



City of Hamilton
COMMITTEE OF ADJUSTMENT
AGENDA

Meeting #: 20-15
Date: November 19, 2020
Time: 1:00 p.m.
Location: Due to the COVID-19 and the Closure of City Hall - ROOM 264

All electronic meetings can be viewed at:

City of Hamilton's Website:
<https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's Youtube Channel:
<https://www.youtube.com/user/InsideCityofHamilton>

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

	Pages
1. PREVIOUSLY TABLED	
2. RURAL	
2.1. 1:15 p.m.SC/A-20:226251 McNeilly Rd., Stoney Creek (Ward 10) Agent Shane Van Barneveld Owner Teresa Thompson	5
2.2. 1:20 p.m.GL/A-20:21615 Ambitious Crt., Glanbrook (Ward 11) Agent IBI Group c/o Jared Marcus Owner Vicano Developments Ltd.	29
2.3. 1:25 p.m.GL/A-20:2252035 Fletcher Rd., Glanbrook (Ward 11) Owner Chris Camilleri	41

- 2.4. 1:30 p.m.GL/A-20:2271455 Golf Club Rd., Glanbrook(Ward 11) 49
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- 2.5. 1:35 p.m.FL/A-20:2201751 Concession 2 W., Flamborough(Ward 12) 57
Agent Jay Hart & Scott Ingle
Owner Anne McDougal
- 2.6. 1:40 p.m.DN/A-20:215278 Park St. W., Dundas(Ward 13) 79
Agent James Ling
Owner A. Kroeker & S. Joyce
- 2.7. 1:45 p.m.FL/B-20:71905 Centre Rd., Flamborough(Ward 15) 97
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- 2.8. 1:50 p.m.FL/A-20:2221064 Hwy 6 N., Flamborough (Ward 15) 113
Owner 2708796 Ontario Inc.
- 2.9. 1:55 p.m.FL/A-20:2239 Haines Ave., Flamborough(Ward 13) 127
Agent Zoltan Engineering
Owner Brad Andree

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Owner Group Seven Inc.
- 3.2. 2:05 p.m.HM/A-20:229412 Dundurn St. S., Hamilton(Ward 1) 157
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Owner Lydell Wiebe
- 3.3. 2:10 p.m.HM/A-20:22198 Rosslyn Ave N., Hamilton(Ward 3) 177
Agent Lee Paule
Owner John Anastasakis

- 3.4. 2:20 p.m.HM/A-20:217322 Mt. Albion Rd., Hamilton (Ward 5) 185
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Owner A & L. Colalillo
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Agent Ed Fothergill
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- 3.6. 2:20 p.m.HM/B-20:69322 Mt. Albion Rd., Hamilton(Ward 5) 233
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Owner A & L. Colalillo
- 3.7. 2:20 p.m.HM/B-20:70322 Mt. Albion Rd., Hamilton(Ward 5) 259
Agent Ed Fothergill
Owner A & L. Colalillo

4. SUBURBAN

- 4.1. 2:35 p.m.HM/B-20:641280 Rymal Rd. E & 385 Nebo Rd.(Ward 6) 285
Agent Ed Fothergill
Owner 2531083 Ontario Inc.
- 4.2. 2:35 p.m.HM/B-20:651280 Rymal Rd. E & 385 Nebo Rd.(Ward 6) 301
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Owner 2531083 Ontario Inc.
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Owner 2531083 Ontario Inc.
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Owner 2531083 Ontario Inc.
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Agent Christine Brown
Owner D & K Lenarduzzi.

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- 4.8. 2:55 p.m.Change of Conditions SC/B-20:4428 Sandbeach Dr., Stoney
Creek(Ward 10) 389
Agent Urban Solutions c/o M. Johnson
Owners G. & M. Defaveri

5. **CLOSED**

6. **ADJOURNMENT**



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: 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.: SC/A-20:226

APPLICANTS: Shane Van Barneveld on behalf of the owner Teresa Thompson

SUBJECT PROPERTY: Municipal address **251 McNeilly Rd., Stoney Creek**

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

ZONING: "A1" (Agriculture) A1 Zone

PROPOSAL: To permit the construction of a second-storey addition to the existing single detached dwelling, notwithstanding,

1. A minimum northerly side yard of 1.7 metres shall be permitted instead of the minimum required side yard of 3.0 metres; and,
2. The eave and gutter shall be permitted to project 0.8 metres into the required northerly side yard instead of the maximum permitted projection of 0.6 metres into a required yard.

NOTES:

1. The front lot line is deemed to be the easterly lot line for the purpose of this application.
2. The applicant shall ensure the requested variance for an encroachment into the required northerly side yard is sufficient for the projection of both the eave and gutter.
3. The applicant shall ensure the proposed building height is calculated in accordance with the definition of "Building Height" and "Grade" as defined within the Zoning By-law.

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

DATE: Thursday, November 19th, 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.

SC/A-20:226

Page 2

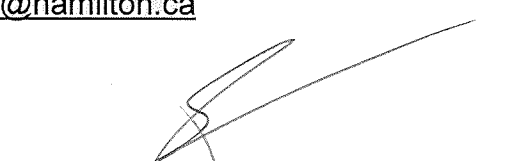
Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

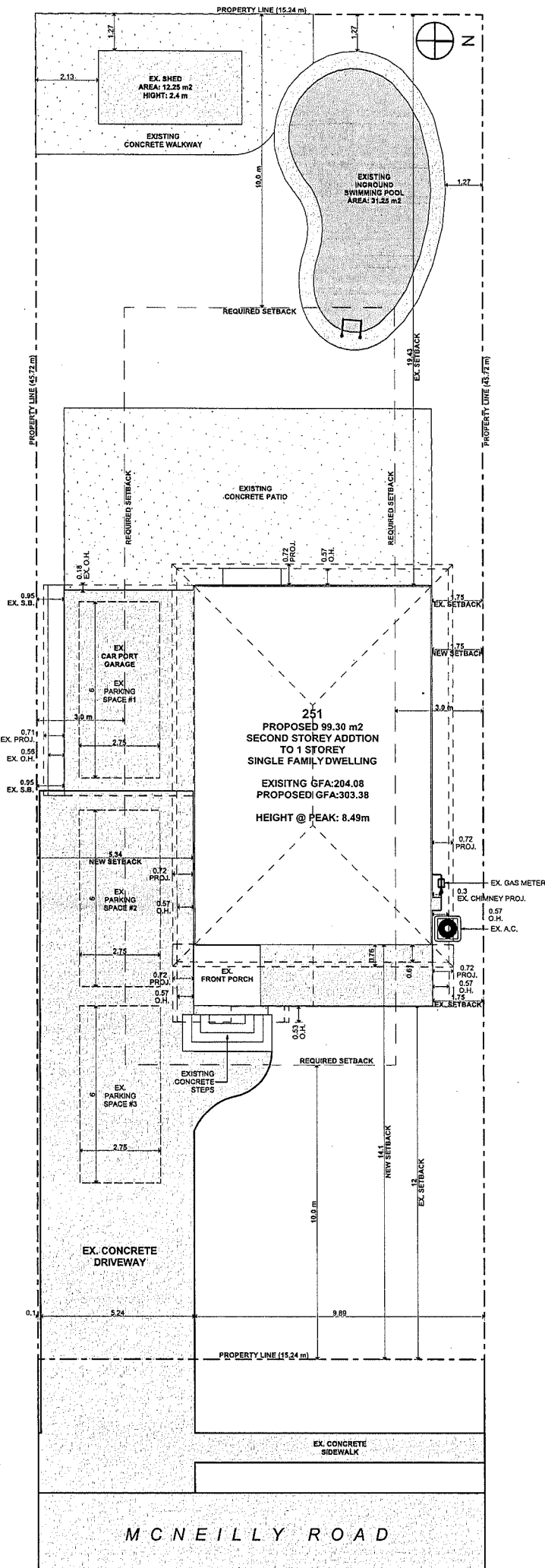
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: November 3rd, 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.



SITE STATS

PROPERTY INFORMATION
 ADDRESS: 251 MCNEILLY RD POSTAL CODE: L8E 5H2
 MUNICIPALITY: STONEY CREEK
 ZONE CODE: A1
 ZONING DESCRIPTION: AGRICULTURE
 PARENT BYLAW NUMBER: 05-200
 BYLAW NUMBER: 15-173
 WARD: 10
 PULLING DIVISION: 6

ZONING INFORMATION

MIN. LOT AREA (m²): 1618.74 LOT AREA (m²): 696.77
 MIN. LOT WIDTH (m): 30 LOT WIDTH (m): 15.24
 MIN. LOT DEPTH (m): N/A LOT DEPTH (m): 45.72

	Allowed:	Existing:	Proposed:
LOT COVERAGE (%) ¹ :	N/A	20.30%	20.30%
FLOOR AREA RATIO ² :	N/A	0.2929:1	0.4354:1
GROSS FLOOR AREA ⁴ (m ²)	N/A	204.08	303.38
GROUND FLOOR AREA (m ²):	N/A	141.45	141.45
BUILDING HT. (m):	10.5	5.72	8.49
PARKING SPACES ³ :	2	3	3

SETBACKS (m)	Allowed:	Existing:	Proposed:
FRONT:	10.0	12.0	14.10
REAR:	10.0	19.43	19.43
RIGHT SIDE:	3.0	1.75	1.75
LEFT SIDE:	3.0	0.95	5.35

ENCROACHMENTS (m)	Allowed:	Existing:	Proposed:
ROFF PROJECTION:	0.6	AS NOTED	AS NOTED
COVERED PORCH:	1.5	AS NOTED	AS NOTED
CHIMNEY PROJECTION:	0.6	AS NOTED	AS NOTED
DECK:	1.5	N/A	N/A

ACCESSORY BUILDINGS:
 NUMBER OF ACCESSORY BUILDINGS: 1
 ACCESSORY BUILDINGS SIZE (m²): 12.25
 ACCESSORY BUILDINGS HEIGHT (m): 2.4
 DOES THIS SECTION COMPLY WITH ZONING BY-LAW NO. 05-200 - SECTION 4.8.2: YES

OTHER RESTRICTIONS:	Not Req'd:	Req'd:	Approved:
MINOR VARIANCE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CONSERVATION AUTHORITY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SITE PLAN CONTROL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
GREENBELT PROTECTED COUNTRYSIDE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

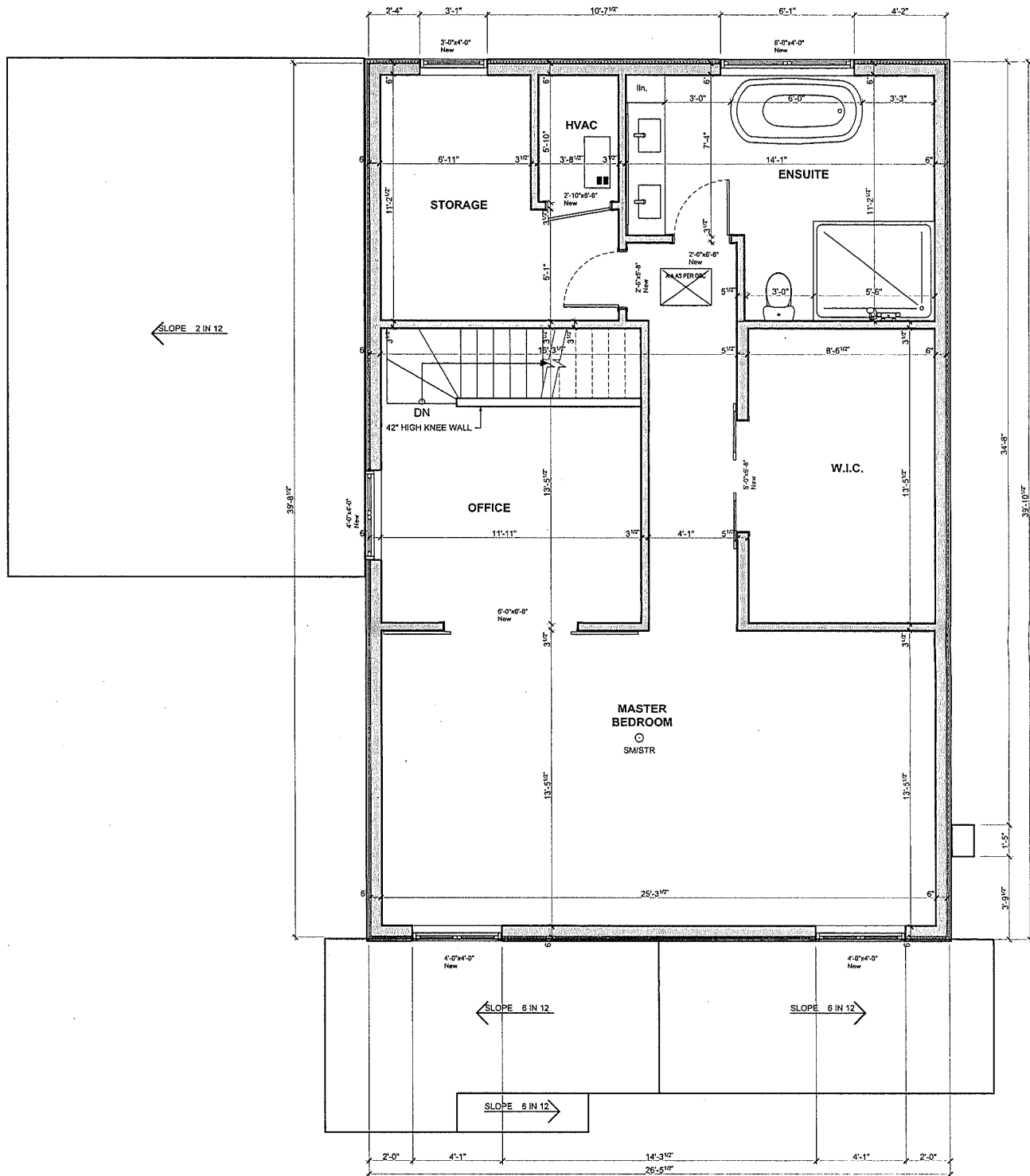
REFERENCES

- ¹ Proposed lot coverage calculations = Proposed Footprint area / Lot Area
- ² Floor Area Ratio Calculation: Total GFA / Lot Area
- ³ Parking space sizing as follows:
Hamilton: 2.7m x 6.0m
- ⁴ Area of all floors excluding the following:
 1. 100sf for laundry if possible
 2. 70sf for mechanical if possible
 3. Attic spaces
 4. Any area that is uninhabitable

SC/A
20:226

1 SITE PLAN
SCALE: 1:150





SC/A
20:226

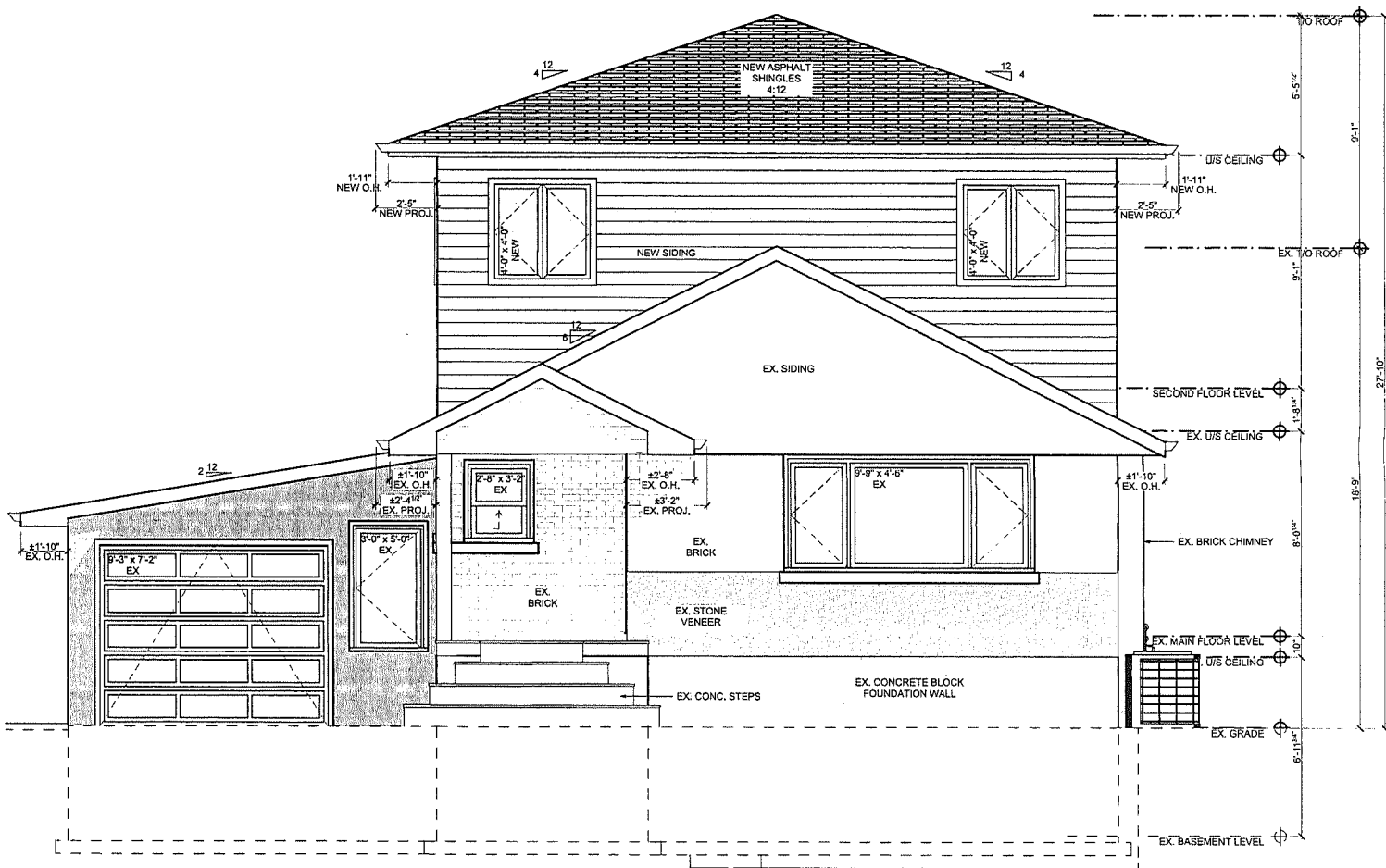
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PROPOSED SECOND FLOOR PLAN

SCALE: 3/16" = 1'-0"

SILVERTHORNE
251 MCNEILLY RD STONEY CREEK ON L8E 5H2
2020-10-15
3/16" = 1'-0"
SILVERTHORNE - 2.0 - variance plans.pln





SC1A
20:226

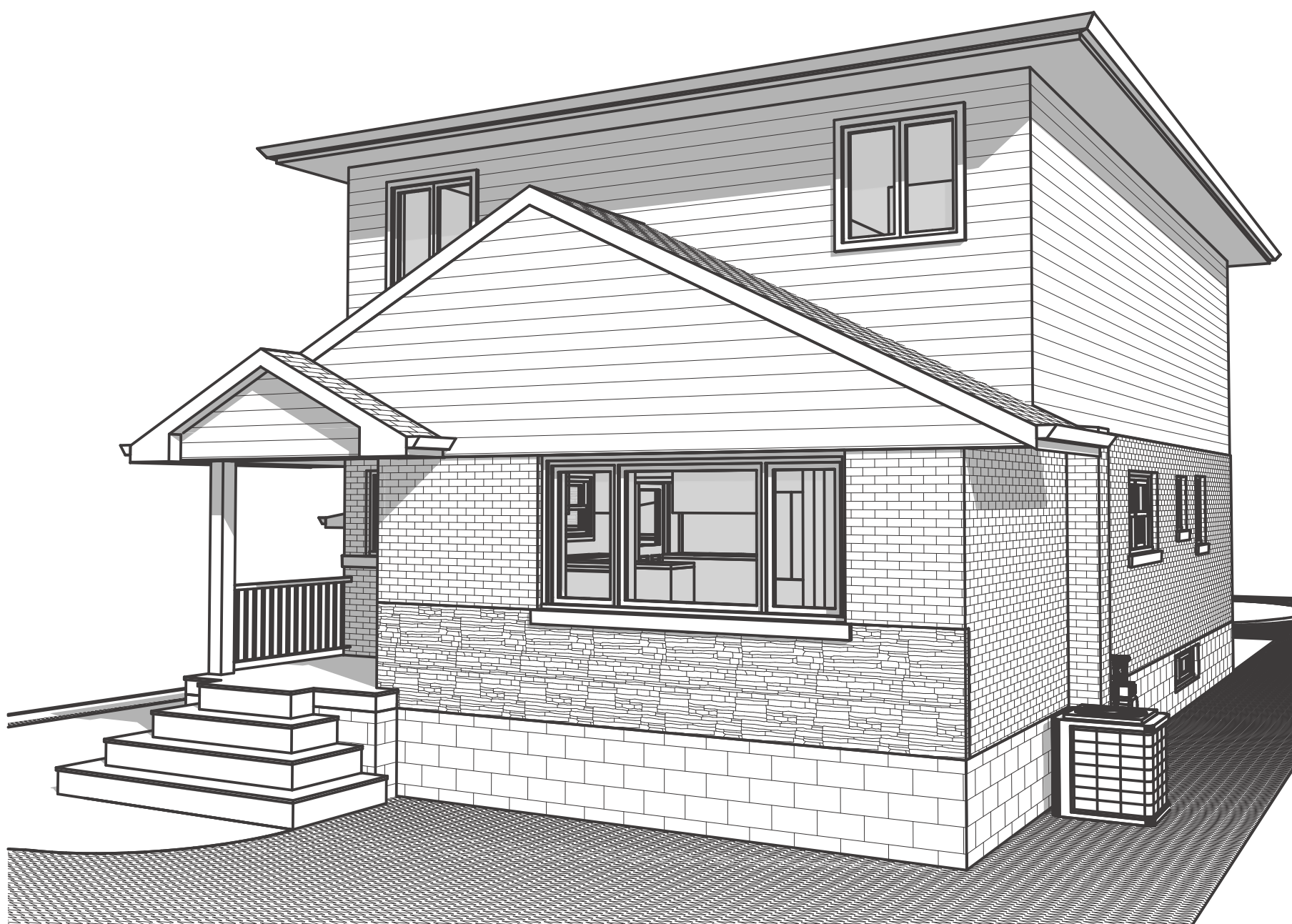
1 PROPOSED FRONT ELEVATION
SCALE: 3/16" = 1'-0"

SILVERTHORNE
251 MCNEILLY RD STONEY CREEK ON L8E 5H2
2020-10-15
3/16" = 1'-0"
SILVERTHORNE - 2.0 - variance plans.pln



RENOVATION TO: SILVERTHORNE

251 MCNEILLY RD STONEY CREEK ON L8E 5H2



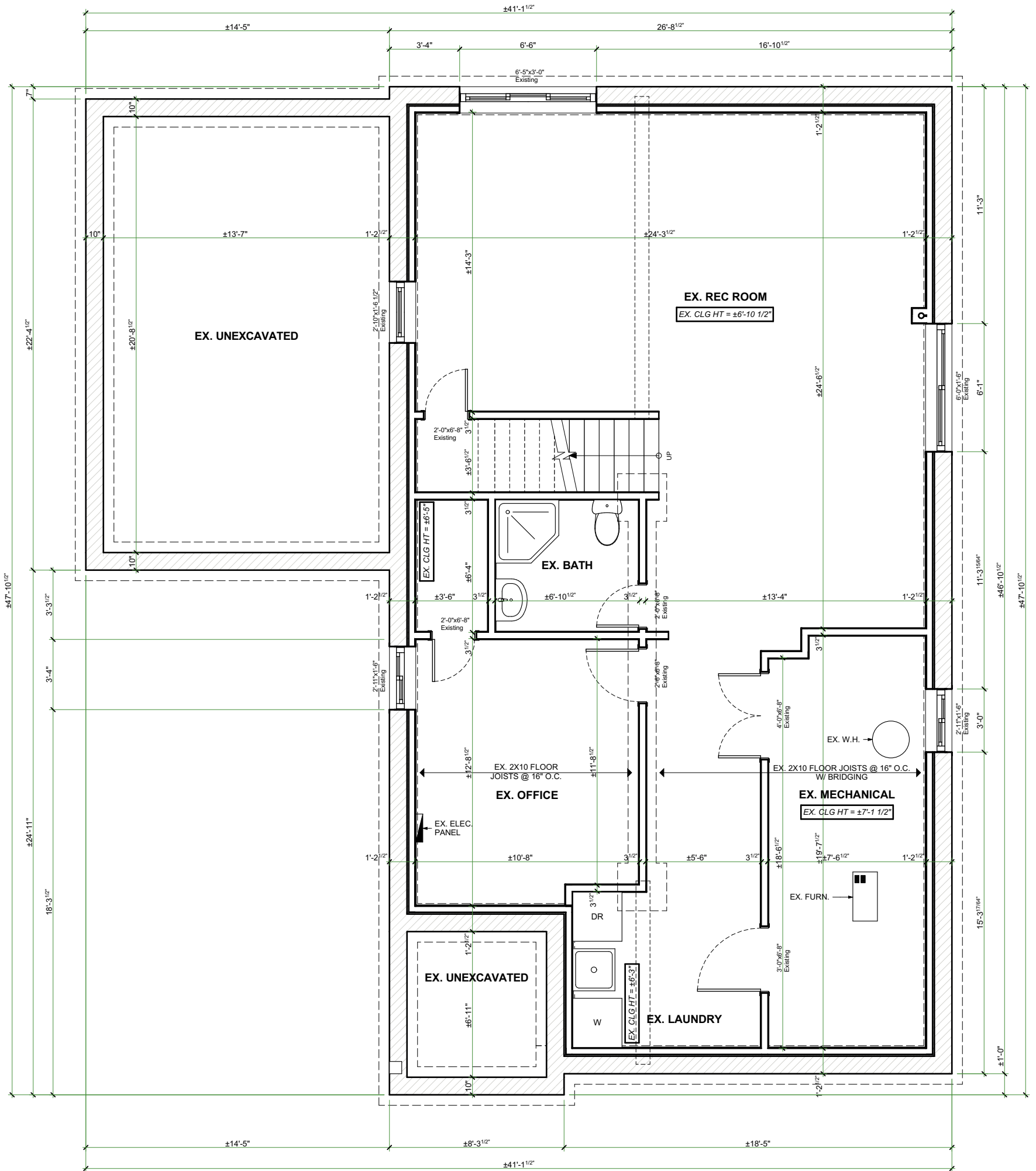
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3D PERSPECTIVE

SCALE: 3/32" = 1'-0"

SILVERTHORNE
251 MCNEILLY RD STONEY CREEK ON L8E 5H2
2020-10-15
3/32" = 1'-0"
SILVERTHORNE - 2.0 - variance plans.pln





