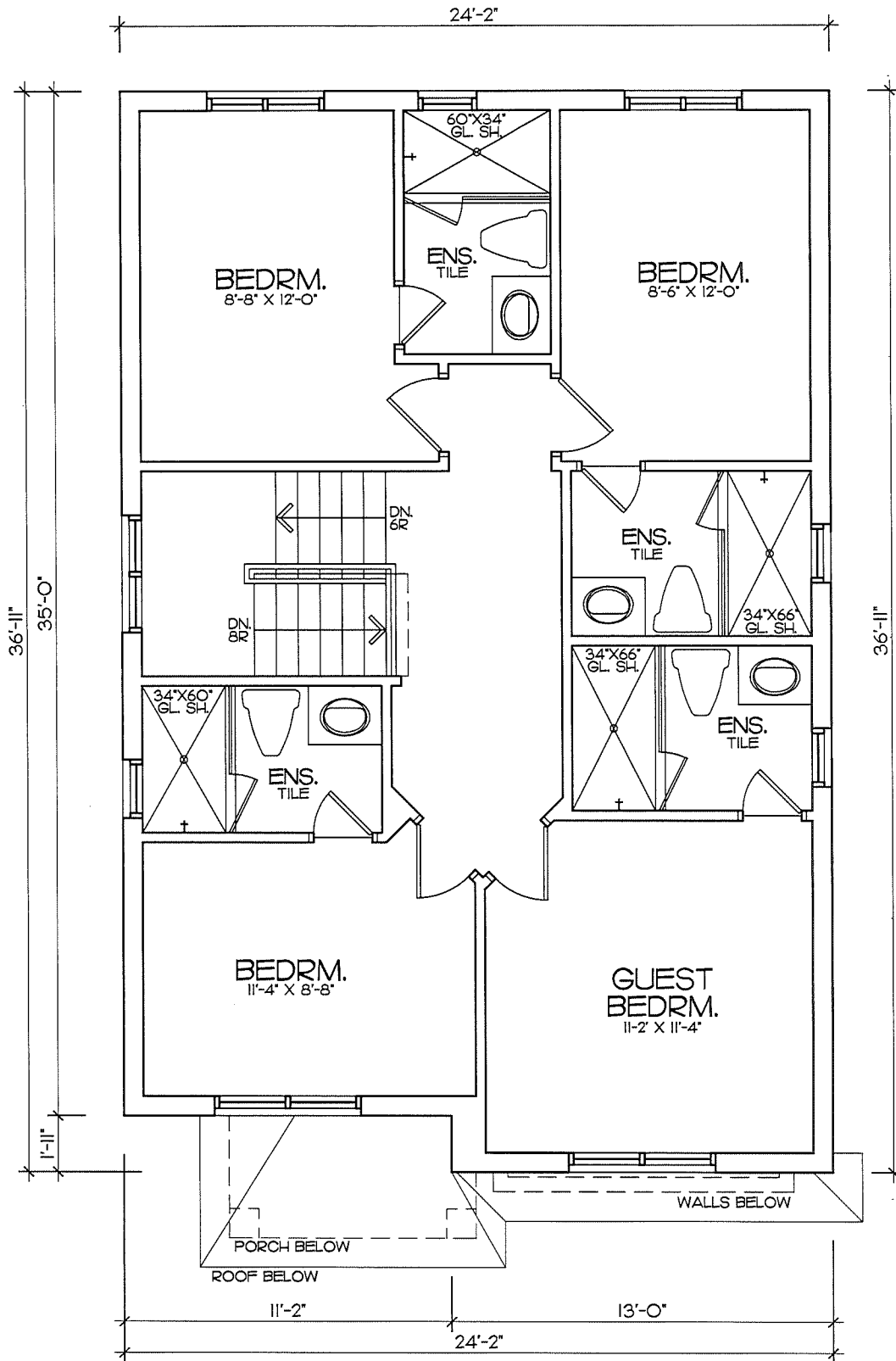
REVISIONS NO.	DATE	DESCRIPTION	QUALIFIED DESIGNER BCIN - 30272 FIRM BCIN - 110042 DATE: JAN. 27/2020 SIGNATURE:	PROJECT DINARDO	DRAWING MAIN FLOOR PLAN
				SCALE 3/16"=1'-0"	DATE JAN. 27/2020
				DRAWN BY C.A.	MODEL TYPE H-048
				PROJECT LOCATION HAMILTON	PROJECT NO. 2019-048
				FILE NO. 2019-048F	DRAWING NO. A2



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OWNERS INFORMATION
LUCIANO DINARDO

Amended
HMLA 20:54
Sketch(3)



NEW SECOND FLOOR PLAN

PROJECT ADDRESS: 50 BROADWAY AVENUE

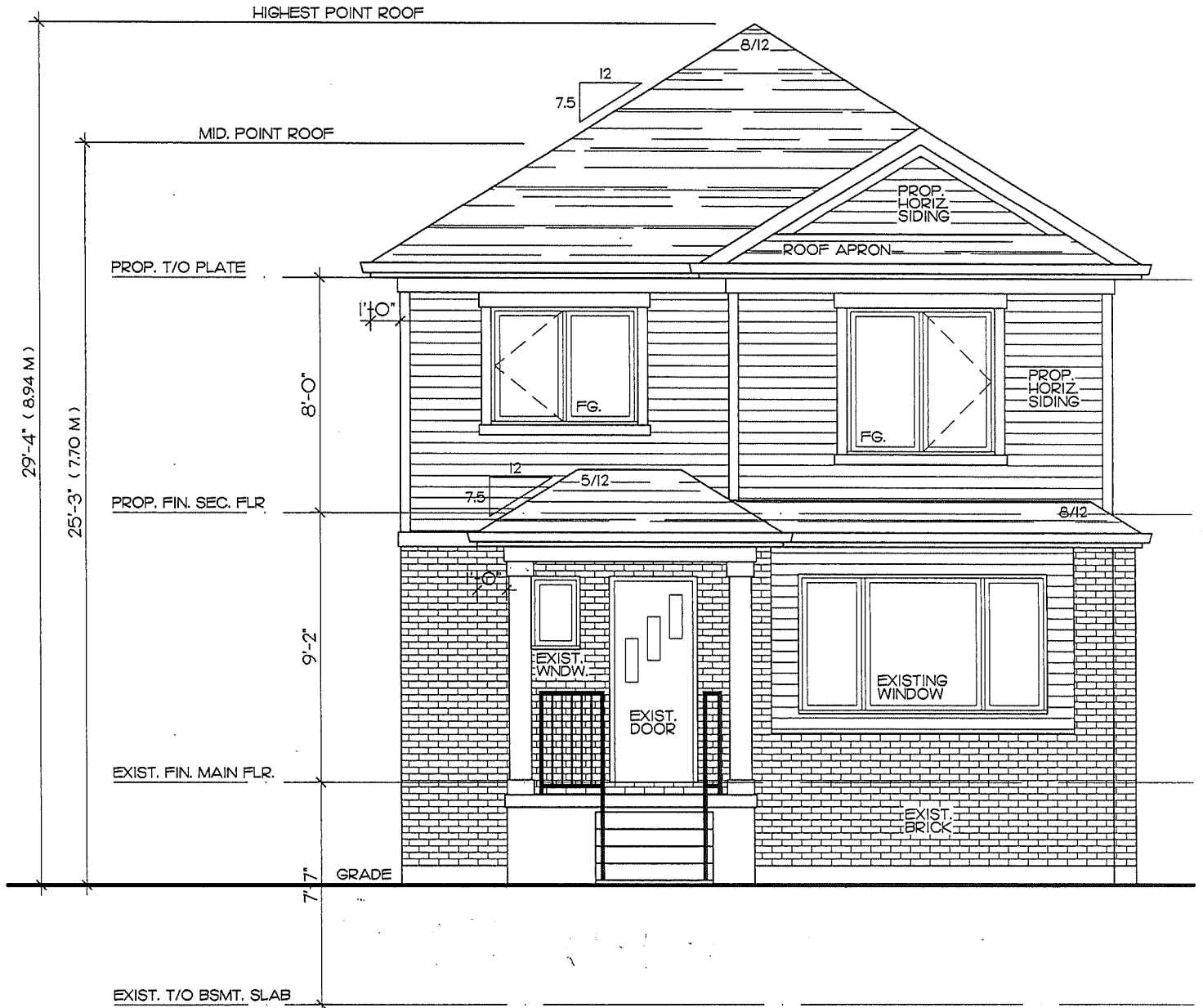
REVISIONS NO. DATE DESCRIPTION		QUALIFIED DESIGNER BCIN - 30272 FIRM BCIN - 110042 DATE: JAN. 27/2020 SIGNATURE: <i>[Signature]</i>		PROJECT DINARDO		DRAWING SECOND FLOOR PLAN	
				SCALE 3/16"=1'-0"		DATE JAN. 27/2020	
				DRAWN BY C.A.		CHK'D BY J.J.	
				PROJECT LOCATION HAMILTON		PROJECT NO. 2019-048	
				FILE NO. 2019-048F		DRAWING NO. A3	



70 Main Street N., P.O. Box 38
 Campbellville, ON, L0P 1B0
 Ph. 905-854-9696
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OWNERS INFORMATION
 LUCIANO DINARDO

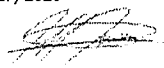
Amended
 HMLA-20:34
 Sketch.(4)



FRONT ELEVATION

Handwritten: Hm/A 20:54
Sketch 5

PROJECT ADDRESS: 50 BROADWAY AVENUE

REVISIONS NO.	DATE	DESCRIPTION	QUALIFIED DESIGNER BCIN - 30272 FIRM BCIN - 110042 DATE: JAN. 27/2020 SIGNATURE: 	PROJECT DINARDO	DRAWING FRONT ELEVATION	
				SCALE 3/16"=1'-0"	DATE JAN. 27/2020	MODEL TYPE H-O48
			OWNERS INFORMATION LUCIANO DINARDO	DRAWN BY C.A.	CHK'D BY J.J.	PROJECT NO. 2019-048
				PROJECT LOCATION HAMILTON	DRAWING NO. A4	
				FILE NO. 2019-048E		



70 Main Street N, P.O. Box 38
Campbellville, ON, L0P 1B0
Ph. 905-854-9696
Fax 905-854-9559
EMAIL: jeffjansen@explomet.com

20.151301



Hamilton

Planning and Economic Development Department
Planning Division

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

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.

FOR OFFICE USE ONLY.	
APPLICATION NO. <u>HM/A-20:54</u>	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

WILLIAM BOTETZAYAS, JOHN MARCHESAN,

- Name of Owner LUCIANO DI NARDO Telephone No. [Redacted]
- [Redacted] Postal Code _____

- Name of Agent CLINTON ARCHER Telephone No. [Redacted]
- [Redacted]

Note: Unless otherwise requested all communications will be sent to the agent, if any.

- Names and addresses of any mortgagees, holders of charges or other encumbrances:

Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:
ONLY HAVE ROOM FOR X3 PARKING SPOTS,
WHERE 4 SPOTS ARE REQUIRED.
-
7. Why it is not possible to comply with the provisions of the By-law?
DUE TO THE ADDITIONAL ROOMS BEING
ADDED AND RESTRICTED SIZE OF
EXISTING DRIVEWAY
-
8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
LOT 144, 50 BROADWAY AVENUE
-
9. PREVIOUS USE OF PROPERTY
- Residential Industrial Commercial
- Agricultural Vacant
- Other _____
- 9.1 If Industrial or Commercial, specify use

- 9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
 Yes No Unknown
- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- 9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- 9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
 Yes No Unknown
- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?
 Yes No Unknown
- 9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown
- 9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
 Yes No Unknown

- 9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown
- 9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

OWNER'S KNOW HISTORY OF PROPERTY

- 9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

FEB. 7/2020
 Date

 Signature Property Owner

 Print Name of Owner

10. Dimensions of lands affected:
- | | |
|-----------------|----------------|
| Frontage | <u>12.19m</u> |
| Depth | <u>39.62m</u> |
| Area | <u>482.97m</u> |
| Width of street | <u>9.5m</u> |

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)
- Existing: 1-STORY BRICK DWELLING
7.36m WIDE, 11.45m DEEP,
GROUND FLOOR AREA = 81.57m²,
HEIGHT = 6.3m
- Proposed: 2-STORY DWELLING
7.36m WIDE, 11.45m DEEP,
GROUND FLOOR AREA = 81.57m², SECOND FLOOR
AREA = 75.25m², HEIGHT = 8.94m

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)
- Existing: FRONT SETBACK = 7.57m, RIGHT YARD
SETBACK = 1.6m, REAR YARD SETBACK = 20.04m,
LEFT YARD SETBACK = 3.09m
- Proposed: FRONT SETBACK = 7.57m, RIGHT YARD
SETBACK = 1.6m, REAR SETBACK = 20.04m,
LEFT YARD SETBACK = 3.09m

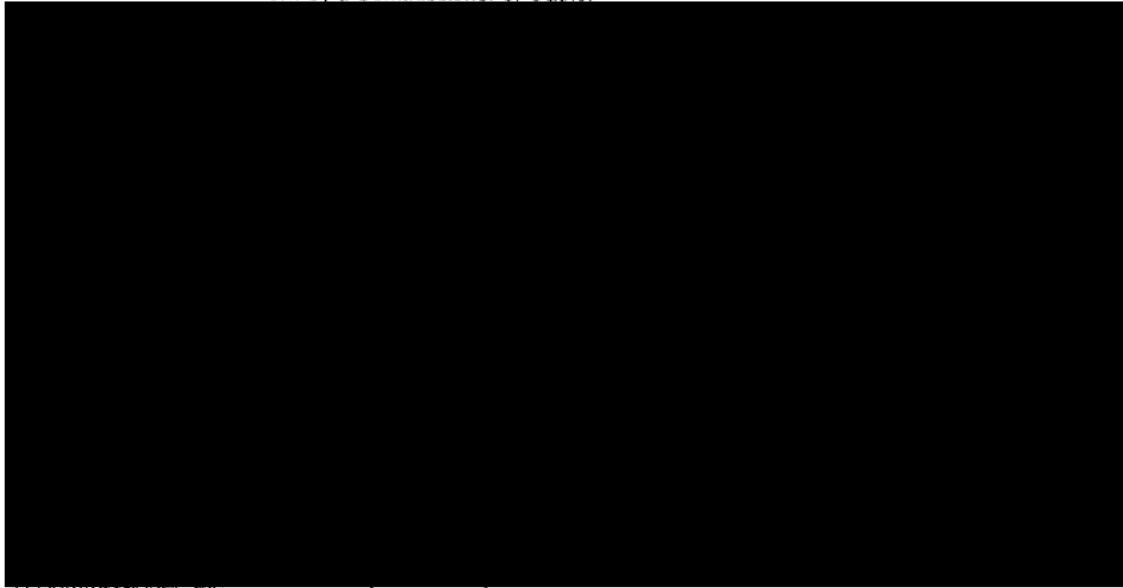
13. Date of acquisition of subject lands:
NOVEMBER 2019
14. Date of construction of all buildings and structures on subject lands:
UNKNOWN SINGLE FAMILY
15. Existing uses of the subject property: RESIDENTIAL DWELLING
-
16. Existing uses of abutting properties: RESIDENTIAL DWELLINGS
SINGLE FAMILY
17. Length of time the existing uses of the subject property have continued:
UNKNOWN
18. Municipal services available: (check the appropriate space or spaces)
 Water Connected
 Sanitary Sewer Connected
 Storm Sewers
19. Present Official Plan/Secondary Plan provisions applying to the land:
LOW DENSITY RESIDENTIAL 2
AINSLIE WOOD WESTDALE SECONDARY PLAN
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
C/S 1335 C/S 1335a
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.

22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.

PART 24 AFFIDAVIT OR SWORN DECLARATION

This declaration to be sworn by a Commissioner of Oaths.



Commissioner, etc.

Expires July 30, 2022.

PART 25 OWNERS AUTHORIZATION

X John Marchesan X Luciano Dinada

As of the date of this application, I (NAME) X William Buletzayov am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize: CLINTON ARCHER OR JEFF JANSEN of JANSEN CONSULTING to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE Feb 3 / 2020 SIGNED

PART 26 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.
Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City. John Marchesan

I, William Buletzayov Luciano Dinada the Owner, hereby agree and acknowledge
(Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

Date Feb 3 / 2020

PART 27 PERMISSION TO ENTERDate: FEB. 7/2020

Secretary/Treasurer
 Committee of Adjustment
 City of Hamilton,
 City Hall

Dear Secretary/Treasurer;

Re: Application to Committee of Adjustment

Location of Land: 50 BROADWAY AVE.
 (Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited purposes of evaluating the merits of this application.



Signature of Owner or Authorized agent

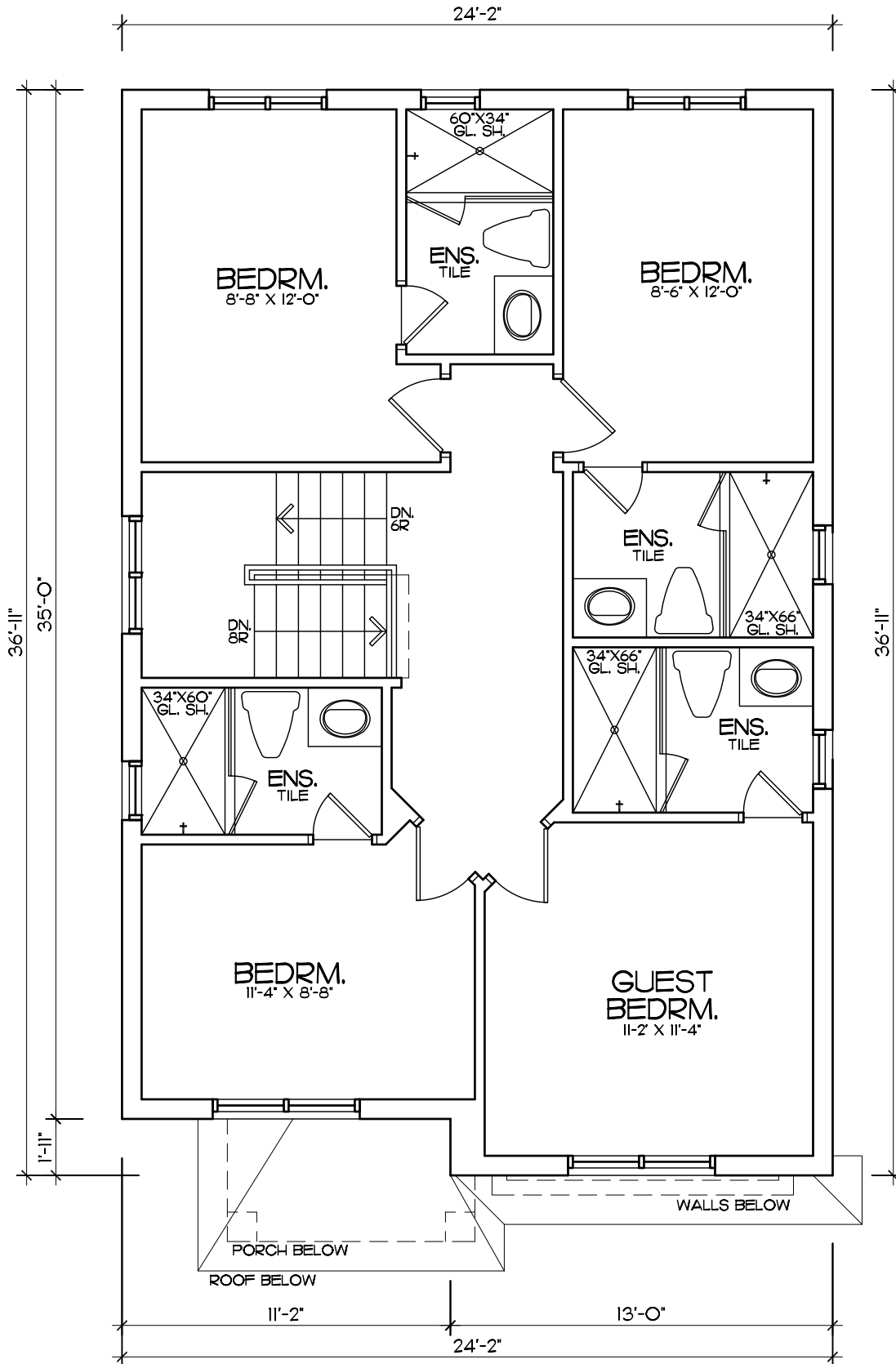
CLINTON ARCHER

Please print name

Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee's policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.

PART 28 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1284.



NEW SECOND FLOOR PLAN

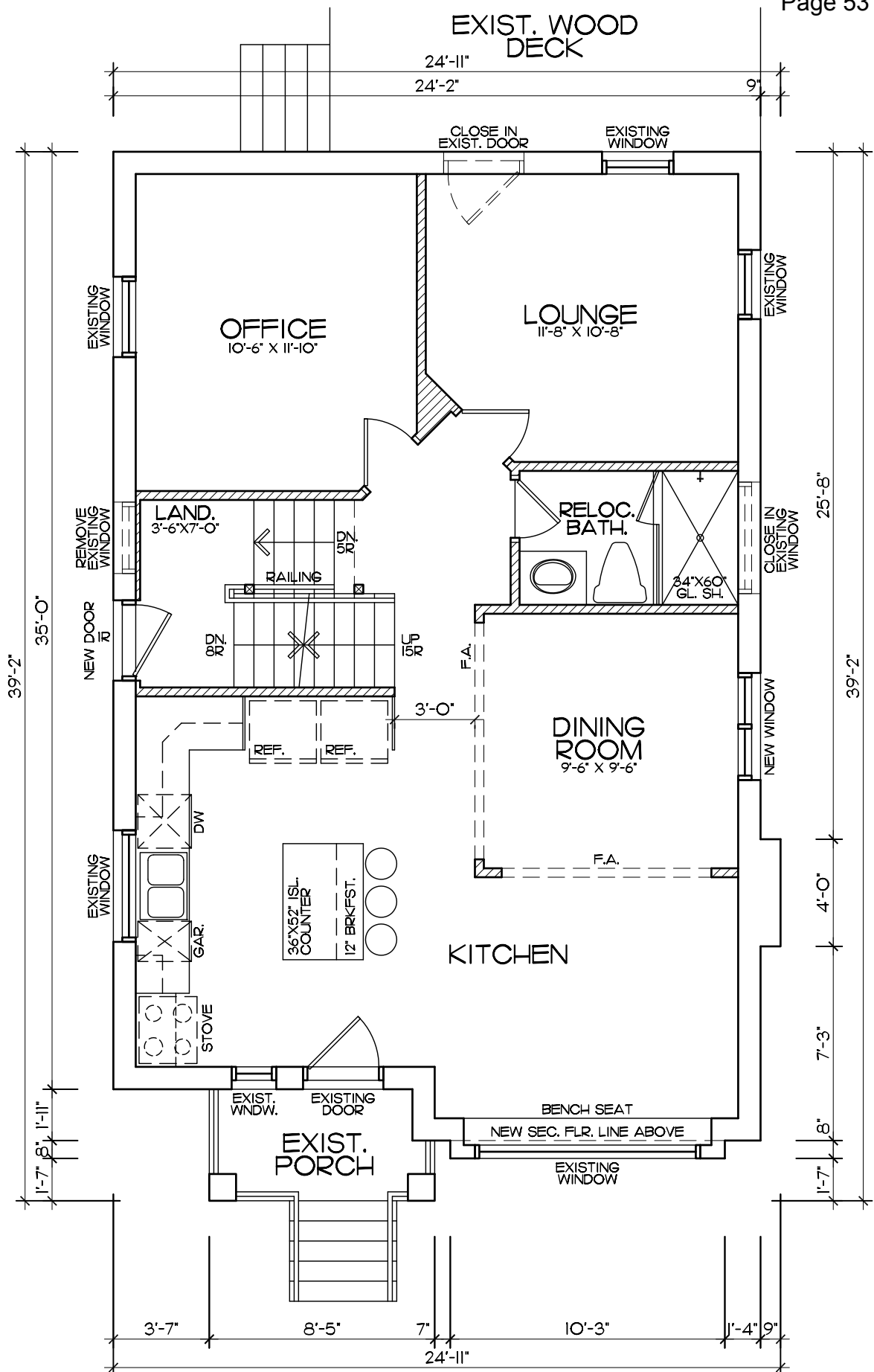
PROJECT ADDRESS: 50 BROADWAY AVENUE

REVISIONS NO. DATE DESCRIPTION			QUALIFIED DESIGNER BCIN - 30272 FIRM BCIN - 110042 DATE: JAN. 27/2020 SIGNATURE:		PROJECT DINARDO		DRAWING SECOND FLOOR PLAN	
					SCALE 3/16"=1'-0"		DATE JAN. 27/2020	
					DRAWN BY C.A.		CHK'D BY J.J.	
					PROJECT LOCATION HAMILTON		PROJECT NO. 2019-048	
					FILE NO. 2019-048F		DRAWING NO. A3	



70 Main Street N, P.O. Box 38
 Campbellville, ON, L0P 1B0
 Ph. 905-854-9696
 Fax 905-854-9559
 EMAIL: jeffjansen@xplomet.com