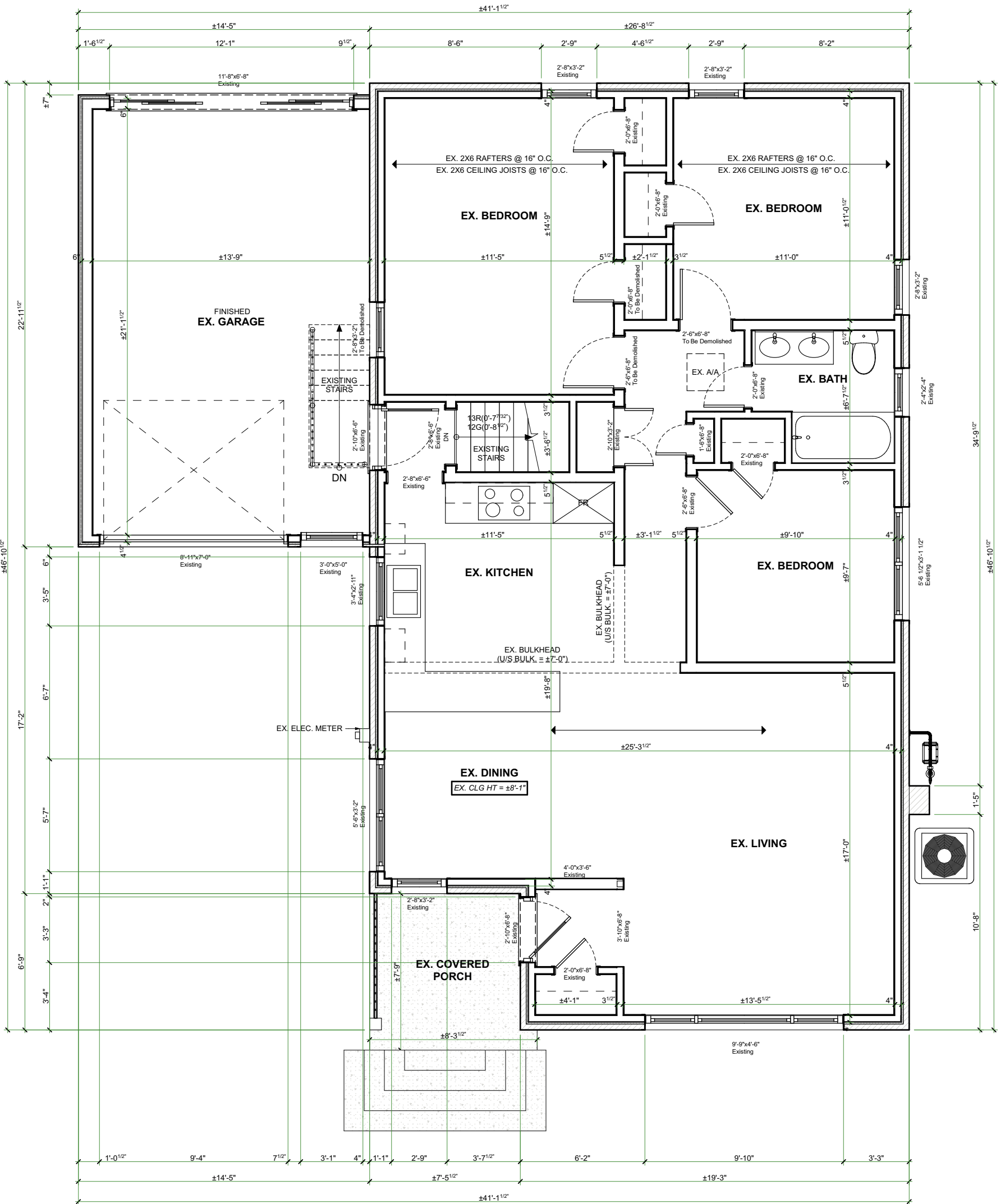
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EXISTING BASEMENT PLAN

SCALE: 3/16" = 1'-0"

SILVERTHORNE
 251 MCNEILLY RD STONEY CREEK ON L8E 5H2
 2020-10-15
 3/16" = 1'-0"
 SILVERTHORNE - 2.0 - variance plans.pln





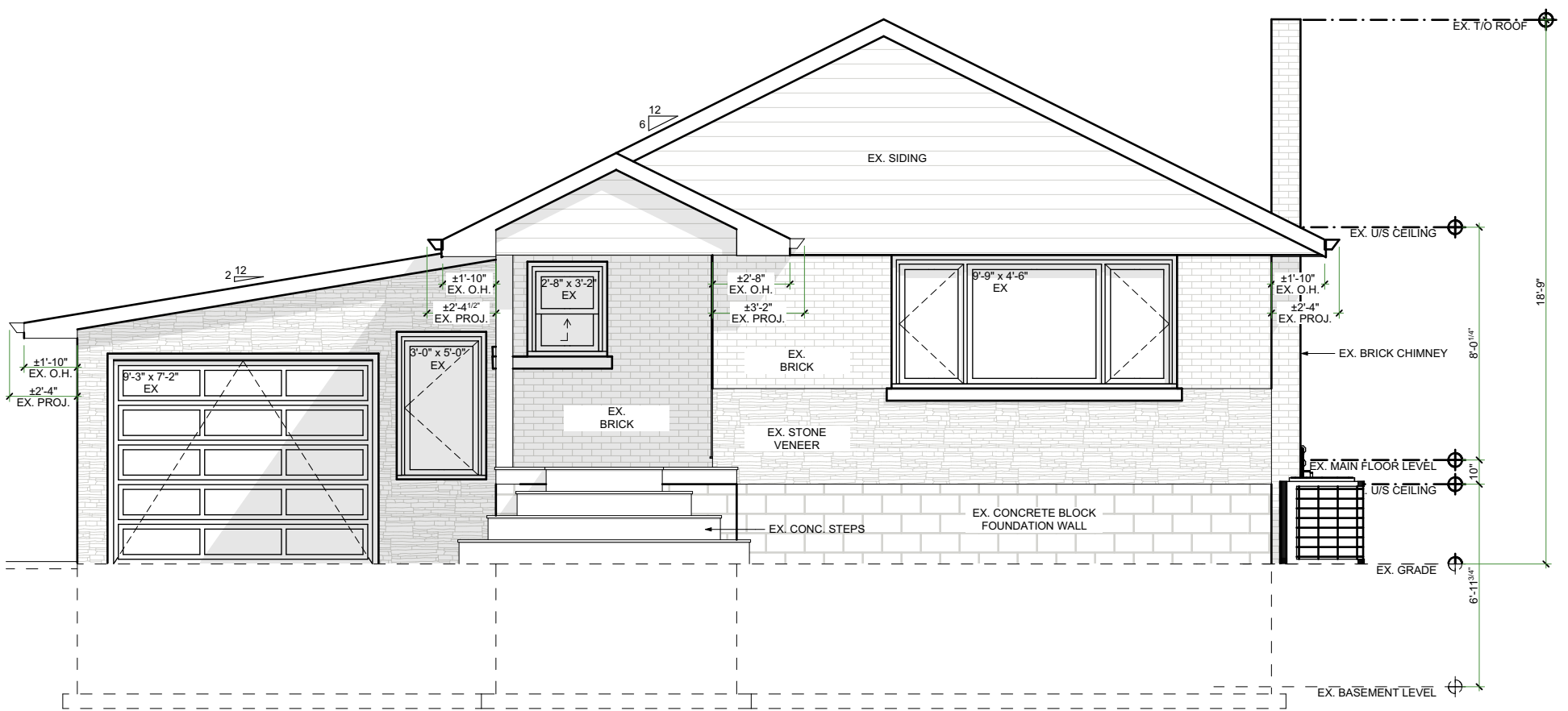
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EXISTING MAIN FLOOR PLAN

SCALE: 3/16" = 1'-0"

SILVERTHORNE
 251 MCNEILLY RD STONEY CREEK ON L8E 5H2
 2020-10-15
 3/16" = 1'-0"
 SILVERTHORNE - 2.0 - variance plans.pln





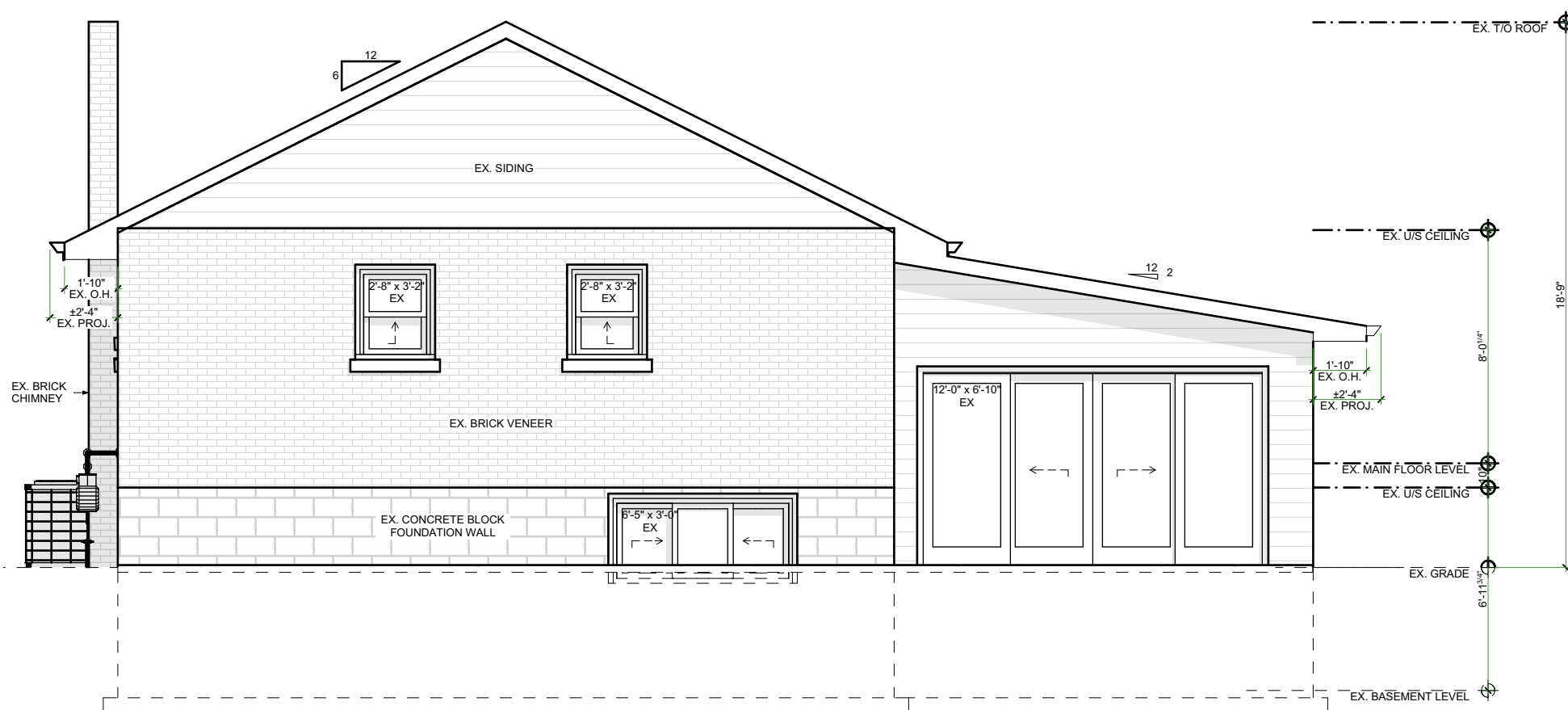
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EXISTING FRONT ELEVATION

SCALE: 3/16" = 1'-0"

SILVERTHORNE
 251 MCNEILLY RD STONEY CREEK ON L8E 5H2
 2020-10-15
 3/16" = 1'-0"
 SILVERTHORNE - 2.0 - variance plans.pln





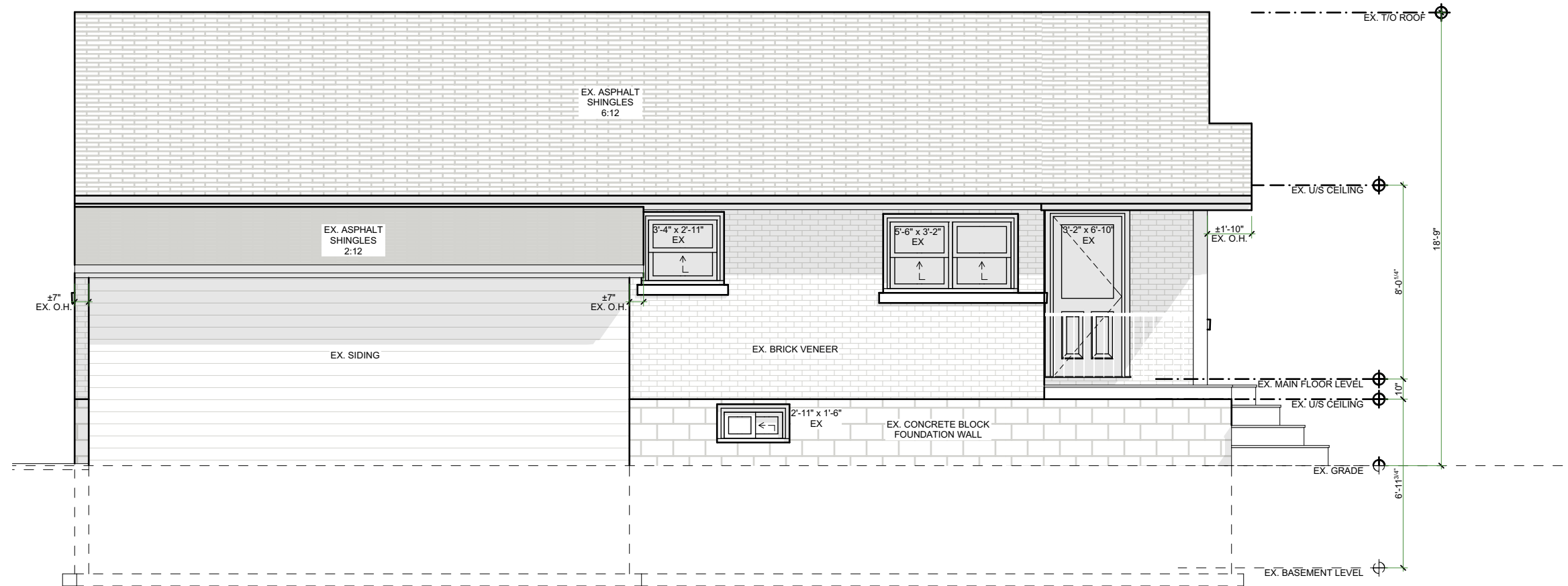
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EXISTING REAR ELEVATION

SCALE: 3/16" = 1'-0"

SILVERTHORNE
 251 MCNEILLY RD STONEY CREEK ON L8E 5H2
 2020-10-15
 3/16" = 1'-0"
 SILVERTHORNE - 2.0 - variance plans.pln





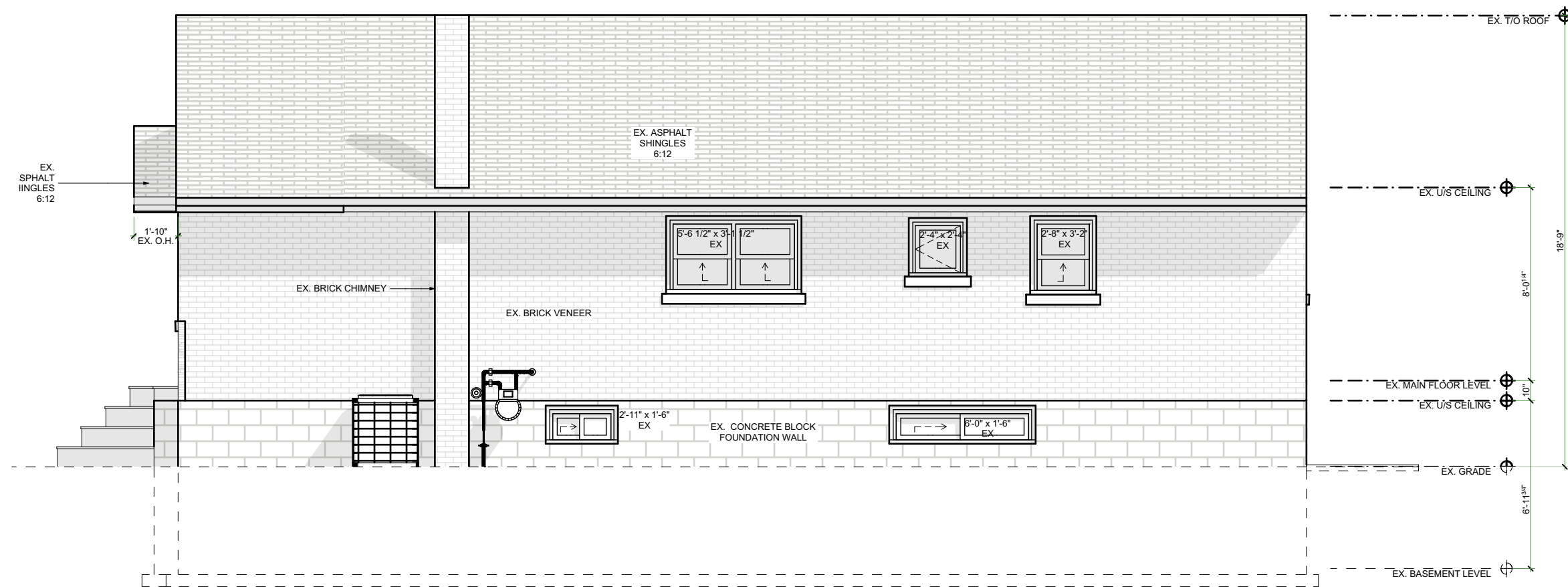
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EXISTING LEFT ELEVATION

SCALE: 3/16" = 1'-0"

SILVERTHORNE
251 MCNEILLY RD STONEY CREEK ON L8E 5H2
2020-10-15
3/16" = 1'-0"
SILVERTHORNE - 2.0 - variance plans.pln





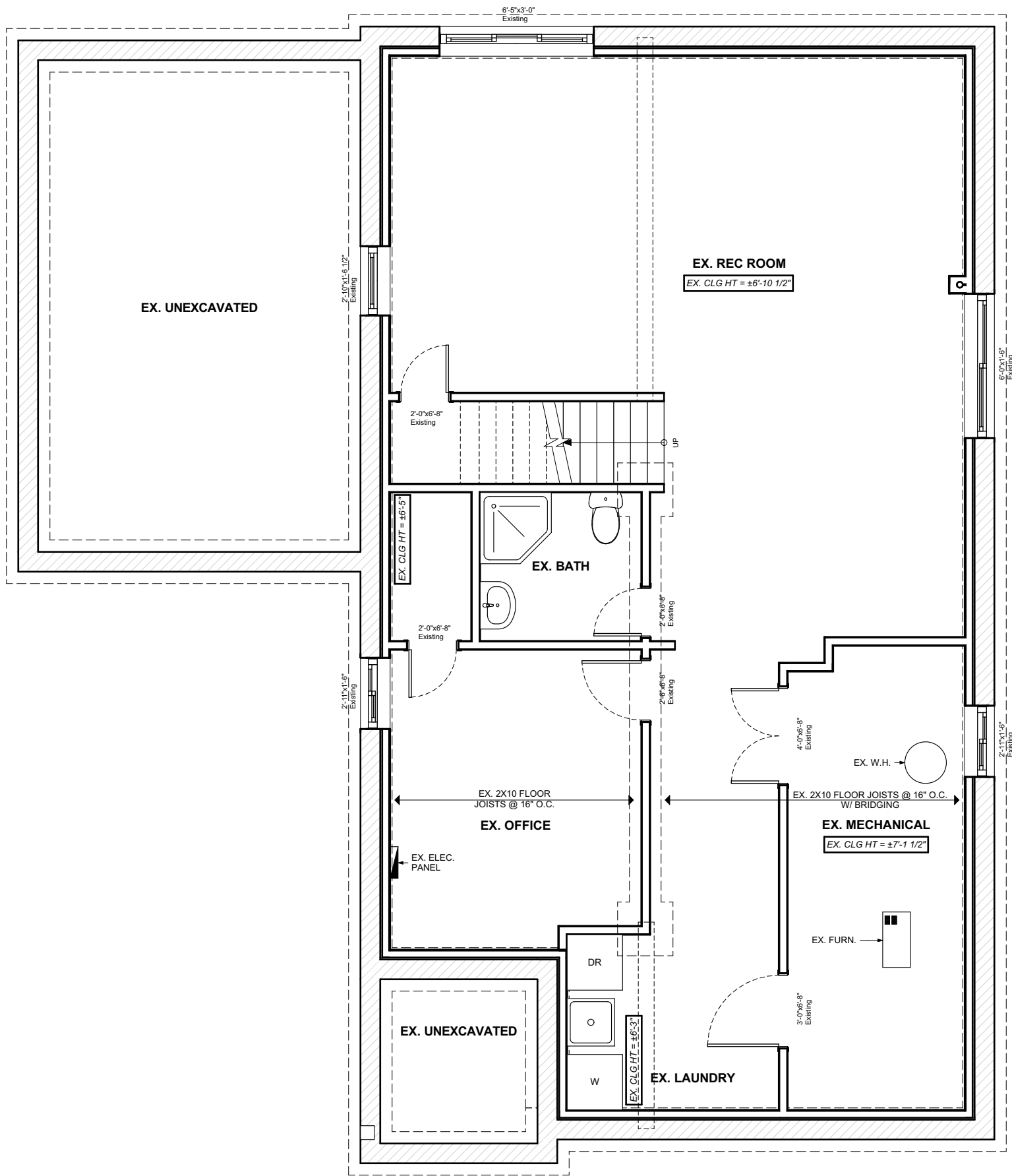
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EXISTING RIGHT ELEVATION

SCALE: 3/16" = 1'-0"

SILVERTHORNE
251 MCNEILLY RD STONEY CREEK ON L8E 5H2
2020-10-15
3/16" = 1'-0"
SILVERTHORNE - 2.0 - variance plans.pln





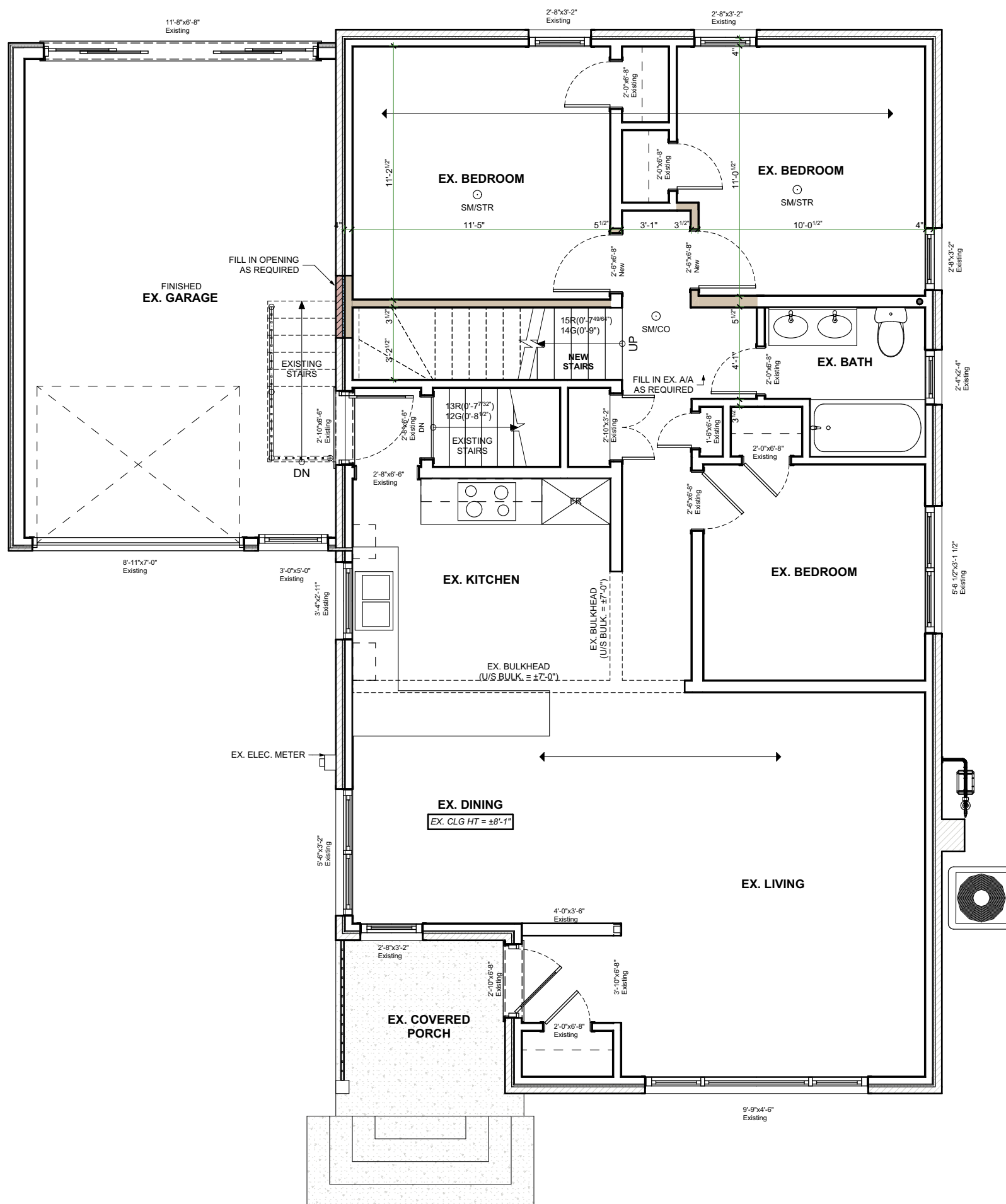
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PROPOSED BASEMENT PLAN

SCALE: 3/16" = 1'-0"

SILVERTHORNE
 251 MCNEILLY RD STONEY CREEK ON L8E 5H2
 2020-10-15
 3/16" = 1'-0"
 SILVERTHORNE - 2.0 - variance plans.pln





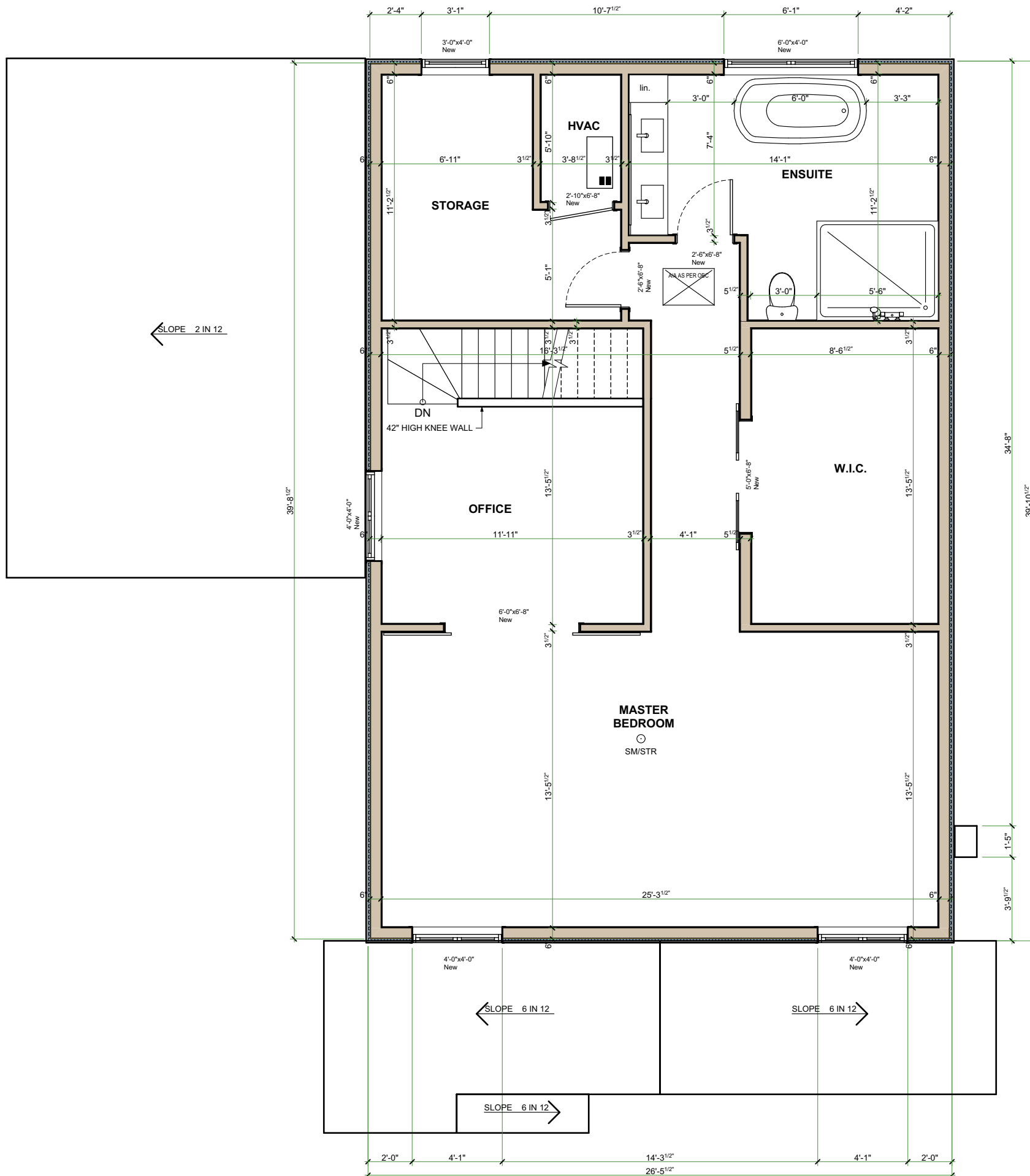
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PROPOSED MAIN FLOOR PLAN