OWNERS INFORMATION
 LUCIANO DINARDO



MAIN FLOOR PLAN

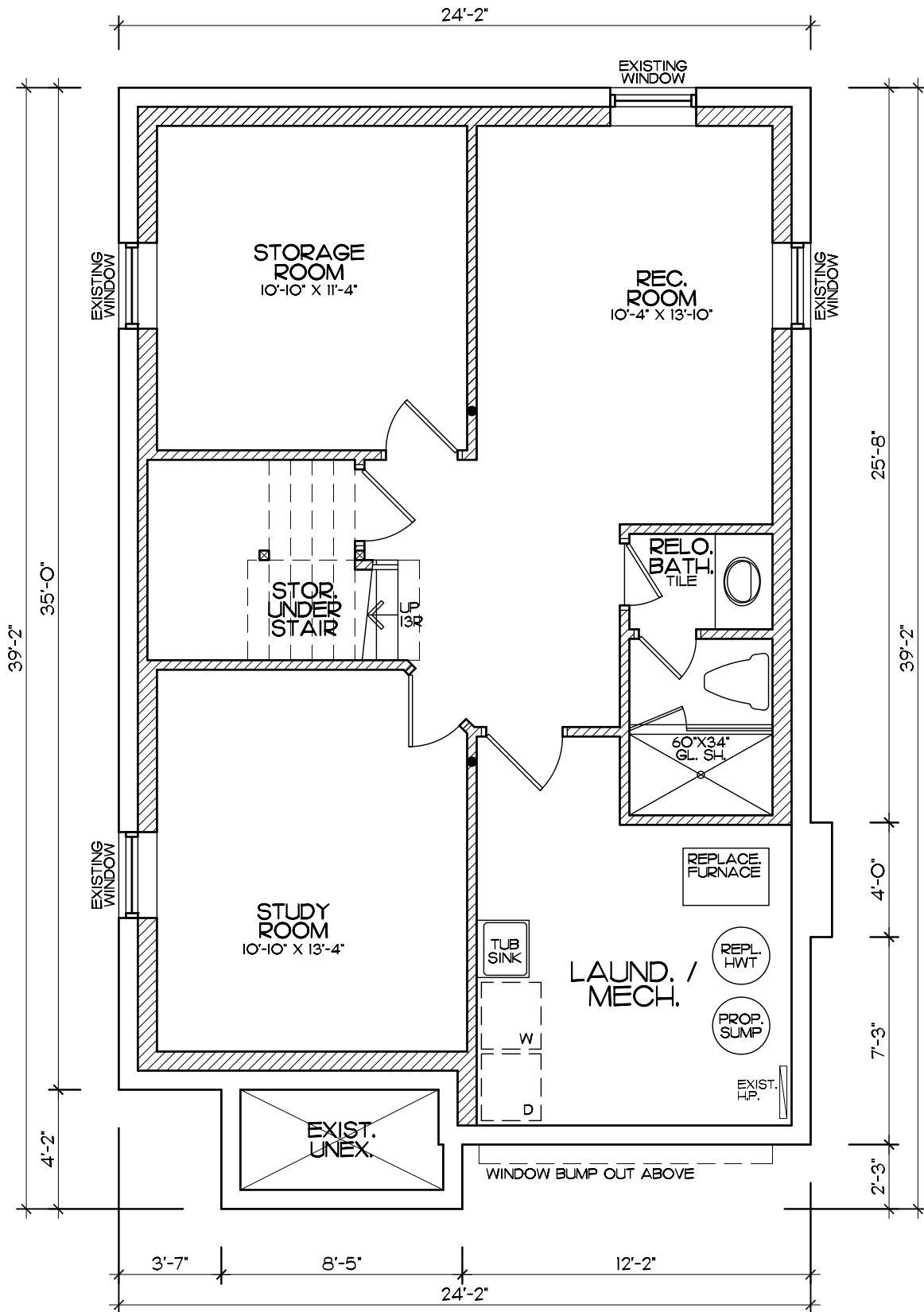
EXISTING MAIN FLOOR AREA = 878 S.F.
NEW SECOND FLOOR AREA ADDED = 810 S.F.
NEW FIN. BSMNT. FLR. AREA ADDED = 601 S.F.
TOTAL AREA = 2289 S.F. (212.65 M2)

LOT AREA = 482.97 M2
GROSS FLOOR AREA ALLOWED AT 45% = 217.33 M2 (2339.46 S.F.)

= NEW WALLS

PROJECT ADDRESS: 50 BROADWAY AVENUE

<table border="1"> <thead> <tr> <th>REVISIONS NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	REVISIONS NO.	DATE	DESCRIPTION							QUALIFIED DESIGNER BCIN - 30272 FIRM BCIN - 110042 DATE: JAN. 27/2020 SIGNATURE:	PROJECT DINARDO	DRAWING MAIN FLOOR PLAN	
	REVISIONS NO.	DATE	DESCRIPTION										
SCALE 3/16"=1'-0"	DATE JAN. 27/2020	MODEL TYPE H-O48											
70 Main Street N, P.O. Box 38 Campbellville, ON, L0P 1B0 Ph. 905-854-9696 Fax 905-854-9559 EMAIL : jeffjansen@xplomet.com	OWNERS INFORMATION LUCIANO DINARDO	DRAWN BY C.A.	CHK'D BY J.J.	PROJECT NO. 2019-048									
		PROJECT LOCATION HAMILTON		DRAWING NO. A2									
		FILE NO. 2019-O48F											



BASEMENT FLOOR PLAN

= NEW WALLS

PROJECT ADDRESS: 50 BROADWAY AVENUE

REVISIONS NO. DATE DESCRIPTION			QUALIFIED DESIGNER BCIN - 30272 FIRM BCIN - 110042 DATE: JAN. 27/2020 SIGNATURE:		PROJECT DINARDO		DRAWING BASEMENT PLAN	
					SCALE 3/16"=1'-0"		DATE JAN. 27/2020	
					DRAWN BY C.A.		CHK'D BY J.J.	
					PROJECT LOCATION HAMILTON		PROJECT NO. 2019-048	
					FILE NO. 2019-048F		DRAWING NO. A1	



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 Fax 905-854-9559
 EMAIL: jeffjansen@xplomet.com

OWNERS INFORMATION
 LUCIANO DINARDO



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221 Fax (905) 546-4202

E-mail: morgan.evans@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

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.: HM/A-20:62

APPLICANTS: John Witten on behalf of the owners Grant Ranalli & Bonnie McInnes

SUBJECT PROPERTY: Municipal address 7 Orchard Hill City of Hamilton

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-law 19-307

ZONING: "C" and "C/S-1787" (Urban Protected Residential, etc.) district

PROPOSAL: To permit the construction a 3.66m (12') x 6.10m (20') rear one storey (sunroom) addition onto the existing single family dwelling and to recognize the location of an existing accessory building (frame shed) notwithstanding that:

1. A westerly minimum side yard width of 0.6m shall be provided instead of the minimum required side yard width of 0.9m.
2. The existing accessory building (frame shed) located in the rear yard shall be 0.0m from the easterly 100.0' side lot, the angled 5.65' side lot line and the 21.0' rear lot line instead of the requirement that every accessory building which is located entirely within the rear yard shall be distant at least 0.45 metres from the nearest lot line.

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

DATE: Thursday, July 9th, 2020

TIME: 3:40p.m.

PLACE: Via video link or call in (see attached sheet for details)
To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

HM/A-20:62

Page 2

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

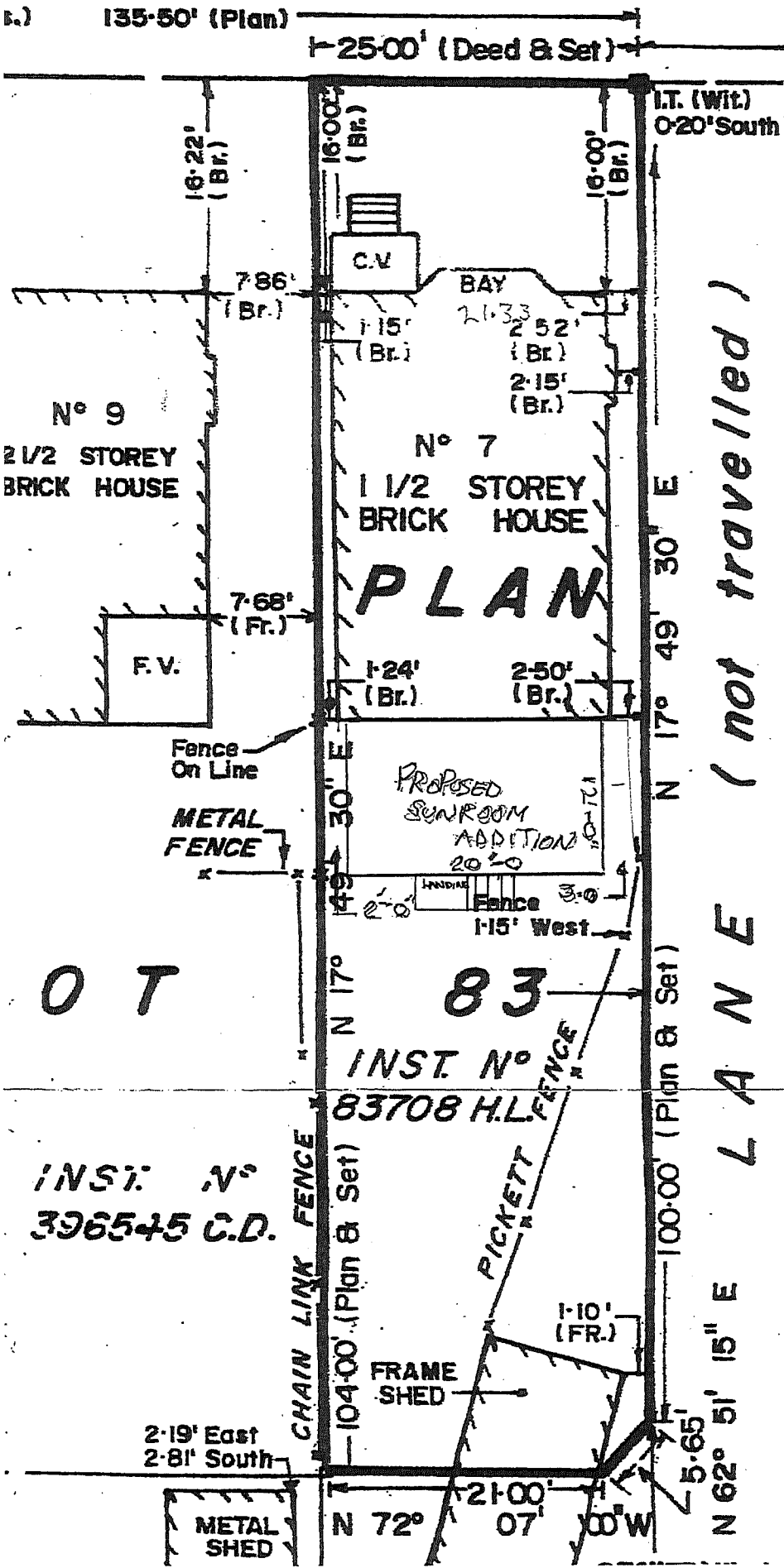
DATED: June 23rd, 2020.

Original Signed

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.

N 72° 07' 00" W (REFEREN
590-50



LOT AREA
 2592 SQFT = 240.79 M²
 PROPOSED
 HOUSE + ADDITION
 964.20 SQFT = 89.57 M²
 HOUSE + ADDITION + GARAGE
 1074.20 SQFT = 99.79 M²
 LOT COVERAGE %
 41.44

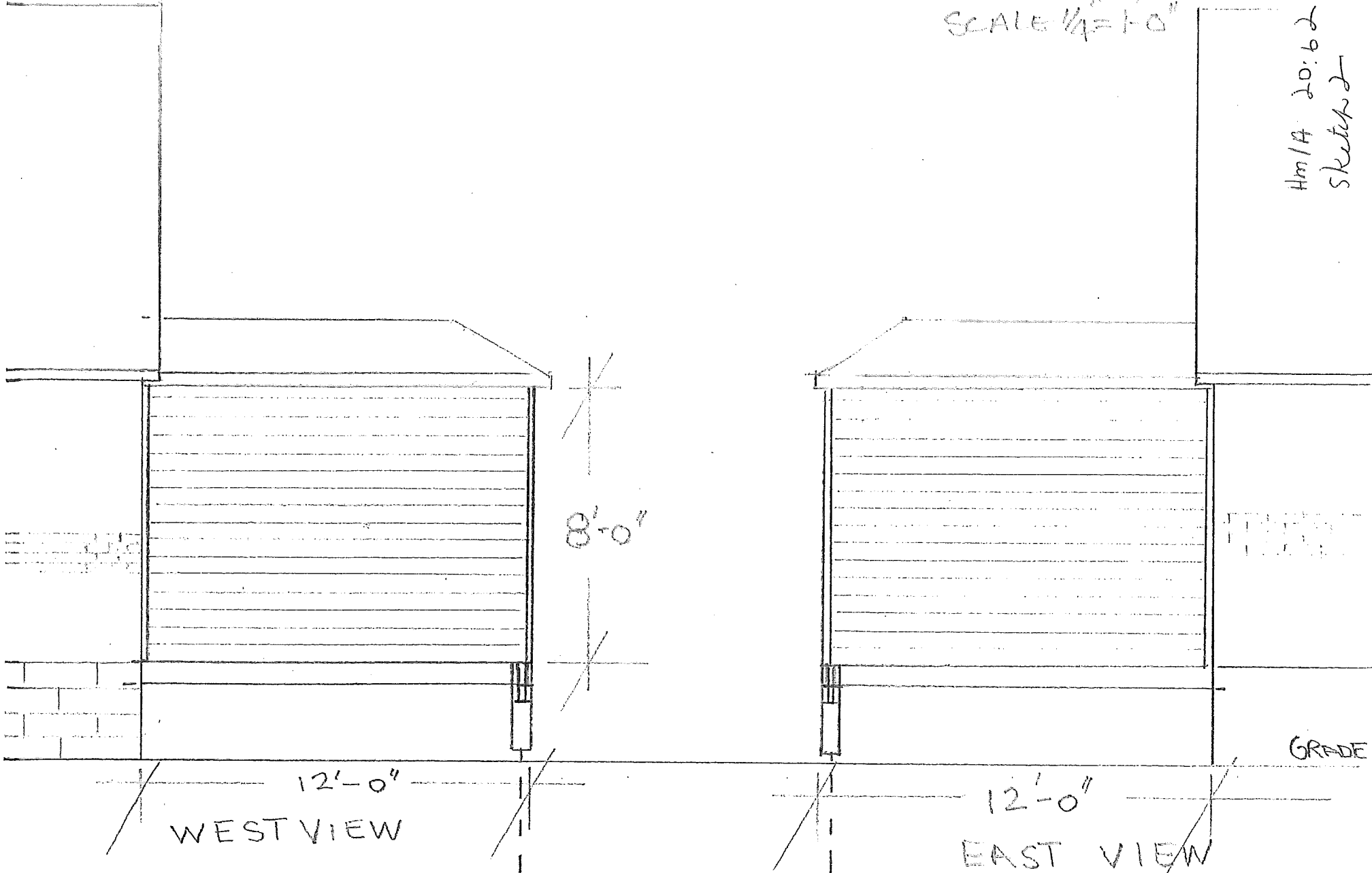
H/M/A 20.62
 Sketch 1

PROPOSED ADDITION

7 ORCHARD HILL,

SCALE 1/4" = 1'-0"

Hm/A 20:62
Sketch 2

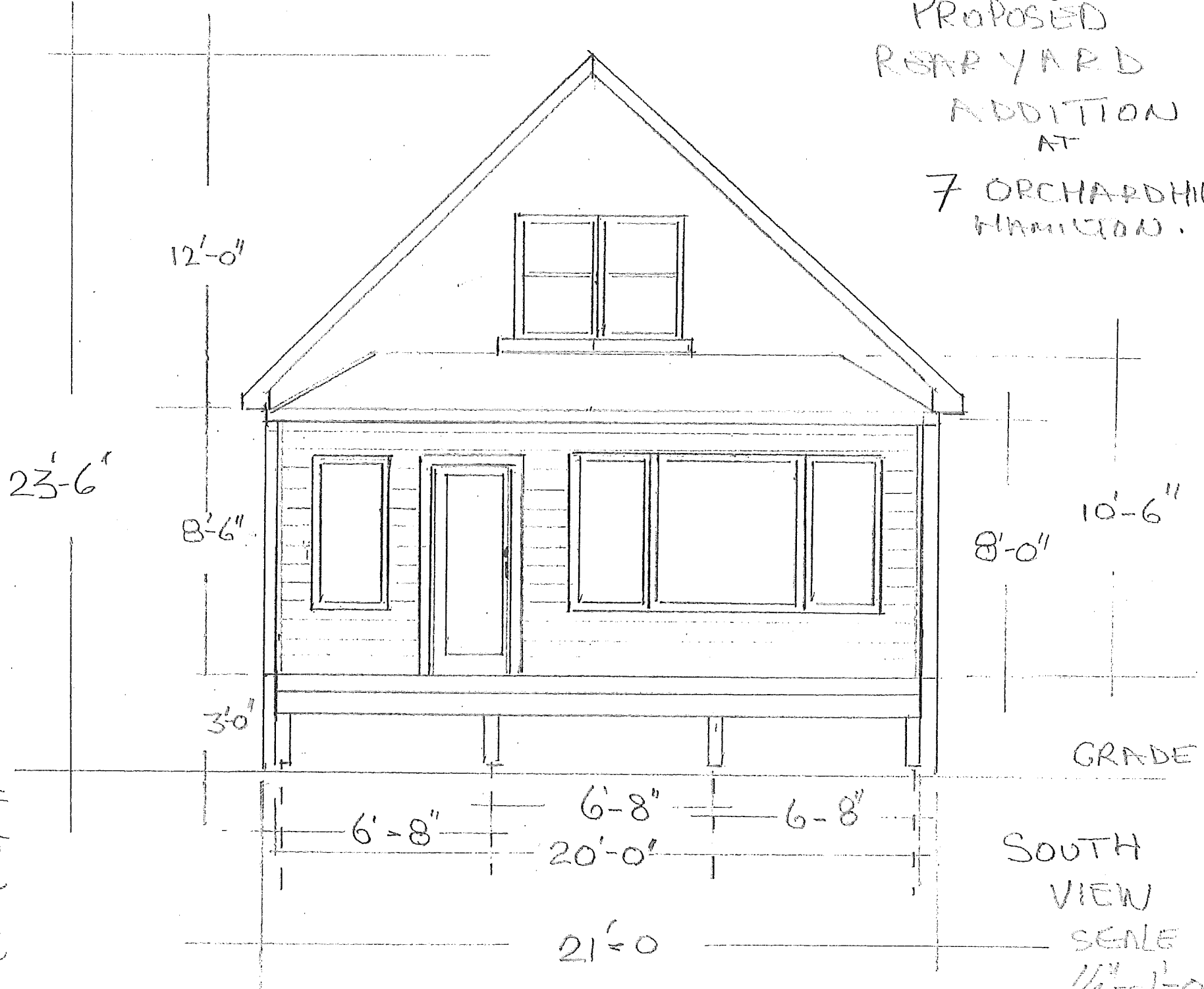


WEST VIEW

EAST VIEW

GRADE

PROPOSED
REAR YARD
ADDITION
AT
7 ORCHARDHILL
HAMILTON.



Am/4 20:62
sketch 3



Hamilton

Planning and Economic Development Department
Planning Division

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

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

FOR OFFICE USE ONLY.	
APPLICATION NO. <u>Hm/A-20:62</u>	DATE APPLICATION RECEIVED <u>Feb. 18/20</u>
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the Planning Act, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

GRANT RANALLI

1. Name of Owner BONNIE MCINNES Telephone No. [REDACTED]

2. [REDACTED]

3. Name of Agent JOHN WITTEN Telephone No. [REDACTED]

4. [REDACTED]

Note: Unless otherwise requested all communications will be sent to the agent, if any.

5. Names and addresses of any mortgagees, holders of charges or other encumbrances:

N/A Postal Code _____
Postal Code _____

6. Nature and extent of relief applied for:
EAST SIDEYARD SETBACK OF 0.9144 M
WEST SIDEYARD SETBACK OF 0.6096 M
REDUCE/RELIEF FROM 1.2 M SETBACK
-
7. Why it is not possible to comply with the provisions of the By-law?
HOUSE IS LEGAL NON-CONFORMING
ADDITION WILL EXTEND INTO SIDEYARD
ALLOWANC OF 1.2 SIDEYARD SETBACK.
-
8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
PLAN
LOT
7 ORCHARD HILL HAMILTON
9. PREVIOUS USE OF PROPERTY
- Residential Industrial Commercial
Agricultural Vacant
Other _____
- 9.1 If Industrial or Commercial, specify use

- 9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
Yes No Unknown
- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?
Yes No Unknown
- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
Yes No Unknown
- 9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
Yes No Unknown
- 9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
Yes No Unknown
- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?
Yes No Unknown
- 9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
Yes No Unknown
- 9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
Yes No Unknown

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

STAFF

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

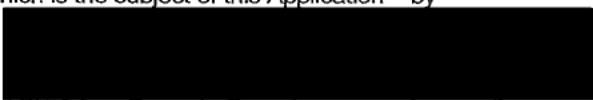
Is the previous use inventory attached? Yes No

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Feb-18/20

Date



Signature Property Owner

GRANT RANALLI - BONNIE MCINNES

Print Name of Owner

10. Dimensions of lands affected:

Frontage 25'-0FT = 7.62 M
 Depth 103.5 FT = 31.54 M
 Area 2592 SQFT = 240.79 M²
 Width of street 66 FT - 20.11 M

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: GFA 714 SQFT = 66.33 M² GROSS FA 1250 SQFT = 116.86 M²
NUMBER STORIES = 1 1/2 WIDTH 21'0 = 6.4 M
LENGTH 34 FT = 10.36 M
HEIGHT 23.5 FT = 7.16 M

Proposed: GFA 954 SQFT = 88.62 M² GROSS F.A. 1490 SQFT = 138.21 M²
NUMBER STORIES = 1
LENGTH 40 FT = 14.0 M
HEIGHT 10.6 FT = 3.20 M

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing: HOUSE SIDE (EAST) 2.50 FT = .762 M
SIDE (WEST) 1.24 FT = .377 M
GARAGE SIDE (EAST) 1.10 FT = .335 M
SIDE (WEST) 10 FT = 3.04 M
 Proposed: HOUSE SIDE (EAST) .9144 M
SIDE (WEST) .6096 M

13. Date of acquisition of subject lands:

 1924
14. Date of construction of all buildings and structures on subject lands:

 1924
15. Existing uses of the subject property:

 SINGLE FAMILY DWELLING
16. Existing uses of abutting properties:

 SINGLE FAMILY DWELLING
17. Length of time the existing uses of the subject property have continued:

 1924
18. Municipal services available: (check the appropriate space or spaces)
 Water _____ ✓ _____ Connected _____ ✓
 Sanitary Sewer _____ ✓ _____ Connected _____ ✓
 Storm Sewers _____ ✓
19. Present Official Plan/Secondary Plan provisions applying to the land:

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:

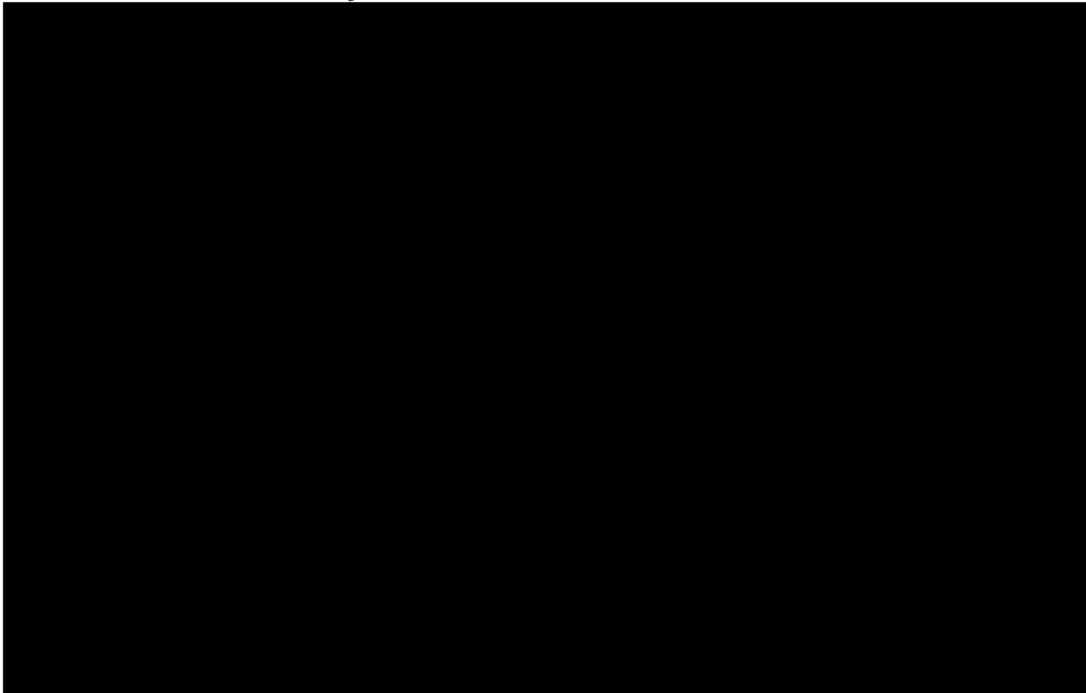
21. Has the owner previously applied for relief in respect of the subject property?
 Yes _____ No (circled)
 If the answer is yes, describe briefly.