SCALE: 3/16" = 1'-0"

SILVERTHORNE
 251 MCNEILLY RD STONEY CREEK ON L8E 5H2
 2020-10-15
 3/16" = 1'-0"
 SILVERTHORNE - 2.0 - variance plans.pln





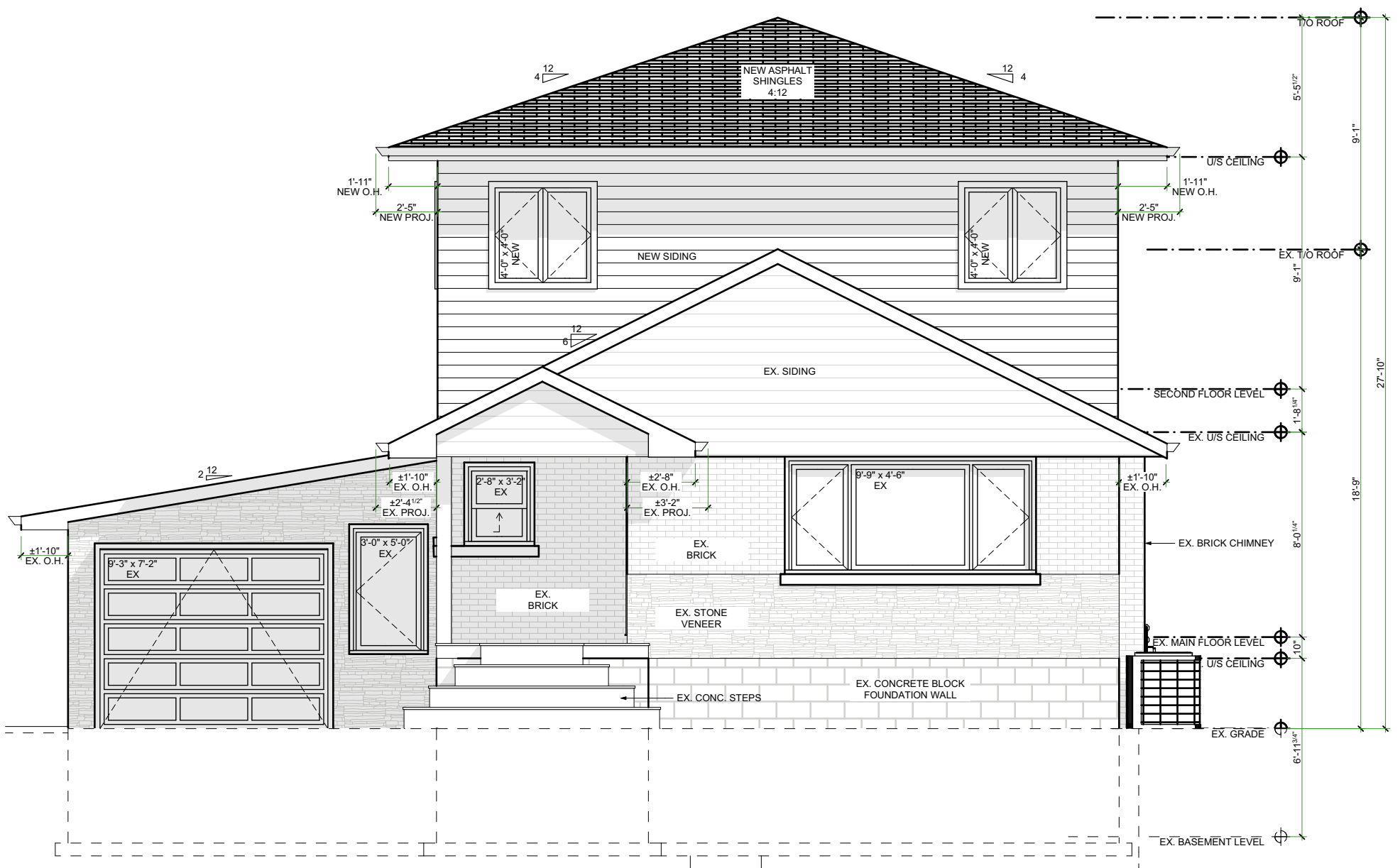
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PROPOSED SECOND FLOOR PLAN

SCALE: 3/16" = 1'-0"

SILVERTHORNE
 251 MCNEILLY RD STONEY CREEK ON L8E 5H2
 2020-10-15
 3/16" = 1'-0"
 SILVERTHORNE - 2.0 - variance plans.pln





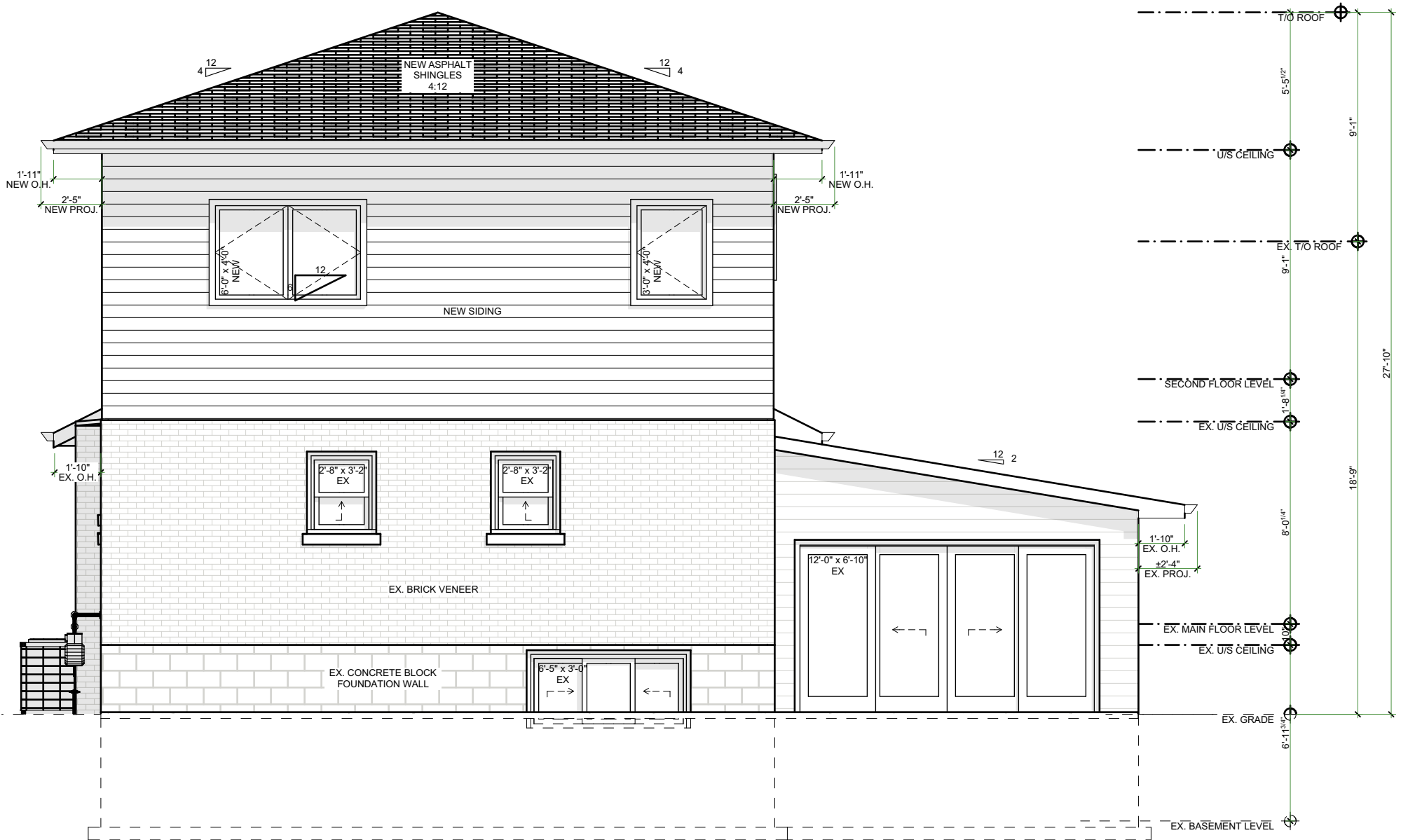
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PROPOSED FRONT ELEVATION

SCALE: 3/16" = 1'-0"

SILVERTHORNE
 251 MCNEILLY RD STONEY CREEK ON L8E 5H2
 2020-10-15
 3/16" = 1'-0"
 SILVERTHORNE - 2.0 - variance plans.pln





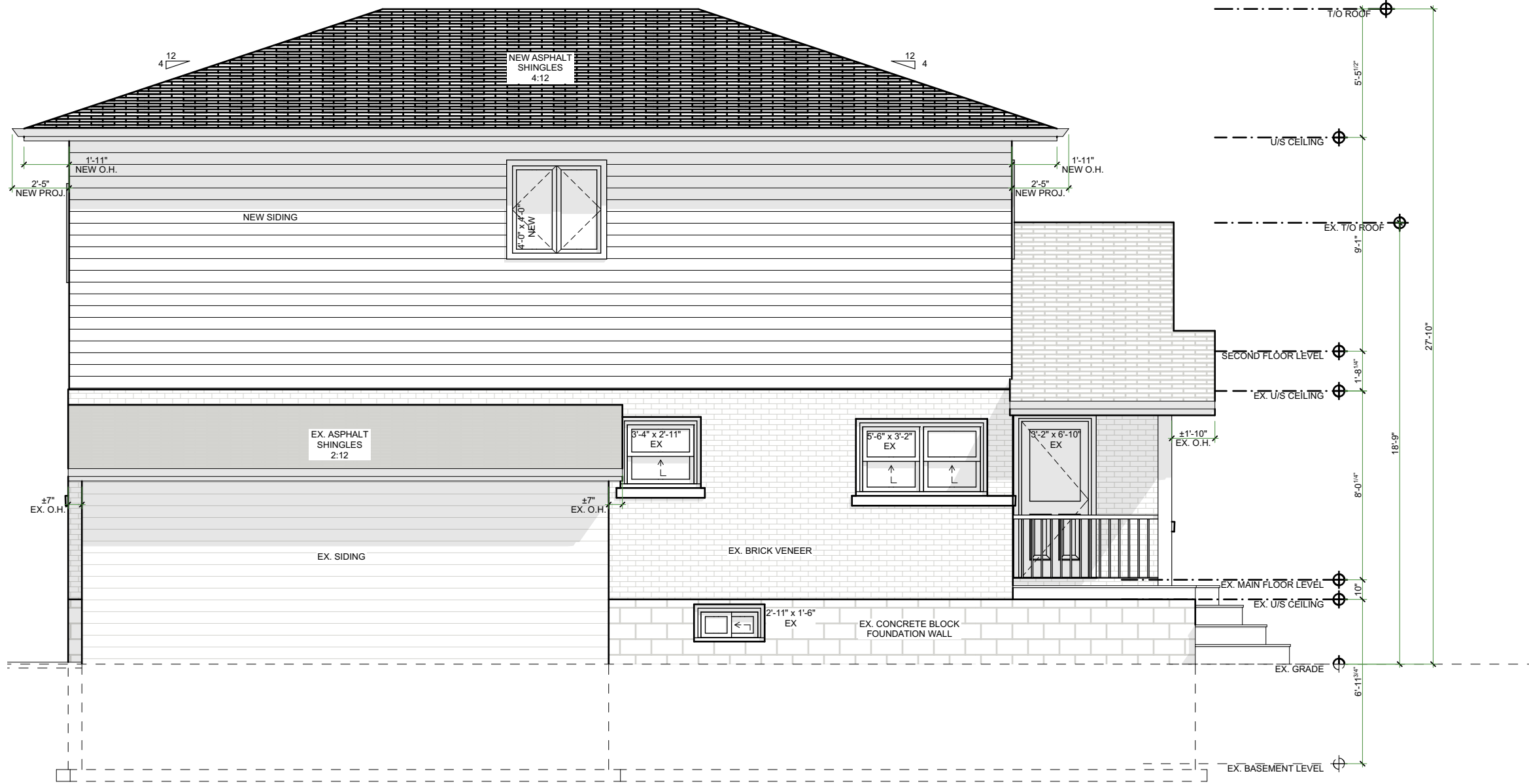
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PROPOSED REAR ELEVATION

SCALE: 3/16" = 1'-0"

SILVERTHORNE
 251 MCNEILLY RD STONEY CREEK ON L8E 5H2
 2020-10-15
 3/16" = 1'-0"
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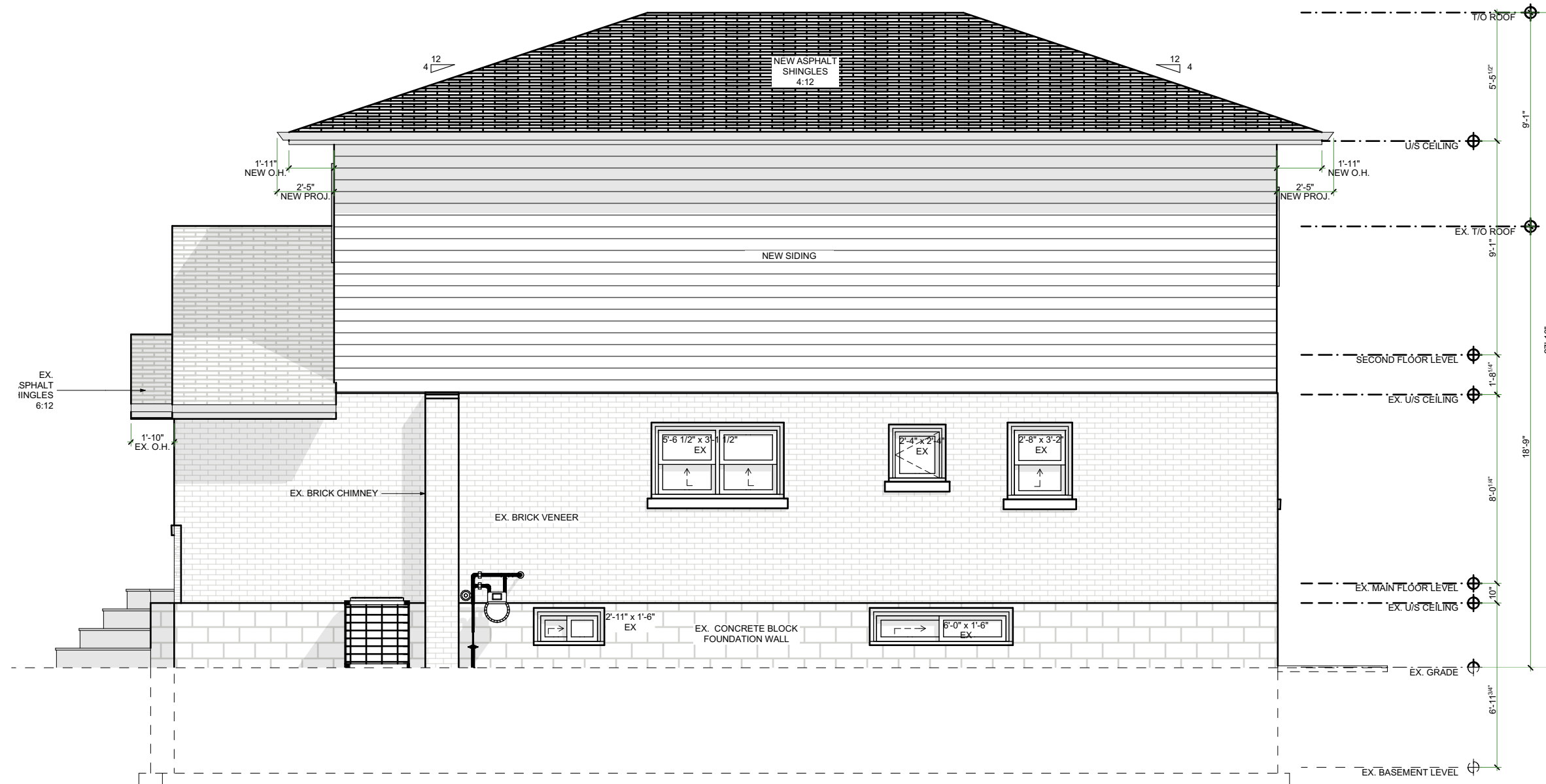
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PROPOSED LEFT ELEVATION

SCALE: 3/16" = 1'-0"

SILVERTHORNE
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 3/16" = 1'-0"
 SILVERTHORNE - 2.0 - variance plans.pln





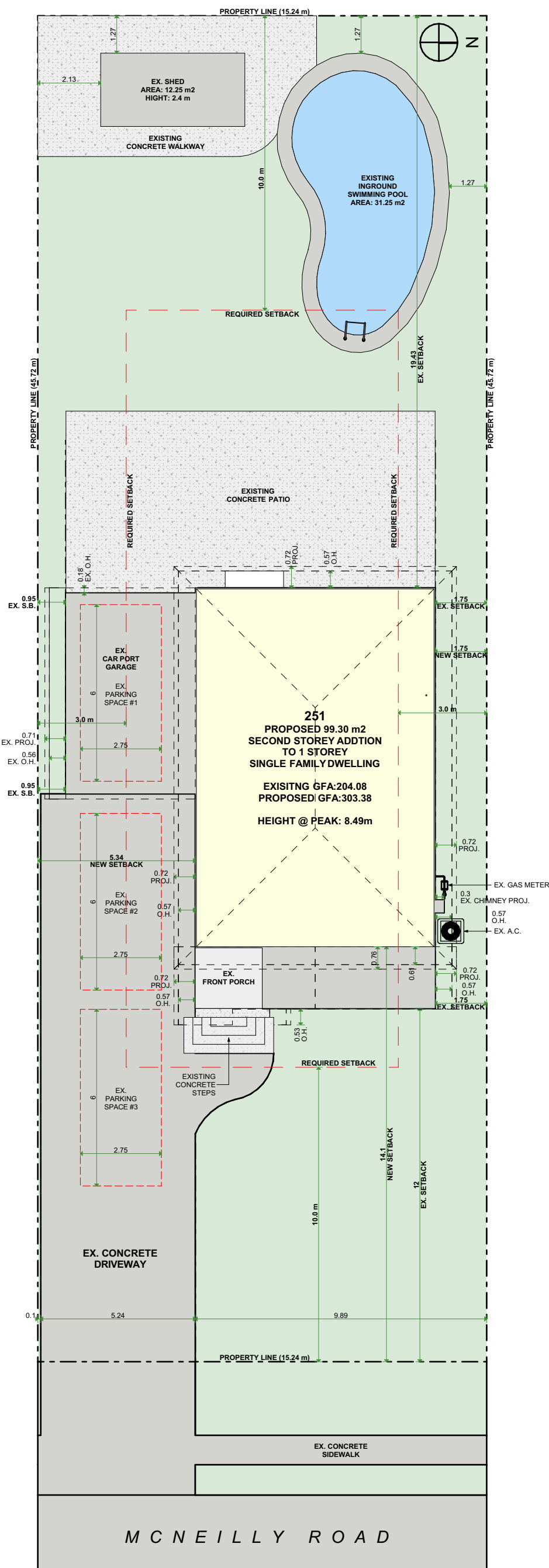
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PROPOSED RIGHT ELEVATION

SCALE: 3/16" = 1'-0"

SILVERTHORNE
 251 MCNEILLY RD STONEY CREEK ON L8E 5H2
 2020-10-15
 3/16" = 1'-0"
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SITE STATS

PROPERTY INFORMATION

ADDRESS: 251 MCNEILLY RD
 MUNICIPALITY: STONEY CREEK
 ZONE CODE: A1
 ZONING DESCRIPTION: AGRICULTURE
 PARENT BYLAW NUMBER: 05-200
 BYLAW NUMBER: 15-173
 WARD: 10
 PULLING DIVISION: 6

POSTAL CODE: L8E 5H2

ZONING INFORMATION

MIN. LOT AREA (m²): 1618.74
 MIN. LOT WIDTH (m): 30
 MIN. LOT DEPTH (m): N/A

LOT AREA (m²): 696.77
 LOT WIDTH (m): 15.24
 LOT DEPTH (m): 45.72

	Allowed:	Existing:	Proposed:
LOT COVERAGE (%) ¹ :	N/A	20.30%	20.30%
FLOOR AREA RATIO ² :	N/A	0.2929:1	0.4354:1
GROSS FLOOR AREA ⁴ (m ²)	N/A	204.08	303.38
GROUND FLOOR AREA (m ²):	N/A	141.45	141.45
BUILDING HT. (m):	10.5	5.72	8.49
PARKING SPACES ³ :	2	3	3

SETBACKS (m)	Allowed:	Existing:	Proposed:
FRONT:	10.0	12.0	14.10
REAR:	10.0	19.43	19.43
RIGHT SIDE:	3.0	1.75	1.75
LEFT SIDE:	3.0	0.95	5.35

ENCROACHMENTS (m)	Allowed:	Existing:	Proposed:
ROFF PROJECTION:	0.6	AS NOTED	AS NOTED
COVERED PORCH:	1.5	AS NOTED	AS NOTED
CHIMNEY PROJECTION:	0.6	AS NOTED	AS NOTED
DECK:	1.5	N/A	N/A

ACCESSORY BUILDINGS:

NUMBER OF ACCESSORY BUILDINGS: 1
 ACCESSORY BUILDINGS SIZE (m²): 12.25
 ACCESSORY BUILDINGS HEIGHT (m): 2.4
 DOES THIS SECTION COMPLY WITH ZONING BY-LAW NO. 05-200 - SECTION 4.8.2: YES

OTHER RETRICTIONS:

	Not Req'd:	Req'd:	Approved:
MINOR VARIANCE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CONSERVATION AUTHORITY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SITE PLAN CONTROL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
GREENBELT PROTECTED COUNTRYSIDE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

REFERENCES

- ¹ Proposed lot coverage calculations = Proposed Footprint area / Lot Area
- ² Floor Area Ratio Calculation: Total GFA / Lot Area
- ³ Parking space sizing as follows:
Hamilton: 2.7m x 6.0m
- ⁴ Area of all floors excluding the following:
 - 100sf for laundry if possible
 - 70sf for mechanical if possible
 - Attic spaces
 - Any area that is uninhabitable





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.

- Name of Owner Teresa Thompson Telephone No. [REDACTED]
FAX NO. - E-mail address. [REDACTED]
- Address [REDACTED]
[REDACTED] Postal Code [REDACTED]
- Name of Agent SHANE VAN BARNEVELD Telephone No. [REDACTED]
FAX NO. - E-mail address. [REDACTED]
- Address [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:
N/A

Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:

1. TO PERMIT SIDE YARD SETBACK OF 1.75 M INSTEAD OF THE REQUIRED SIDE
YARD SETBACK 3.0 M.

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

THE PROPOSED SECOND STORY EXTERIOR WALLS ADDITION LINE UP WITH EXISTING
SINGLE FAMILY DWELLING NON-CONFORMING 1.75 M SIDE YARD SETBACK.

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

251 MCNEILLY ROAD, STONEY CREEK, L8E 5H2.

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.

Oct. 19, 2020
Date



Signature Property Owner

Teresa Thompson
Print Name of Owner

10. Dimensions of lands affected:

Frontage 15.24 m
Depth 45.72 m
Area 696.77 m²
Width of street 7.0 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: 141.45 m² , LOT COVERAGE: %20.3
GROSS FLOOR AREA: 204.08 m², GFA RATIO: 0.2929
NUMBER OF STORIES: 1, HEIGHT: 5.72m
WIDTH:12.54m , LENGTH: 14.29m

Proposed: GROUND FLOOR AREA: 141.45 m² , LOT COVERAGE: %20.3
GROSS FLOOR AREA: 303.38 m², GFA RATIO: 0.4354
NUMBER OF STORIES: 2, HEIGHT: 8.49m
WIDTH:12.54m , LENGTH: 14.29m

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 (SOUTH) SIDE:12.00 m
SIDE (WEST) SIDE:0.95 m
SIDE (EAST) SIDE:1.75 m
REAR (NORTH) SIDE:19.43 m

Proposed: FRONT (SOUTH) SIDE:12.00 m (SAME AS EXISTING)
SIDE (WEST) SIDE:0.95 m (SAME AS EXISTING)
SIDE (WEST) SIDE:1.75 m (SAME AS EXISTING)
REAR (NORTH) SIDE:19.43 m (SAME AS EXISTING)

13. Date of acquisition of subject lands:
Sept 28, 2018
14. Date of construction of all buildings and structures on subject lands:
1950's
15. Existing uses of the subject property: RESIDENTIAL
16. Existing uses of abutting properties: RESIDENTIAL
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
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Zoning By-law No. 05-200 - A1
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.



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: 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.: GL/A-20:216

APPLICANTS: IBI Group c/o Jared Marcus on behalf of the owner Vicano Developments Ltd.

SUBJECT PROPERTY: Municipal address **15 Ambitious Crt., Glanbrook**

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-law 10-128

ZONING: "M3" (Prestige Business Park (M3) Zone)

PROPOSAL: To facilitate the development of a Planned Business Centre consisting of two separate buildings providing a combined total gross floor area of approximately 10,670 square metres, notwithstanding,

1. A warehouse use shall be permitted to provide an accessory retail area, to a maximum of 10% of the gross floor area of an individual tenant space, whereas a warehouse use, as defined within the Zoning By-law, does not permit the retailing of goods to the general public;
2. Parking at a rate of 1 space for each 60.6 square metres of gross floor area, requiring a total of 176 parking spaces, shall be permitted instead of the minimum required parking rate of 1 space for each 50 square metres of gross floor area, requiring a total of 213 parking spaces;
3. Mechanical and unitary equipment (hydro transformer) which is not screened from the street shall be permitted to be located 0.0 metres from the street line instead of providing a minimum setback of 3.0 metres from a street line to a hydro transformer which is screened from the street by an enclosure or landscaping; and,
4. A hydro transformer shall be permitted to be located within a required landscaped area and/or planting strip area abutting the street, whereas a landscaped area and a planting strip area, as defined within the Zoning By-law, does not permit the location of a hydro transformer there within.