22. Is the subject property the subject of a current application for consent under Section 53 of The Planning Act?
 Yes _____ No (circled)
23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.

PART 24 AFFIDAVIT OR SWORN DECLARATION

This declaration to be sworn by a Commissioner of Oaths.



PART 25 OWNERS AUTHORIZATION GRANT RANALLI

As of the date of this application, I (NAME) BONNIE MCINNES am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

JOHN WITTEN of TOWN OF GRIMSBY.

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE FEB 17 / 20

SIGNED



PART 26 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, GRANT RANALLI / BONNIE MCINNES owner, hereby agree and acknowledge
(Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.



Date

Signature of Owner

PART 27 PERMISSION TO ENTER

Date: _____

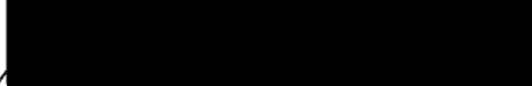
Secretary/Treasurer
 Committee of Adjustment
 City of Hamilton,
 City Hall

Dear Secretary/Treasurer;

Re: Application to Committee of Adjustment

Location of Land: 7 ORCHARD HILL
 (Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited purposes of evaluating the merits of this application.


 Signature of Owner or Authorized agent

JOHN WITTEN

Please print name

Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee's policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.

PART 28 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1324.

From: [Roberts, Kim](#)
To: [Evans, Morgan](#); [Mignano, Martha](#); [Sheffield, Jamila](#)
Subject: FW: Minor Variance Application for 7 Orchard Hill, Hamilton (File No. HM/A-20:62)
Date: Friday, February 28, 2020 8:20:59 AM
Attachments: [image002.png](#)
[image001.png](#)

Hi All

Attached is further information/clarification provided by the applicant.

Regards,

Kim Roberts

Zoning Examiner
Planning and Economic Development
Building, City of Hamilton
(905) 546-2424 Ext.2581



This message, including any attachments, is privileged and intended only for the person(s) named above. This material may contain confidential or personal information which may be subject to the provision of the Municipal Freedom of Information & Protection of Privacy Act and/or is confidential. Any other distribution, copying or disclosure is strictly prohibited. If you are not the intended recipient or have received this message in error, please notify me immediately by telephone, fax or e-mail and permanently delete the original transmission, including any attachments, without making a copy

From: John Witten <jwitten.designer@gmail.com>
Sent: February 28, 2020 7:42 AM
To: Roberts, Kim <Kim.Roberts@hamilton.ca>
Subject: Re: Minor Variance Application for 7 Orchard Hill, Hamilton (File No. HM/A-20:62)

Good morning Kim

Please review my comments.

- 1-the eaves and gutter projection will be 12 inches
 - 2- the rear yard set-back from landing/stairs is 42 ft.
 - 3- the total habitable rooms with the addition will be 6.
 - 4 - spoke with Cetina Farriuggia road programming technician re- encroachment, She E-Mail me back saying since is a not a assumed laneway no encroachment agreement will be required.
- If you need more info please let me know

Thanks

John Witten

On Thu, Feb 27, 2020 at 2:49 PM Roberts, Kim <Kim.Roberts@hamilton.ca> wrote:

Hi John

I am reviewing Minor Variance Application for 7 Orchard Hill, Hamilton (File No. HM/A-20:62) and require further clarification on either the Site Plan or Elevation Plans to determine all necessary variances, specifically:

1. Can you please confirm the total eave and gutter projection for the proposed rear addition into both the side yards and rear yards.
2. Please confirm/show the setback of the addition and the landing/stairs from the rear lot line.
3. Can you please confirm the total number of habitable rooms including the sunroom addition. This information is necessary as the required on-site parking spaces are based on habitable rooms. "Habitable Room" is defined as:

"means any room of a residential building or an institutional building, used or capable of being used by one or more persons for living, eating or sleeping, or as a kitchen serving a dwelling unit; but does not include a bathroom, water-closet compartment, laundry, serving or storage pantry, corridor or other space not for use frequently or during extended periods."

For your information, I have reviewed Building Division records and the rear "frame shed" was relocated on the property in 1955 and its setback from the easterly side lot and the rear lot line does not conform to the minimum required 0.45m setback. As such, I will pick this up as part of the minor variance application.

Be advised that an Encroachment with the Public Works Department may be required as the existing frame shed encroaches onto the public alley/laneway abutting the rear lot line. For further information, please contact Cetina Farruggia at 905-546-2424, ext. 5803.

In order for your application to be heard at the Committee of Adjustment meeting scheduled for April 2, 2020, **the above noted information is required no later than end of day on Wednesday, March 4, 2020** so that I can complete the Notice for the Committee of Adjustment. If the information is received after this date, your application may be held over until a future meeting.

If you have questions or require clarification, please contact me

Regards,

Kim Roberts

Zoning Examiner
Planning and Economic Development
Building, City of Hamilton
(905) 546-2424 Ext.2581



This message, including any attachments, is privileged and intended only for the person(s) named above. This material may contain confidential or personal information which may be subject to the provision of the Municipal Freedom of Information & Protection of Privacy Act and/or is confidential. Any other distribution, copying or disclosure is strictly prohibited. If you are not the intended recipient or have received this message in error, please notify me immediately by telephone, fax or e-mail and permanently delete the original transmission, including any attachments, without making a copy

--

John Witten



jwitten.designer@gmail.com

905-599-2228



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221 Fax (905) 546-4202

E-mail: morgan.evans@hamilton.ca

NOTICE OF PUBLIC HEARING Minor Variance

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.: HM/A-20:63

APPLICANTS: Owner: Anthony Cambro

SUBJECT PROPERTY: Municipal address **87 Chedoke Ave., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-law 19:307

ZONING: C district (Urban Protected Residential)

PROPOSAL: To to permit the construction of a third storey addition to an existing single family dwelling to have nine (9) habitable rooms notwithstanding that:

1. A northerly side yard width of 0.6m shall be provided instead of the minimum required 2.7m side yard required.
2. A southerly side yard width of 2.3m shall be provided instead of the minimum required 2.7m side yard required.

NOTES:

1. The zoning by-law permits a maximum height of 11.0m for a single family dwelling in the proposed district. The submitted drawings have not included elevations to confirm compliance with proposed building height. The owner shall ensure that the height of the building has been measured from grade as defined in Hamilton Zoning By-law 6593; otherwise additional variances may be required.

Height: means the vertical distance from grade to the uppermost point of the building but not including any mechanical penthouse or any portion of a building designed, adapted or used for such features as a chimney, smokestack, fire wall, stair tower, fire tower, water tower, tank, elevator bulkhead, ventilator, skylight, cooling tower, derrick, conveyor, antenna, or any such requisite appurtenance, or a flagpole, display sign, ornamental figure, parapet, bell tower or other similar structure.

Grade: with reference to the height of a building or structure, wherever curb-level has been established, shall mean the elevation of curb level opposite the highest point of the building or structure, on a line perpendicular to the street line, or, wherever curb-level has not been established, or wherever the mean elevation of the ground adjoining the building or structure on all sides and within 4.5 metres of it is higher than curb-level opposite the highest point of the building or structure, then grade shall mean the mean elevation of all the ground adjoining the building of structure and within 4.5 metres of it,

HM/A-20:63

Page 2

2. The Zoning By-law states that an eave/gutter may project into a side yard to a maximum of one-half of its width or 1.0m whichever is the lesser. Therefore, eaves/gutters may project a maximum of 0.3m to the new 0.6m side yard width. No details were provided to confirm compliance; as such, further variances may be required.
3. Successful minor variance application HM/A-04:203 permitted two required parking spaces instead of the minimum required three parking spaces. As such, the existing parking area is deemed to comply, as the proposed alterations are not exceeding ten (10) habitable rooms.

Habitable Room: means any room of a residential building or an institutional building, used or capable of being used by one or more persons for living, eating or sleeping, or as a kitchen serving a dwelling unit; but does not include a bathroom, water-closet compartment, laundry, serving or storage pantry, corridor or other space not for use frequently or during extended periods.

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

DATE: Thursday, July 9th, 2020
TIME: 3:45p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at www.hamilton.ca/committeeofadjustment
 for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

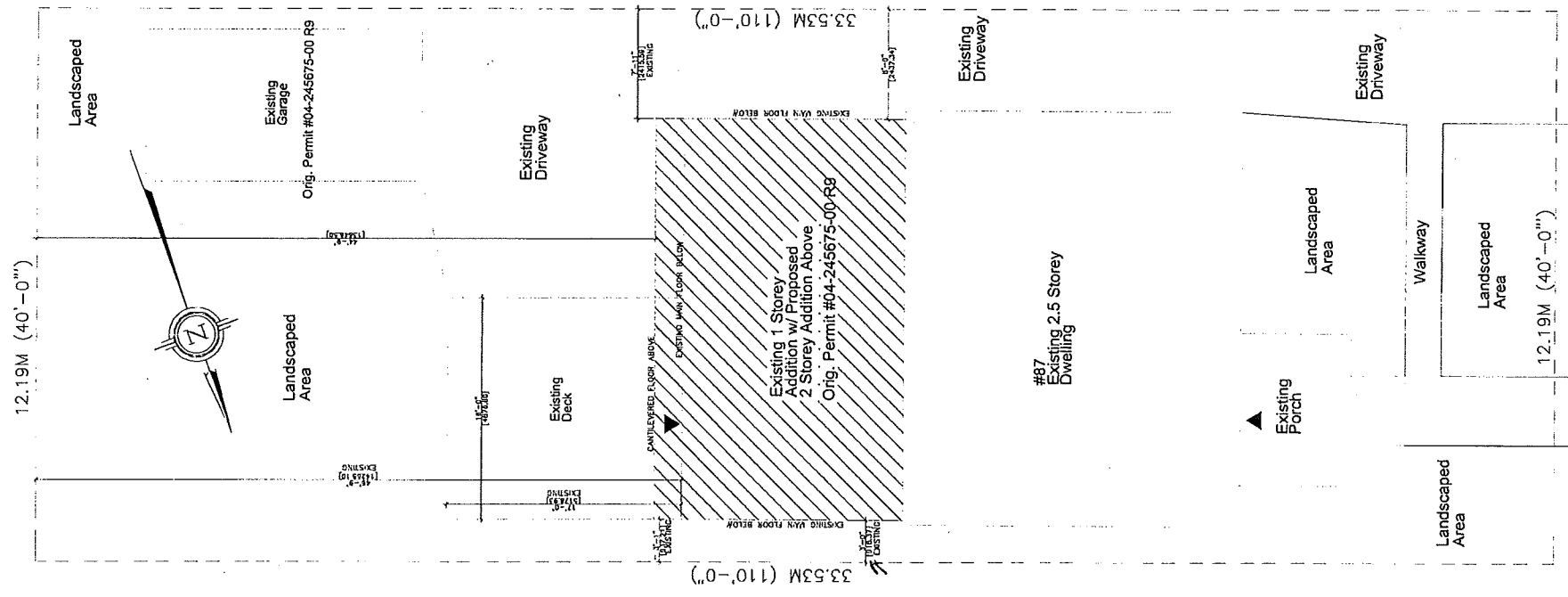
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: June 23rd, 2020.

Original Signed

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.



NOTE:
 ALL PROPOSED RAIN WATER LEADERS TO DISCHARGE ANY RAIN WATER ON PROPERTY OR EXISTING SWALES. NO WATER IS TO BE DRAINED ON TO ADJACENT PROPERTIES OR WALKWAYS OR DRIVEWAYS.

NOTE:
 ALL EXISTING SETBACKS AND EXISTING BUILDING LOCATIONS AS PROVIDED BY CLIENT (HOME OWNER)

NOTE:
 THIS PLOT PLAN IS NOT A SURVEY. UNIQUE DESIGNS INC. DOES NOT GUARANTEE THE ACCURACY OF THIS DOCUMENT NOR DOES UNIQUE DESIGNS INC. CLAIM TO HAVE THE QUALIFICATIONS TO PRODUCE A DRAWING INTENDED FOR THE USE AS A SURVEY. THE DRAWING PRODUCED IS INTENDED TO BE USED ONLY AS A DIAGRAM TO COMPLEMENT THE PROVIDED ARCHITECTURAL DRAWINGS. SPECIFICALLY, FOR THE PURPOSES OF ORIENTATION, ZONING, LIMITING DISTANCES AND BUILDING HEIGHT AND THEIR RELATIONSHIP WITH THE INTENDED USE OF THE BUILDING, TRUE SITE SETBACKS MAY NEED TO BE PROVIDED BY A QUALIFIED LAND SURVEYOR.

SITEPLAN

SCALE: NONE

UNIQUE DESIGNS INC.
 1000 ...
 ...
 ...

Drawn By	Scale	UNIQUE DESIGNS INC.	PLOT PLAN
Date	1/4" = 1'-0"		
01.28.20	A0	CAMERA RESIDENCE	87 CHEDOKE DR. HAMILTON, ONTARIO
Job Number			

NO.	DATE	DESCRIPTION
1.		ISSUED FOR PERMIT
2.		
3.		
4.		
5.		
6.		
7.		

ALL ELECTRICAL WORK MUST BE INSPECTED BY THE ELECTRICAL SAFETY AUTHORITY. SEPARATE INSPECTION APPLICATIONS (PERMITS) MUST BE FILED. FOR MORE INFORMATION PLEASE CALL:

CITY OF HAMILTON
Building & Licensing Division

CITY OF HAMILTON
BUILDINGS & LICENSING DIVISION
PLANNING & DEVELOPMENT DEPARTMENT

These drawings and/or specifications have been reviewed by:

W. Stork (Signature) *N. Nelson* (Signature)

FOR ONE YEAR ONLY

HAMILTON PROCESSING CENTRE

THE OWNER AND/OR CONTRACTOR SHALL COMPLY WITH THE ONTARIO BUILDING CODE AND ALL OTHER APPLICABLE LAW

NOV 18 2004

REC'D BY: _____ DATE: _____

APPROVED BY: _____ DATE: _____

PROJECT NO.: _____

FRONT WEST ELEVATION

EAST ELEVATION

Provide A Light @ Entry Entrance 9.24

CITY OF HAMILTON, including any filing fee, shall be the responsibility of the contractor. The contractor shall be responsible for obtaining all necessary permits from the City of Hamilton. The contractor shall be responsible for obtaining all necessary permits from the City of Hamilton.

All Windows from D to Resistant to Forced Entry 9.7.6 + 9.6.2

BIRCHSIDE Builders Inc. Design Services 345-1200	CLIENT: MRL & MRS WARREN 87 CEDAR AVE. HAMILTON	DATE: NOVEMBER 17, 2004
--	---	-------------------------

PROPOSED GARAGE

CITY OF HAMILTON
BUILDINGS & LICENSING DIVISION
PLANNING & DEVELOPMENT DEPARTMENT

NOV 18 2004

REC'D BY: _____ DATE: _____
 DRAWN TO: _____ DATE: _____
 APPRO TO: _____ DATE: _____

WALLS HAVE 45min fire resistance Rating of Garage must be Min. 24" From Side Property Line.

NO doors/windows allowed on this elevation.

NORTH ELEVATION

THESE DRAWINGS AND SPECIFICATIONS HAVE BEEN REVIEWED BY
BIRCHSIDE NOV 17 2004
 FOR THE PURPOSES OF THE CITY OF HAMILTON

THE OWNER AND/OR CONTRACTOR SHALL COMPLY WITH THE ONTARIO BUILDING CODE AND ALL OTHER APPLICABLE LAW

Permit No. **042456750089**

THESE STAMPED DRAWINGS SHALL BE AVAILABLE ON SITE

THE CITY OF HAMILTON does not assume any liability as to the content, accuracy or reliability of the information and services provided. Reference can be placed upon the current copy of the contract being filed.

✓ 2x4 RAFTERS @ 16" O.C.
 ✓ 2x6 CEILING JOISTS @ 16" O.C.
 ✓ 2x4 COLLAR TIES @ 16" O.C.
 ✓ 3/8" PLYWOOD SH.
 ✓ ASPHALT SHINGLES

VENTED ROOF IT
 2x4 @ 16" O.C.
 7/16" ASPENITE
 BUILDING PAPER
 EXTERIOR SIDING

4" CONCRETE SLAB
 2" OF GRAVEL

4x8 WIRE MESH
 slope floor to drain liquids to curbside.

GRADE

FRONT WEST ELEVATION

MAX. 15'-11" GRADE

GARAGE WALL DETAIL

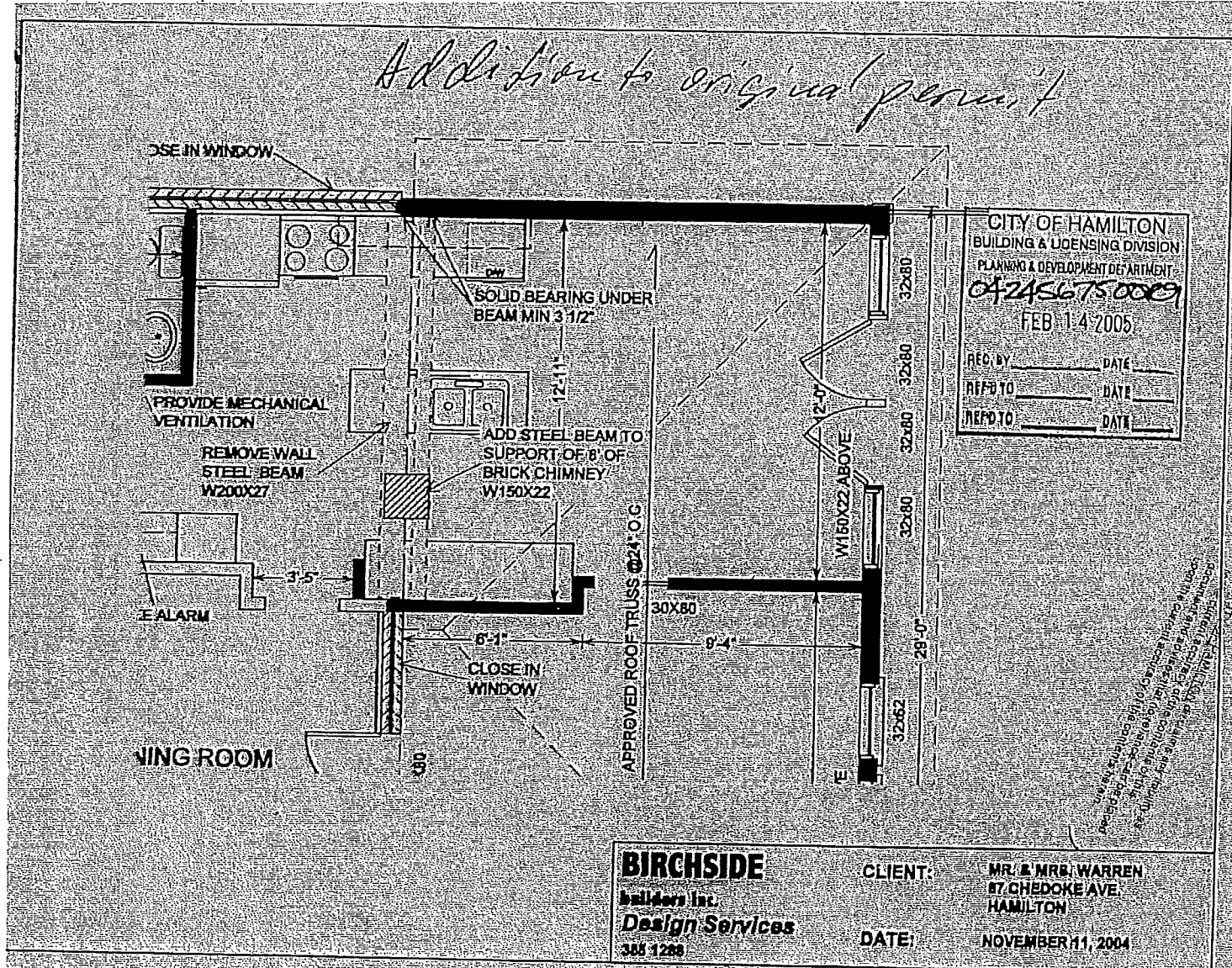
LEAVE MAX. PROJECTIONS INTO SIDE YARD NOT MORE THAN 1/2 OF THE WIDTH OR 110mm, whichever is lesser.
 (From Side Yard Setback)
 (2) 45min Non-Fire Rated or Min. 18" with 45 Fire Resistance Rating

Concrete
 Min. 20Mpa Compressive strength, w/ 5 to 2% air entrainment

BIRCHSIDE
 Builders Inc.
 Design Services
 526 5288

CLIENT: MR. & MRS. WARREN
 87 CHEDoke AVE.
 HAMILTON

DATE: NOVEMBER 17, 2004





Hamilton

Planning and Economic Development Department
Planning Division

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

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.

RECEIVED

MAR 3 2020

FOR OFFICE USE ONLY.	
APPLICATION NO. <u>DN/A-20-87</u>	DATE APPLICATION RECEIVED <u>COM OF ADJUSTMENT</u>
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

- Name of Owner LUIS SANTURIO Telephone No.
-
- Name of Agent LISA COCKWELL Telephone No.
-

Note: Unless otherwise requested all communications will be sent to the agent, if any.

- Names and addresses of any mortgagees, holders of charges or other encumbrances:
N/A

Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:

Applying to allow for an addition measuring 253.1ft² [23.5m²] to an existing single family dwelling

7. Why it is not possible to comply with the provisions of the By-law?

No additions are permitted to a legally existing Single Detached Dwelling in a RU/S-58 zone

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

236 OLD GUELPH ROAD, DUNDAS (PLEASANT VIEW)

RU/S-58 RURAL ZONE / EXCEPTION ZONE

9. PREVIOUS USE OF PROPERTY

Residential Industrial _____ Commercial _____

Agricultural _____ Vacant _____

Other _____

9.1 If Industrial or Commercial, specify use

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes _____ No Unknown _____

9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes _____ No Unknown _____

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes _____ No Unknown _____

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes _____ No Unknown _____

9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes _____ No Unknown _____

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes _____ No Unknown _____

9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes _____ No Unknown _____

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes _____ No Unknown _____

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

OWNER KNOWLEDGE AND GOOGLE MAPS

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

MARCH-11-2020
Date


Signature Property Owner

LUIS F. SANTORIO
Print Name of Owner

10. Dimensions of lands affected:

Frontage 45.72m

Depth 42.06m

Area 1923.1m²

Width of street 6.75m

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: GROUND FLOOR AREA = 154.1m², GROSS FLOOR AREA = 284.8m²

(1) STOREY, 5.8m HEIGHT, 13.7m x 17.04m

EXISTING SHED = 2.74m x 4.27m, 2.3m HEIGHT

Proposed: GROUND FLOOR AREA = 177.6m²

GROSS FLOOR AREA = 308.3m²

ADDITION = (1) STOREY, 5.5m HEIGHT, 4.57m x 5.49m

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing: EXISTING DWELLING: FRONT 10.18m, REAR 14.52m

SIDE (SOUTH) 10.03m, SIDE (NORTH) 21.92m

EXISTING SHED: REAR 2.08m, SIDE (SOUTH) 5.89m

Proposed: PROPOSED ADDITION: FRONT 27.22m, REAR 9.35m

SIDE (SOUTH) 10.03m, SIDE (NORTH) 31.12m

PART 24 AFFIDAVIT OR SWORN DECLARATION

This declaration to be sworn by a Commissioner of Oaths.

A Commissioner, etc.

PART 25 OWNERS AUTHORIZATION

As of the date of this application, I (NAME) LUIS SANTURIO am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

LSA COCKWELL of CHARLES LINDEY + ASSOCIATES

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE MARCH-11-2020

SIGNED 

PART 26 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation


Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, LUIS F. SANTURIO, the Owner, hereby agree and acknowledge
(Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

MARCH-11-2020

Date

Signature of Owner 

PART 27 PERMISSION TO ENTER

Date: MARCH 11, 2020

Secretary/Treasurer
 Committee of Adjustment
 City of Hamilton,
 City Hall


Dear Secretary/Treasurer,

Re: Application to Committee of Adjustment

Location of Land: 236 OLD GUELPH ROAD, DUNDAS

(Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited purposes of evaluating the merits of this application.


 Signature of Owner or Authorized agent

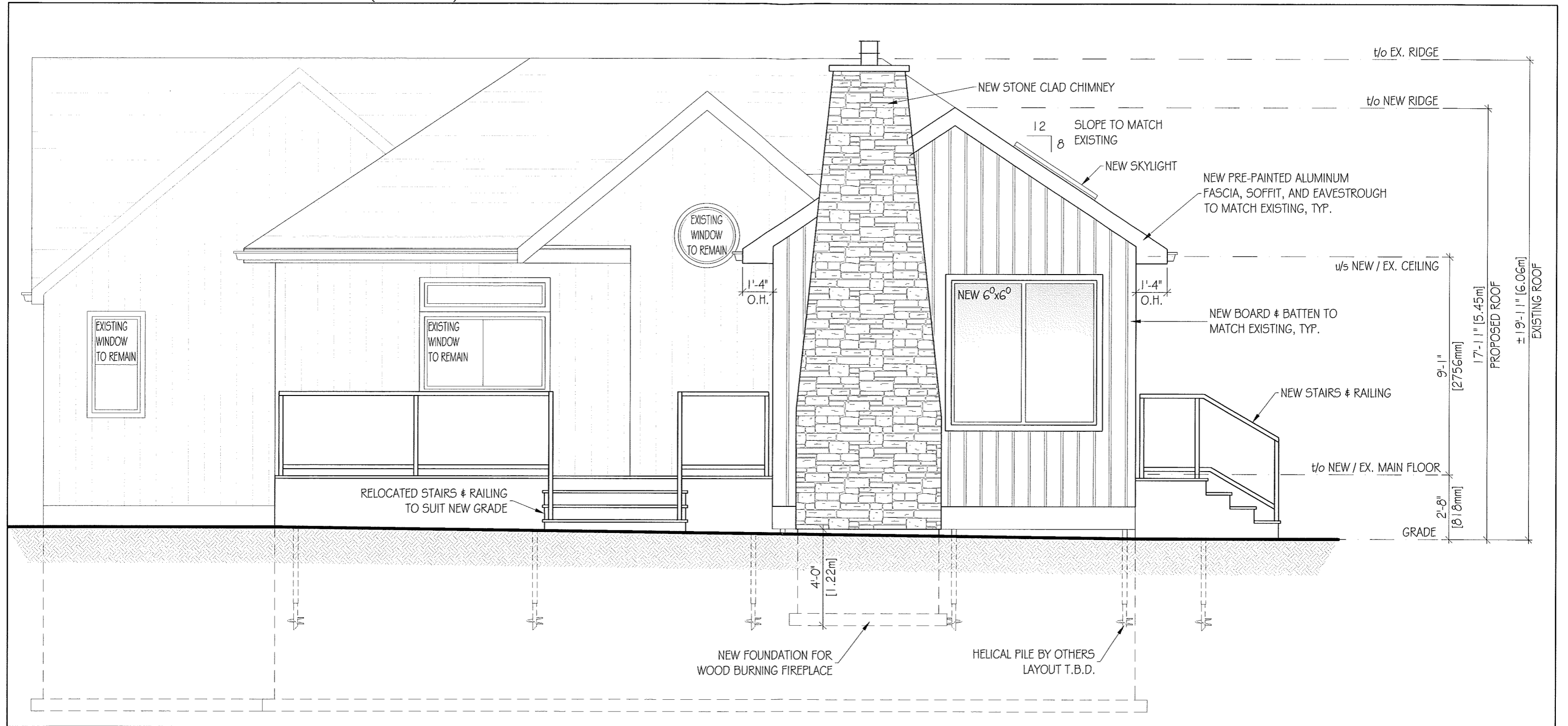
LISA COCKWELL

Please print name

Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee's policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.

PART 28 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1284.



**THIS DRAWING IS NOT
TO BE USED AS PART OF A
BUILDING PERMIT
APPLICATION**

**THIS DRAWING IS FOR
DISCUSSION PURPOSES
ONLY**

**CHARLES LINSEY
& ASSOCIATES LIMITED**

37 MAIN STREET SOUTH, TEL: (905) 548-7607
PO Box 1479, INFO@CHARLESLINSEY.COM
WATERDOWN, ON L0R 2H0, WWW.CHARLESLINSEY.COM

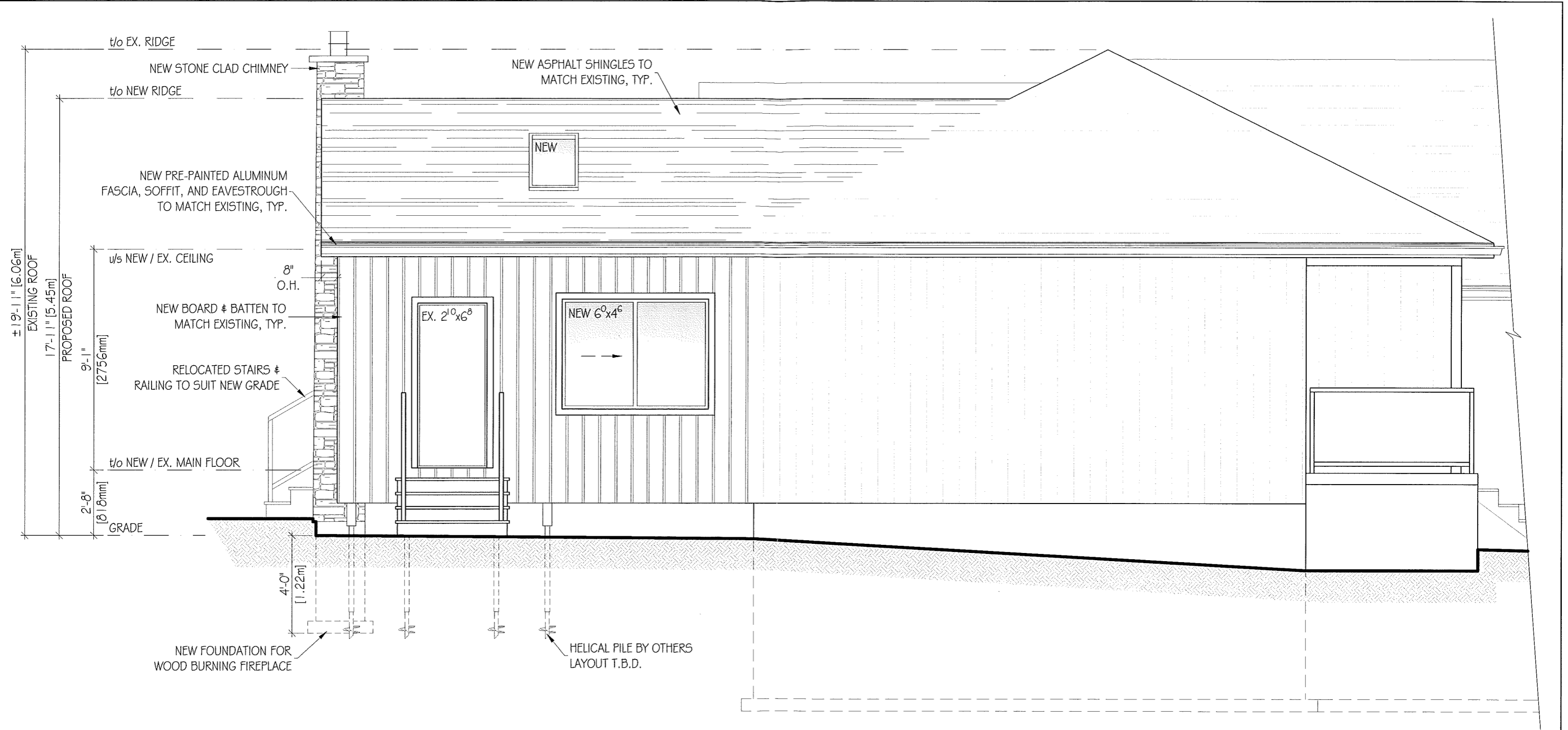
client
HOME OWNER

project
**236 OLD GUELPH ROAD
DUNDAS, ONTARIO**
PROJECT No. XX-XXX

REV.	DESCRIPTION	DATE
0	FOR MINOR VARIANCE APPLICATION	FEB. 26/20

title
REAR (WEST) ELEVATION

drawn	G.D.	checked	C.L.&A.
date	FEBRUARY 2020	scale	1/4" = 1'-0"
revision number	0	drawing number	3



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client HOME OWNER

project 236 OLD GUELPH ROAD
DUNDAS, ONTARIO
PROJECT No. XX-XXX

REV.	DESCRIPTION	DATE
0	FOR MINOR VARIANCE APPLICATION	FEB. 26/20

title PARTIAL SIDE (SOUTH) ELEVATION

drawn	G.D.	checked	C.L.&A.
date	FEBRUARY 2020	scale	1/4" = 1'-0"
revision number	0	drawing number	4



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WATERDOWN, ON L0R 2H0 WWW.CHARLESLINSEY.COM

client HOME OWNER

project 236 OLD GUELPH ROAD
DUNDAS, ONTARIO
PROJECT No. XX-XXX

REV.	DESCRIPTION	DATE
0	FOR MINOR VARIANCE APPLICATION	FEB. 26/20

title PARTIAL SIDE (NORTH) ELEVATION

drawn	G.D.	checked	C.L.&A.
date	FEBRUARY 2020	scale	1/4" = 1'-0"
revision number	0	drawing number	5

CHARLES LINSEY

& ASSOCIATES LIMITED

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WATERDOWN, ON L0R 2H0

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WWW.CHARLESLINSEY.COM



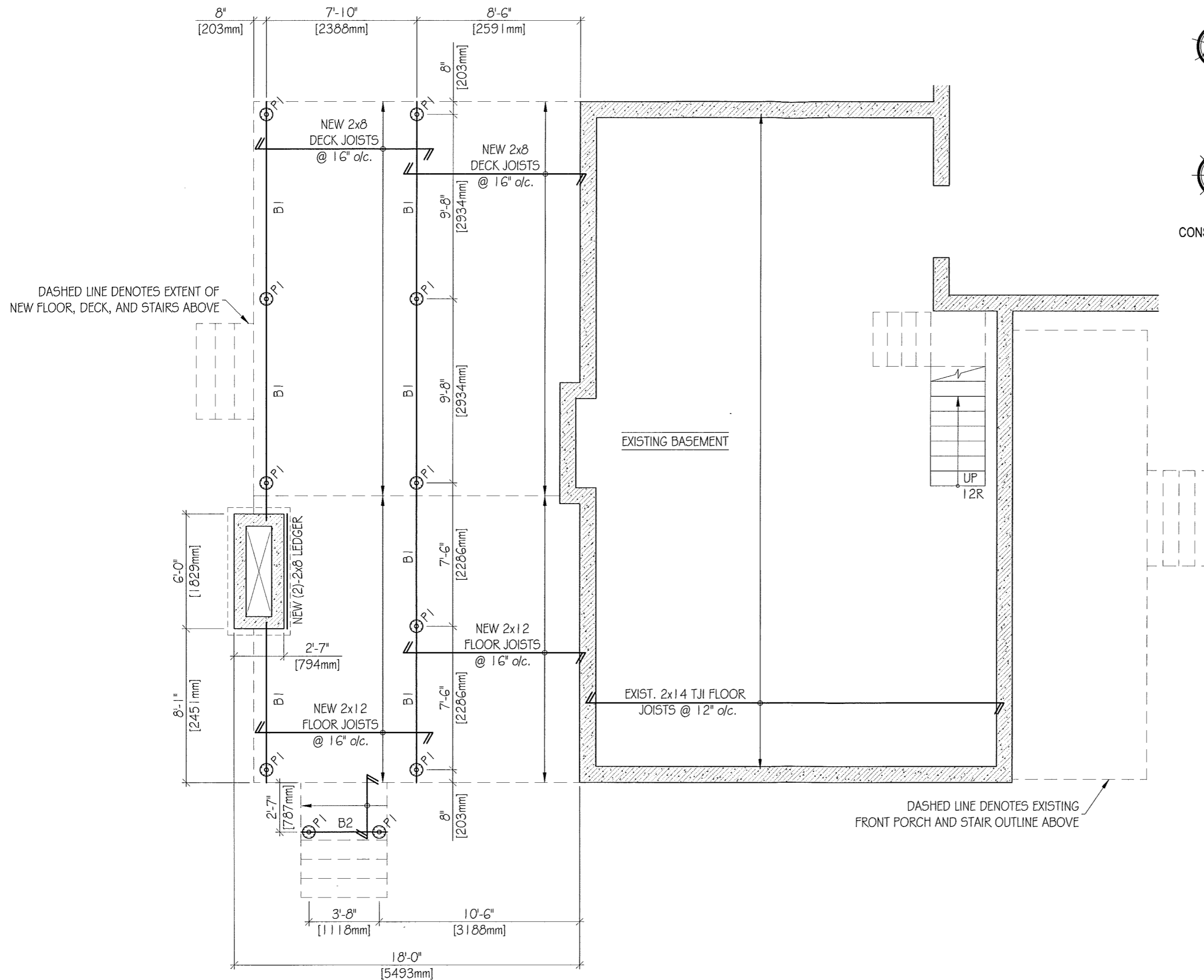
TRUE



CONSTRUCTION

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REV.	DESCRIPTION	DATE
0	FOR MINOR VARIANCE APPLICATION	FEB. 26/20

client
HOME OWNER

project
**236 OLD GUELPH ROAD
DUNDAS, ONTARIO**
PROJECT No. XX-XXX

title
PARTIAL FOUNDATION PLAN

drawn	G.D.	checked	C.L.&A.
date	FEBRUARY 2020	scale	3/16" = 1'-0"
revision number	0	drawing number	6

CHARLES LINSEY

& ASSOCIATES LIMITED

37 MAIN STREET SOUTH,
PO BOX 1479
WATERDOWN, ON LOR 2H0

TEL: (905) 548-7607
INFO@CHARLESLINSEY.COM
WWW.CHARLESLINSEY.COM



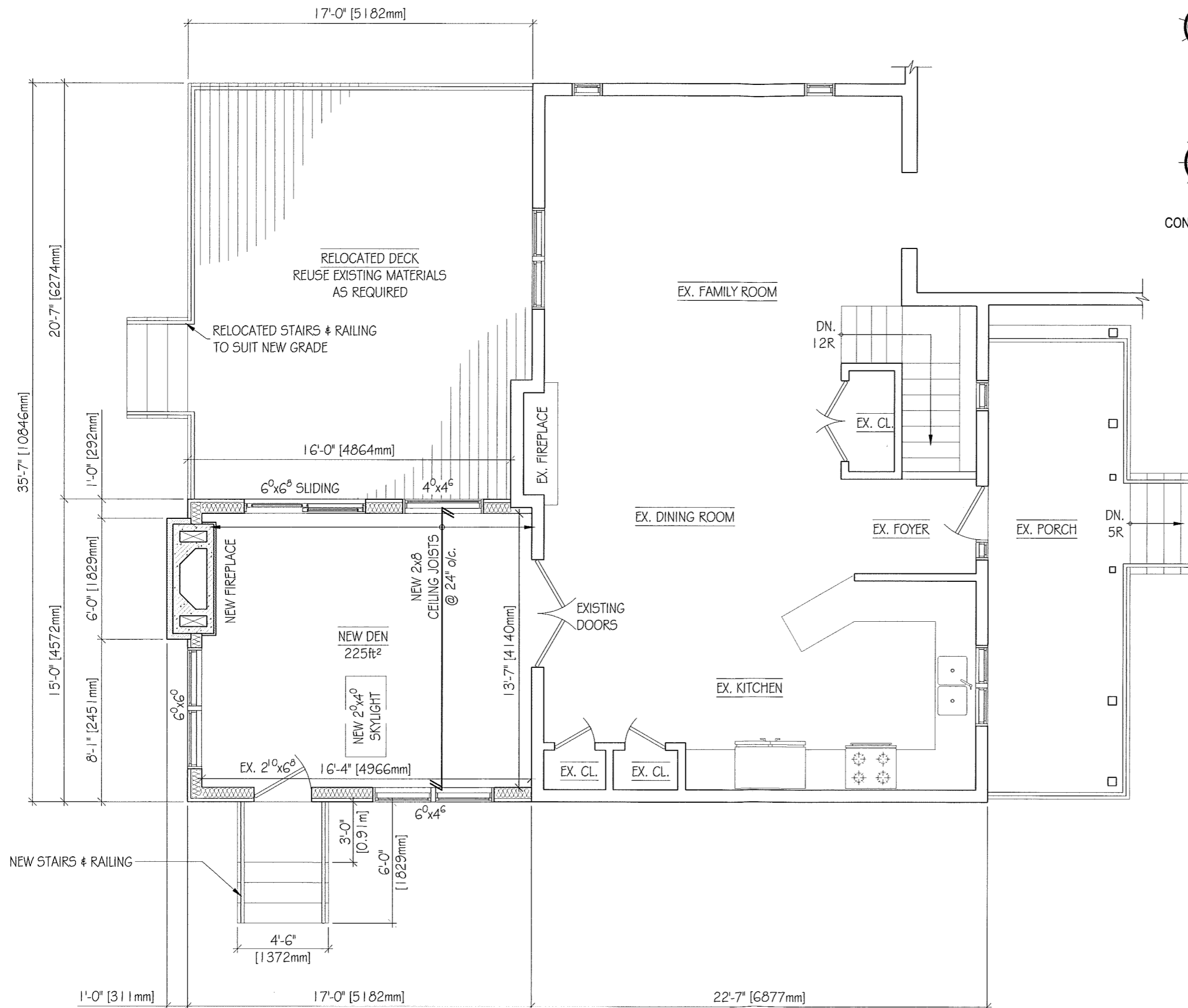
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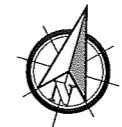
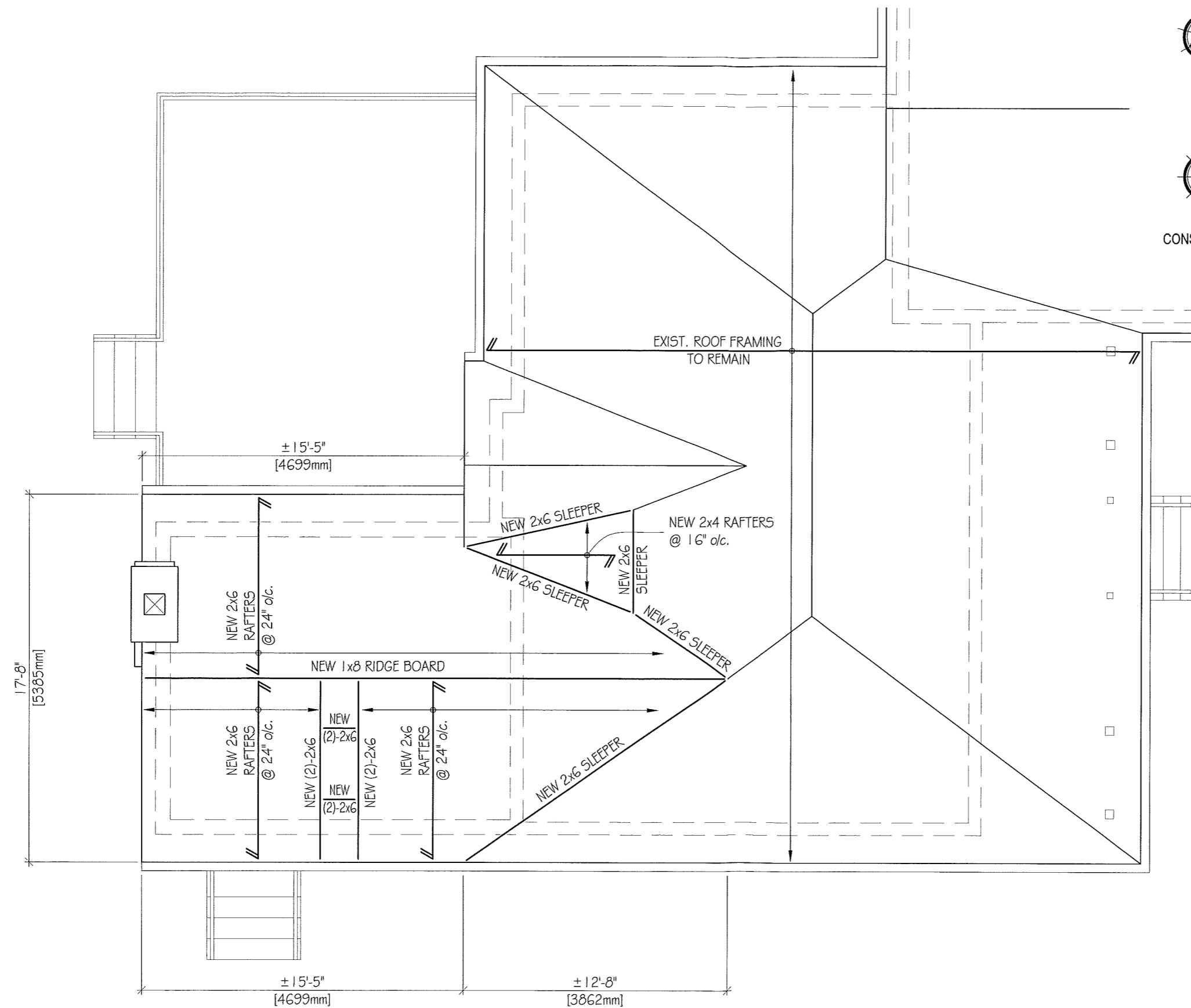
REV.	DESCRIPTION	DATE
0	FOR MINOR VARIANCE APPLICATION	FEB. 26/20

client
HOME OWNER

project
**236 OLD GUELPH ROAD
DUNDAS, ONTARIO**
PROJECT No. XX-XXX

title
PARTIAL MAIN FLOOR PLAN

drawn	G.D.	checked	C.L.&A.
date	FEBRUARY 2020	scale	3/16" = 1'-0"
revision number	0	drawing number	7



TRUE



CONSTRUCTION

CHARLES LINSEY

& ASSOCIATES LIMITED

37 MAIN STREET SOUTH,
PO BOX 1479
WATERDOWN, ON LOR 2H0

TEL: (905) 548-7607
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REV.	DESCRIPTION	DATE
0	FOR MINOR VARIANCE APPLICATION	FEB. 26/20

client
HOME OWNER

project
**236 OLD GUELPH ROAD
DUNDAS, ONTARIO
PROJECT No. XX-XXX**

title
PARTIAL ROOF FRAMING PLAN

drawn	G.D.	checked	C.L.&A.
date	FEBRUARY 2020	scale	3/16" = 1'-0"
revision number	0	drawing number	8

CHARLES LINSEY

& ASSOCIATES LIMITED

37 MAIN STREET SOUTH,
PO BOX 1479
WATERDOWN, ON LOR 2H0

TEL: (905) 548-7607
INFO@CHARLESLINSEY.COM
WWW.CHARLESLINSEY.COM



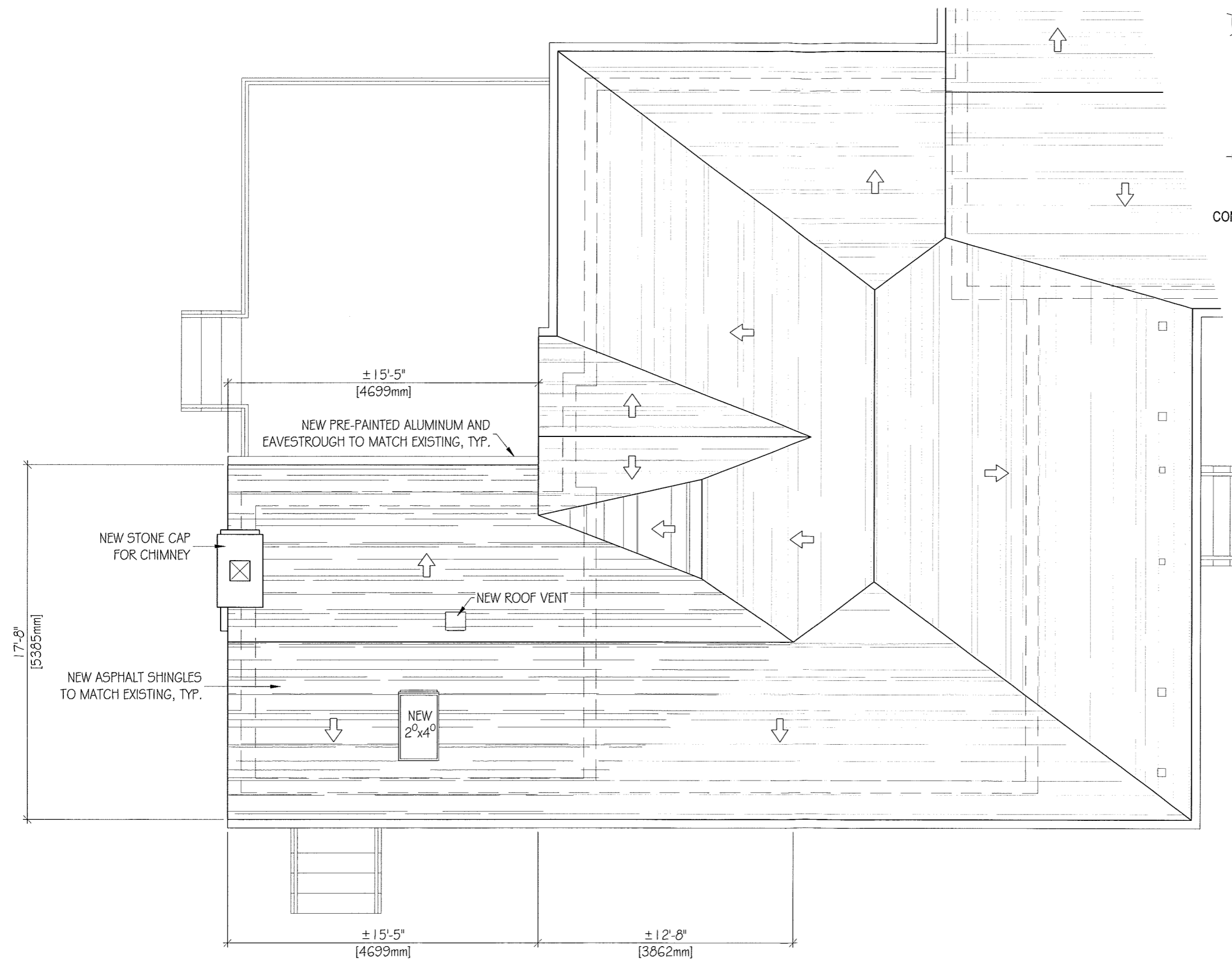
TRUE



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REV.	DESCRIPTION	DATE
0	FOR MINOR VARIANCE APPLICATION	FEB. 26/20

client

HOME OWNER

project

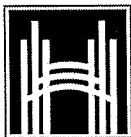
236 OLD GUELPH ROAD
DUNDAS, ONTARIO

PROJECT No. XX-XXX

title

PARTIAL ROOF PLAN

drawn	G.D.	checked	C.L.&A.
date	FEBRUARY 2020	scale	3/16" = 1'-0"
revision number	0	drawing number	9



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221 Fax (905) 546-4202

E-mail: morgan.evans@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

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.: HM/A-20:68

APPLICANTS: Matthew Ribau on behalf of the owner Stephen White

SUBJECT PROPERTY: Municipal address **153 Haddon Ave. S., City of Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended

ZONING: "C/S-1335 and C/S-35a and C/S-1788" (Urban Protected Residential, etc.) district

PROPOSAL: To permit the construction a 7.32m (24'0") x 7.92m (26'0") detached garage accessory to an existing single detached dwelling notwithstanding that:

1. A maximum accessory building height of 6.61m shall be permitted instead of the maximum permitted accessory building height of 4.0m.
2. Eaves and gutters for the accessory building shall be permitted to project 0.3m into the required easterly side yard and may be as close as 0.15m to the easterly side lot line instead of the maximum permitted eave and gutters may project into the required side yard not more than ½ of its width (being 0.225m).