NOTES:

1. These variances are necessary to facilitate Site Plan application DA-20-034. The applicant shall ensure all other zoning requirements, as outlined in Building Division comments dated August 24, 2020 can be complied with.

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

GL/A-20:216
Page 2

DATE: Thursday, November 19th, 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.

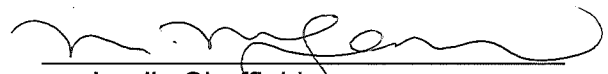
Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

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: November 3rd, 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.

UNDERTAKING RE: 15 Ambitious Court, Hamilton File No. DA-20-034

1. Vicano Developments Limited, the owner of the land, hereby undertake and agree without reservation,

(a) to comply with all the content of this plan and drawing and not to vary therefrom,

(b) to perform the facilities, works or matters mentioned in Section 41 (7)(a) of the Planning Act shown on this plan and drawing(s) in accordance with the conditions of approval as set out in the Letter of Approval dated June 1, 2020,

(c) to maintain to the satisfaction of the City and at its (our) sole risk and expense, all of the facilities, works or matters mentioned in Section 41(7)(b) of the said Act, shown in this plan and drawing, including removal of snow from access ramps and driveways, parking and loading areas and walkways; and,

(d) in the event that the Owner does not comply with the plan dated July 16, 2020, the owner agrees that the City may enter the land and do the required works, and further the Owner authorizes the City to use the security filed to obtain compliance with this plan.

(e) The owner shall complete to the satisfaction of the Director of Engineering of the City of Hamilton and Canada Post

a) include on all offers of purchase and sale, a statement that advises the prospective purchaser;

b) that the home/business mail delivery will be from a designated Centralized Mail Box location which will be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales;

c) the owner further agrees to work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision;

d) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes;

e) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision;

f) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans;

g) Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations;

h) Canada Post's mail-sort policy, which requires that the owner/developer provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly & more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

(f) The Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.

(g) That the Owner acknowledges that the required parking on site has been calculated for Warehouse use. Individual units will be subject to parking calculations at Building Permit stage when uses are determined. Should parking on site be deficient for the proposed uses, a Minor Variance will be required.

(i) That the Owner acknowledges that any development in conjunction with the site plan must not block vehicle access to any HOV facilities located on the transmission corridor. During construction, there must be no storage of materials or mounding of earth, snow or other debris on the transmission corridor.

(j) That the Owner acknowledges that his transmission lines along the subject lands operate at either 500,000, 230,000 or 115,000 volts. Section 188 of Regulation 213/91 pursuant to the Occupational Health and Safety Act, require that no object be brought closer than 6 metres (20 feet) to an energized 500kV conductor. The distance for 230kV conductors is 4.5 metres (15 feet), and for 115kV conductors it is 3 metres (10 feet). It is the developer's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.

(k) The Owner acknowledges and agrees that the City will not issue a servicing permit or grant a building permit for this development until such time that the municipal mains within Ambitious Court are assumed by the City and utilities are completed to the satisfaction of the Manager of Development Approvals.

Dated this 16th day of July, 2020

DEVELOPMENT DETAILS PRESTIGE BUSINESS PARK (M3) ZONE			
	REQUIRED	PROPOSED	ADJUSTMENT NEEDED
MINIMUM LOT AREA	4,000m ²	4,274.33m ²	
MINIMUM YARD SETTING A STREET	4.0 m	3.0 m	
MINIMUM YARD SETTING B STREET	27.0 m	23.25 m	
MINIMUM BUILDING HEIGHT	N/A	5.5 m	
GROSS FLOOR AREA FOR OFFICE USE	MAX. 3,000m ²	N/A	
GROSS FLOOR AREA FOR INDUSTRIAL/ADMINISTRATIVE OFFICE	10,000m ²	76m ²	
MINIMUM UNOCCUPIED AREA ADJACENT A STREET	6.0 m	6.0 m	
MINIMUM PLANTING STRIP ADJACENT A STREET	3.0 m	3.0 m	
OUTDOOR STORAGE SHALL NOT BE PERMITTED IN A FRONT YARD	NOT PERMITTED	NOT PROPOSED	
MAXIMUM OUTDOOR STORAGE	85% LOT AREA = 23,316m ²	184m ² ± 0.3%	
MAXIMUM ACCESSORY RETAIL	25% OF CPA OR 500m ²	NONE PROPOSED	
PARKING REQUIREMENTS			
MINIMUM SEWERAGE TO A STREET LINE	3.0 m	5.41 m	
MINIMUM PLANTING STRIP ADJACENT A STREET LINE	3.0 m	3.0 m	
MINIMUM PARKING STALL SIZE	3.0 m x 5.8 m	3.0 m x 5.8 m	
MINIMUM BARRIER FREE STALL SIZE	4.4 m x 5.8 m	4.4 m x 5.8 m	
PLANNED BUSINESS CENTER (10,869.5m ²)	1 SPACE/250m ² = 213 SPACES	1 SPACE/210m ² = 136 SPACES	X
BARRIER FREE PARKING	2 SPACES / 1% OF OCCUPIED = 6 SPACES	6 SPACES	
LOADING FACILITIES			
LOADING IN FRONT YARD	NOT PERMITTED	NOT PROPOSED	

GENERAL NOTES:

- ALL WORK PROVIDED IN THE CONSTRUCTION PERMITS, PER-PHASE, UNLESS SPECIFIED FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE CITY OF HAMILTON, PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT.
- PIPE ROUTE (SIZE AND SHALL BE MEASURED SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY OF HAMILTON AND AT THE EXPENSE OF THE OWNER.
- USING OVERHEAD EXISTING AT THE PROPERTY, THE BOUNDARIES ARE PLANNED TO BE 7.5M UNLESS OTHERWISE STATED.
- ALL UTILITIES SHALL BE LOCATED WITHIN THE FIRST 3.0M FROM THE CITY OF HAMILTON PROPERTY LINE. ALL UTILITIES SHALL BE WITHIN 1.5M FROM THE PROPERTY LINE. ALL UTILITIES SHALL BE WITHIN 1.5M FROM THE PROPERTY LINE.
- THE APPROVAL OF THIS PLAN DOES NOT EXCEPT THE OWNER'S OBLIGATION TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF HAMILTON AND AT THE EXPENSE OF THE OWNER.

ADDITIONAL NOTES:

- ADDITIONAL NOTES MUST BE PROVIDED AND THE CURB AND BOUNDARY CERTIFIED WITH 50% AT THE OWNER'S EXPENSE TO THE SATISFACTION OF THE CITY OF HAMILTON, PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT.
- FOR VERTICAL CURVES AT THE VERTICAL CURVE POINTS, THE FOLLOWING NOTE TO BE PROVIDED: 150 METRE BY 3.0 METRE VERTICAL CURVES AT WHICH THE MAXIMUM HEIGHT OF ANY OBJECT OF UNUSUAL HEIGHT IS NOT TO EXCEED A HEIGHT OF 2.0 METRES ABOVE THE CORRESPONDING PERPENDICULAR CENTRE ELEVATION OF THE ADJACENT STREET.
- THIS PROPERTY IS INTENDED FOR INDUSTRIAL COLLECTION OF CUPBOARD, PER-CUPBOARD MATERIAL AND LEAF AND WOOD WASTE THROUGH THE CITY OF HAMILTON, WHICH WILL BE IMPROVED THROUGH A PRIVATE CONTRACTOR.
- PROPOSED STORAGE SHALL CONFORM TO THE CITY'S SIGN AND OTHER BY-LAW 10-167.
- ALL FENCES MUST COMPLY WITH THE CITY OF HAMILTON FENCE BY-LAW 10-167.
- NO WORKING MUST BE CONDUCTED ON THE SITE AND MUST NOT SPILL OVER TO ADJACENT PROPERTIES OR STREETS.

CLIENT
VICANO DEVELOPMENTS LIMITED
225 PARIS ROAD, BRANTFORD

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No drawing has been prepared solely for the benefit of the client. Any reproduction or distribution of this drawing without the written consent of the client is prohibited. The client shall be responsible for the accuracy of the information provided and for the consequences of any errors or omissions. The client shall be responsible for the accuracy of the information provided and for the consequences of any errors or omissions. The client shall be responsible for the accuracy of the information provided and for the consequences of any errors or omissions.

IBI Group Professional Services (Canada) Inc.
1400 Steeles Ave. East, Unit 100
Markham, Ontario L3R 9V7

ISSUES	NO.	DESCRIPTION	DATE
1	1	FIRST SITE PLAN SUBMISSION	2020-03-04
2	2	FIRST CLEARANCE SUBMISSION	2020-07-16
3	3	MINOR VARIANCE SUBMISSION	2020-10-19

CONSULTANTS

LEGEND
▶ PROPOSED LOADING DOOR
▷ PROPOSED MAIN DOOR

SCALE
1:400 (m)

PROJECT
15 AMBITIOUS COURT
BLOCK 6, 62M-1205

PROJECT NO.
123421

DRAWN BY:
J.MARCUS

CHECKED BY:
J.ARIENS

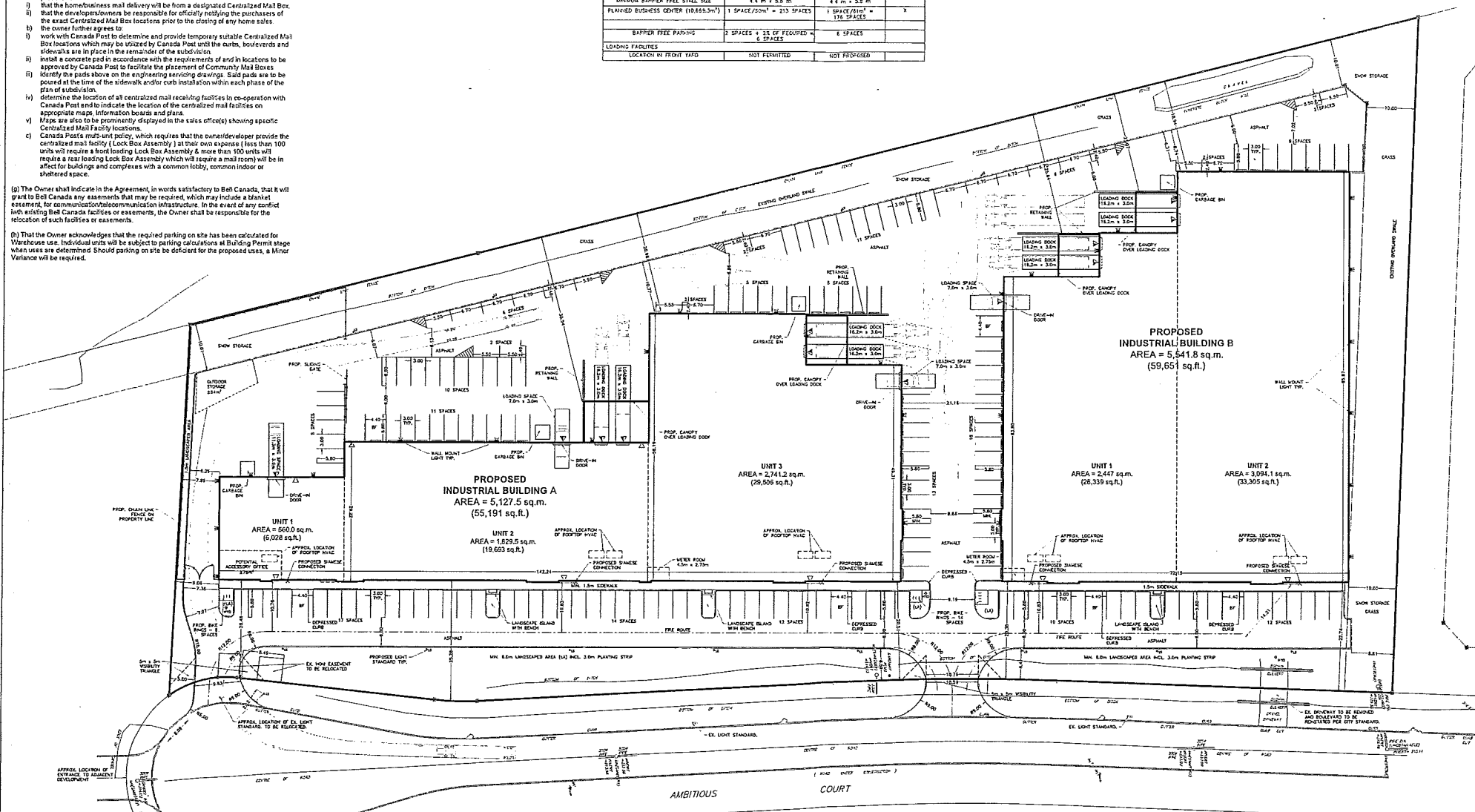
PROJECT MGR.
J.MARCUS

APPROVED BY:
J.ARIENS

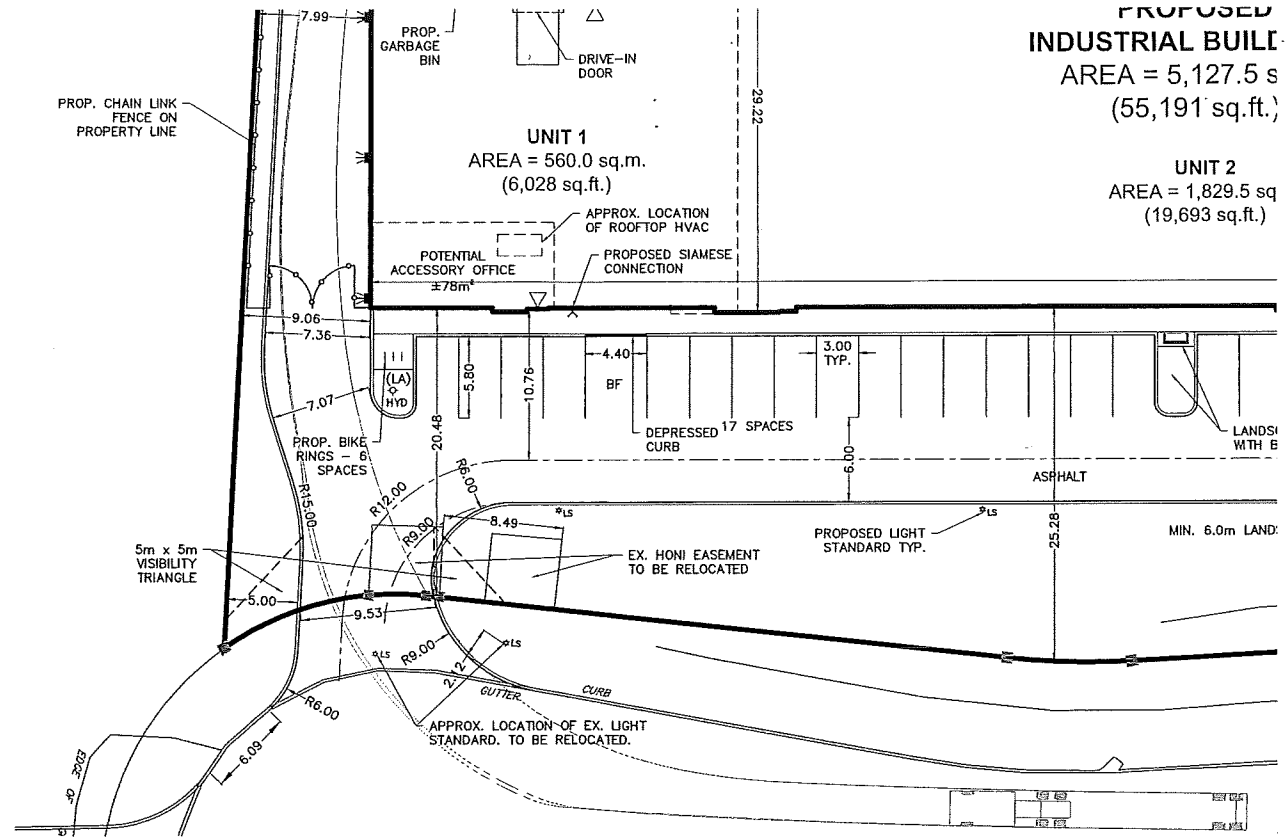
SHEET TITLE
SITE PLAN
DA-20-034

SHEET NUMBER
SP1

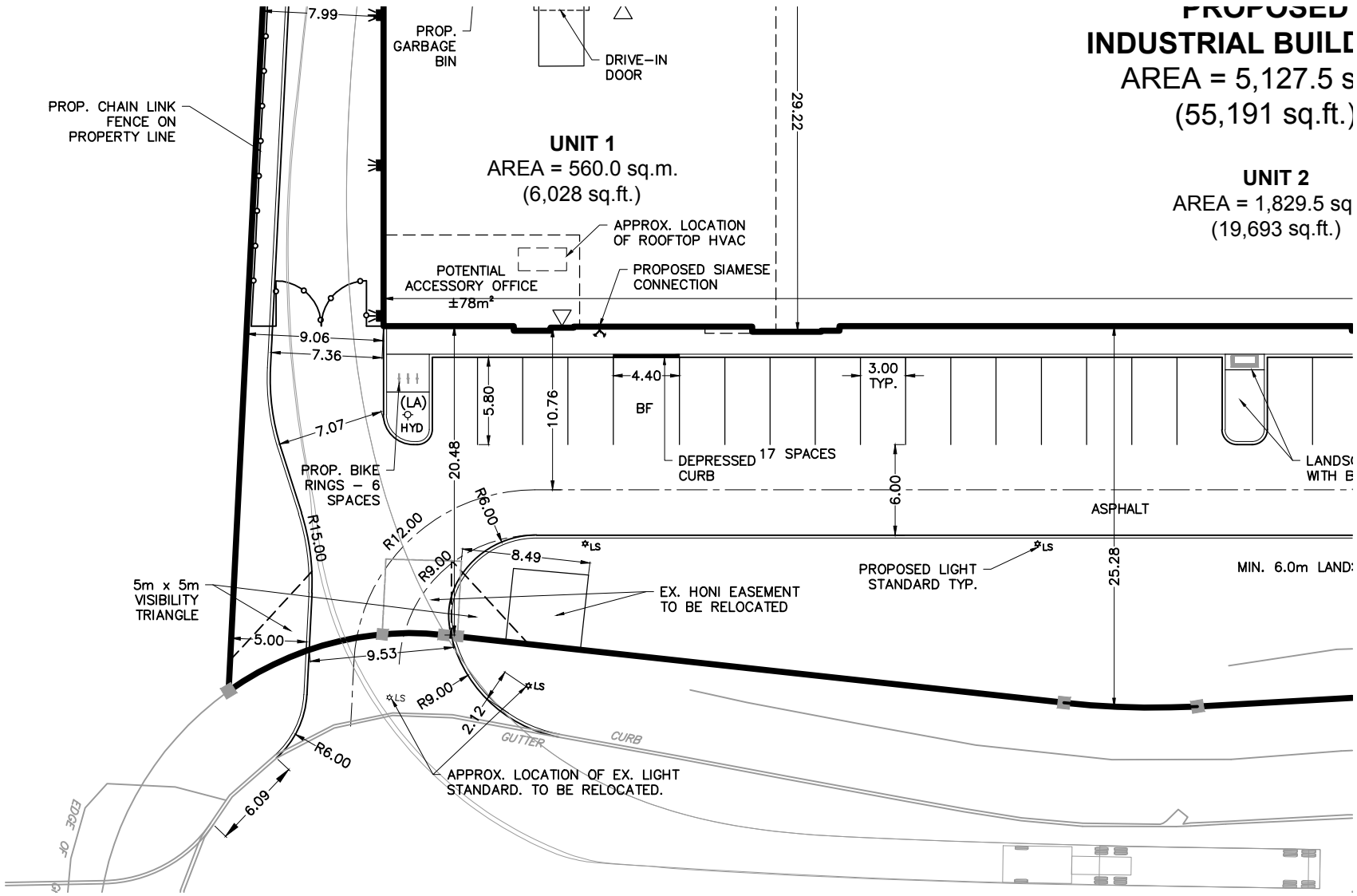
ISSUE
1



GL/A 20.2/6



GLIA
20/2/16



UNDERTAKING

RE: 15 Ambitious Court, Hamilton
File No. DA-20-034

I, Vicano Developments Limited, the owner of the land, hereby undertake and agree without reservation,

- (a) to comply with all the content of this plan and drawing and not to vary therefrom;
- (b) to perform the facilities, works or matters mentioned in Section 41(7)(a) of The Planning Act shown on this plan and drawing(s) in accordance with the conditions of approval as set out in the Letter of Approval dated June 1, 2020;
- (c) to maintain to the satisfaction of the City and at my (our) sole risk and expense, all of the facilities, works or matters mentioned in Section 41(7)(b) of the said Act, shown in this plan and drawing, including removal of snow from access ramps and driveways, parking and loading areas and walkways; and,
- (d) in the event that the Owner does not comply with the plan dated July 16, 2020, the owner agrees that the City may enter the land and do the required works, and further the Owner authorizes the City to use the security filed to obtain compliance with this plan.

(e) The owner shall complete to the satisfaction of the Director of Engineering of the City of Hamilton and Canada Post:

- a) include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i) that the home/business mail delivery will be from a designated Centralized Mail Box.
 - ii) that the developer/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- b) the owner further agrees to:
 - i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
 - ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
 - iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans.
 - v) Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
 - c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly & more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in affect for buildings and complexes with a common lobby, common indoor or sheltered space.

(g) The Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.

(h) That the Owner acknowledges that the required parking on site has been calculated for Warehouse use. Individual units will be subject to parking calculations at Building Permit stage when uses are determined. Should parking on site be deficient for the proposed uses, a Minor Variance will be required.

(i) That the Owner acknowledges that any development in conjunction with the site plan must not block vehicular access to any HONI facilities located on the transmission corridor. During construction, there must be no storage of materials or mounding of earth, snow or other debris on the transmission corridor.

(j) That the Owner acknowledges that the transmission lines abutting the subject lands operate at either 500,000, 230,000 or 115,000 volts. Section 188 of Regulation 213/91 pursuant to the Occupational Health and Safety Act, require that no object be brought closer than 6 metres (20 feet) to an energized 500kV conductor. The distance for 230kV conductors is 4.5 metres (15 feet), and for 115kV conductors it is 3 metres (10 feet). It is the developer's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.

(k) The Owner acknowledges and agrees that the City will not issue a servicing permit or grant a building permit for this development until such time that the municipal mains within Ambitious Court are assumed by the City and utilities are completed to the satisfaction of the Manager of Development Approvals.

Dated this 16th day of July, 2020

DEVELOPMENT DETAILS PRESTIGE BUSINESS PARK (M3) ZONE			
	REQUIRED	PROPOSED	AMENDMENT NEEDED
MINIMUM LOT AREA	4,000m ²	±27,433m ²	
MINIMUM YARD ABUTTING A STREET	6.0 m	20.46 m	
MAXIMUM YARD ABUTTING A STREET	27.0 m	25.26 m	
MAXIMUM BUILDING HEIGHT	N/A	9.98 m	
GROSS FLOOR AREA FOR OFFICE USE	MAX. 3,000m ²	N/A	
GROSS FLOOR AREA FOR INDUSTRIAL ADMINISTRATIVE OFFICE	10,000m ²	78m ²	
MINIMUM LANDSCAPED AREA ABUTTING A STREET	6.0 m	6.0 m	
MINIMUM PLANTING STRIP ABUTTING A STREET	3.0 m	3.0 m	
OUTDOOR STORAGE SHALL NOT BE PERMITTED IN A FRONT YARD	NOT PERMITTED	NOT PROPOSED	
MAXIMUM OUTDOOR STORAGE	85% LOT AREA = 23,318m ²	±84m ² =0.3%	
MAXIMUM ACCESSORY RETAIL	25% OF GFA OR 500m ²	NONE PROPOSED	
PARKING REQUIREMENTS			
MINIMUM SETBACK TO A STREET LINE	3.0 m	6.41 m	
MINIMUM PLANTING STRIP ABUTTING A STREET LINE	3.0 m	3.0 m	
MINIMUM PARKING STALL SIZE	3.0 m x 5.8 m	3.0 m x 5.8 m	
MINIMUM BARRIER FREE STALL SIZE	4.4 m x 5.8 m	4.4 m x 5.8 m	
PLANNED BUSINESS CENTER (10,669.3m ²)	1 SPACE/50m ² = 213 SPACES	1 SPACE/61m ² = 176 SPACES	X
BARRIER FREE PARKING	2 SPACES + 2% OF REQUIRED = 6 SPACES	6 SPACES	
LOADING FACILITIES			
LOCATION IN FRONT YARD	NOT PERMITTED	NOT PROPOSED	

GENERAL NOTES:

1. ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE DIRECTOR OF PLANNING, PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT.
2. FIRE ROUTE SIGNS AND 3-WAY FIRE HYDRANTS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY FIRE DEPARTMENT AND AT THE EXPENSE OF THE OWNER.
3. MAIN DRIVEWAY DIMENSIONS AT THE PROPERTY LINE BOUNDARIES ARE PLUS OR MINUS 7.5m UNLESS OTHERWISE STATED.
4. ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5m SHALL BE WITHIN 5% MAXIMUM GRADE, THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADE.
5. THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
 - ROAD CUT PERMITS
 - APPROACH APPROVAL PERMITS
 - COMMITTEE OF ADJUSTMENT
 - BUILDING PERMITS
 - SEWER PERMITS
 - RELOCATION OF SERVICES
 - ENCROACHMENT AGREEMENTS (IF REQUIRED)

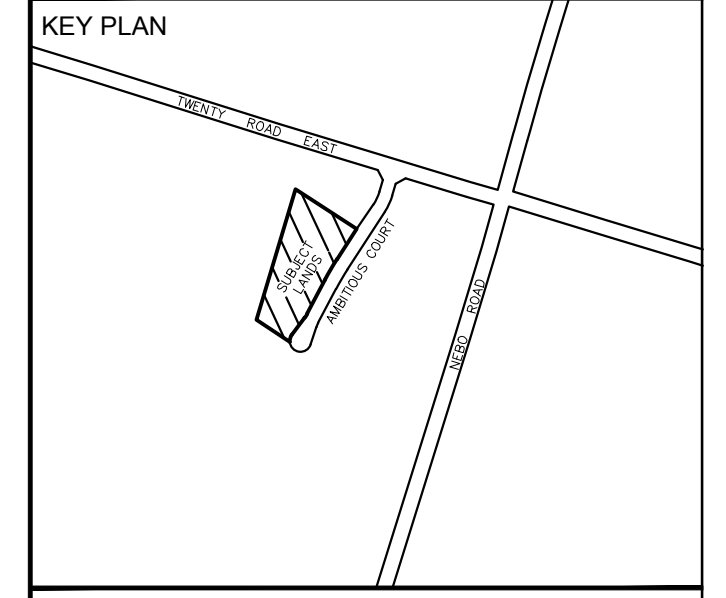
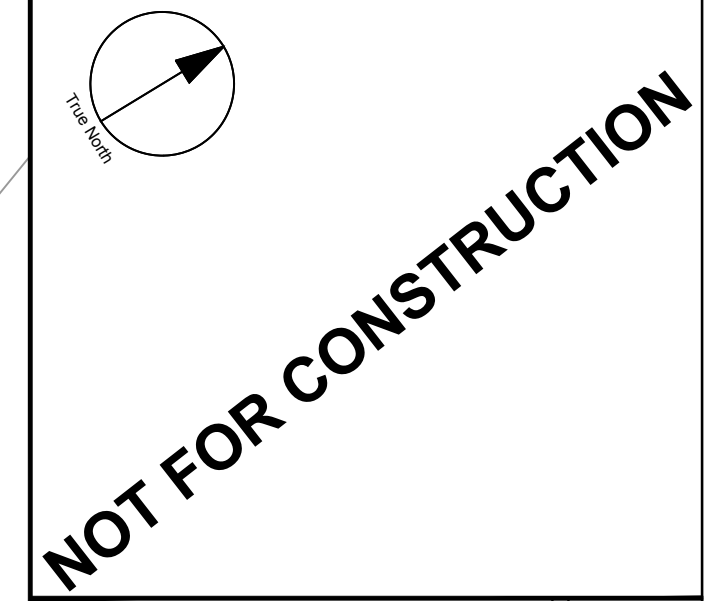
6. ABANDONED ACCESSES MUST BE REMOVED AND THE CURB AND BOULEVARD RESTORED WITH SOD AT THE OWNER'S EXPENSE TO THE SATISFACTION OF THE TRAFFIC ENGINEERING SECTION, PUBLIC WORKS DEPARTMENT.
7. FOR VISIBILITY TRIANGLES AT THE VEHICULAR ACCESS POINTS, THE FOLLOWING NOTE TO BE PROVIDED: "5.0 METRE BY 5.0 METRE VISIBILITY TRIANGLES IN WHICH THE MAXIMUM HEIGHT OF ANY OBJECTS OR MATURE VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.70 METRES ABOVE THE CORRESPONDING PERPENDICULAR CENTRELINE ELEVATION OF THE ADJACENT STREET."
8. THIS PROPERTY IS INELIGIBLE FOR MUNICIPAL COLLECTION OF GARBAGE, RECYCLABLE MATERIAL AND LEAF AND YARD WASTE THROUGH THE CITY OF HAMILTON. WASTE WILL BE MANAGED THROUGH A PRIVATE COMPANY.
9. PROPOSED SIGNAGE SHALL CONFORM TO THE CITY'S SIGN AND OTHER DEVICES BY-LAW No. 10-197.
10. ALL FENCES MUST COMPLY WITH THE CITY OF HAMILTON FENCE BY-LAW No. 10-142.
11. LIGHTING MUST BE DIRECTED ON SITE AND MUST NOT SPILL OVER TO ADJACENT PROPERTIES OR STREETS.