NOTE:

- i) The detached garage shall not be used for human habitation, commercial or industrial purposes.

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

DATE: Thursday, July 9th, 2020

TIME: 3:50 p.m.

PLACE: Via video link or call in (see attached sheet for details)
To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

HM/A-20:68
Page 2

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: June 23rd, 2020.

Original Signed

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

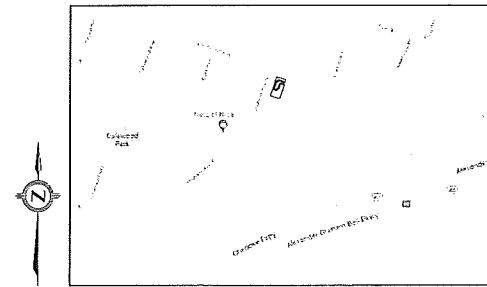
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.

FILE NAME: C:\Users\Jobert Santos\OneDrive - Perspective Views Inc\Projects\PV2018\PV18-033 - Stephen White - 153 Haddon Avenue South Drawings\153 Haddon Avenue South (Minor Variance).dwg, 11/15/2019 4:47:01 PM

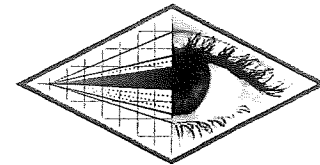
PROJECT STATISTICS			
ADDRESS: 153 HADDON SOUTH, HAMILTON			
ZONING: W41 (C/S-1335)			
LOT AREA	4900.00	ft ²	455.22
LOT FRONTAGE	49.00	ft	14.94
LOT COVERAGE			
EXISTING			
DWELLING FOOTPRINT	24.1	1179.15	ft ² 109.55
FRONT PORCH	0.5	25.00	ft ² 2.32
REAR PORCH	1.1	53.24	ft ² 4.95
BASEMENT WALKOUT	0.5	23.64	ft ² 2.20
ASPHALT DRIVEWAY	3.7	383.45	ft ² 35.02
PATIO	7.7	376.93	ft ² 35.02
TOTAL LOT COVERAGE	37.6	1841.41	ft ² 171.07
PROPOSED			
DWELLING FOOTPRINT	24.1	1179.15	ft ² 109.55
FRONT PORCH	0.5	25.00	ft ² 2.32
REAR PORCH	1.1	53.24	ft ² 4.95
BASEMENT WALKOUT	0.5	23.64	ft ² 2.20
ASPHALT DRIVEWAY	3.7	383.45	ft ² 35.02
PATIO	7.7	376.93	ft ² 35.02
NEW ASPHALT DRIVEWAY	8.6	420.00	ft ² 39.02
DOUBLE CAR GARAGE	12.7	624.00	ft ² 57.97
TOTAL LOT COVERAGE	58.9	2885.41	ft ² 268.06
LANDSCAPE SOFT AREA			
AREA			
EXTERIOR SIDE YARD AREA	100.0	1721.12	ft ² 159.90
HARD SURFACED AREAS	60.7	1044.00	ft ² 96.99
TOTAL LANDSCAPED SOFT AREA	39.3	677.12	ft ² 62.91
PROPOSED GARAGE SETBACKS			
FRONT YARD	21.00	ft	6.40
SIDE YARD (SOUTH)	2.00	ft	0.61
REAR YARD	2.00	ft	0.61



FRONT FACADE - 153 HADDON AVENUE SOUTH, HAMILTON

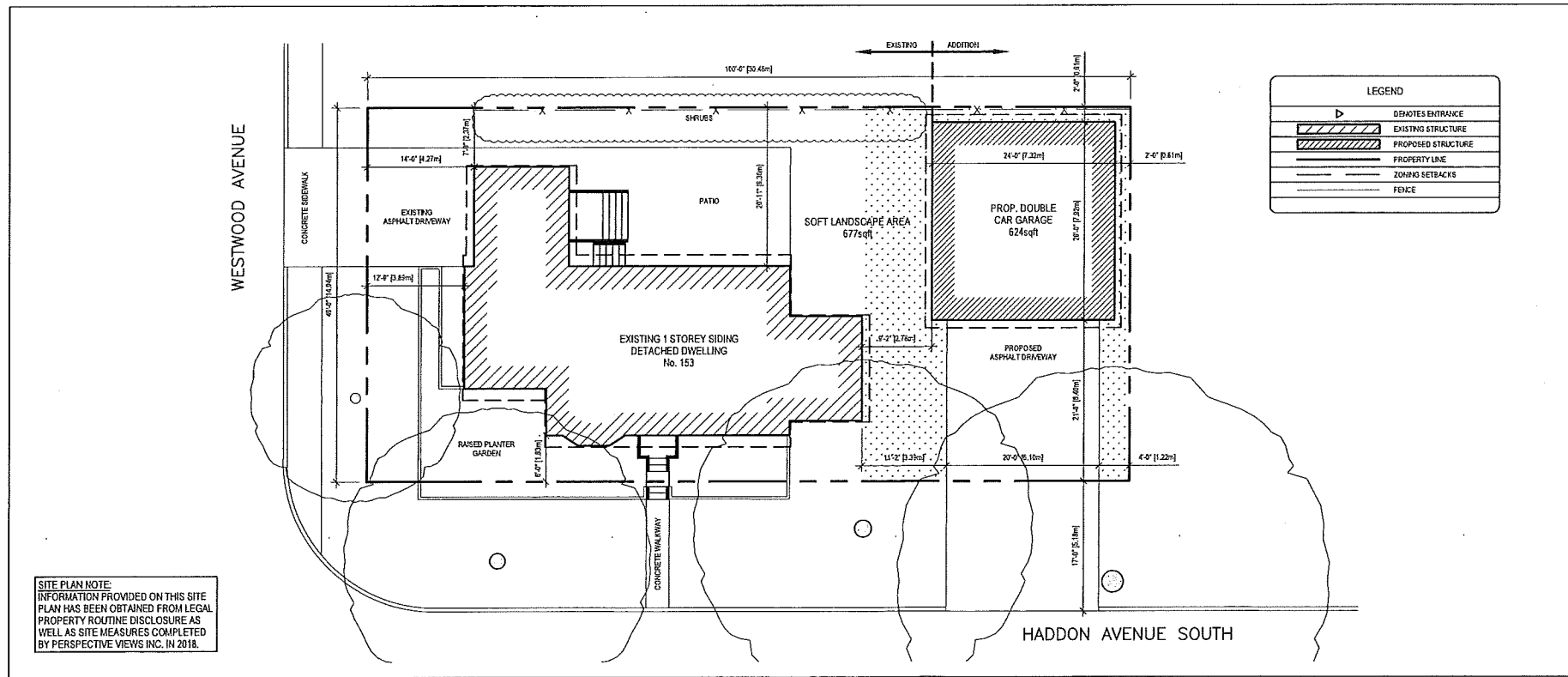


KEY PLAN



PERSPECTIVE VIEWS
 126 CATHARINE STREET N
 HAMILTON ON L8R 1J4
 e.info@perspectiveviews.com p.289.389.4502

GENERAL NOTES:
 DRAWINGS MUST NOT BE SCALED
 DRAWINGS TO BE READ IN CONJUNCTION WITH THE GENERAL NOTES AND THE O.B.C.
 All drawings & information shown on these drawings must be checked & verified on site prior to construction or fabrication of its components.
 Unless noted otherwise, no provision has been made in the design for conditions occurring during construction. It shall be the responsibility of the contractor to provide all necessary bracing, shoring, sheet piling or other temporary supports, to safeguard all existing or adjacent structures affected by construction.
 All dimensions are given in imperial units unless otherwise indicated.
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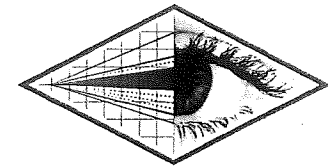
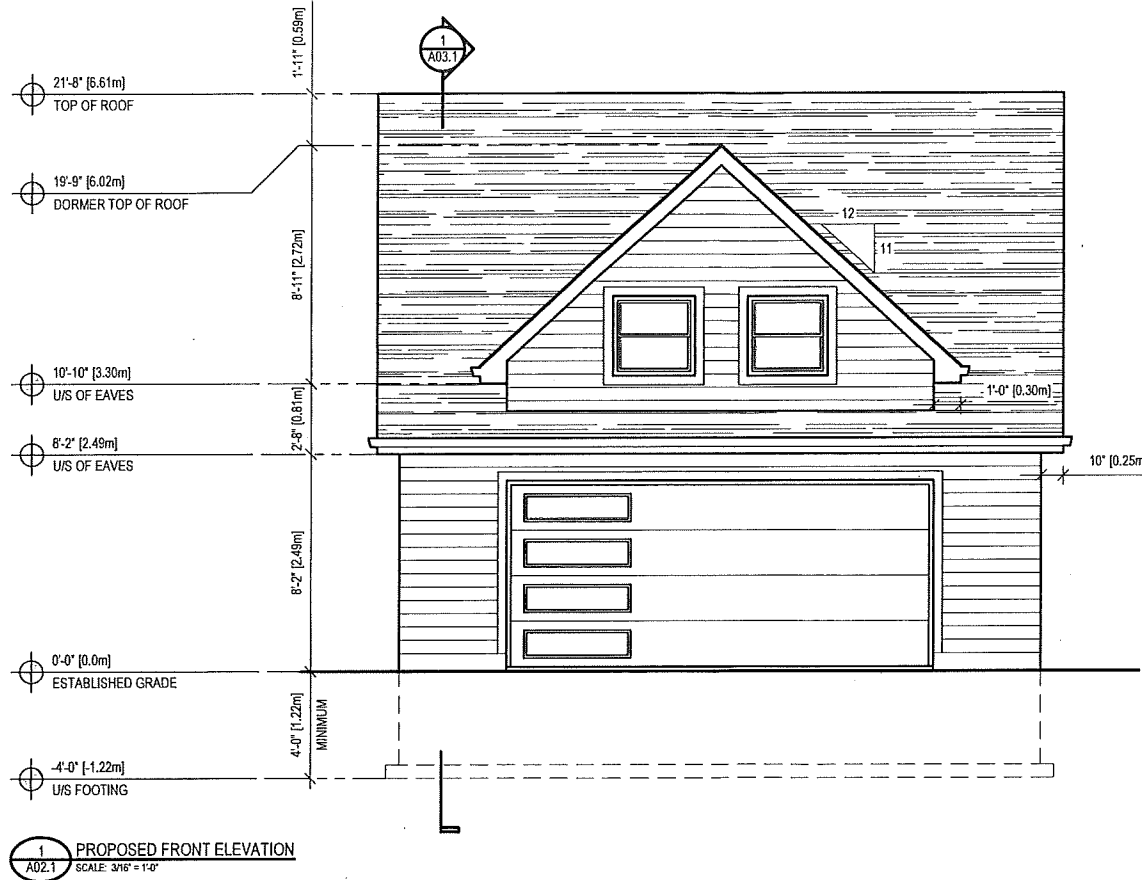


No.	REVISION	DATE
1	ISSUED FOR ENGINEERING	19/04/29
2	REISSUED FOR ENGINEERING	19/05/29
3	ISSUED FOR BUILDING PERMIT	19/06/13
4	ISSUED FOR MINOR VARIANCE	19/11/14

PROJECT: STEPHEN WHITE
 GARAGE ADDITION
 153 HADDON AVENUE SOUTH
 HAMILTON, ON L8S 1X9
 DRAWING: SITE PLAN
 ARCHITECTURAL DRAWINGS
 SCALE: 1/16" = 1'-0"
 DATE: OCTOBER 16, 2018
 DRWN BY: JOBERT SANTOS
 CHK'D BY: MATTHEW RIBAU
 PROJECT No: PV18-033
 DRAWING No: SP1.1

Hm/1A 20:68
 Sketch 1

FILE NAME: C:\Users\Jobert.Santos\OneDrive - Perspective Views Inc\Projects\PV2018\PV18-033 - Stephen White - 153 Haddon Avenue South Drawings\153 Haddon Avenue South (Minor Variance).dwg, 11/15/2019 4:47:20 PM



PERSPECTIVE VIEWS
 126 CATHARINE STREET N
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 e. info@perspectiveviews.com p.289.389.4502

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PROJECT: STEPHEN WHITE
 GARAGE ADDITION
 153 HADDON AVENUE SOUTH
 HAMILTON, ON L8S 1X9

DRAWING: ELEVATIONS
 ARCHITECTURAL DRAWINGS

SCALE: 3/16" = 1'-0"

DATE: OCTOBER 19, 2018

DRWN BY: JOBERT SANTOS

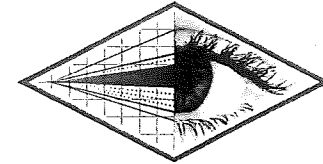
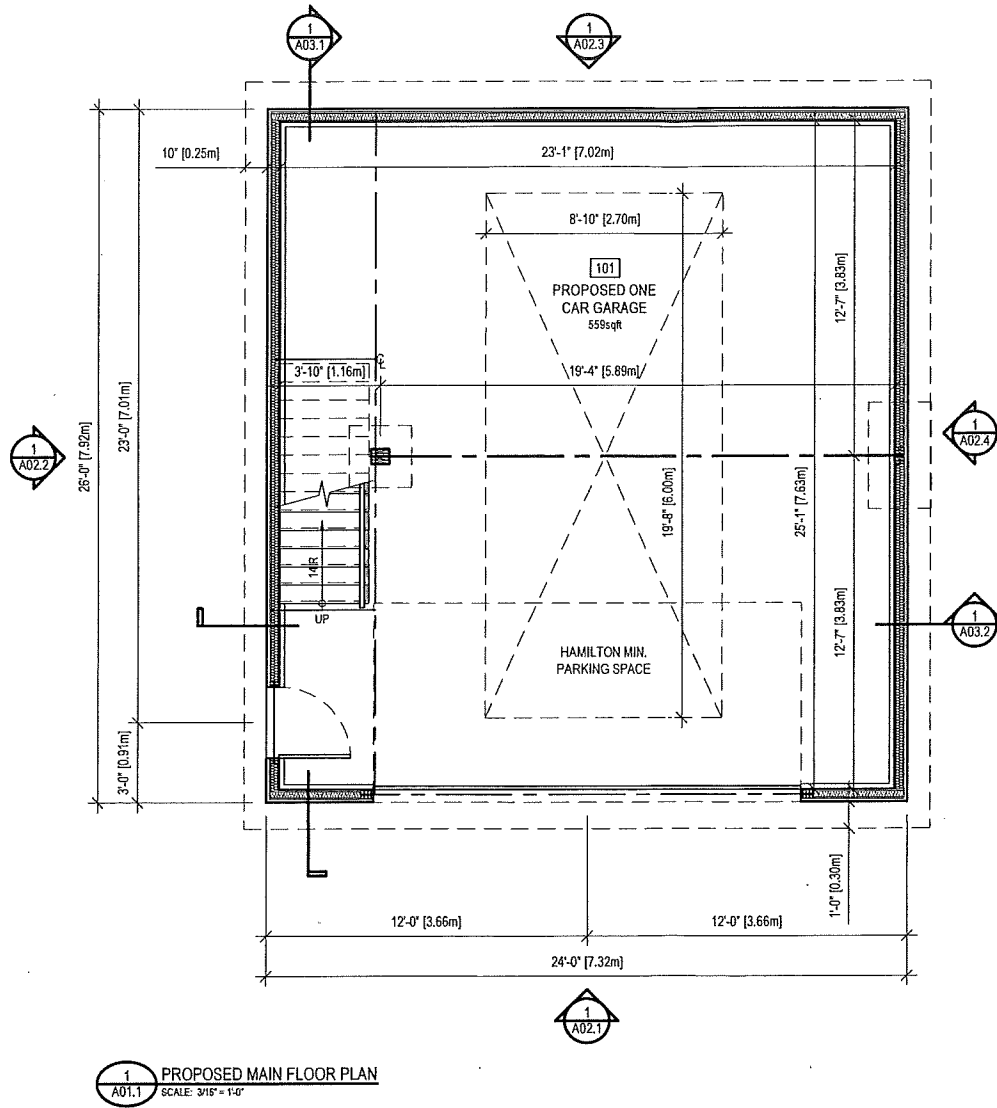
CHK'D BY: MATTHEW RIBAU

PROJECT No: PV18-033

DRAWING No: A02.1

Hm/A 20:68
 sketch

FILE NAME: C:\Users\johbert.Santos\OneDrive - Perspective Views Inc\Projects\PV2018\153 Haddon South\Drawings\153 Haddon Avenue South (Minor Variance).dwg, 11/15/2019 4:47:05 PM



PERSPECTIVE VIEWS
 126 CATHARINE STREET N
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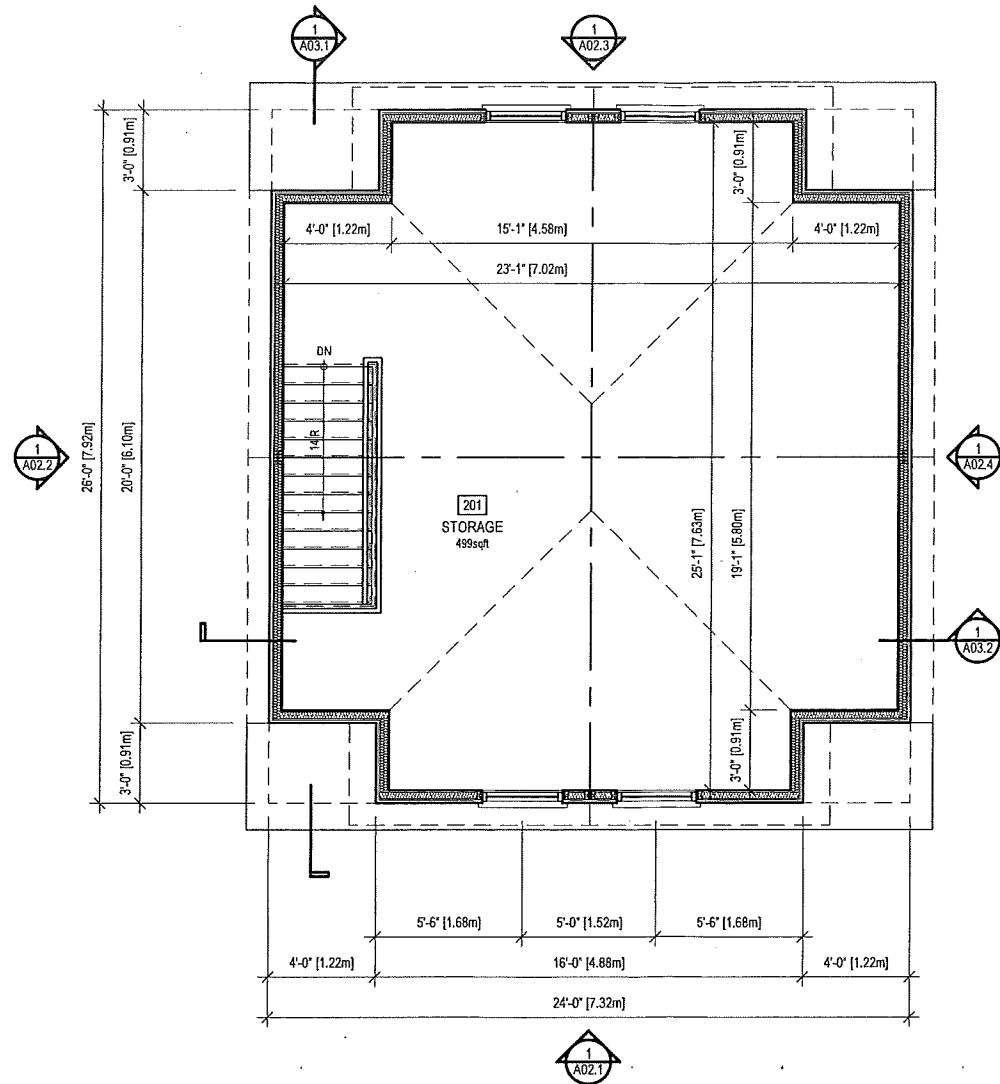
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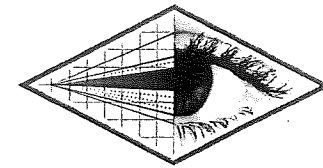
- PROJECT: STEPHEN WHITE
GARAGE ADDITION
153 HADDON AVENUE SOUTH
HAMILTON, ON L8S 1X9
- DRAWING: FLOOR PLANS
ARCHITECTURAL DRAWINGS
- SCALE: 3/16" = 1'-0"
- DATE: OCTOBER 19, 2018
- DRWN BY: JOBERT SANTOS
- CHK'D BY: MATTHEW RIBAU
- PROJECT No: PV18-033
- DRAWING No: A01.1

*Hm/A 20:68
Sketch 3*

FILE NAME: C:\Users\lobert.Santos\OneDrive - Perspective Views Inc\Projects\PV2018\PV18_033 - Stephen White - 153 Haddon Avenue South\Drawings\153 Haddon Avenue South (Minor Variance).dwg, 11/15/2019 4:47:10 PM



1
A01.2 **PROPOSED SECOND FLOOR PLAN**
SCALE: 3/16" = 1'-0"



PERSPECTIVE VIEWS
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3	ISSUED FOR BUILDING PERMIT	19/06/13
4	ISSUED FOR MINOR VARIANCE	19/11/14

PROJECT: STEPHEN WHITE
GARAGE ADDITION
153 HADDON AVENUE SOUTH
HAMILTON, ON L8S 1X9

DRAWING: FLOOR PLANS
ARCHITECTURAL DRAWINGS

SCALE: 3/16" = 1'-0"

DATE: OCTOBER 19, 2018

DRWN BY: JOBERT SANTOS

CHK'D BY: MATTHEW RIBAU

PROJECT No: PV18-033

DRAWING No: A01.2

*Hm 1A 20:68
Sketch 4*



Hamilton

Planning and Economic Development Department
Planning Division

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

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

FOR OFFICE USE ONLY.	
APPLICATION NO. <u>Hm/A-20:68</u>	DATE APPLICATION RECEIVED <u>Feb 19/20</u>
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

- Name of Owner STEPHEN WHITE Telephone No.
-
- Name of Agent MATTHEW RIBAU Telephone No.
-

Note: Unless otherwise requested all communications will be sent to the agent, if any.

- Names and addresses of any mortgagees, holders of charges or other encumbrances:

Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:

① REAR YARD LANDSCAPING - PROPOSING 39.3%. SOFT INSTEAD OF REQUIRED 50%. ② ACCESSORY BUILDING HEIGHT - PROPOSING 6.61M INSTEAD OF 4M MAXIMUM. ③ GARAGE DEPTH - PROPOSING 7.92M INSTEAD OF 4.6M MAX. PERMITTED (4.1V)

7. Why it is not possible to comply with the provisions of the By-law?

CLIENT'S NEEDS FOR STORAGE CANNOT BE MET WITHOUT A MINOR VARIANCE ON THE ABOVE NOTED ITEMS

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

153 HADDON AVENUE SOUTH
HAMILTON, ONTARIO L8S 1X9

9. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other

9.1 If Industrial or Commercial, specify use

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

ZONING INFORMATION & AGE OF EXISTING DWELLING

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

FEB. 15, 2020
Date


Signature Property Owner

STEPHEN WHITE
Print Name of Owner

10. Dimensions of lands affected:

Frontage 30.48
Depth 14.94
Area 455.22 m² / 4900 SF.
Width of street 7.2 m CURB-TO-CURB

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: SFD WITH AREA OF EXISTING LOT COVERAGE OF 109.55 m² (24.1% OF LOT). SINGLE STOREY SIDING.

Proposed: SFD TO REMAIN AS-IS. PROPOSAL FOR NEW DETACHED GARAGE WITH SECOND LEVEL FOR STORAGE PURPOSES. NEW DETACHED GARAGE TO HAVE FOOTPRINT OF 57.97 m² (12.7% LOT COVERAGE) WITH A HEIGHT OF 6.60m FROM ESTABLISHED GRADE TO ROOF PEAK.

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing: SFD - FRONT - 1.83m / SIDE (NEIGHBOURS) - 3.89m / SIDE (ADJACENT NEIGHBOURS) - 10.71m / REAR - 2.37m

Proposed: DETACHED GARAGE - FRONT - 6.40m / SIDE (GARAGE TO EXISTING SFD) - 2.70m / SIDE (NEIGHBOURS) - 0.61m / REAR - 0.61m

- 13. Date of acquisition of subject lands:
1970

- 14. Date of construction of all buildings and structures on subject lands:
1952

- 15. Existing uses of the subject property: SFD

- 16. Existing uses of abutting properties: SFD

- 17. Length of time the existing uses of the subject property have continued:
INDEFINITELY

- 18. Municipal services available: (check the appropriate space or spaces)
 Water ✓ Connected ✓
 Sanitary Sewer ✓ Connected ✓
 Storm Sewers ✓

- 19. Present Official Plan/Secondary Plan provisions applying to the land:
NEIGHBORHOODS

- 20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
URBAN PROTECTED RESIDENTIAL U/S-1335

- 21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.

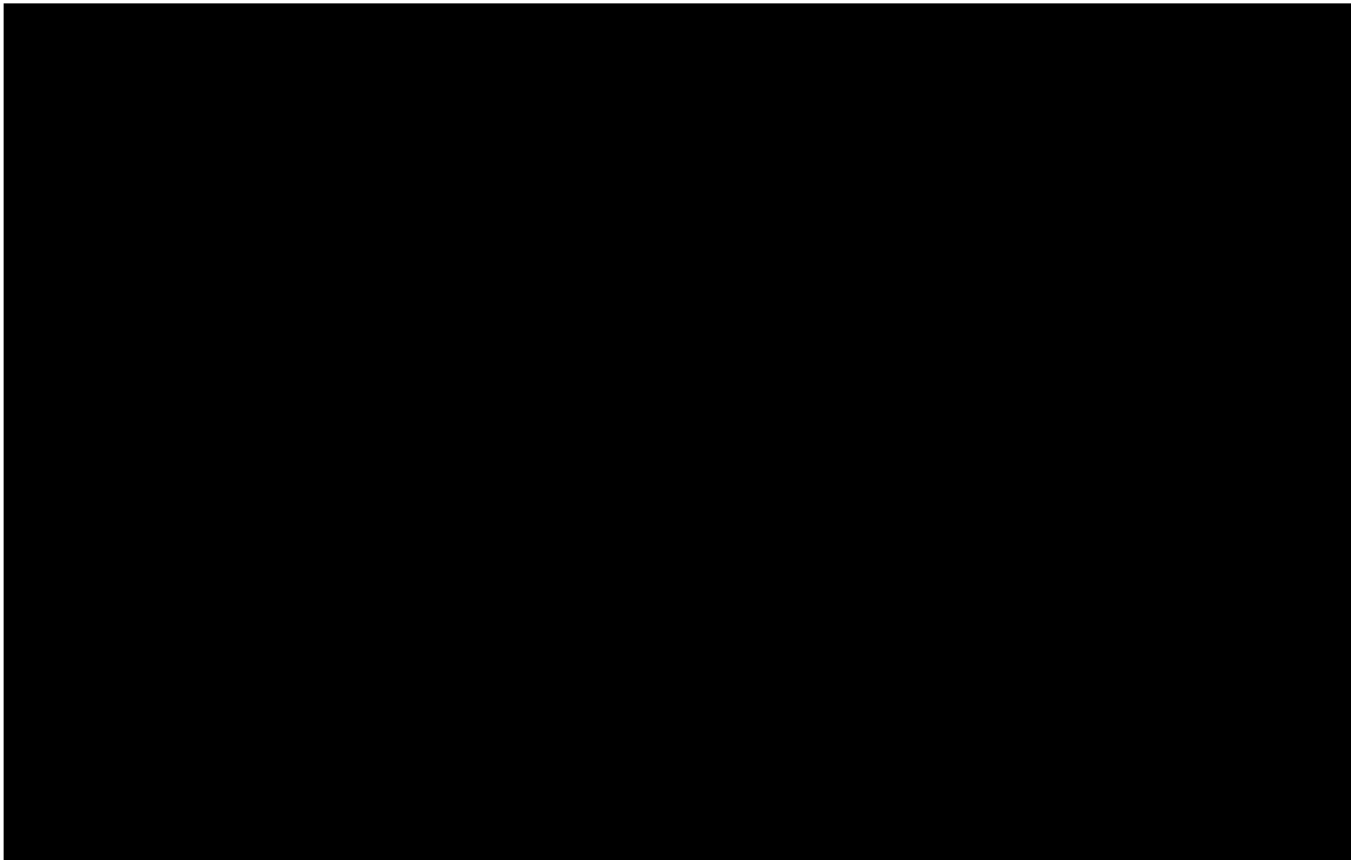
- 22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No

- 23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.

PART 24 AFFIDAVIT OR SWORN DECLARATION

This declaration to be sworn by a Commissioner of Oaths.



PART 25 OWNERS AUTHORIZATION

As of the date of this application, I (NAME) STEPHEN WHITE am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

MATTHEW RIBAU of HAMILTON

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE  SIGNED FEB 15, 2020

PART 26 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, STEPHEN WHITE, the Owner, hereby agree and acknowledge
(Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

FEB 15, 2020 
Date Signature of Owner

PART 27 PERMISSION TO ENTER

Date: Feb. 19, 2020

Secretary/Treasurer
Committee of Adjustment
City of Hamilton,
City Hall

Dear Secretary/Treasurer;
Re: Application to Committee of Adjustment

Location of Land: 153 Haddon Ave S
(Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited purposes of evaluating the merits of this application.



Signature of Owner or Authorized agent

MATTHEW RBAU

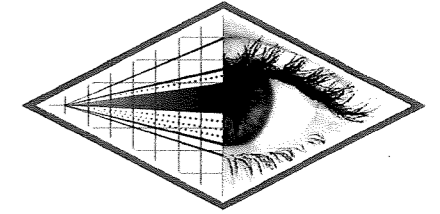
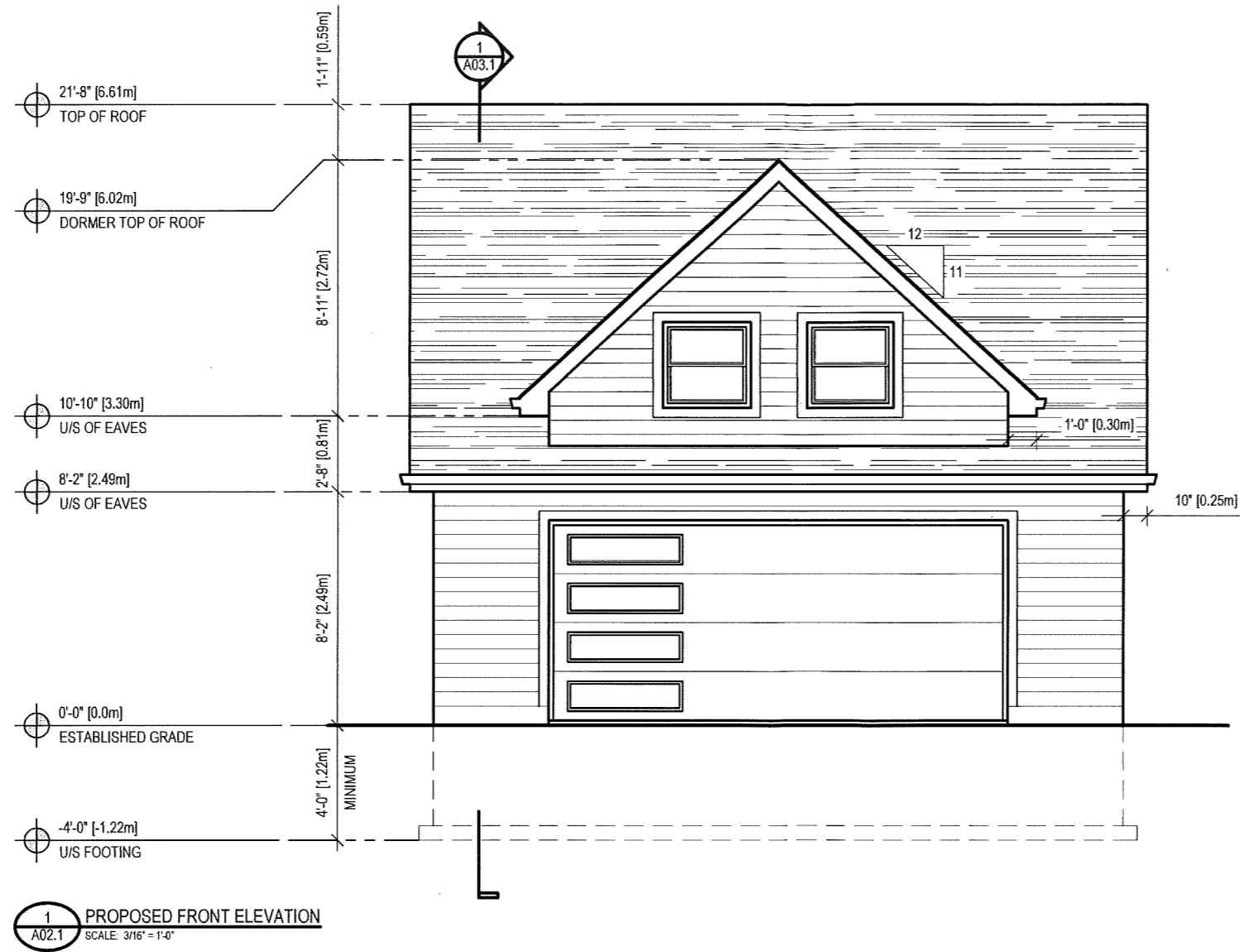
Please print name

Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee's policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.

PART 28 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1284.

FILE NAME: C:\Users\Jobert Santos\OneDrive - Perspective Views Inc\Projects\PV2018\PV18-033 - Stephen White - 153 Haddon Avenue South (Minor Variance).dwg, 11/15/2019 4:47:20 PM



PERSPECTIVE VIEWS
 126 CATHARINE STREET N
 HAMILTON ON L8R 1J4
 e. info@perspectiveviews.com p.289.389.4502

GENERAL NOTES:
 DRAWINGS MUST NOT BE SCALED
 DRAWINGS TO BE READ IN CONJUNCTION WITH THE GENERAL NOTES AND THE O.B.C.
 All drawings & information shown on these drawings must be checked & verified on site prior to construction or fabrication of its components.
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No.	REVISION	DATE
1	ISSUED FOR ENGINEERING	19/04/29
2	REISSUED FOR ENGINEERING	19/05/29
3	ISSUED FOR BUILDING PERMIT	19/06/13
4	ISSUED FOR MINOR VARIANCE	19/11/14

PROJECT: STEPHEN WHITE
 GARAGE ADDITION
 153 HADDON AVENUE SOUTH
 HAMILTON, ON L8S 1X9

DRAWING: ELEVATIONS
 ARCHITECTURAL DRAWINGS

SCALE: 3/16" = 1'-0"

DATE: OCTOBER 19, 2018

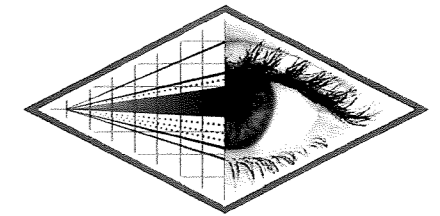
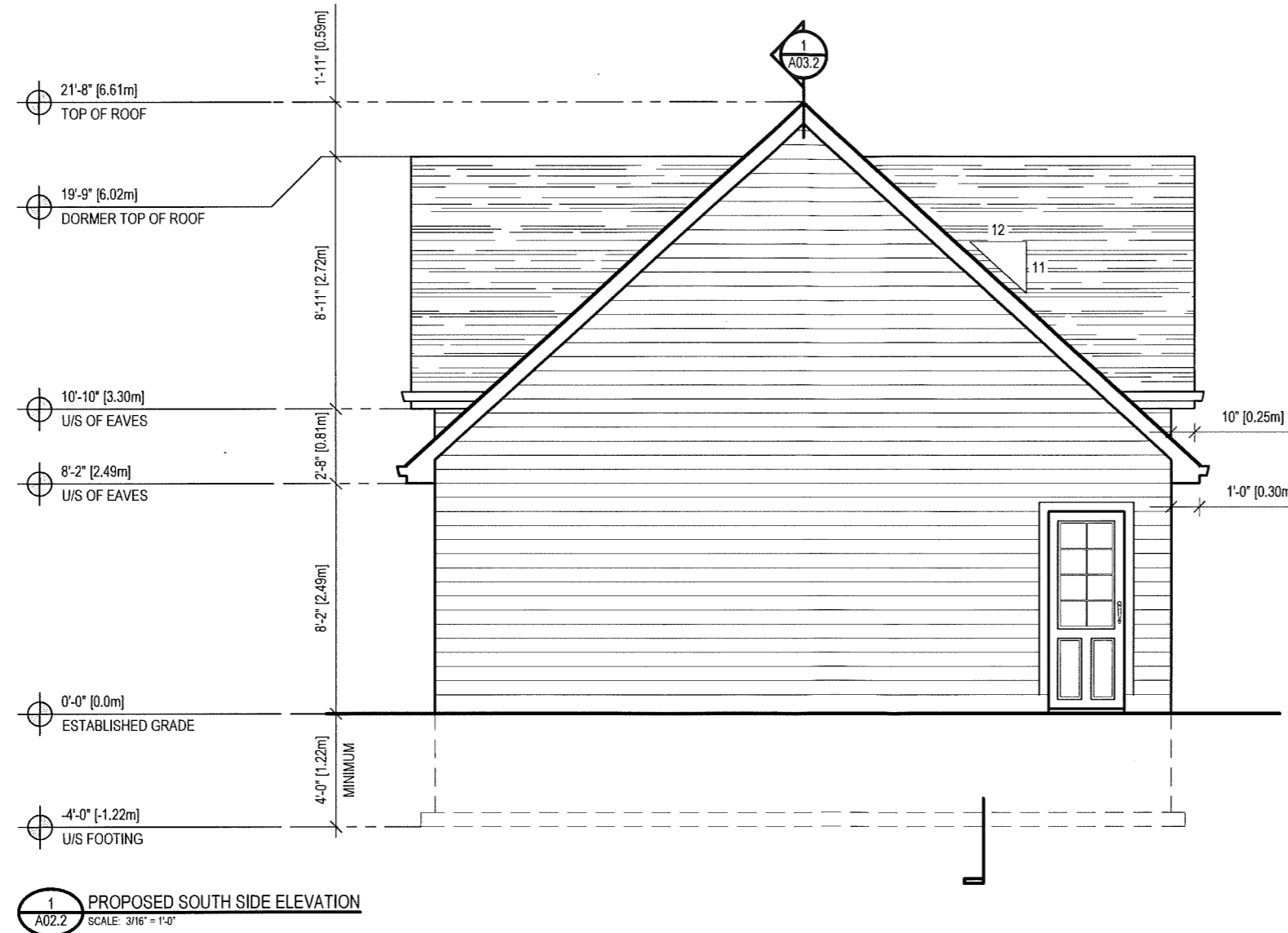
DRWN BY: JOBERT SANTOS

CHK'D BY: MATTHEW RIBAU

PROJECT No: PV18-033

DRAWING No: A02.1

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PROJECT: STEPHEN WHITE
 GARAGE ADDITION
 153 HADDON AVENUE SOUTH
 HAMILTON, ON L8S 1X9

DRAWING: ELEVATIONS
 ARCHITECTURAL DRAWINGS

SCALE: 3/16" = 1'-0"

DATE: OCTOBER 19, 2018

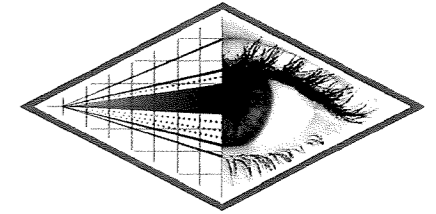
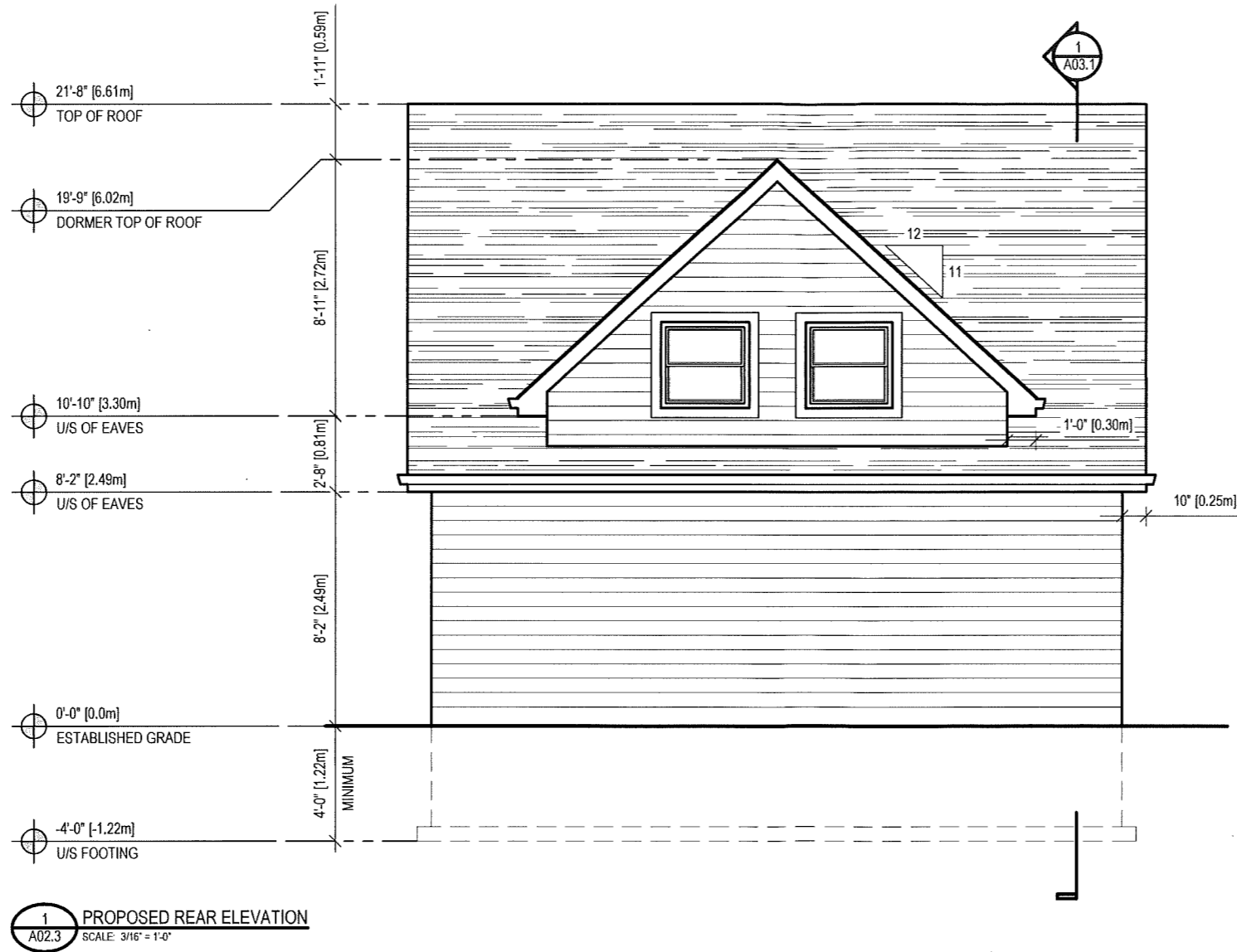
DRWN BY: JOBERT SANTOS

CHK'D BY: MATTHEW RIBAU

PROJECT No: PV18-033

DRAWING No: **A02.2**

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PROJECT: STEPHEN WHITE
 GARAGE ADDITION
 153 HADDON AVENUE SOUTH
 HAMILTON, ON L8S 1X9

DRAWING: ELEVATIONS
 ARCHITECTURAL DRAWINGS

SCALE: 3/16" = 1'-0"

DATE: OCTOBER 19, 2018

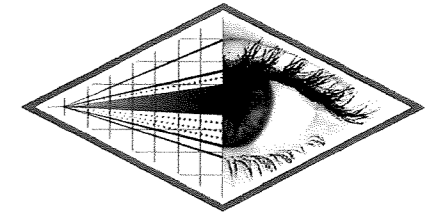
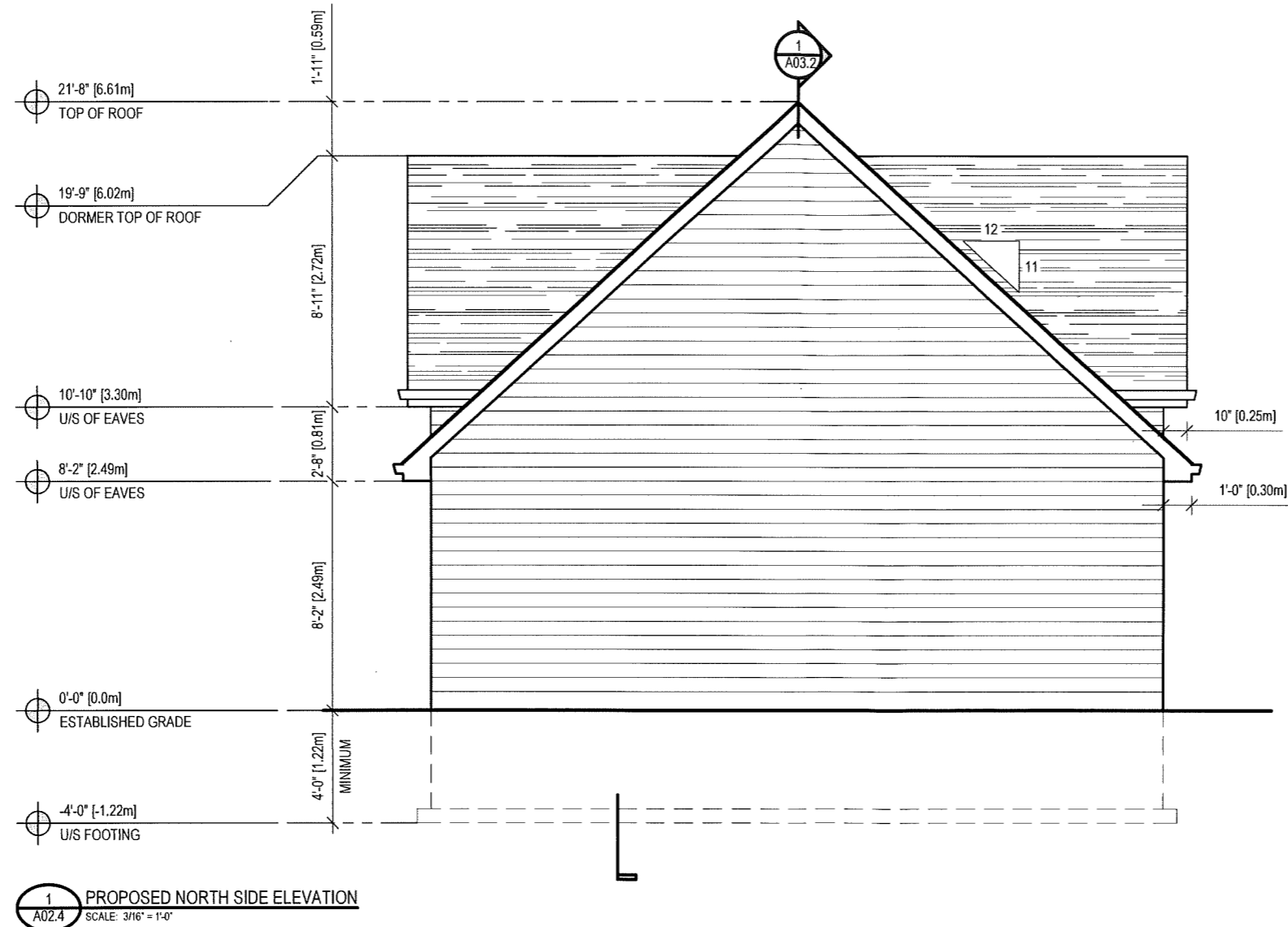
DRWN BY: JOBERT SANTOS