CLIENT
VICANO DEVELOPMENTS LIMITED

225 PARIS ROAD, BRANTFORD

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This drawing has been prepared solely for the intended use, that any reproduction or distribution for any purpose other than authorized by IBI Group is prohibited. Written dimensions shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job, and IBI Group shall be relieved of any liability from the dimensions and conditions shown on this drawing. Shop drawings shall be submitted to IBI Group for general confirmation before proceeding with fabrication.
IBI Group Professional Services (Canada) Inc.
is a member of the IBI Group of companies.

ISSUES	DESCRIPTION	DATE
1	FIRST SITE PLAN SUBMISSION	2020-02-04
2	FIRST CLEARANCE SUBMISSION	2020-07-16
3	MINOR VARIANCE SUBMISSION	2020-10-13



CONSULTANTS

LEGEND
▶ PROPOSED LOADING DOOR
▷ PROPOSED MAN DOOR

SEAL

SOURCE:
TOPOGRAPHIC SURVEY INFORMATION OBTAINED FROM WEST & RULASKA LTD., DWG. No. V190217, DATED NOVEMBER 26, 2019.

ELEVATION NOTE:
ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE DERIVED FROM CANSEL CAN-NET REAL TIME NETWORK OBSERVATION, UTM ZONE 17, NAD83 (CSRS) (2010)

PROJECT
15 AMBITIOUS COURT
BLOCK 5, 62M-1295

SCALE
0 2 0 5 10 15
1:400 (m)

PROJECT NO:
123421

DRAWN BY:
J.MARCUS

PROJECT MGR:
J.MARCUS

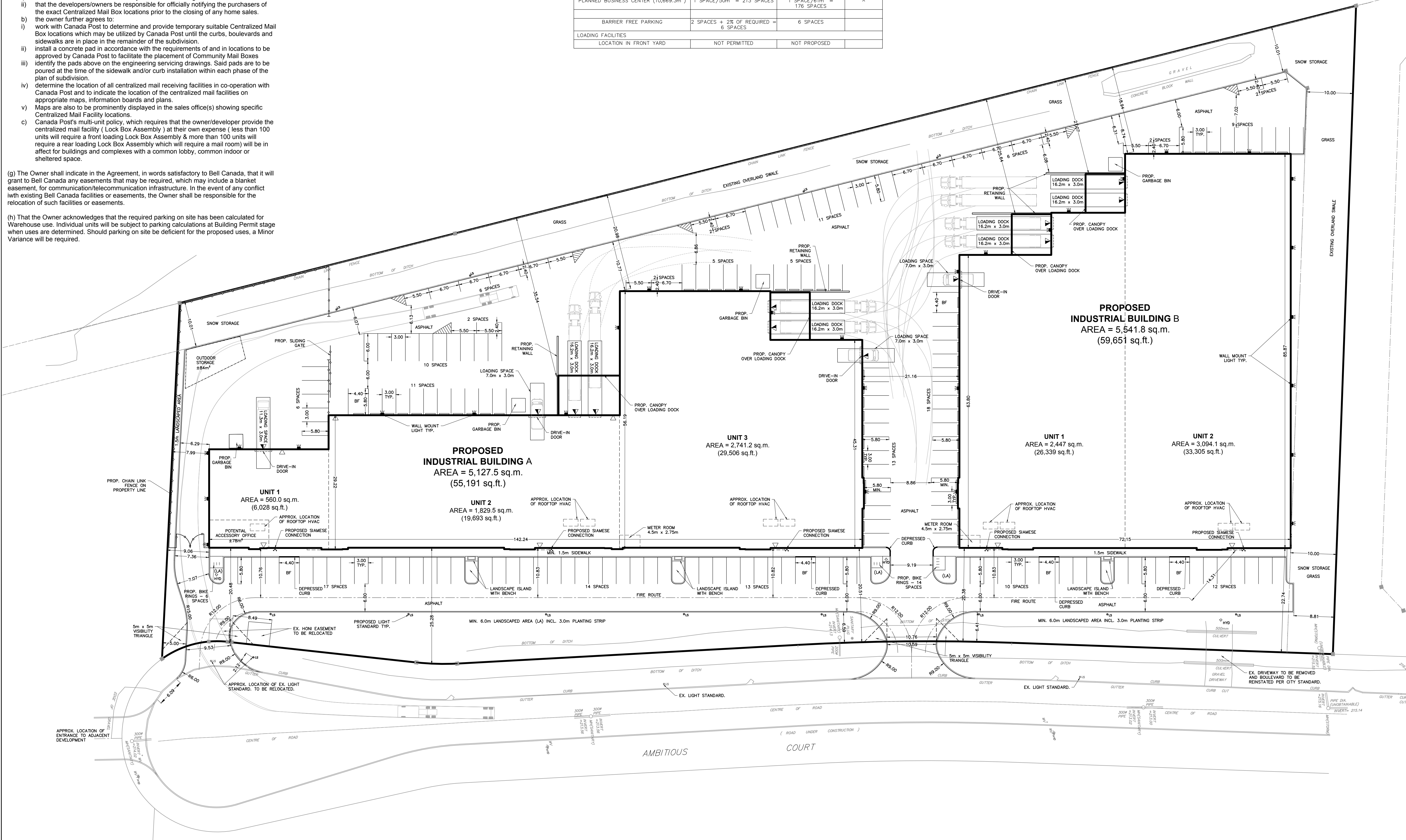
CHECKED BY:
J.ARIENS

APPROVED BY:
J.ARIENS

SHEET TITLE
SITE PLAN
DA-20-034

SHEET NUMBER
SP1

ISSUE
1





IBI GROUP
200 East Wing – 360 James Street North
Hamilton ON L8L 1H5 Canada
tel 905 546 1010 fax 905 546 1011
ibigroup.com

October 13, 2020

Ms. Jamila Sheffield, ACST
Secretary Treasurer-Committee of Adjustment
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield:

**15 AMBITIOUS COURT, HAMILTON (DA-20-034)
MINOR VARIANCE APPLICATION**

On behalf of our client, Vicano Developments Limited, we are pleased to submit a Minor Variance application for the above noted development. The application seeks to recognize an existing hydro transformer located within a Landscape Area or Planting Strip adjacent to a street line, as well to seek relief from the required parking ratio for a Planned Business Centre. The proposed variances will implement the concurrent conditional Site Plan approval, DA-20-034.

Under this Site Plan approval, the project has been deemed to be a Warehouse use, however, the owner would like the flexibility to also include accessory Retail space of up to 10% of the GFA. City staff have advised that the inclusion of any non-Warehouse uses, regardless of size, automatically trigger a change in defined use to a Planned Business Centre, and with that a more restrictive parking ratio. The proposed development will still function as a Warehouse facility; however, individual businesses will have the flexibility to also provide limited accessory retail space.

In support of the application please find enclosed the following information:

- Two (2) copies of the Minor Variance application form;
- Two (2) copies of the Site Plan drawings;
- One (1) cheque in the amount of \$3,302.00; and,
- One (1) copy of the Articles of Incorporation for Vicano Developments Limited.

Should you require any additional information please do not hesitate to contact the undersigned.

Thanks,

A handwritten signature in black ink, appearing to read 'Jared Marcus', written over a horizontal line.

Jared Marcus, CPT

Associate, Manager – Planning

Encl.

Cc: Vicano Developments Limited



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
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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 Vicano Developments Limited Telephone No. ██████████
FAX NO. _____ E-mail address. _____
- Address ██████████
Postal Code ██████
- Name of Agent IBI Group c/o Jared Marcus 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 _____

Postal Code _____

6. Nature and extent of relief applied for:
To permit a hydro transformer to be located within a required Landscape Area or Planting Strip abutting a street. [Section 9.3.3i)]
To permit a hydro transformer to be located 0m from a street line (Section 4.9a)
To permit a Planned Business Centre parking ratio of 1 space/62 sq.m of GFA.
7. Why it is not possible to comply with the provisions of the By-law?
The location of the hydro transformer was approved as part of Draft Plan of Subdivision 25T201207 and created a non-conforming status.
The proposal envisions warehouse uses, however, a small retail component is desired which means that the development would be classified as a Planned Business Centre.
8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
Block 5, 62M-1259
15 Ambitious Court, 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?

Subject lands were reviewed under Draft Plan of Subdivision 25T201207.

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.

September 14, 2020
Date


Signature Property Owner

Vicano Developments Limited
Print Name of Owner

10. Dimensions of lands affected:

Frontage +/-256.1m
Depth +/-77.6m
Area +/-27,433sq.m
Width of street 26m

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: None

Proposed: See attached Site Plan drawing

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

Existing: None

Proposed: See attached Site Plan drawing

13. Date of acquisition of subject lands:

2019

14. Date of construction of all buildings and structures on subject lands:

2021

15. Existing uses of the subject property: Vacant

16. Existing uses of abutting properties: North: Vacant Industrial; East: Vacant Industrial; South: Vacant Industrial; West: Agricultural

17. Length of time the existing uses of the subject property have continued:

2 years

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>No</u>		

19. Present Official Plan/Secondary Plan provisions applying to the land:

Business Park

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:

City of Hamilton Zoning By-law No. 05-200

Prestige Business Park (M3) Zone

21. Has the owner previously applied for relief in respect of the subject property?

Yes

No X

If the answer is yes, describe briefly.

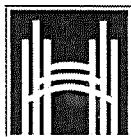
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

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



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: 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.: GL/A-20:225

APPLICANTS: Chris Camilleri, owner

SUBJECT PROPERTY: Municipal address **2035 Fletcher Rd., Glanbrook**

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

ZONING: "A1" (Agriculture) district

PROPOSAL: To permit the construction of an accessory building comprising 305 square metres located on a residential parcel of land, notwithstanding that;

1. Accessory buildings shall be permitted to be located within the front yard instead of the requirement that no accessory buildings or structures shall be located within a front yard.
2. A maximum gross floor area of 305 square metres and a maximum building height of 7.0 metres shall be permitted for all buildings accessory to the single detached dwelling instead of the requirement that all buildings accessory to a Single Detached Dwelling shall not exceed a maximum gross floor area of 200 square metres and a maximum building height of 6.0 metres.

NOTE:

1. This is a corner lot as defined in Hamilton Zoning By-law No. 05-200. Note that with reference to a corner lot, the front lot line shall mean the shorter of the lot lines abutting the streets. Therefore, the lot line abutting Guyatt Road is deemed the front lot line, and the proposed accessory structure/building is located within the front yard, requiring a variance to Section 4.8.2(a) of Hamilton Zoning By-law No. 05-200.
2. The zoning by-law permits a maximum height of 6.0 metres for an accessory building/structure. No elevation drawings were included as part of this application. The applicant shall ensure that the height of the building has been measured from grade as defined in the zoning By-law; otherwise, additional variances may be required.
3. 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 principle use is not permitted.
4. Construction of the proposed accessory building is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.

GL/A-20:225

Page 2

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

DATE: Thursday, November 19th, 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.

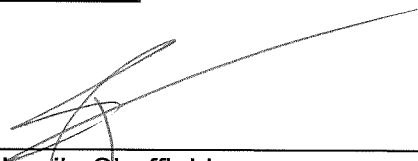
Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

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: November 3rd, 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.



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

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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 Chris Camilleri Telephone No. [REDACTED]
FAX NO. [REDACTED] E-mail address. [REDACTED]
- Address [REDACTED] Postal Code [REDACTED]
- 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 _____

Postal Code _____

6. Nature and extent of relief applied for:

POLE BARN

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

OVER THE LIMIT ALLOWED

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

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.

Date Dec 1 / 2020


Signature Property Owner
Chris Camilleri
Print Name of Owner

10. Dimensions of lands affected:
Frontage 80'
Depth 40'
Area 3200'
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: *ALL BLUEPRINTS / SURVEY SUBMITTED PRIOR TO THIS APPLICATION

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: _____

Proposed: _____

13. Date of acquisition of subject lands:

14. Date of construction of all buildings and structures on subject lands:

AS SOON AS PERMIT?

15. Existing uses of the subject property:

OPEN LAND

16. Existing uses of abutting properties:

17. Length of time the existing uses of the subject property have continued:

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

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.



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: 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.: GL/A-20:227

APPLICANTS: Hickory Dickory Decks on behalf of the owner Reid McQueen

SUBJECT PROPERTY: Municipal address **1455 Golf Club Rd., Glanbrook**

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

ZONING: "A1" (Agriculture) district

PROPOSAL: To permit the construction of a 33 square metre deck for an above ground pool, notwithstanding that:

1. The distance for the deck from the westerly side lot line shall be 0.5 metres instead of the required 1.25 metres.

NOTES:

1. Zoning By-law 05-200 requires the minimum setback for a swimming pool to a lot line to be 1.25 metres measured from the waters edge. The requirement is applied typically for in-ground pools in which the associated deck would be slightly above grade. As the proposed deck is for an above ground pool which would be above grade and close to the height of the pool, the pool and deck are considered to be the same unit and the measurement would be taken from the outer edge of the deck instead of the waters edge.

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

DATE: Thursday, November 19th, 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

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-20:227

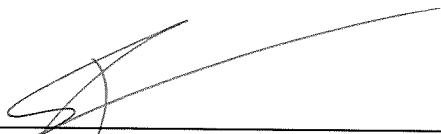
Page 2

MORE INFORMATION

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

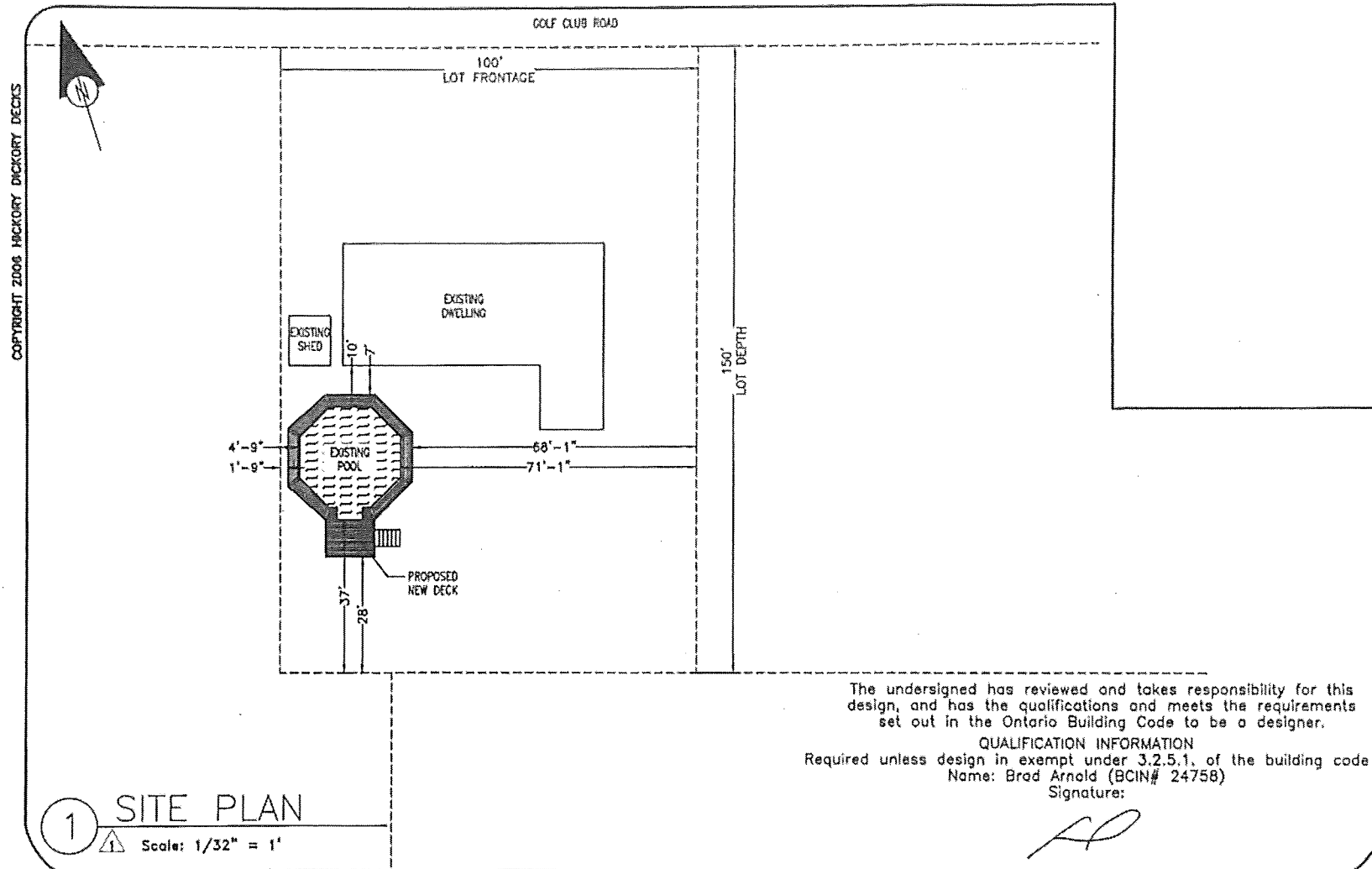
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: November 3rd, 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.



COPYRIGHT 2008 HICKORY DICKORY DECKS

1 SITE PLAN
Scale: 1/32" = 1'

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 a designer.

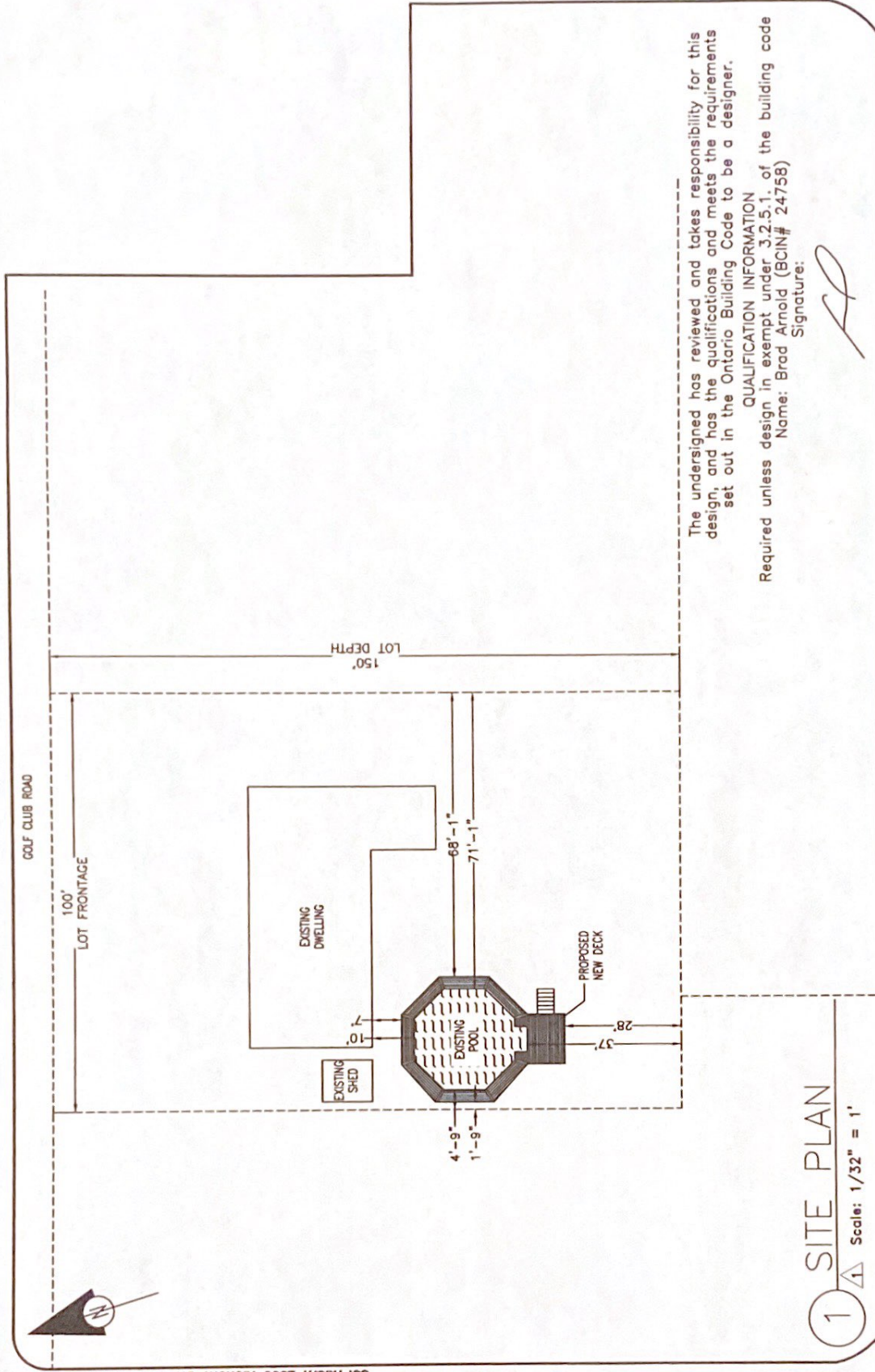
QUALIFICATION INFORMATION
 Required unless design in exempt under 3.2.5.1, of the building code
 Name: Brad Arnold (BCIN# 24758)
 Signature: *AP*

GHA
20:227
Sketch

HICKORY DICKORY DECKS
 Head Office
 115 Dundas St. W.
 Highway #5, Scarborough, L6H 7L6
 P: 905.882.4774 E: hddoffice@gmail.com

Project: **NEIL MCQUEEN**
 Job address: **1455 GOLF CLUB RD, HANNON**

Drawing by: **Stephanie Halcrow**
 Date drawn: **September 28th, 2020**
 Drawing No: **SP1.01**



COPYRIGHT 2006 HICKORY DICKORY DECKS

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 a designer.

QUALIFICATION INFORMATION
 Required unless design is exempt under 3.2.5.1. of the building code
 Name: Brad Arnold (BCIN# 24758)
 Signature: *[Signature]*

1 SITE PLAN
 Scale: 1/32" = 1'

Drawing by: **Stephanie Halcrow**
 Date drawn: **September 28th, 2020**
 Drawing No: **SP1.01**

Project: **NEIL MCQUEEN**
 Job address: **1455 GOLF CLUB RD, HANNON**

HICKORY DICKORY DECKS
 Head Office
 115 Dundas St. W.
 Highway #5, Farnborough, LH 7L6
 P: 905.689.4774 E: hdd@office@gmail.com



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

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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.

1. Name of Owner REID McQUEEN Telephone No. [REDACTED]
FAX NO. _____ E-mail address. [REDACTED]
2. Address [REDACTED]
Postal Code [REDACTED]
3. Name of Agent HICKORY DICKORY DECKS Telephone No. [REDACTED]
FAX NO. ANCASTER BIRCHWOOD E-mail address. [REDACTED]
4. Address [REDACTED]
Postal Code [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:
REID McQUEEN - 1455 GOLF CLUB ROAD
HANNON ON. Postal Code L0R 1P0.

6. Nature and extent of relief applied for:

o Minor VARIANCE for pool deck.

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

o too close to side yard lot line with deck construction proposal.

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

1455 GOLF CLUB ROAD, HAMMOND ON.

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?
• site visit & confirmation with client on area.
- 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.

Oct 19, 2020
 Date

[Redacted Signature]
 Signature Property Owner

REID McQUEEN.
 Print Name of Owner

10. Dimensions of lands affected:
 Frontage 100'
 Depth 150'
 Area 15,000 sq.ft.
 Width of street 30'
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: • house 1250 sq. ft., 1 storey, 9' main height.
 Proposed: 320 sq ft dock around pool. 8' tall.
12. Location of all buildings and structures on or proposed for the subject lands;
 (Specify distance from side, rear and front lot lines)
 Existing: • shed, 10x10, 100 sq ft.
• pool, 24' octagon pool.

Proposed: • 32m ~~sq ft~~ deck, around pool. 3' tall.

13. Date of acquisition of subject lands: 1993

14. Date of construction of all buildings and structures on subject lands: 1960

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: 60 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:

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
• 1.25m from side yard lot line to edge of proposed deck.

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



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: 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-20:220

APPLICANTS: Jay Hart & Scott Ingle on behalf of the owner Anne McDougal

SUBJECT PROPERTY: Municipal address **1751 Concession 2 Rd. W., Flamborough**

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

ZONING: "A1" (Agriculture) district

PROPOSAL: To permit the expansion of an existing agriculture building ("horse stable") comprising 348 square metres of gross floor area, notwithstanding that;

1. That the minimum distance separation for the proposed expansion of the existing agriculture building shall be 59 metres to an existing single detached dwelling located on an adjacent property, instead of the requirement that minimum distance separation be 68 metres, as established by the Province.

NOTE:

1. Variances have been written exactly as requested by the applicant.
2. Please be advised that a portion of this property is under Conservation Management. Please contact Grand River Conservation at 519-621-2761 for further information.
3. This property is listed in the City of Hamilton's Inventory of Buildings of Architectural and/or Historical Interest as a property of cultural heritage value or interest. Please contact a Cultural Heritage Planner at (905) 546-2424, extension 1202 or 1214, or visit www.hamilton.ca/heritageplanning for further information
4. A building permit is required for the construction of the proposed building addition. Be advised that Ontario Building Code regulations may require specific setback and construction types.