CHK'D BY: MATTHEW RIBAU

PROJECT No: PV18-033

DRAWING No: A02.3

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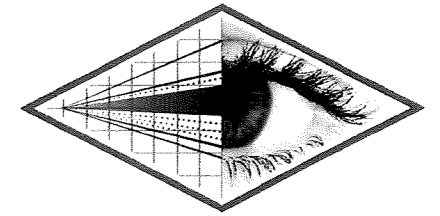
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4	ISSUED FOR MINOR VARIANCE	19/11/14

○ PROJECT: STEPHEN WHITE
 GARAGE ADDITION
 153 HADDON AVENUE SOUTH
 HAMILTON, ON L8S 1X9
 ○ DRAWING: ELEVATIONS
 ARCHITECTURAL DRAWINGS
 ○ SCALE: 3/16" = 1'-0"
 ○ DATE: OCTOBER 19, 2018
 ○ DRWN BY: JOBERT SANTOS
 ○ CHK'D BY: MATTHEW RIBAU
 ○ PROJECT No: PV18-033
 ○ DRAWING No: **A02.4**

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GENERAL NOTES:

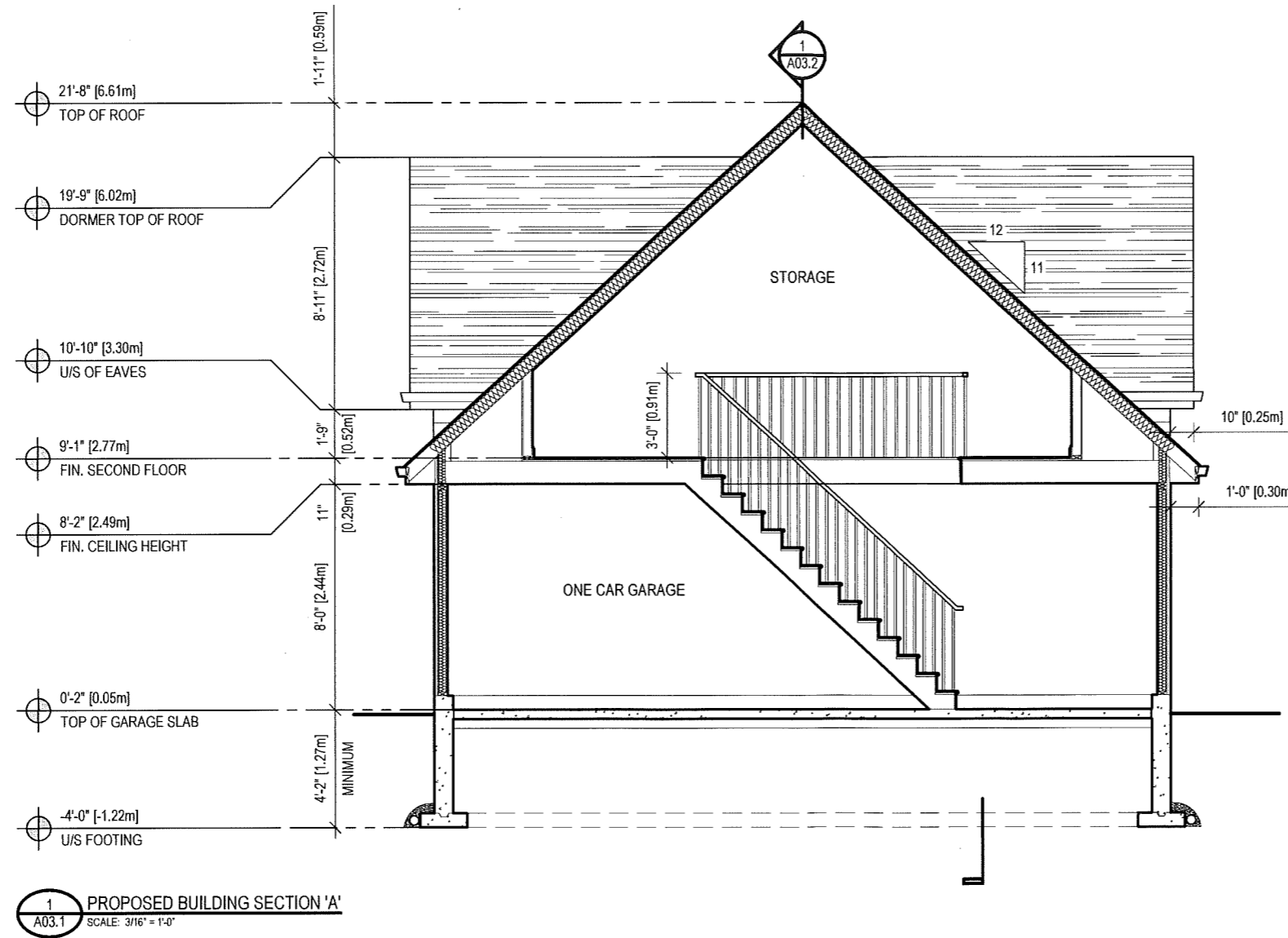
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1 A03.1 PROPOSED BUILDING SECTION 'A'
 SCALE: 3/16" = 1'-0"

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PROJECT: STEPHEN WHITE
 GARAGE ADDITION
 153 HADDON AVENUE SOUTH
 HAMILTON, ON L8S 1X9

DRAWING: BUILDING SECTION
 ARCHITECTURAL DRAWINGS

SCALE: 3/16" = 1'-0"

DATE: OCTOBER 19, 2018

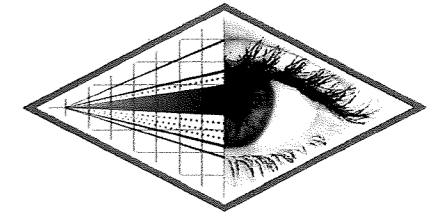
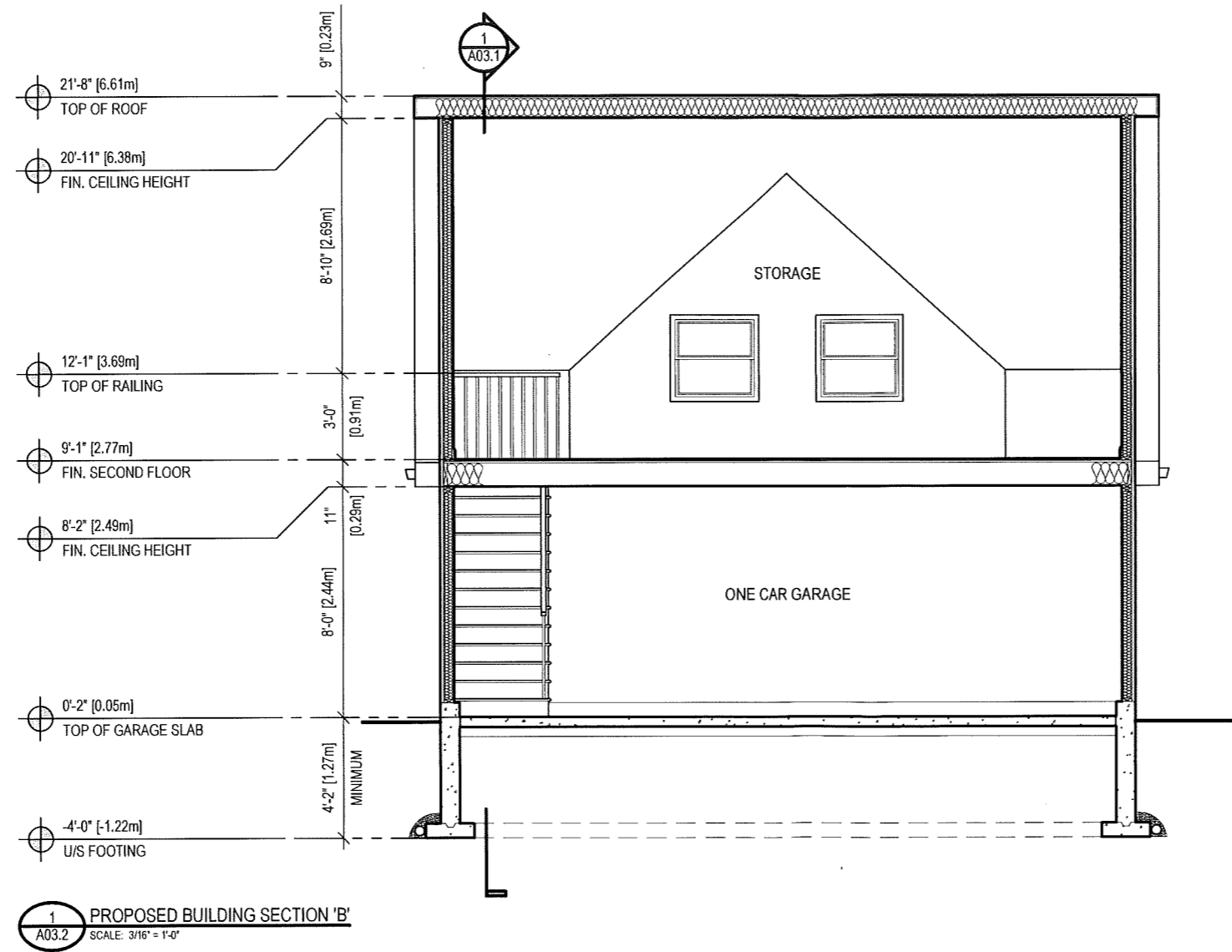
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CHK'D BY: MATTHEW RIBAU

PROJECT No: PV18-033

DRAWING No: A03.1

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PROJECT: STEPHEN WHITE
GARAGE ADDITION
153 HADDON AVENUE SOUTH
HAMILTON, ON L8S 1X9

DRAWING: BUILDING SECTION
ARCHITECTURAL DRAWINGS

SCALE: 3/16" = 1'-0"

DATE: OCTOBER 19, 2018

DRWN BY: JOBERT SANTOS

CHK'D BY: MATTHEW RIBAU

PROJECT No: PV18-033

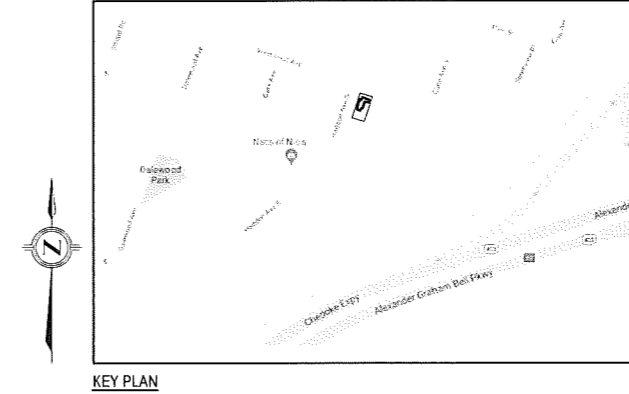
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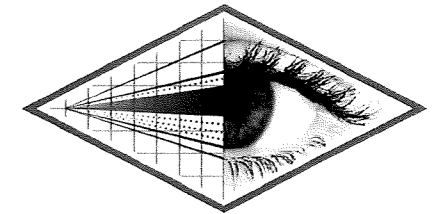
PROJECT STATISTICS			
ADDRESS: 153 HADDON SOUTH, HAMILTON			
ZONING: W41 (C/S-1335)			
LOT AREA	4900.00	ft ²	455.22
LOT FRONTAGE	49.00	ft	14.94
LOT COVERAGE			
	%	EXISTING	
DWELLING FOOTPRINT	24.1	1179.15	ft ² 109.55
FRONT PORCH	0.5	25.00	ft ² 2.32
REAR PORCH	1.1	53.24	ft ² 4.95
BASEMENT WALKOUT	0.5	23.64	ft ² 2.20
ASPHALT DRIVEWAY	3.7	183.45	ft ² 17.04
PATIO	7.7	376.93	ft ² 35.02
TOTAL LOT COVERAGE	37.6	1841.41	ft ² 171.07
	%	PROPOSED	
DWELLING FOOTPRINT	24.1	1179.15	ft ² 109.55
FRONT PORCH	0.5	25.00	ft ² 2.32
REAR PORCH	1.1	53.24	ft ² 4.95
BASEMENT WALKOUT	0.5	23.64	ft ² 2.20
ASPHALT DRIVEWAY	3.7	183.45	ft ² 17.04
PATIO	7.7	376.93	ft ² 35.02
NEW ASPHALT DRIVEWAY	8.6	420.00	ft ² 39.02
DOUBLE CAR GARAGE	12.7	624.00	ft ² 57.97
TOTAL LOT COVERAGE	58.9	2885.41	ft ² 268.06
LANDSCAPE SOFT AREA			
	%	AREA	
EXTERIOR SIDE YARD AREA	100.0	1721.12	ft ² 159.90
HARD SURFACED AREAS	60.7	1044.00	ft ² 96.99
TOTAL LANDSCAPED SOFT AREA	39.3	677.12	ft ² 62.91
PROPOSED GARAGE SETBACKS			
FRONT YARD	21.00	ft	6.40
SIDE YARD (SOUTH)	2.00	ft	0.61
REAR YARD	2.00	ft	0.61



FRONT FACADE - 153 HADDON AVENUE SOUTH, HAMILTON



KEY PLAN



PERSPECTIVE VIEWS
 126 CATHARINE STREET N
 HAMILTON ON L8R 1J4
 e. info@perspectiveviews.com p.289.389.4502

GENERAL NOTES:

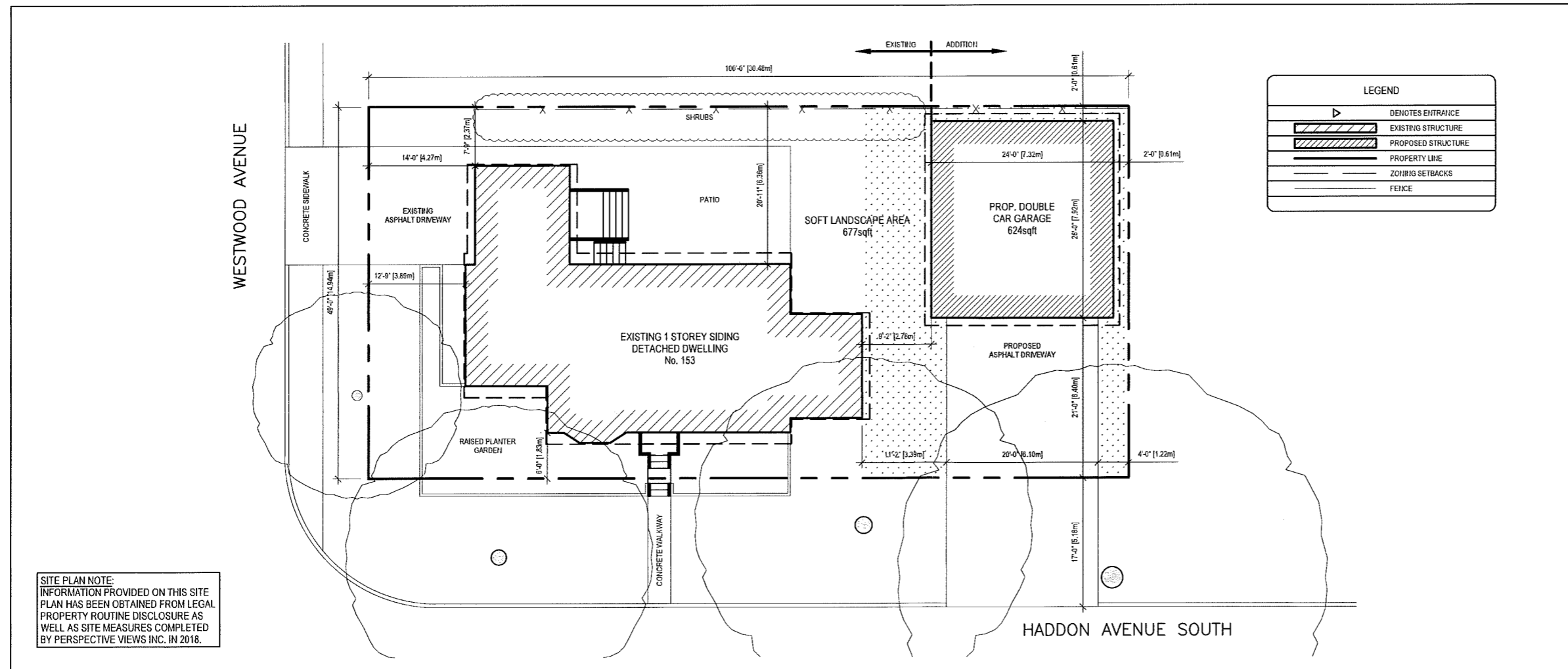
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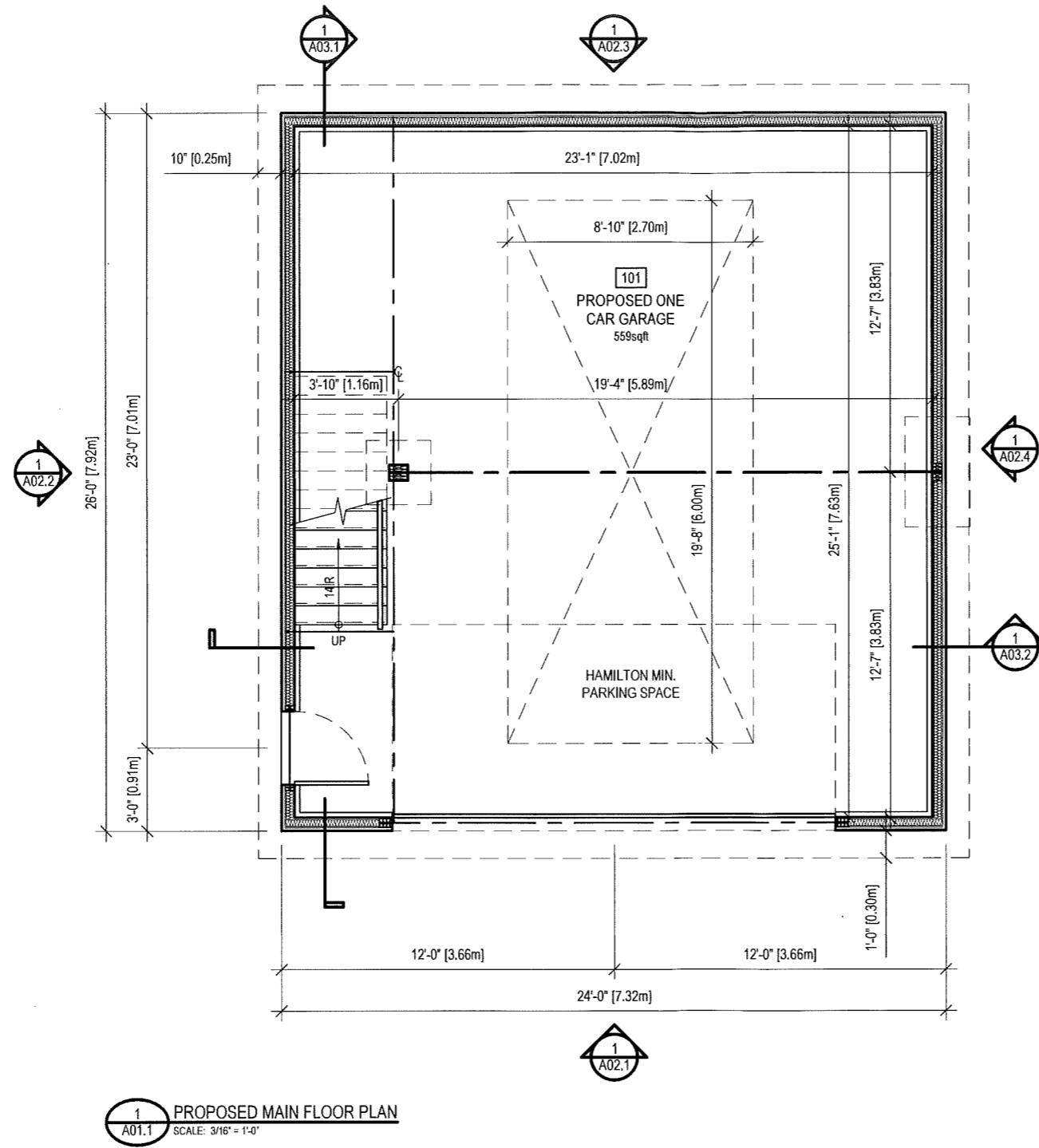
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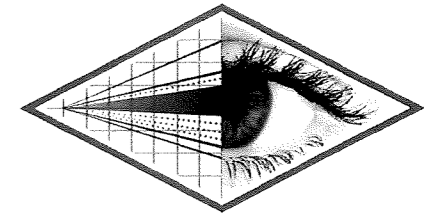
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- PROJECT: STEPHEN WHITE
GARAGE ADDITION
153 HADDON AVENUE SOUTH
HAMILTON, ON L8S 1X9
- DRAWING: SITE PLAN
ARCHITECTURAL DRAWINGS
- SCALE: 1/16" = 1'-0"
- DATE: OCTOBER 19, 2018
- DRWN BY: JOBERT SANTOS
- CHK'D BY: MATTHEW RIBAU
- PROJECT No: PV18-033
- DRAWING No: **SP.1.1**

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1
A01.1
PROPOSED MAIN FLOOR PLAN
SCALE: 3/16" = 1'-0"



PERSPECTIVE VIEWS
126 CATHARINE STREET N
HAMILTON ON L8R 1J4
e. info@perspectiveviews.com p.289.389.4502

GENERAL NOTES:

DRAWINGS MUST NOT BE SCALED
DRAWINGS TO BE READ IN CONJUNCTION WITH THE GENERAL NOTES AND THE O.B.C.

All drawings & information shown on these drawings must be checked & verified on site prior to construction or fabrication of its components.

Unless noted otherwise, no provision has been made in the design for conditions occurring during construction. It shall be the responsibility of the contractor to provide all necessary bracing, shoring, sheet piling, or other temporary supports, to safeguard all existing or adjacent structures affected by construction.

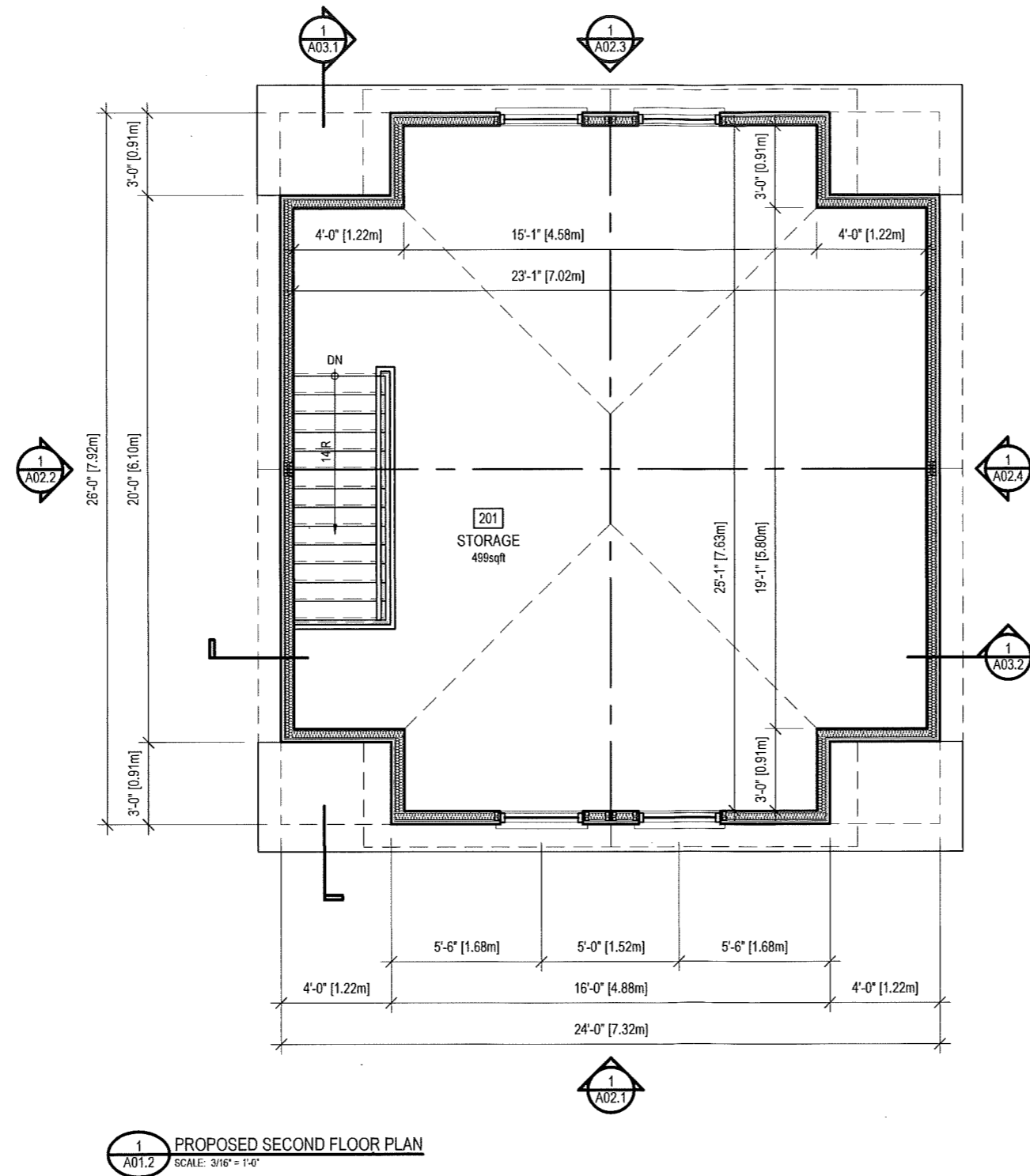
All dimensions are given in imperial units unless otherwise indicated.

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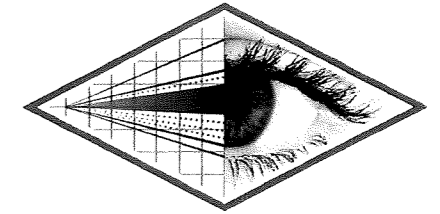
No.	REVISION	DATE
1	ISSUED FOR ENGINEERING	19/04/29
2	REISSUED FOR ENGINEERING	19/05/29
3	ISSUED FOR BUILDING PERMIT	19/06/13
4	ISSUED FOR MINOR VARIANCE	19/11/14

- PROJECT: STEPHEN WHITE
GARAGE ADDITION
153 HADDON AVENUE SOUTH
HAMILTON, ON L8S 1X9
- DRAWING: FLOOR PLANS
ARCHITECTURAL DRAWINGS
- SCALE: 3/16" = 1'-0"
- DATE: OCTOBER 19, 2018
- DRWN BY: JOBERT SANTOS
- CHK'D BY: MATTHEW RIBAU
- PROJECT No: PV18-033
- DRAWING No: **A01.1**

FILE NAME: C:\Users\Jobert Santos\OneDrive - Perspective Views Inc\Projects\PV2018\PV18-033 - Stephen White - 153 Haddon Avenue South (Minor Variance).dwg, 11/15/2019 4:47:10 PM



1
A01.2 **PROPOSED SECOND FLOOR PLAN**
SCALE: 3/16" = 1'-0"



PERSPECTIVE VIEWS
126 CATHARINE STREET N
HAMILTON ON L8R 1J4
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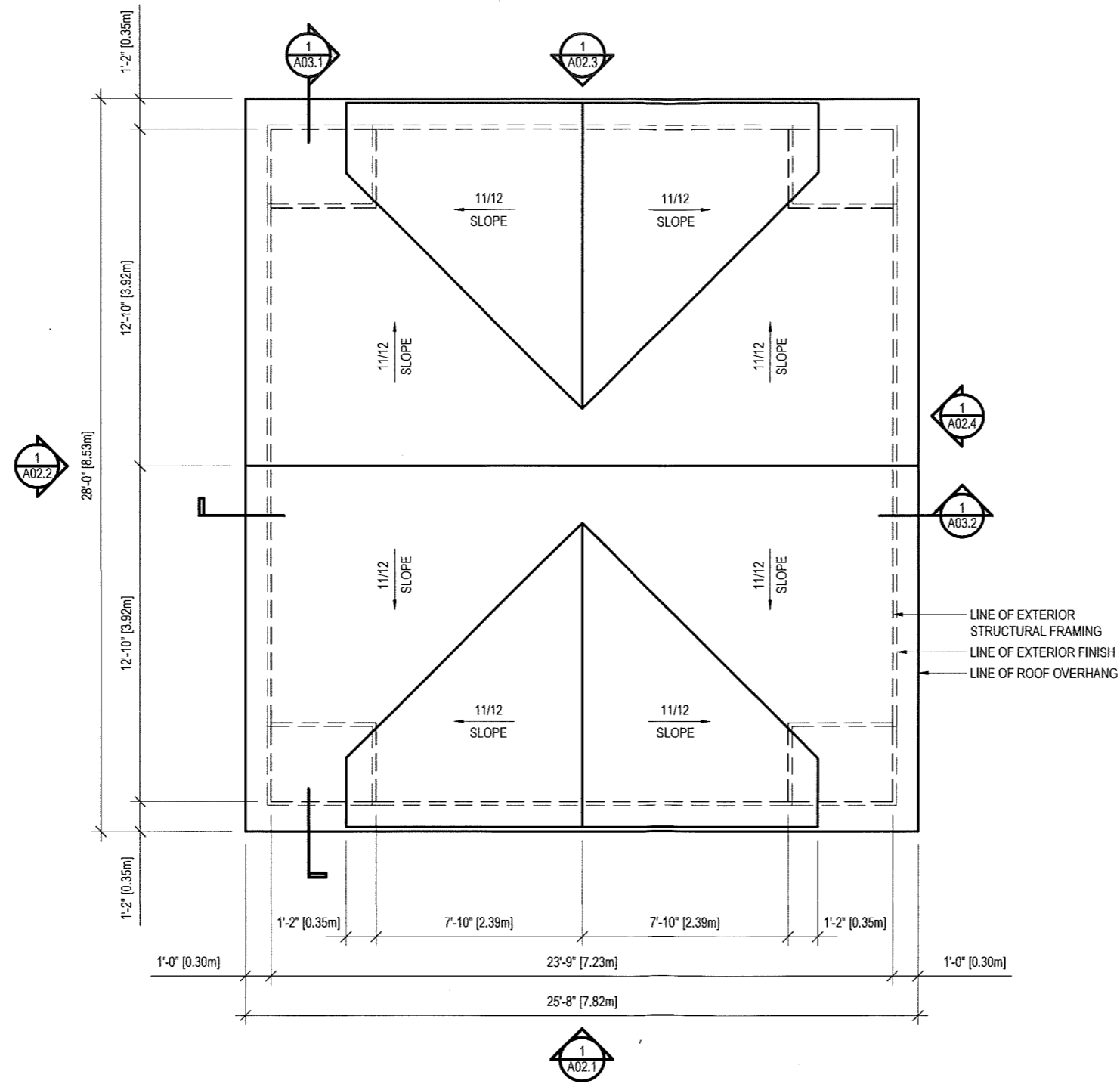
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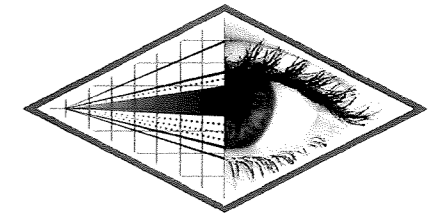
No.	REVISION	DATE
1	ISSUED FOR ENGINEERING	19/04/29
2	REISSUED FOR ENGINEERING	19/05/29
3	ISSUED FOR BUILDING PERMIT	19/06/13
4	ISSUED FOR MINOR VARIANCE	19/11/14

- PROJECT: STEPHEN WHITE
GARAGE ADDITION
153 HADDON AVENUE SOUTH
HAMILTON, ON L8S 1X9
- DRAWING: FLOOR PLANS
ARCHITECTURAL DRAWINGS
- SCALE: 3/16" = 1'-0"
- DATE: OCTOBER 19, 2018
- DRWN BY: JOBERT SANTOS
- CHK'D BY: MATTHEW RIBAU
- PROJECT No: PV18-033
- DRAWING No: **A01.2**

FILE NAME: C:\Users\lobert Santos\OneDrive - Perspective Views Inc\Projects\PV2018\PV18-033 - Stephen White - 153 Haddon Avenue South (Minor Variance).dwg, 11/15/2019 4:47:15 PM



1
A01.3 **PROPOSED ROOF PLAN**
SCALE: 3/16" = 1'-0"



PERSPECTIVE VIEWS
126 CATHARINE STREET N
HAMILTON ON L8R 1J4
e. info@perspectiveviews.com p.289.389.4502

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No.	REVISION	DATE
1	ISSUED FOR ENGINEERING	19/04/29
2	REISSUED FOR ENGINEERING	19/05/29
3	ISSUED FOR BUILDING PERMIT	19/06/13
4	ISSUED FOR MINOR VARIANCE	19/11/14

PROJECT: STEPHEN WHITE
GARAGE ADDITION
153 HADDON AVENUE SOUTH
HAMILTON, ON L8S 1X9

DRAWING: FLOOR PLANS
ARCHITECTURAL DRAWINGS

SCALE: 3/16" = 1'-0"

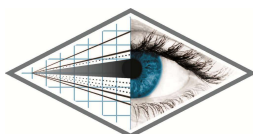
DATE: OCTOBER 19, 2018

DRWN BY: JOBERT SANTOS

CHK'D BY: MATTHEW RIBAU

PROJECT No: PV18-033

DRAWING No: A01.3


Perspective Views Inc.

126 Catharine Street N,
Hamilton ON L8R 1J4
289.389.4502 info@perspectiveviews.com

Monday, March 2, 2020

City of Hamilton

Planning and Economic Development, Building Division,
71 Main Street West, 3rd Floor
Hamilton, ON L8P 4Y5

Property Address: 153 Haddon Avenue South, Hamilton, Ontario L8S 1X9
Building Permit No: 19 150489 000 00 R9
Minor Variance No: HM/A-20:68

Re: Zoning Examiner Email received on Thursday, February 27, 2020

Cc: Kim Roberts, Stephen White

This letter is in response to the comments received by Kim Roberts, zoning examiner, on Thursday, February 27, 2020 at 11:37am.

1. Please see below calculation used to determine the 'Grade' in reference to the building height:

Measurement 'A' = 0.34m [13.5"] from the heist point of the proposed garage perpendicular to Westwood Avenue.

Measurement 'B' = 0.20m [8"] from the heist point of the proposed garage perpendicular to Haddon Avenue South.

$$(A + B) \div 2 = 0.27m [10.75"]$$

We then calculated a minimum 2% slope from the curb at Haddon to the highest grade of the proposed garage:

$$11.58m [38'-0"] \times 0.02 = 0.23m [9 \frac{1}{8}"]$$

∴ our proposed grade (as per the current plans) we decided to match the 'Grade' elevation of 0.27m [10.75"] and this would confirm that our 'Grade' elevation average of the curb level of both streets complies with the requirement of the By-law and is illustrated as 'Established Grade' on our current drawings.

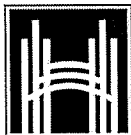
2. I do apologize for not providing the gutter dimension, the proposed gutter proposed will be a standard Ogee profile at 0.13m [5"].

We hope that this response letter satisfies all your comments, and we look forward to receiving the issued building permit, otherwise, if you have any questions or concerns at all, please do not hesitate to contact me immediately.

Sincerely,

Matthew Ribau

Matthew Ribau - Perspective Views Inc.
289.389.4502 matthew@perspectiveviews.com



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: morgan.evans@hamilton.ca or jamila.sheffield@hamilton.ca

NOTICE OF PUBLIC HEARING Minor Variance

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.: HM/A-19:259

APPLICANTS: Zelinka Priamo Ltd. c/o Katelyn Crowley on behalf of the owner
 CP Reit Ontario Properties Limited Trustee

SUBJECT PROPERTY: Municipal address **1579 Main St. W., City of Hamilton**

ZONING BY-LAW: Zoning By-law 05-200, as Amended

ZONING: "C6" (District Commercial (C4) Zone)

PROPOSAL: To permit a Seasonal Garden Centre, including tents, accessory to the existing Retail Store (Fortino's) notwithstanding that:

1. The Seasonal Garden Centre shall be permitted to occupy a maximum of 15.4% of the total number of parking spaces provided instead of the requirement that Seasonal Garden Centre shall not occupy more than 10% of the total number of provided parking spaces.

NOTE:

i) The Seasonal Garden Centre occupies 87 parking spaces of the 567 parking spaces provided on the site.

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

DATE: Thursday, July 9th, 2020
TIME: 3:55 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at www.hamilton.ca/committeeofadjustment
 for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

HM/A-19:259

Page 2

MORE INFORMATION

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

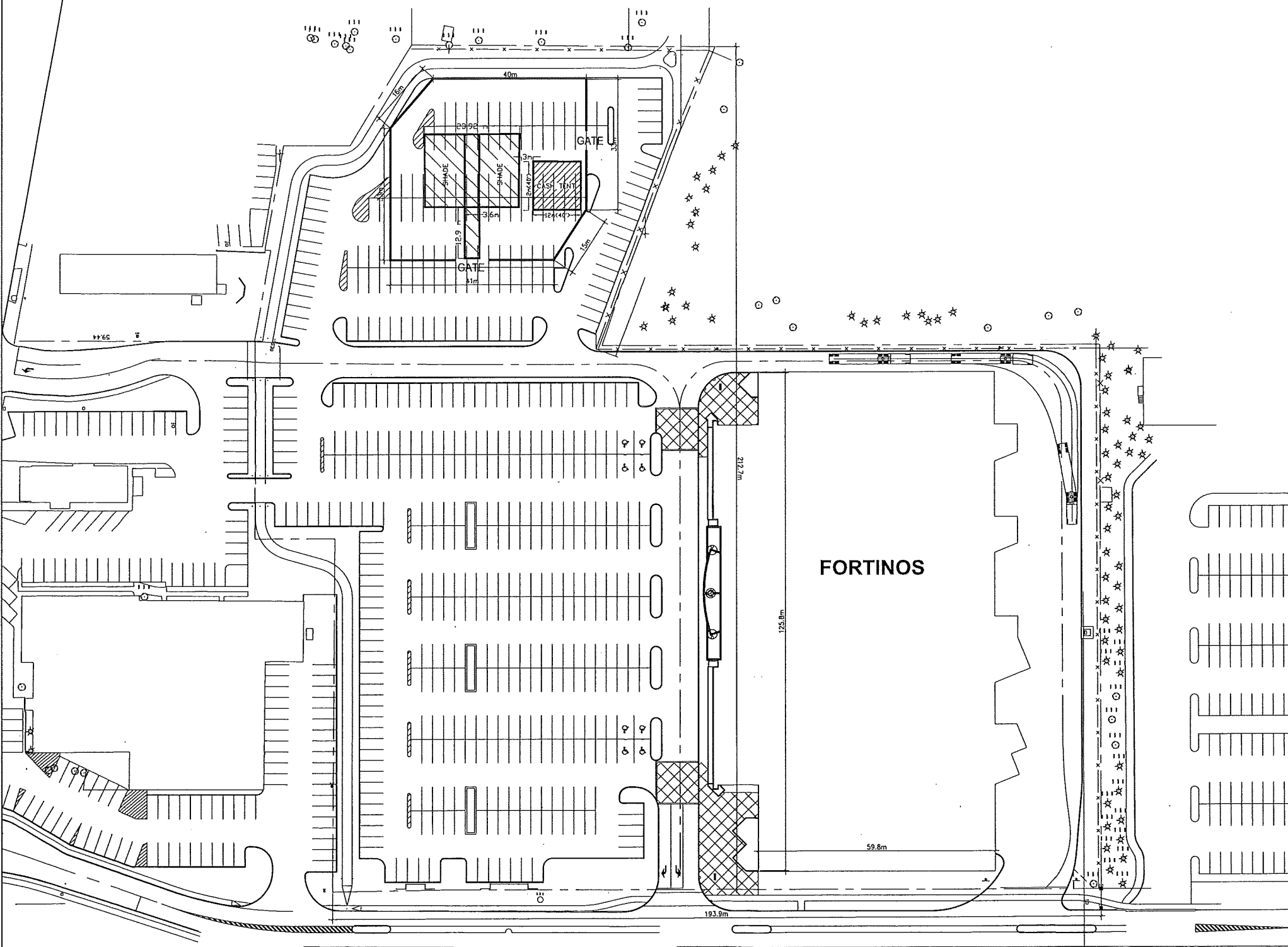
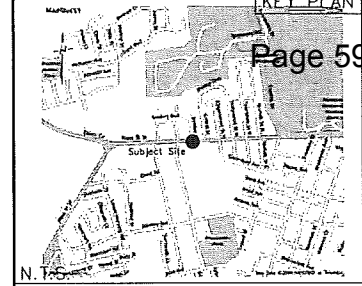
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: June 23rd, 2020.

Original Signed

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.



STORE 67

**1579 Main Street W.
Hamilton, Ontario**



**GARDEN CENTRE
+ DETAILS**

SITE STATISTICS

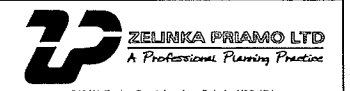
EXISTING SITE AREA	±8.48 ACRES	±3.43 HA
FORTINOS AREA	94,478 S.F.	8,777 S.M.
SEASONAL SALES AREA	21,489 S.F.	1,996 S.M.
SEASONAL SALES OCCUPIES		87 SPACES
PARKING PROVIDED		567 CARS
BUILDING COVERAGE		26 %
LANDSCAPE COVERAGE		10 %

NOTES ON FILE

2	REVISED GARDEN CENTRE	Mar 31/20	HG
1	CREATED DRAWING	Mar 19/08	HG
NO.	NOTES	DATE	INITIAL



DRAWING AND INFORMATION TAKEN FROM:
**TURNER FLEISCHER
Architects Inc.**
 833A EGLINTON AVENUE EAST
 TORONTO, ONTARIO M4E 1E5
 TEL: (416) 435-2322
 FAX: (416) 435-6717
 FILE NAME: H:\V\2008\HAM-05-01-01
 DATE: 2008/03/19

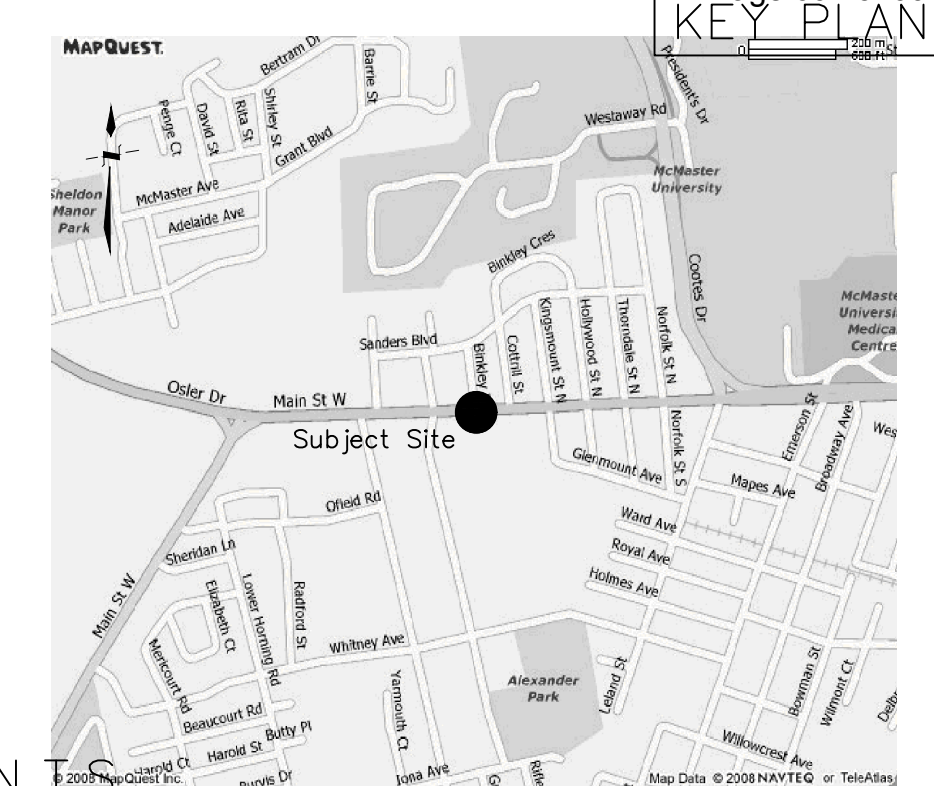
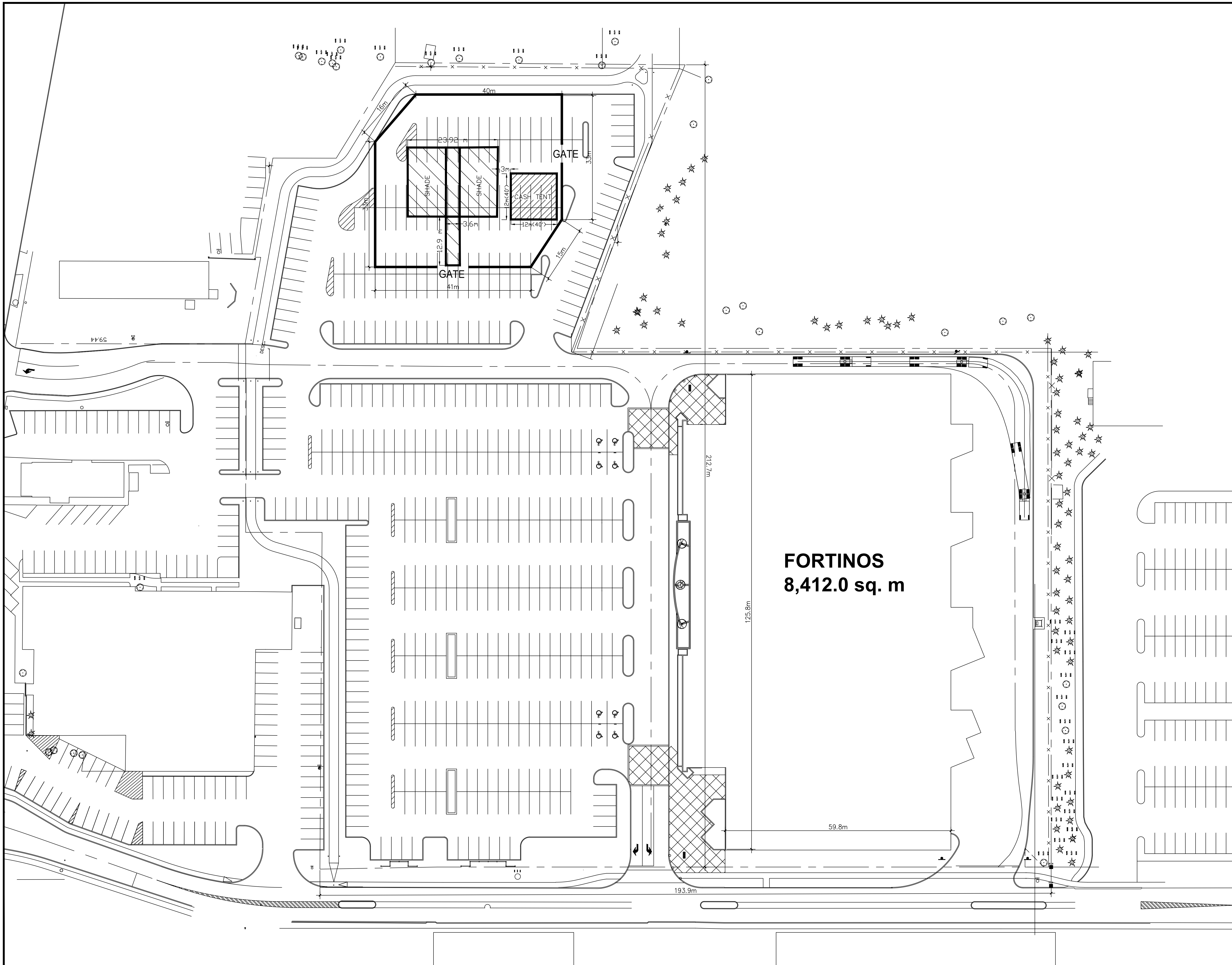


318 Wellington Road, London, Ontario N6C 4P4
 Tel: (519) 474-7137 Fax: (519) 474-2284 e-mail: zp@zplan.com

DRAWN BY	HG	PROJECT NO.	LPL/GDN/HAM/05-01
DATE	April 2008	SCALE	1:250

HM1A-19.259
sketch

6. Nature and extent of relief applied for:
Relief form the Zoning By-law to permit a temporary garden centre to make use of more than 10% of the provided parking spaces on the site. The garden centre will operate April 15th-July 15th annually.
The temporary tents make use of 87 parking spaces where it is only permitted to occupy 56 spaces.
-
7. Why it is not possible to comply with the provisions of the By-law?
Due to the standard size of the garden centre which has been in operation for 15 years, the garden centre is not able to be relocated on the site in an area which takes up less than 87 spaces. The temporary tent use is compliant with all other provisions of the Zoning By-law according to Section 4.18 c).
-
8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
1579 Main Street West, Hamilton
-
9. PREVIOUS USE OF PROPERTY
- Residential Industrial Commercial
 Agricultural Vacant
 Other _____
- 9.1 If Industrial or Commercial, specify use
Retail - Grocery Store
- 9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
 Yes No Unknown
- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- 9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- 9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
 Yes No Unknown
- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?
 Yes No Unknown
- 9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown
- 9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
 Yes No Unknown



STORE 67

**1579 Main Street W.
Hamilton, Ontario**



GARDEN CENTRE + DETAILS

SITE STATISTICS

EXISTING SITE AREA	±8.48	ACRES	±3.43	HA
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NOTES ON FILE

1	CREATED DRAWING	Mar 19/08	HG
NO.	NOTES	DATE	INITIAL

DRAWING AND INFORMATION TAKEN FROM:
TURNER FLEISCHER Architects Inc.
 953A EGLINTON AVENUE EAST
 TORONTO, ONTARIO M4G 4B5
 TEL: (416) 425-2222
 FAX: (416) 425-6717



318 Wellington Road, London, Ontario N6C 4P4
 Tel: (519) 474-7137 Fax: (519) 474-2284 e-mail: zp@zplan.com

DRAWN BY	HG	PROJECT NO.	LPL/GDN/HAM/05-01
DATE	April 2008	SCALE	1:250