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

DATE: Thursday, November 19th, 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

FL/A-20:220

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:

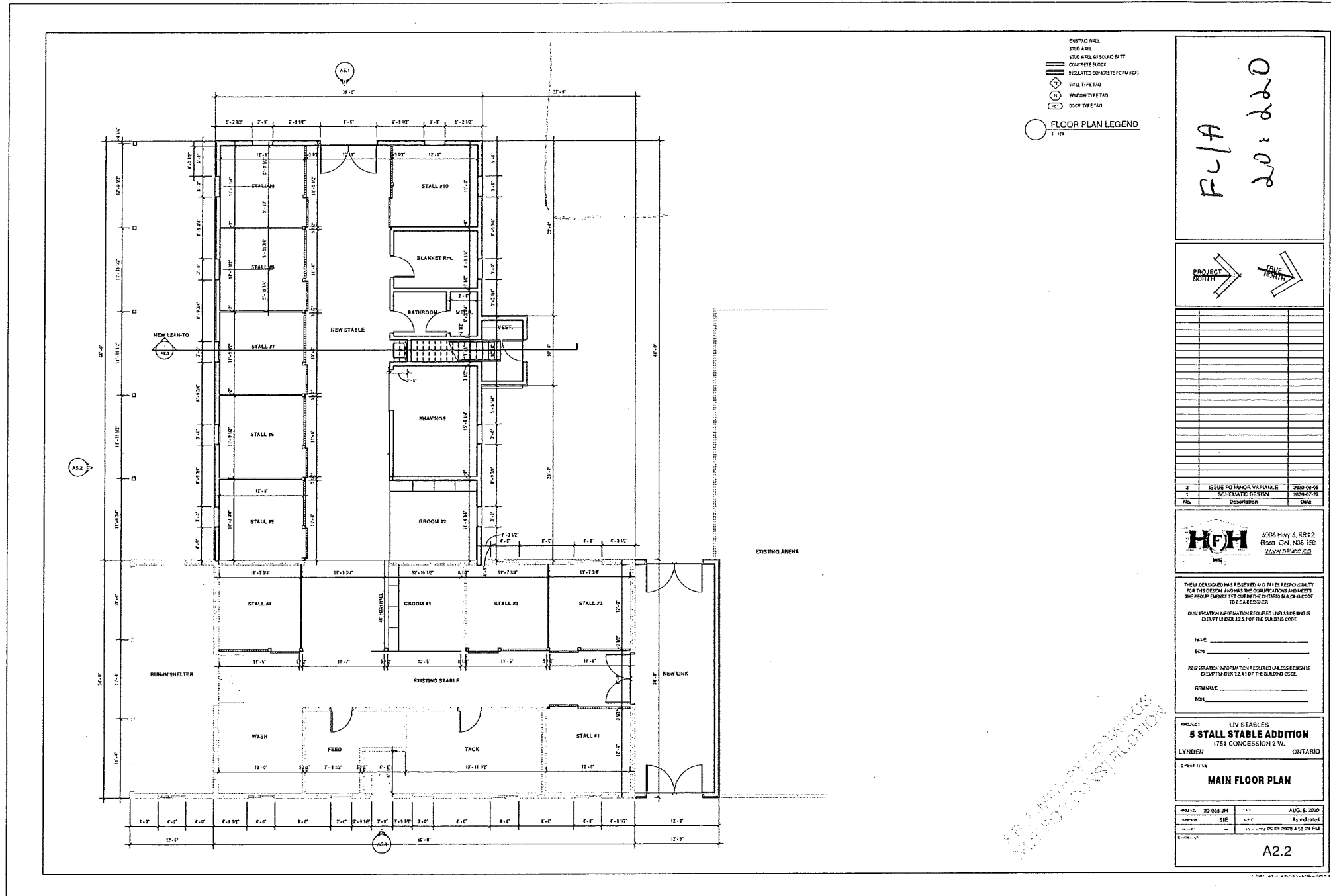
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: November 3rd, 2020.



Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

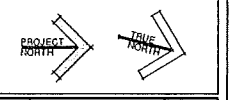
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions,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



FLOOR PLAN LEGEND
1/16"

- EXISTING WALL
- STUD WALL
- CONCRETE BLOCK
- INSULATED CONCRETE FORM (ICF)
- SHALL TIE TAG
- ANCHOR TIE TAG
- SCAB TIE TAG

FL/A
20:220



No.	Description	Date
1	ISSUE FOR VENDOR VARIATIONS	2020-09-04
2	SCHEMATIC DESIGN	2020-07-22

HFH 2006 Hwy. 6, RR#2
Bora, ON, N0B 1S0
www.hfhinc.com

THE ENGINEER HAS REVIEWED AND TAKES RESPONSIBILITY FOR THE DESIGN AND THE QUALITY OF THE PROJECTS. THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A REGISTERED ENGINEER.

REGISTRATION INFORMATION REQUIRED UNDER THE BUILDING ACT IS EXEMPT UNDER 123.1 OF THE BUILDING CODE.

NAME: _____
FIRM: _____

REGISTRATION INFORMATION REQUIRED UNDER THE BUILDING ACT IS EXEMPT UNDER 123.1 OF THE BUILDING CODE.

REGISTRATION INFORMATION REQUIRED UNDER THE BUILDING ACT IS EXEMPT UNDER 123.1 OF THE BUILDING CODE.

NAME: _____
FIRM: _____

PROJECT: LIV STABLES
5 STALL STABLE ADDITION
1751 CONCESSION 2 W. ONTARIO

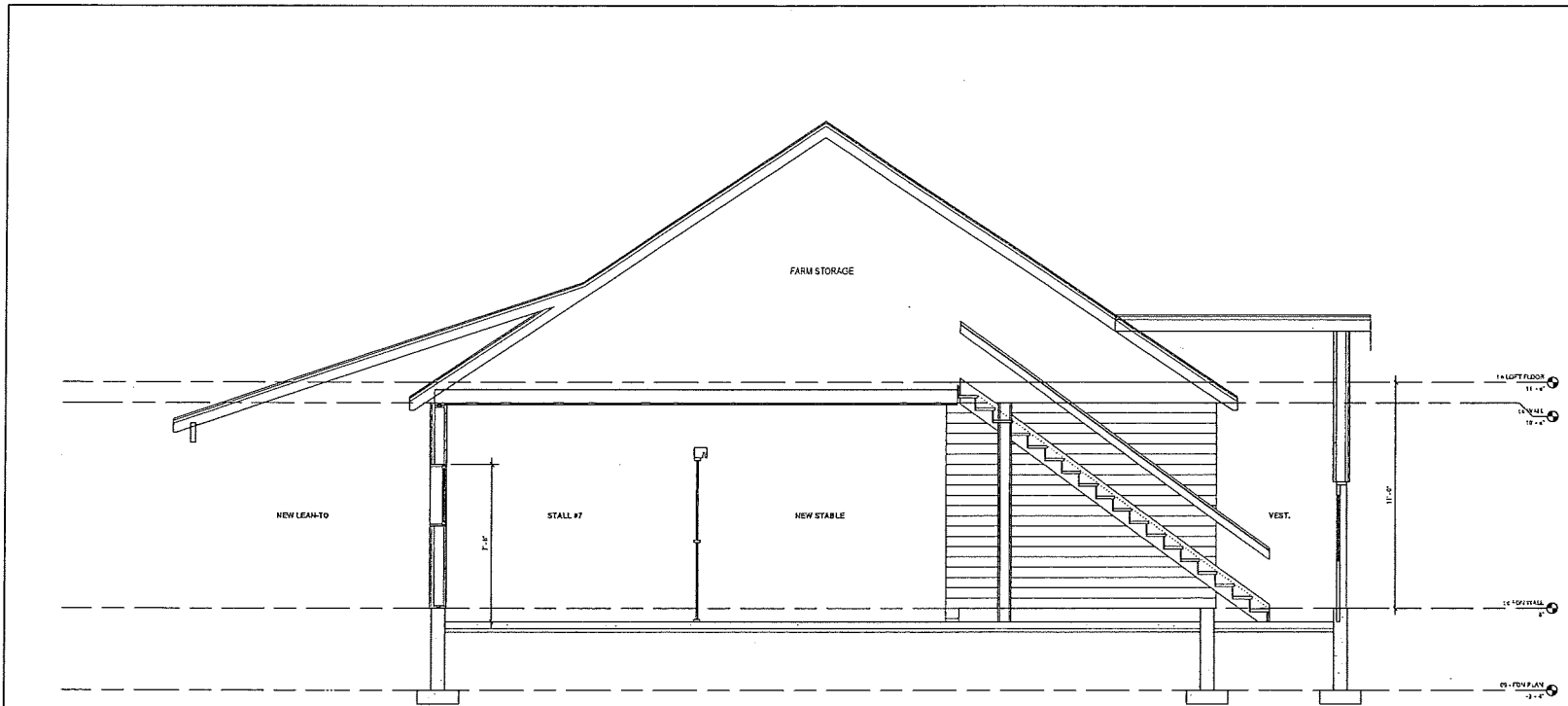
5 SHEET TOTAL

MAIN FLOOR PLAN

DATE: 20-08-21	BY: [Signature]	DATE: AUG. 6, 2020
SCALE: 1/8" = 1'-0"	AS INDICATED	
PROJECT: 1751 CONCESSION 2 W. ONTARIO	4 50 24 P18	

A2.2

THIS DOCUMENT IS UNCONTROLLED
FOR INFORMATION PURPOSES ONLY



1 NEW STABLE SECTION A
3/17/20

FL/A
LO: 220

No.	Description	Date
1	SCHEMATIC DESIGN	2020-07-22
2	ISSUE FOR VARIANCE	2020-08-01

HFH 3500 Hwy. 5, RR#2
 Bldg. CH 1408 150
 ONTARIO, CANADA
 905-881-1111

THE DESIGNER HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND HAS THE QUALIFICATION AND MEETS THE REQUIREMENTS SET OUT BY THE ONTARIO BUILDING CODE TO BE A REGISTERED PROFESSIONAL ENGINEER.

QUALIFICATION INFORMATION REQUIRED UNDER 13.1 OF THE BUILDING CODE IS EXEMPT UNDER 13.2.1 OF THE BUILDING CODE.

NAME: _____
 EXP: _____

REGISTRATION INFORMATION REQUIRED UNLESS DESIGN IS EXEMPT UNDER 13.1 OF THE BUILDING CODE.

PROJ NAME: _____
 EXP: _____

PROJECT: LIV STABLES
5 STALL STABLE ADDITION
 1751 CONCESSION 2 W., ONTARIO
 LYNDEN

DRAWN BY: **BUILDING SECTIONS & SECTION DETAILS.**

NO.	20-018-JH	DATE	AUG. 6 2020
SCALE	SIE	DATE	3/8" = 1'-0"
TIME		DATE	06:08 2020 4:20:26 PM

A6.1

THESE DIMENSIONS DERIVED FROM
 ARCHITECTURAL CONSTRUCTION 2018

LIV STABLES
5 STALL STABLE ADDITION
 1751 CONCESSION 2 W.

LYNDEN
 ONTARIO

PROJECT NUMBER
 20-038-JH



ARCHITECTURAL

- A1.1 SITE PLAN
- A2.1 FOUNDATION PLAN
- A2.2 MAIN FLOOR PLAN
- A3.1 ROOF PLAN & DETAILS
- A5.1 ELEVATIONS
- A5.2 ELEVATIONS
- A6.1 BUILDING SECTIONS & SECTION DETAILS
- A7.1 WALL SECTIONS & DETAILS

ELECTRICAL:

MECHANICAL:

STRUCTURAL:

GENERAL CONTRACTOR:

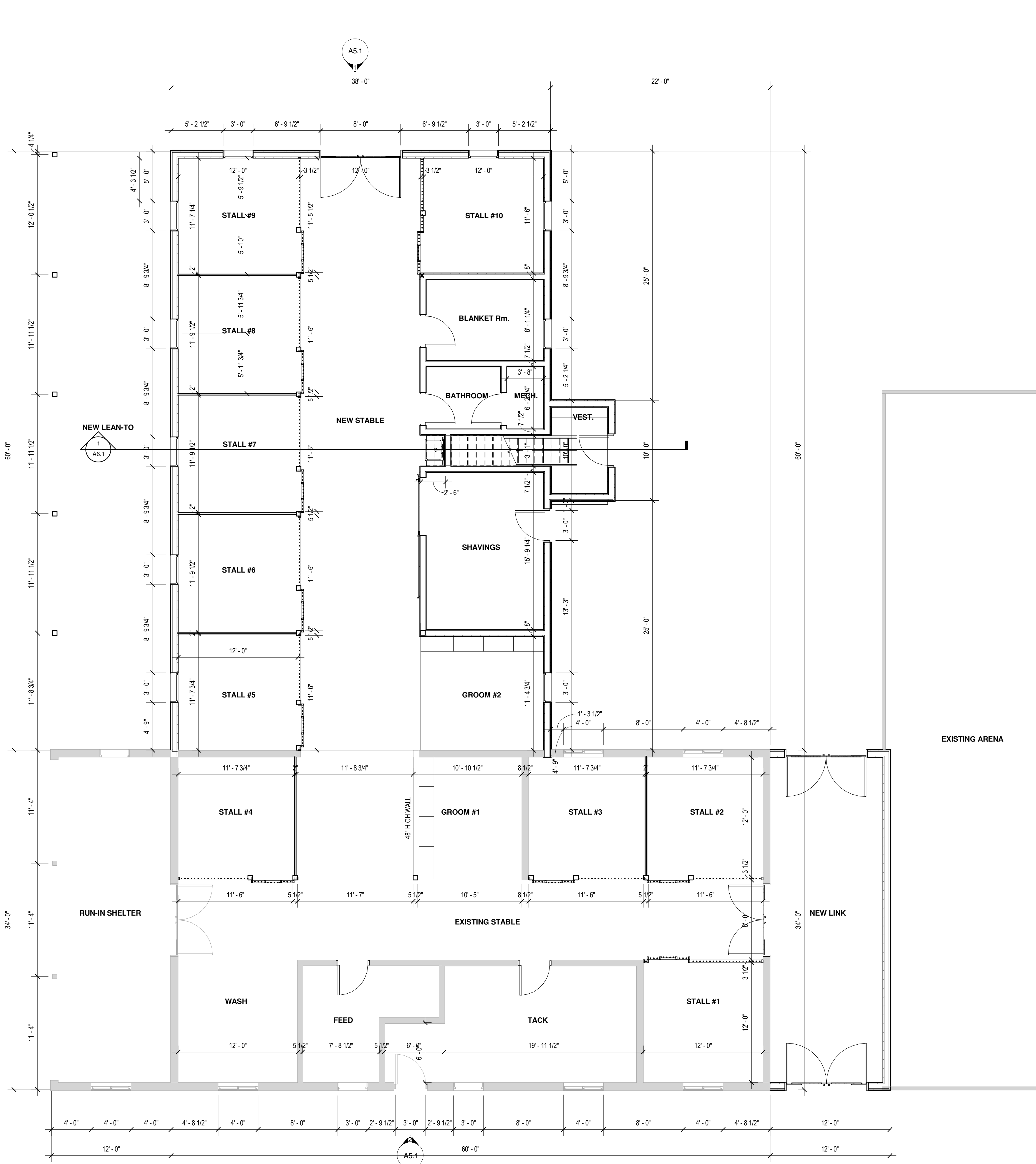


6006 Hwy 6, RR#2
 Elora, ON, N0B 1S0
www.hfhinc.ca

No.	Description	Date
2	ISSUE FO MINOR VARIANCE	2020-08-06
1	SCHEMATIC DESIGN	2020-07-22

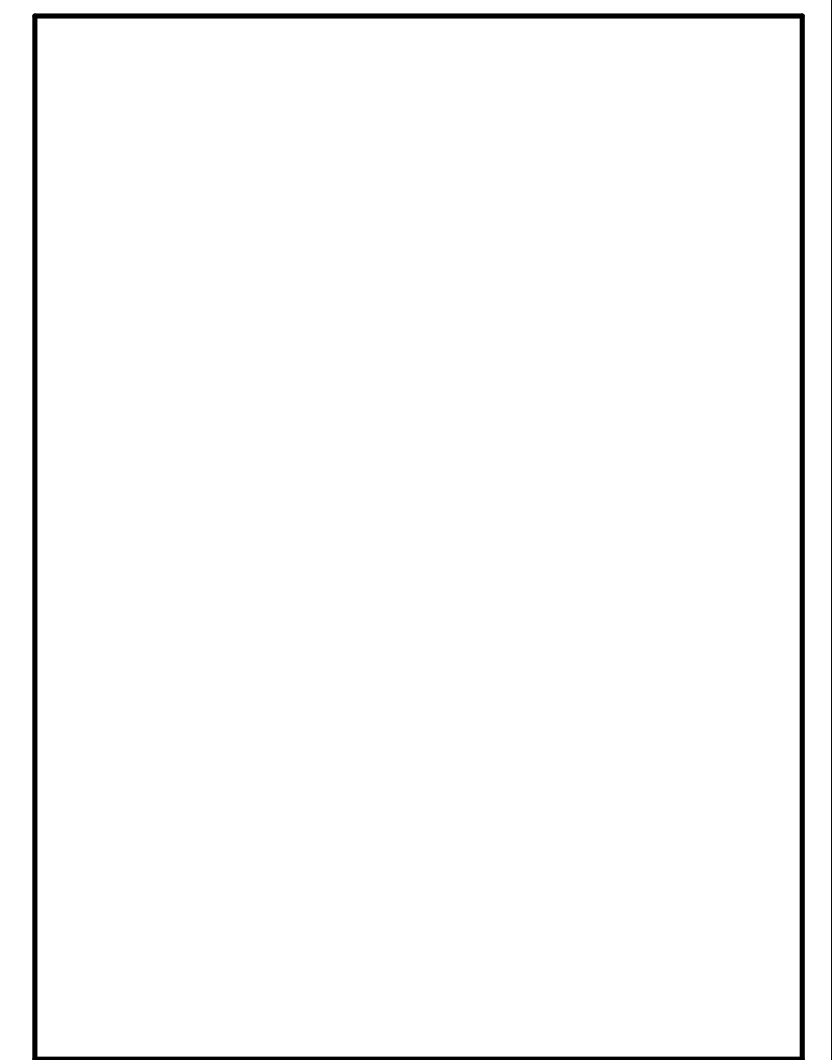
DATE PLOTTED

10/08/2020 1:35:40 PM



FLOOR PLAN LEGEND
1:100

- EXISTING WALL
- STUD WALL W/ SOUND BATT
- CONCRETE BLOCK
- INSULATED CONCRETE FORM (ICF)
- WALL TYPE TAG
- WINDOW TYPE TAG
- DOOR TYPE TAG



No.	Description	Date
2	ISSUE FO MINOR VARIANCE	2020-08-06
1	SCHEMATIC DESIGN	2020-07-22

6006 Hwy 6, RR#2
Elora, ON, N0B 1S0
www.hfhinc.ca

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 A DESIGNER.

QUALIFICATION INFORMATION REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.5.1 OF THE BUILDING CODE

NAME: _____
BCIN: _____

REGISTRATION INFORMATION REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.4.1 OF THE BUILDING CODE.

FIRM NAME: _____
BCIN: _____

PROJECT: LIV STABLES
5 STALL STABLE ADDITION
1751 CONCESSION 2 W. ONTARIO

LYNDEN

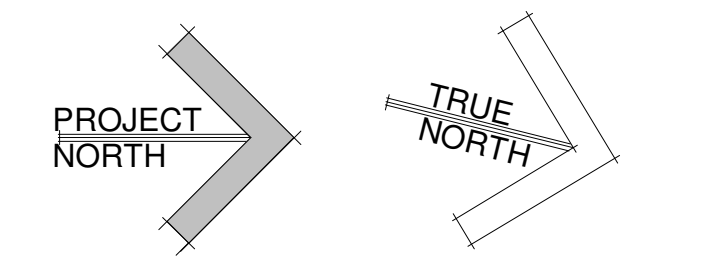
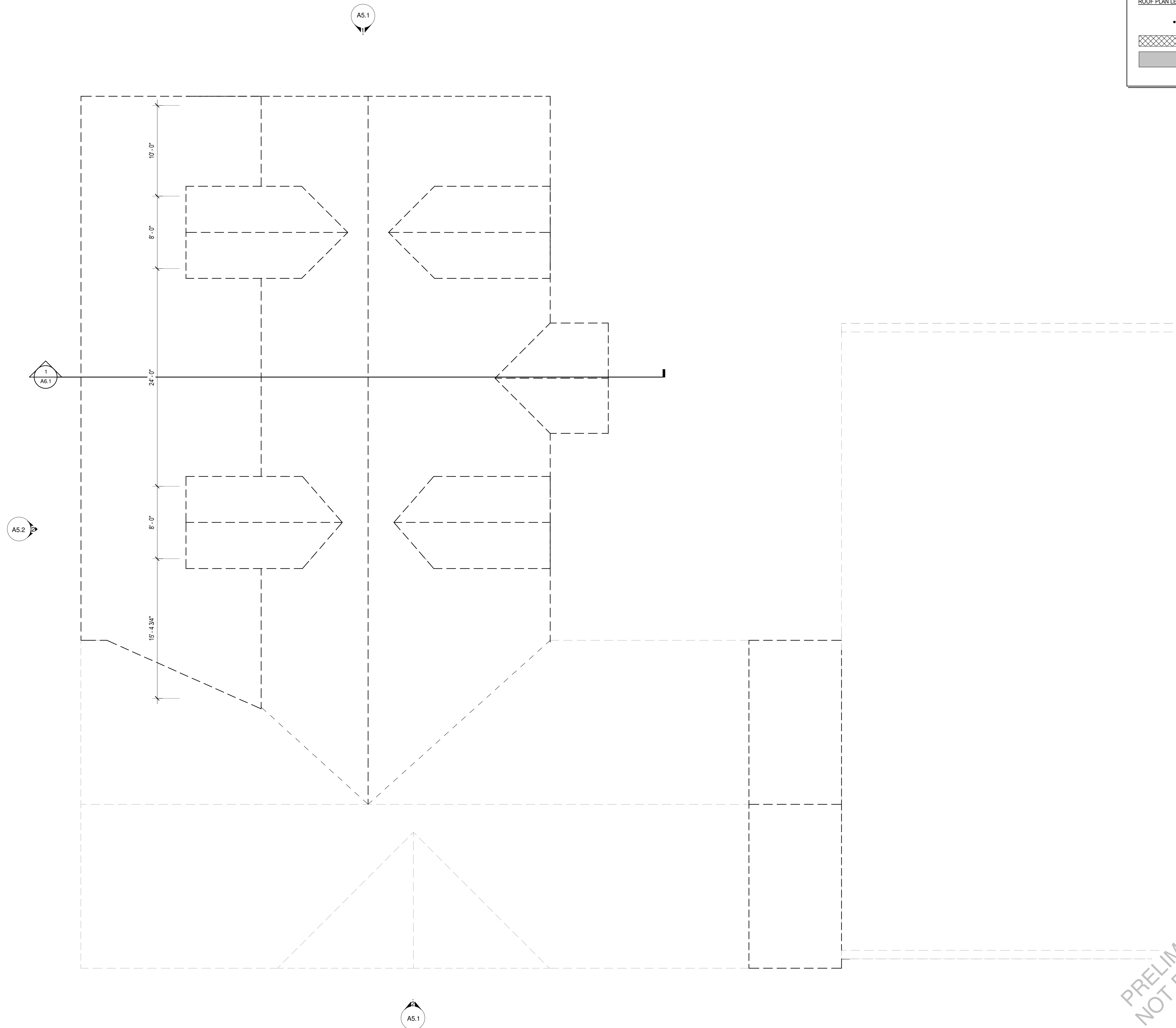
SHEET TITLE:
MAIN FLOOR PLAN

PROJ. NO.	20-038-JH	DATE	AUG. 6, 2020
DRAWN BY	SIE	SCALE	As indicated
CHECKED	--	DATE PLOTTED	10/08/2020 1:35:41 PM
DRAWING NO.			

PRELIMINARY DRAWINGS
NOT FOR CONSTRUCTION

A2.2

ROOF PLAN LEGEND	
	RAIN WATER LEADER
	SLOPED FIBERBOARD
	ICE & WATER SHIELD



No.	Description	Date
2	ISSUE FO MINOR VARIANCE	2020-08-06
1	SCHEMATIC DESIGN	2020-07-22

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 A DESIGNER.

QUALIFICATION INFORMATION REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.5.1 OF THE BUILDING CODE

NAME: _____
 BCIN: _____

REGISTRATION INFORMATION REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.4.1 OF THE BUILDING CODE.

FIRM NAME: _____
 BCIN: _____

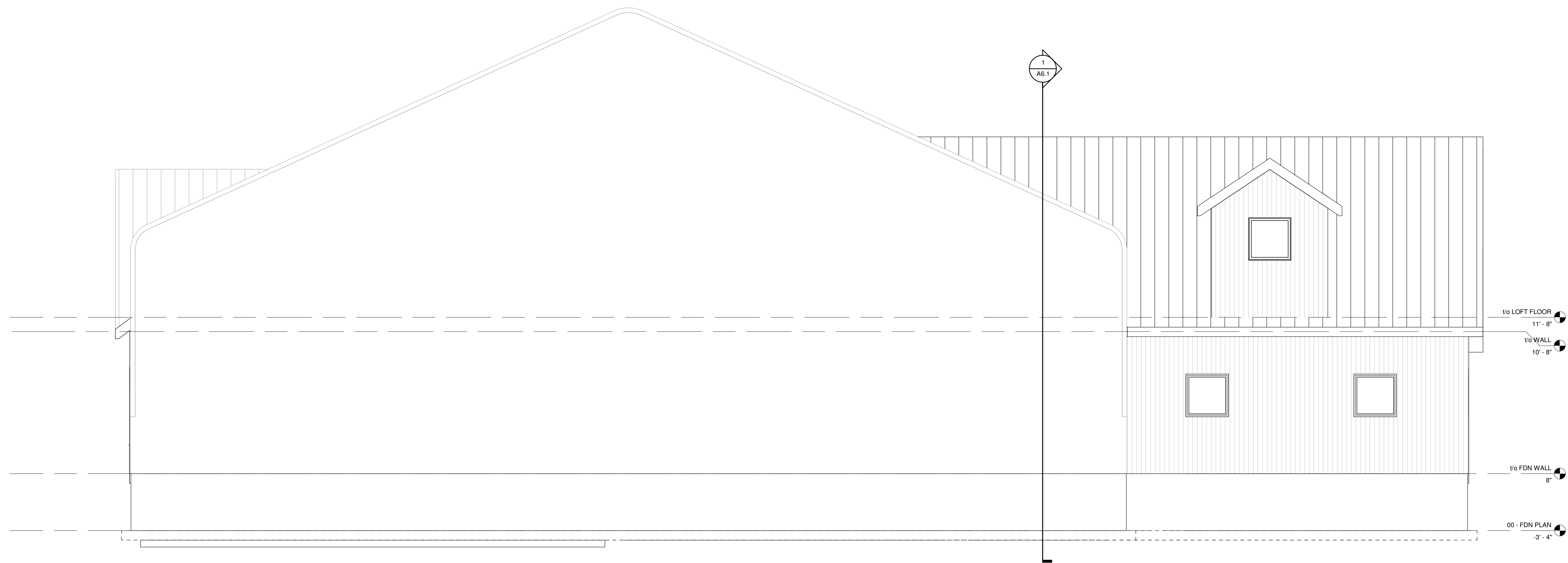
PROJECT: LIV STABLES
5 STALL STABLE ADDITION
 1751 CONCESSION 2 W. ONTARIO
 LYNDEN

SHEET TITLE:
ROOF PLAN & DETAILS

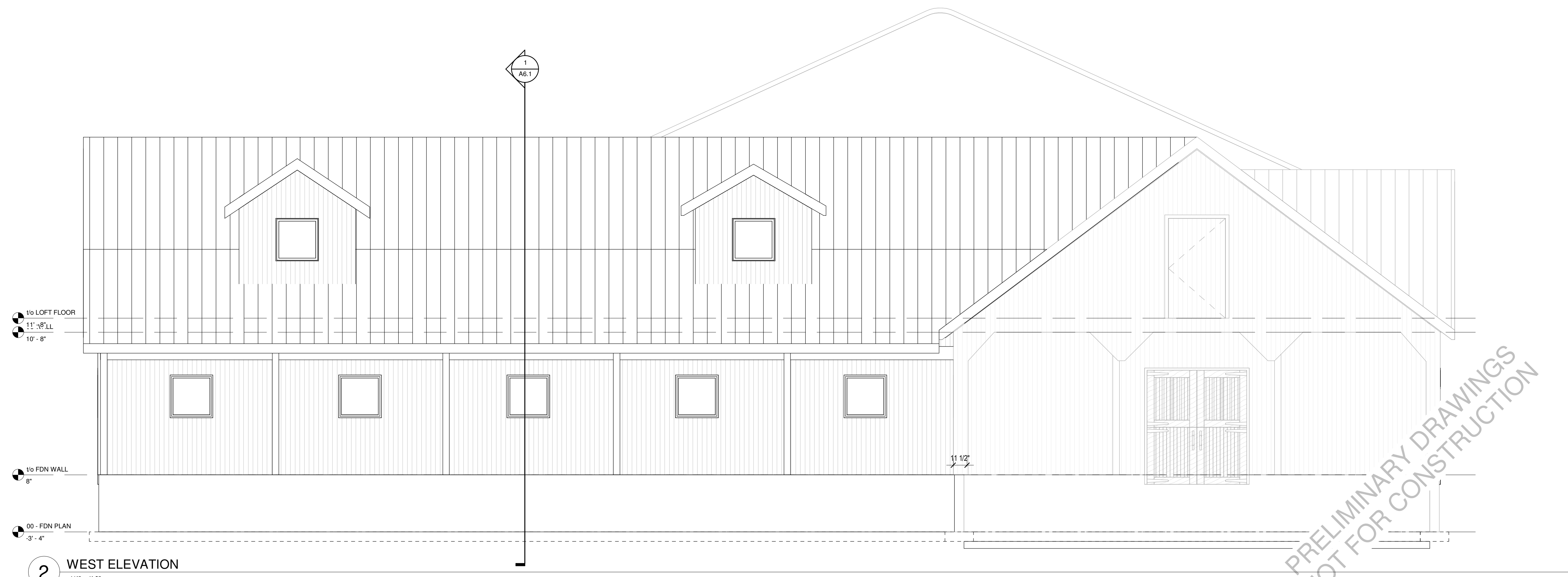
PROJ. NO.	20-038-JH	DATE	AUG. 6, 2020
DRAWN BY	Author	SCALE	As indicated
CHECKED	Checker	DATE PLOTTED	10/08/2020 1:35:42 PM

DRAWING NO. **A3.1**

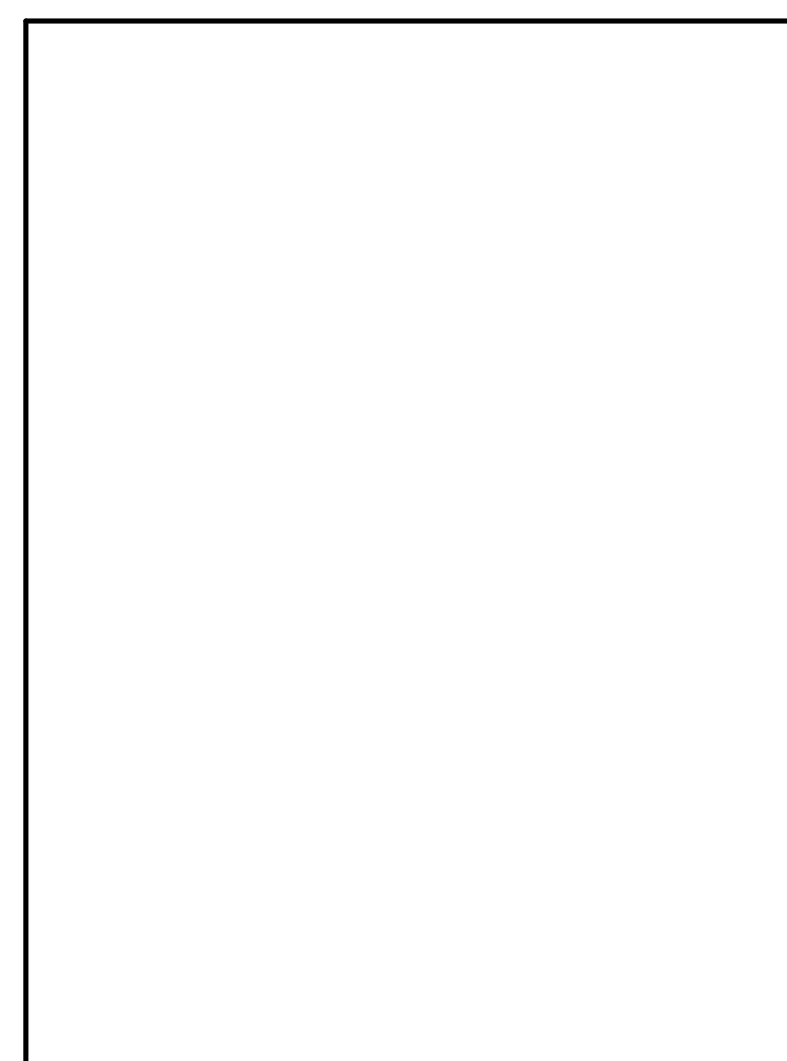
PRELIMINARY DRAWINGS
NOT FOR CONSTRUCTION



1 EAST ELEVATION
1/4" = 1'-0"



2 WEST ELEVATION
1/4" = 1'-0"



No.	Description	Date
2	ISSUE FO MINOR VARIANCE	2020-08-06
1	SCHEMATIC DESIGN	2020-07-22

No.	Description	Date
2	ISSUE FO MINOR VARIANCE	2020-08-06
1	SCHEMATIC DESIGN	2020-07-22

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 A DESIGNER.

QUALIFICATION INFORMATION REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.5.1 OF THE BUILDING CODE

NAME: _____
BCIN: _____

REGISTRATION INFORMATION REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.4.1 OF THE BUILDING CODE.

FIRM NAME: _____
BCIN: _____

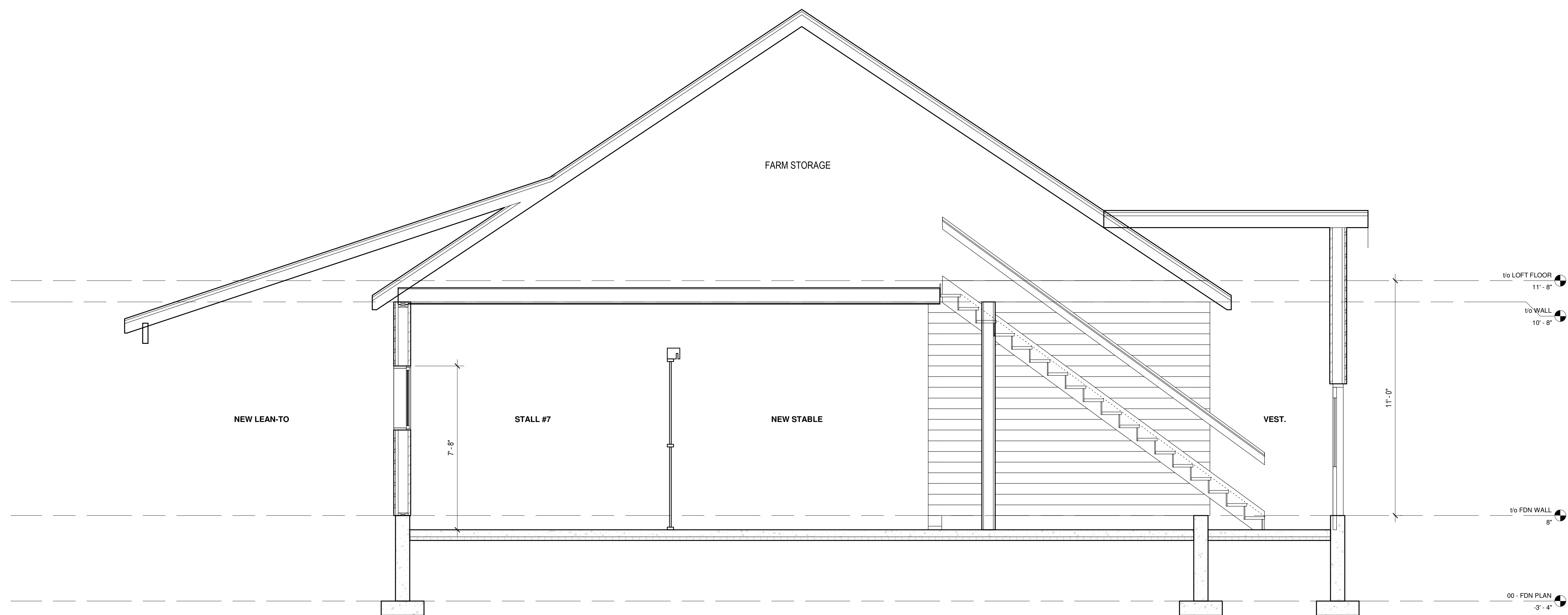
PROJECT: LIV STABLES
5 STALL STABLE ADDITION
1751 CONCESSION 2 W. ONTARIO

SHEET TITLE:
ELEVATIONS

PROJ. NO.	20-038-JH	DATE	AUG. 6, 2020
DRAWN BY	SIE	SCALE	1/4" = 1'-0"
CHECKED	--	DATE PLOTTED	10/08/2020 1:35:42 PM
DRAWING NO.			

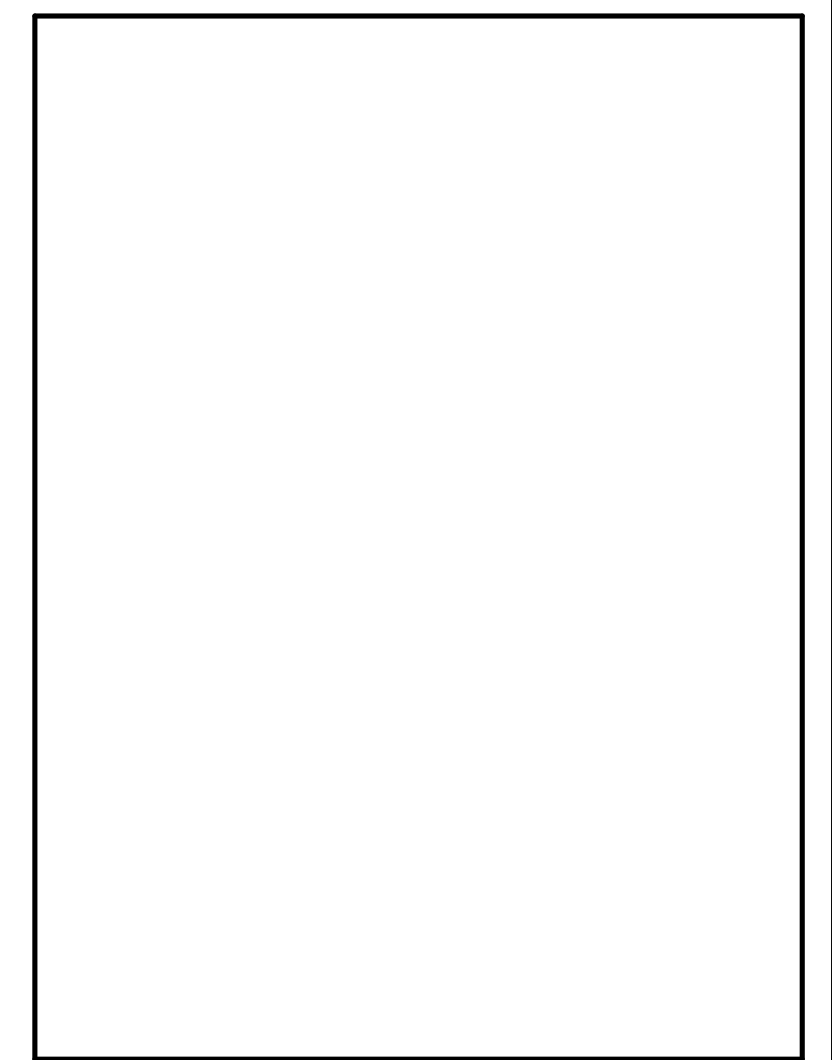
A5.2

PRELIMINARY DRAWINGS
NOT FOR CONSTRUCTION



1 NEW STABLE SECTION A
3/8" = 1'-0"

PRELIMINARY DRAWINGS
NOT FOR CONSTRUCTION



No.	Description	Date
2	ISSUE FO MINOR VARIANCE	2020-08-06
1	SCHEMATIC DESIGN	2020-07-22

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 A DESIGNER.

QUALIFICATION INFORMATION REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.5.1 OF THE BUILDING CODE

NAME: _____
BCIN: _____

REGISTRATION INFORMATION REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.4.1 OF THE BUILDING CODE.

FIRM NAME: _____
BCIN: _____

PROJECT LIV STABLES
5 STALL STABLE ADDITION
1751 CONCESSION 2 W.
LYNDEN ONTARIO

SHEET TITLE
BUILDING SECTIONS & SECTION DETAILS

PROJ. NO.	20-038-JH	DATE	AUG. 6, 2020
DRAWN BY	SIE	SCALE	3/8" = 1'-0"
CHECKED	--	DATE PLOTTED	10/08/2020 1:35:43 PM

DRAWING NO. **A6.1**















Hamilton
City of Hamilton
Zoning By-Law 05-200

DRAFT

Map Reference Number	By-Law Number	Effective Date of By-Law

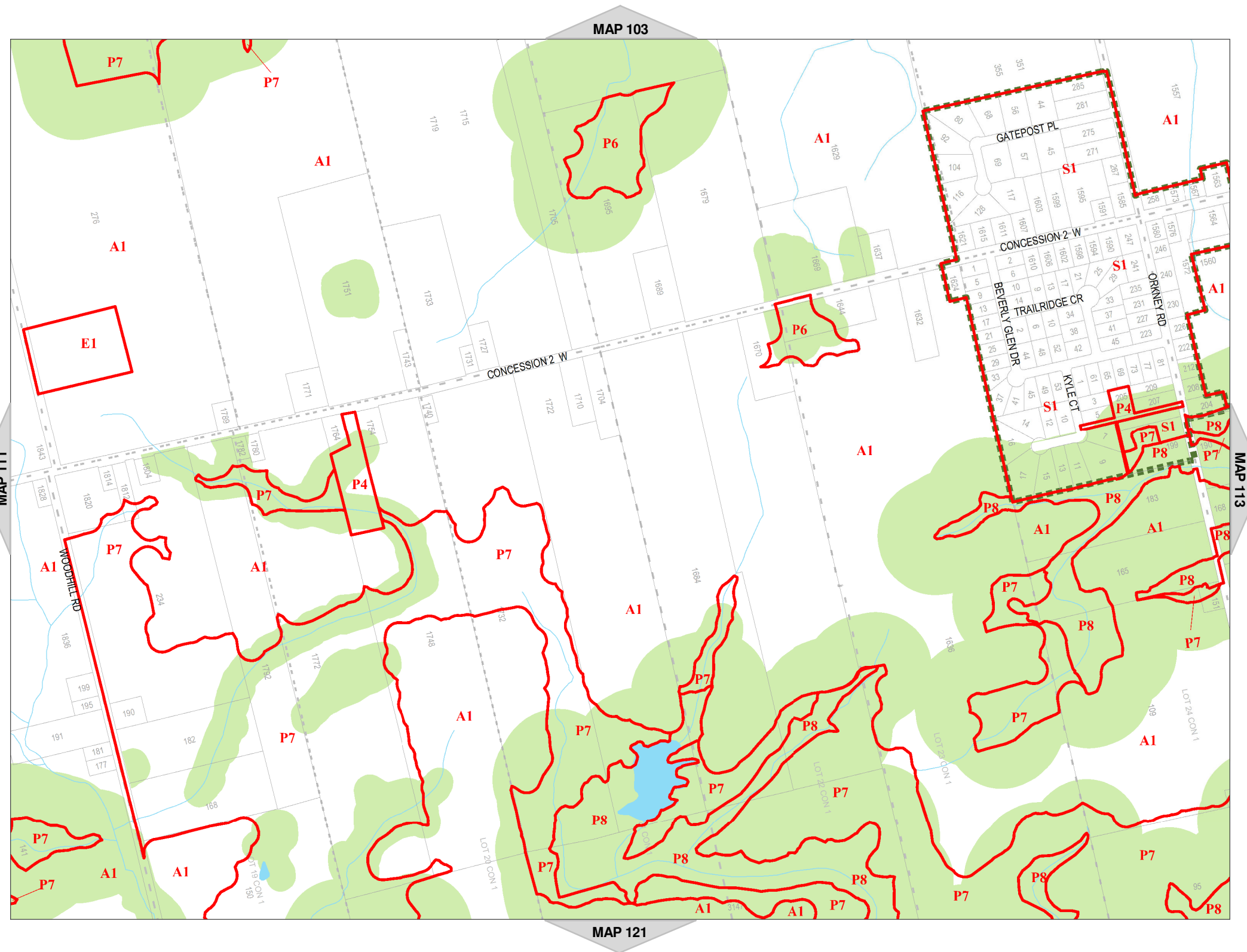
Legend

-  Urban Boundary
-  Lots and Concessions
-  Zoning Boundary
-  City Boundary
-  RSA Boundary
-  Special Exception
-  Holding Provision
-  Temporary Use
-  NEC Development Control
-  C.A. Regulated Area
-  Area Subject to Different Zoning By-Law
-  Stream



NORTH
SCALE 1 : 10,000

MAP 112 of Schedule 'A'





Minimum Distance Separation II

Liv Stables

Prepared By: Rob Alton, Trillium Agronomics Inc.

Description:**Application Date:** Friday, July 24, 2020**Municipal File Number:****Applicant Contact Information**

Phillip Beckerman
1751 Concession 2 West
Lynden, ON, Canada

Location of Subject Livestock Facilities

City of Hamilton
BEVERLY, Concession: 2, Lot: 20
Roll Number: 251830124007800

Calculation Name: *Farm 1***Description:**

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
Solid	Horses, Medium-framed, mature; 227 - 680 kg (including unweaned offspring)	6	6.0	10	10.0	232 m ²

Manure Storage: V1. Solid, inside, bedded pack**Existing design capacity (NU):** 6.0**Design capacity after alteration (NU):** 10.0

$$\begin{array}{ccccccc}
 \text{Factor A} & \text{Factor B} & \text{Factor C} & \text{Factor D} & & \text{Building Base Distance 'F'} & \\
 (\text{Odour Potential}) & (\text{Size}) & (\text{Orderly Expansion}) & (\text{Manure Type}) & & (\text{minimum distance from livestock barn}) & \\
 \mathbf{0.7} & \mathbf{X} & \mathbf{166.66} & \mathbf{X} & \mathbf{0.8315} & \mathbf{X} & \mathbf{0.7} & = & \mathbf{68\ m\ (223\ ft)}
 \end{array}$$

$$\begin{array}{c}
 \text{Storage Base Distance 'S'} \\
 (\text{minimum distance from manure storage}) \\
 \mathbf{68\ m\ (223\ ft)}
 \end{array}$$

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	68 m 223 ft	66 m 217 ft 	68 m 223 ft	TBD
Type B Land Uses	136 m 446 ft	TBD	136 m 446 ft	TBD
Nearest lot line (side or rear)	7 m 22 ft	TBD	7 m 22 ft	TBD
Nearest road allowance	14 m 45 ft	TBD	14 m 45 ft	TBD

**Minimum Distance Separation II**

Liv Stables

Prepared By: Rob Alton, Trillium Agronomics Inc.

Preparer Information

Rob Alton
Trillium Agronomics Inc.
P.O. Box 25023
West Brantford
Brantford, ON, Canada N3T 1L0
Phone #1: 519-755-6722
Email: r.alton@trilliumagronomics.ca

Signature of Preparer: _____ Date: _____
Rob Alton

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.

SAMPLE AGENT AUTHORIZATION FORM

PROPERTY LEGAL DES

LOT NO. _____ PLAN NO. _____ PARCEL ID: _____

STREET ADDRESS: 1751 2nd conc rd. w Lynden, ON L0R1T0

Please print:
Property Owner: Anne McDougall

Property Owner: _____

The undersigned, registered property owners of the above noted property, do hereby authorize

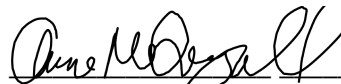
Jay Hart / Scott Ingle, of HFH Inc.
(Contractor / Agent) (Name of consulting firm)

to act on my behalf and take all actions necessary for the processing, issuance and acceptance of this permit or certification and any and all standard and special conditions attached.

Property Owner's Address (if different than property above):

Telephone: 905-541-9591

We hereby certify the above information submitted in this application is true and accurate to the best of our knowledge.



Authorized Signature

Date: 8/7/2020

Authorized Signature

Date: _____



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.

- Name of Owner Anne McDougal Telephone No. [REDACTED]
 FAX NO. _____ E-mail address. [REDACTED]
- Address [REDACTED]
 _____ Postal Code _____
- Name of Agent Jay Hart / Scott Ingle Telephone No. [REDACTED]
 FAX NO. [REDACTED] 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:
 RBC
100 King St. W Hamilton, ON. Postal Code L8P 1A2

 _____ Postal Code _____

6. Nature and extent of relief applied for:
Location of proposed stable addition from the existing stable encroaches into
the minimum distance from neighboring dwelling by 9m.
MDS II = 68m / actual proposed distance = 59m
-
7. Why it is not possible to comply with the provisions of the By-law?
The layout of the existing barn dictates the best position of the proposed addition
to be on the west side. This also preserves existing paddock space for the
benefit of the horses.
-
8. Legal description of subject lands (registered plan number and lot number or other
legal description and where applicable, street and street number):
1751 Concession 2 W. Lynden, ON.
-
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?
Satellite imagery shows surrounding land to be residential and agricultural use.

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

 Signature Property Owner

 Print Name of Owner

10. Dimensions of lands affected:

Frontage 176m

Depth 477m

Area 9.5 Hectares

Width of street 6.5m (paved width)

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 storey dwelling (155m²) with attached garage (70m²)
Shed (223m²), Stable with Hay Loft (232m²), Cover-all Riding Ring (915m²)
Various Run-in Horse Shelters (1 - 12'x24', 2 - 12'x16')
 Note: Area is footprint of building

Proposed: Horse Stable with Hay Loft above and Lean-to on side for
Horse Shelter(348m² total)

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

Proposed: Front = 41m
 West Side = 20m
 East Side = 133m
 Rear = 420m

13. Date of acquisition of subject lands:
 Oct. 31, 2018

14. Date of construction of all buildings and structures on subject lands:
 Existing = Pre 1995, Proposed = Dec. / Jan. 2021

15. Existing uses of the subject property: Agricultural and Residential

16. Existing uses of abutting properties: Agricultural and Residential

17. Length of time the existing uses of the subject property have continued:
 25+ years

18. Municipal services available: (check the appropriate space or spaces)
 Water N/A Connected _____
 Sanitary Sewer N/A Connected _____
 Storm Sewers N/A

19. Present Official Plan/Secondary Plan provisions applying to the land:
 N/A

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
 N/A

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



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: 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.: DN/A-20:215

APPLICANTS: James Ling on behalf of the owner A. Kroeker & S. Joyce

SUBJECT PROPERTY: Municipal address **278 Park St. W., Dundas**

ZONING BY-LAW: Zoning By-law 3581-86, as Amended

ZONING: "R2" (Single Detached Residential) Zone (R2)

PROPOSAL: To permit the construction of a two storey 6.2m (20'4") x 12.52m (41'1") rear addition, to re-construct a 1.57m (5'2") x 2.13m (8'0") roofed-over unenclosed one-storey front porch at the first storey level, including eaves and gutters and stairs and to construct a 3.05m (10'0") x 3.28m (10'9") roofed-over unenclosed one-storey rear porch at the first storey level, including eaves and gutters and stairs onto an existing single detached dwelling and to recognize the location of an existing accessory building (shed) notwithstanding that:

1. A minimum northerly side yard of 1.2m shall be permitted instead of the minimum required side yard of 5.0 metres on one side of an interior lot upon which there is no garage or carport.
2. The roofed-over unenclosed one-storey front porch at the first storey level, including stairs, eaves and gutters, may project into a required front yard a distance of not more than 4.9m so that the projecting porch shall be distant at least 1.1m metres from the front lot line instead of the requirement that a roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, may project into a required front yard to a distance of not more than 3.0m, and every such projecting porch shall be distant at least 4.0 metres from the front lot line.
3. A minimum parking space size of 2.5m wide x 6.0m long shall be provided instead of the minimum required parking space size of 2.7m wide x 6.0m long.
4. A minimum access driveway width of 2.5m shall be provided instead of the minimum required driveway width of 2.8m.
5. A minimum setback of 1.2m from the southerly side lot line shall be recognized for the existing accessory building (existing shed) and the principal dwelling shall have a minimum side yard on one side of 1.2m instead of the requirement for an accessory building on properties where a garage does not form part of a principle dwelling shall be a minimum of 2.0m from a side lot line and the principle dwelling must have minimum side yard, on one side of an internal lot, of 3.0 metres.

DN/A-20:215

Page 2

6. A minimum setback of 1.1m from the rear lot line shall be recognized for the existing accessory building (existing shed) instead of the requirement for an accessory building on properties where a garage does not form part of a principle dwelling shall be a minimum of 2.0m from a rear lot line.

NOTE:

- i) Variances are not required for the existing front yard and existing side yards for the existing portion of the single detached dwelling as these setbacks are not being altered and are considered to be legally established non-complying.
- ii) A variance is not required to the minimum number of parking spaces as one (1) parking space is required and has been provided.

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

DATE: Thursday, November 19th, 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

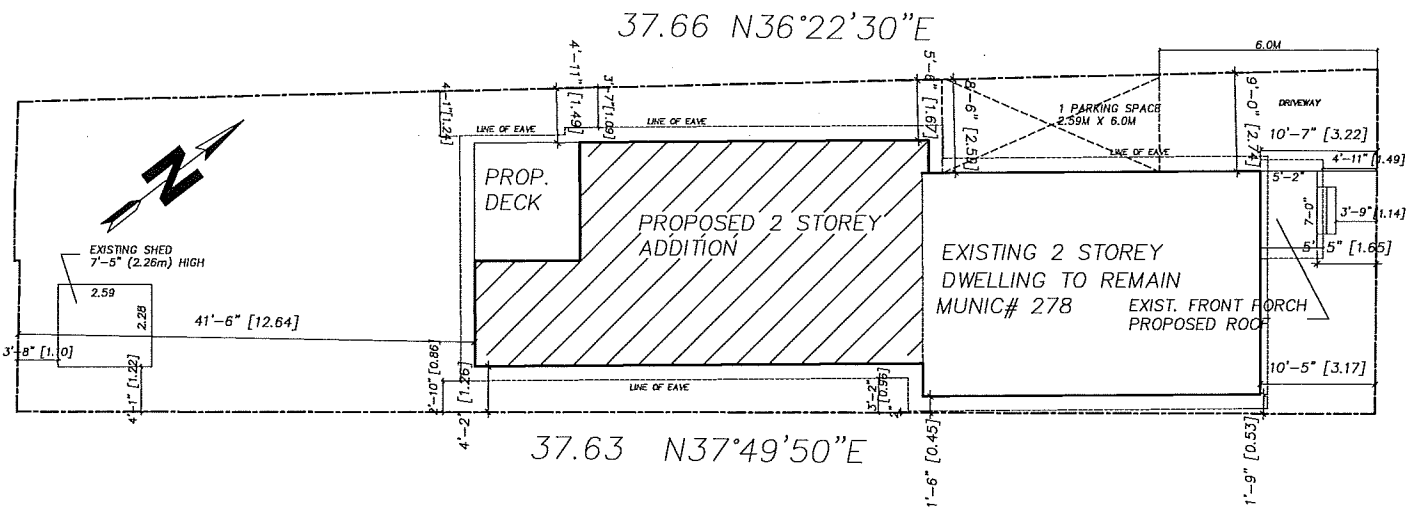
DATED: November 3rd, 2020.



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.

DN/A 10/21/15



9.56 N51° 57' W
PARK STREET WEST

Site Plan
SCALE 1/8" = 1'-0"

FRONT YARD AREA 329 SQ.FT
LANDSCAPED AREA 188 S.F.
% FRONT YARD LANDSCAPED
57.14%

EXISTING FIRST FLOOR 493 SQ.FT.
EXISTING SECOND FLOOR 493 SQ.FT.
TOTAL EXISTING = 986 SQ.FT. 91.60 SQ.M.

ADDITION FIRST FLOOR 729 SQ.FT.
ADDITION SECOND FLOOR 729 SQ.FT.
TOTAL ADDITION = 1458 SQ.FT. 135.45 SQ.M.

TOTAL GFA 2444 SQ.FT. 227.05 SQ.M.

The undersigned has reviewed and takes responsibility for the design and for the construction and means the requirements set out in the Ontario Building Code to ensure the work shown on the attached drawings. (Professional signature)

Registered under design to contract (R.O.C. 3051) of the building code
Professional Identification No. 21227
Date: 2015

REGISTRATION AND OBLIGATION
Registered under design to contract under O.R.C. 2.2.1.1 of the building code
R.G. CAD SERVICE INC. 2015

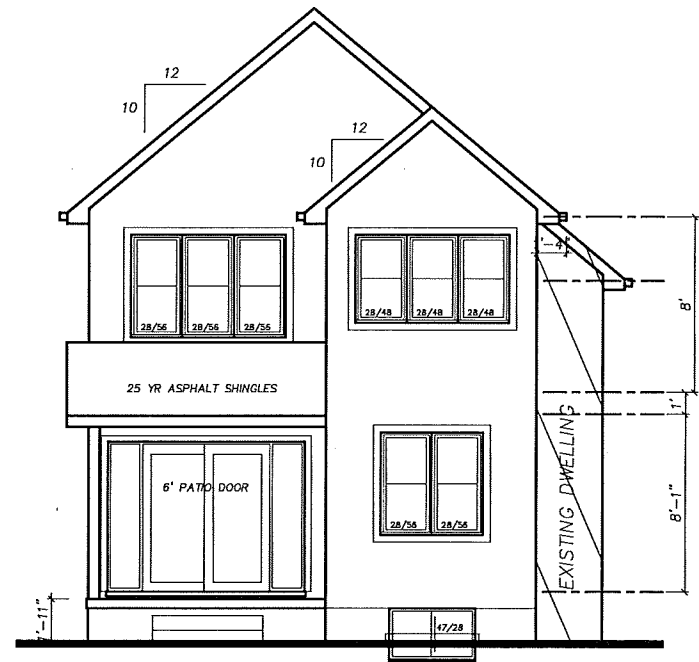
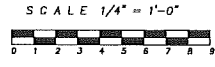
* THESE DRAWINGS HAVE BEEN PRODUCED FOR THE HOMEOWNER AND ARE PROTECTED BY COPYRIGHT.

2553 SEPT. 20
R.G.CAD SERVICE INC.
228 GREEN RD. STEWART CREEK
PHONE (905) 664-8061

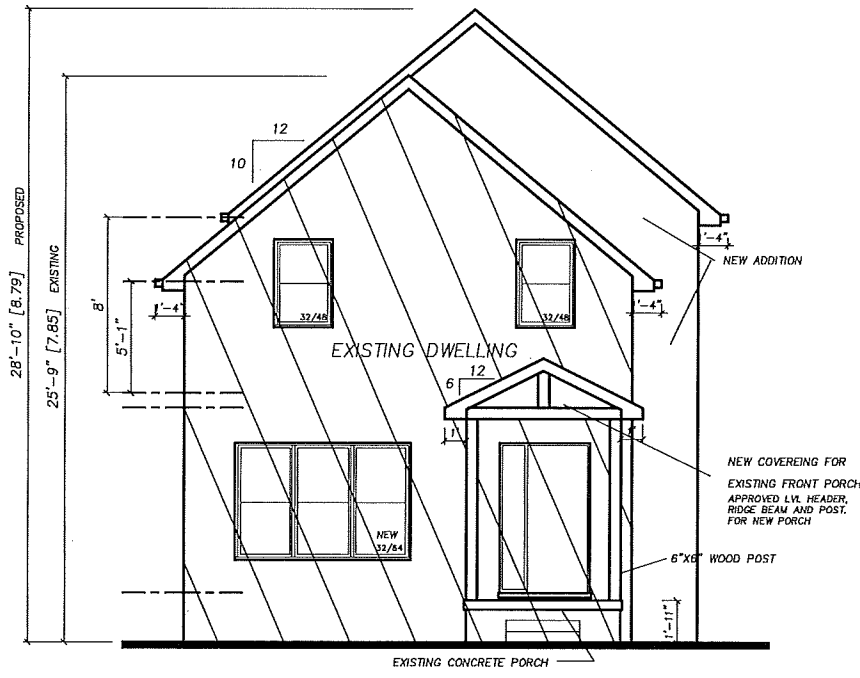
PROPOSED ADDITION/RENOVATION
278 PARK STREET W.
DUNDAS

8

CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY ERRORS, OMISSIONS OR DISCREPANCIES TO THE DESIGNER PRIOR TO COMMENCEMENT OF CONSTRUCTION.



Rear Elevation



Front Elevation

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 design the work shown on the attached documents.

QUALIFICATION INFORMATION
 Required unless design is exempt under M.V.C 3.2.5.1 of the building code
 Richard Weatherston
 STATE: Ontario BOCE: 24787

REGISTRATION INFORMATION
 Required unless design is exempt under DIV. C 3.2.4.1 of the building code
 R.G. CAD SERVICE INC. 29747
 FIRM NAME: BON

CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY ERRORS, OMISSIONS OR DISCREPANCIES TO THE DESIGNER PRIOR TO COMMENCEMENT OF CONSTRUCTION.

DN/A 20.15

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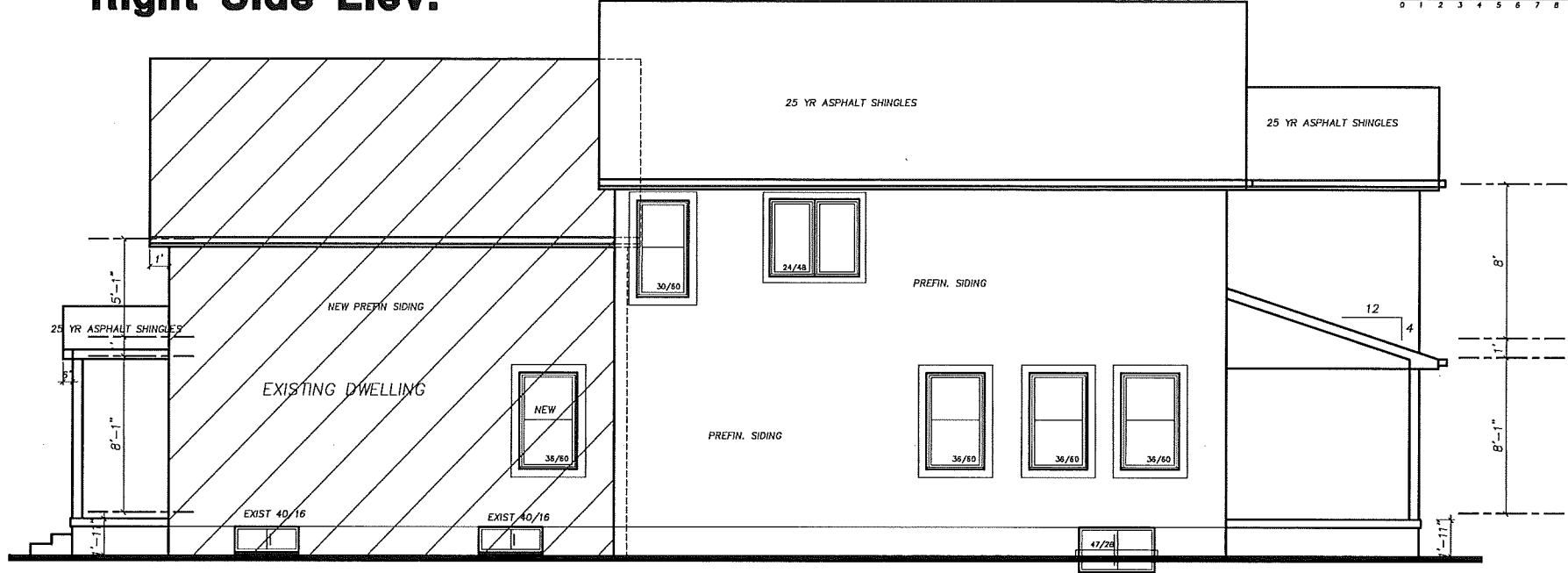
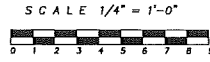
3593 SEPT.20

R.G.CAD SERVICE INC.
 228 GREEN RD. STONEY CREEK
 PHONE (403) 864-9061

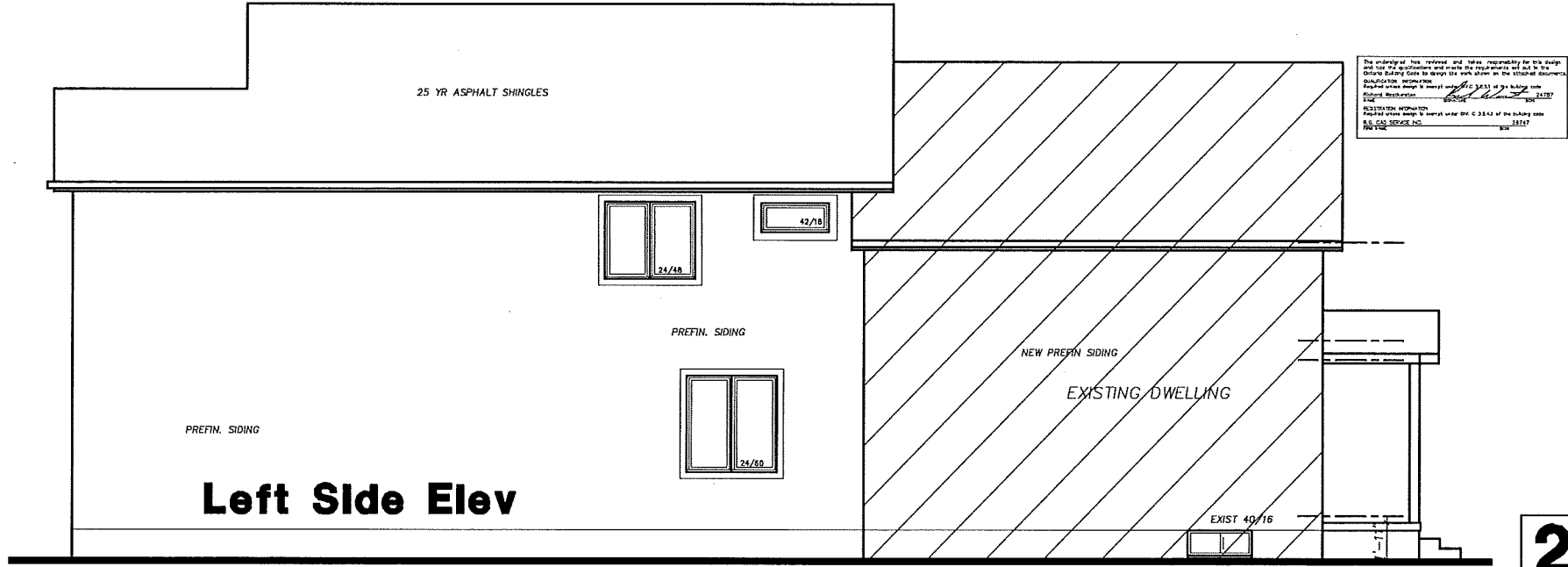
PROPOSED ADDITION/RENOVATION
278 PARK STREET W.
 DUNDAS

1

Right Side Elev.



Left Side Elev

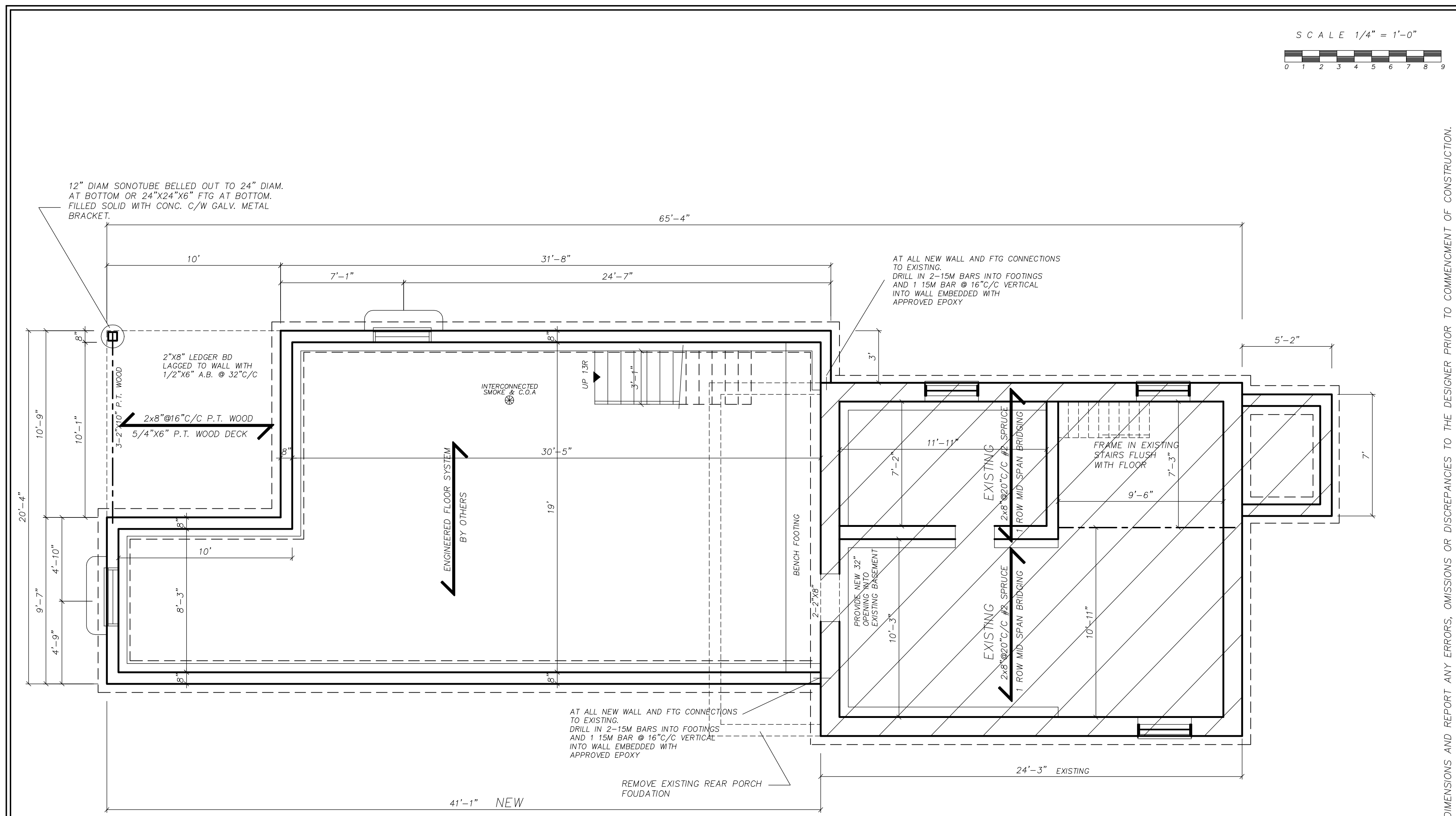
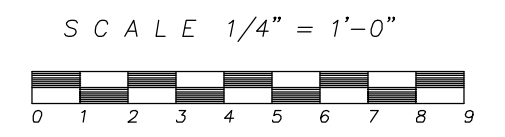


The undersigned has reviewed and taken responsibility for this design and that the applicant and make the stipulations set out in the Ontario Building Code to design the work shown on the attached documents. Qualification: ARCHITECT
 Registered under Ontario's Professional Regulation Act, R.S.O. 1990, c. 247/27
 REGISTRATION NUMBER: 24727
 FEDERAL IDENTIFICATION NUMBER: 896000000
 P.O. BOX: 24727

519:02
 DN/A
 20.7.15

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2



Basement & Fdn Plan

- * FOUNDATION WALLS ARE POURED CONCRETE UNLESS OTHERWISE NOTED.
- * ALL FOOTINGS TO BE 4'-0" MINIMUM BELOW THE FINAL GRADE.
- * ALL FOOTINGS TO BE PLACED ON UNDISTURBED SOIL.
- * DOUBLE JOISTS UNDER ALL PARALLEL PARTITIONS.
- * #1 GRADE SPRUCE SPECIFICATION IS ASSUMED 50% #1 AND #2 MIXED, AND SPANS HAVE BEEN CALCULATED ACCORDINGLY.
- * ALL FOOTINGS ARE 20"x6" 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 design the work shown on the attached documents.

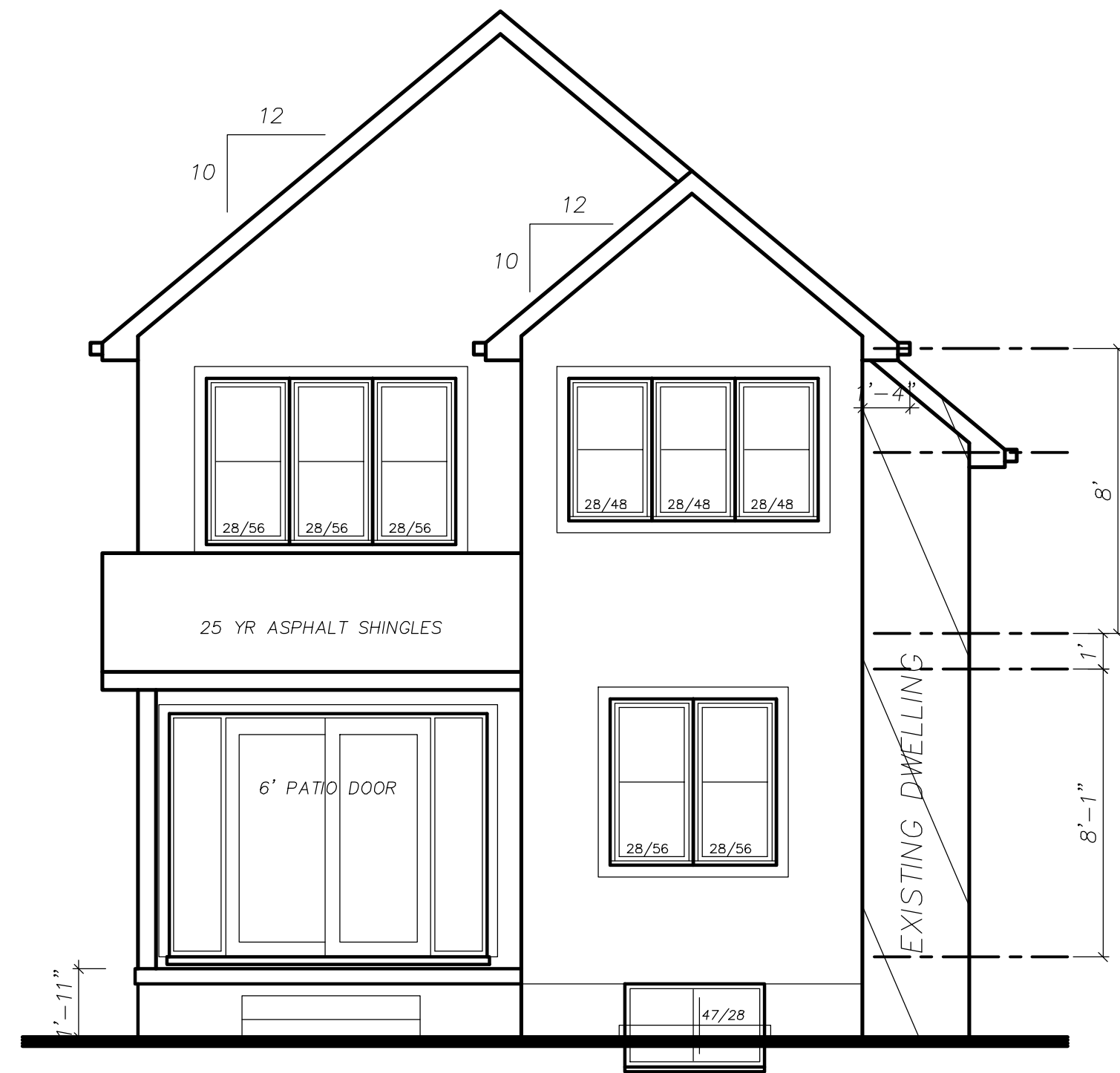
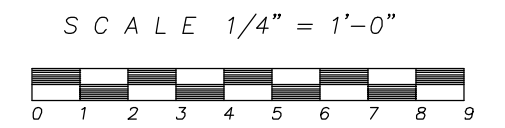
QUALIFICATION INFORMATION
 Required unless design is exempt under R.C. 3.2.5.1 of the building code
 Richard Weatherston 24787
 NAME SIGNATURE BCN

REGISTRATION INFORMATION
 Required unless design is exempt under DIV. C 3.2.4.1 of the building code
 R.C. CAD SERVICE INC. 29747
 FIRM NAME BCN

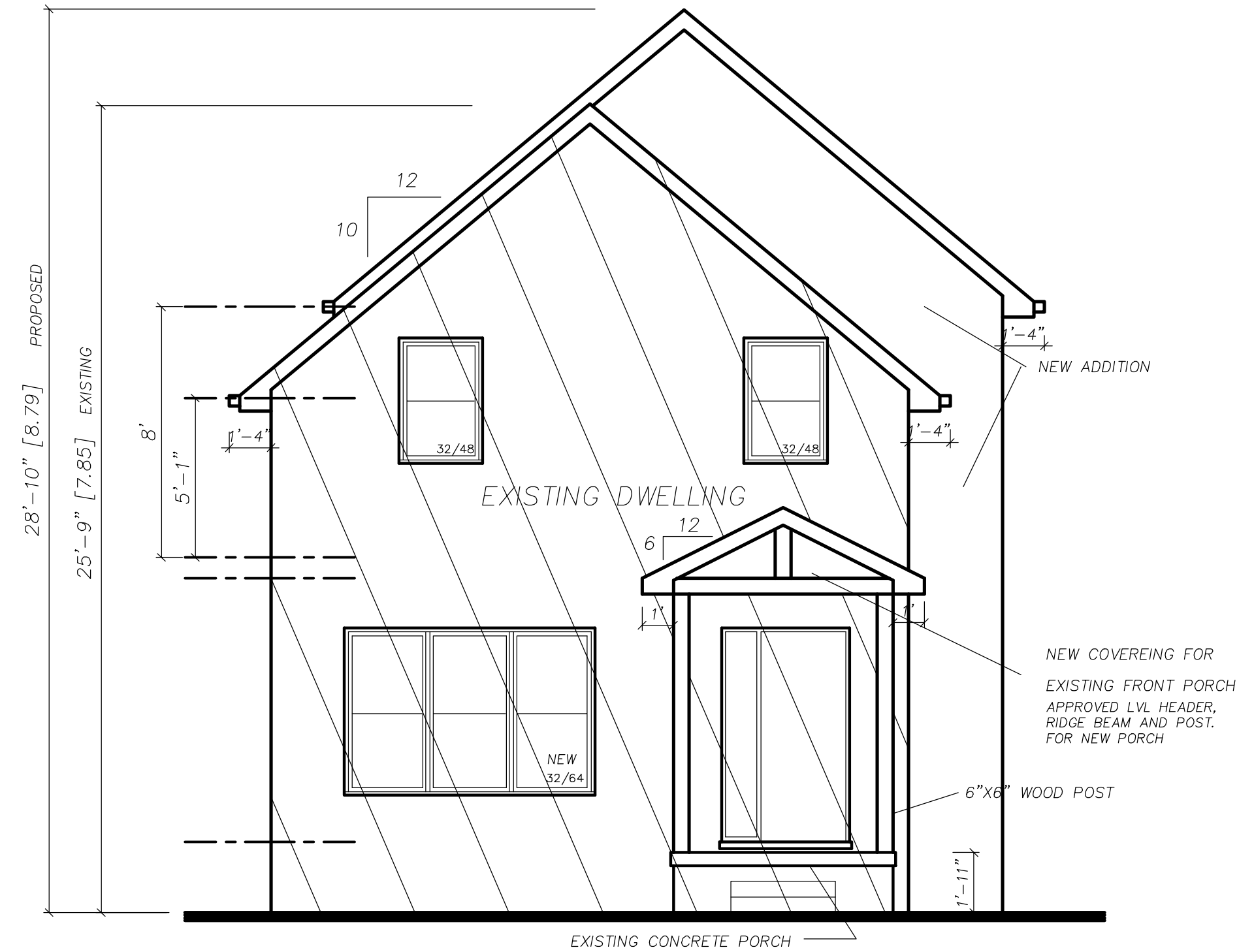
CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY ERRORS, OMISSIONS OR DISCREPANCIES TO THE DESIGNER PRIOR TO COMMENCEMENT OF CONSTRUCTION.

3593 SEPT.20

4



Rear Elevation



Front Elevation

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 design the work shown on the attached documents.

QUALIFICATION INFORMATION
 Required unless design is exempt under DIV.C 3.2.5.1 of the building code
 Richard Weatherston 24787
 NAME SIGNATURE BCIN

REGISTRATION INFORMATION
 Required unless design is exempt under DIV. C 3.2.4.1 of the building code
 R.G. CAD SERVICE INC. 29747
 FIRM NAME BCIN

* THESE DRAWINGS HAVE BEEN PRODUCED FOR THE HOMEOWNER AND ARE PROTECTED BY COPYRIGHT.

3593 SEPT.20

R.G.CAD SERVICE INC.
 228 GREEN RD., STONEY CREEK
 PHONE (905) 664-8061

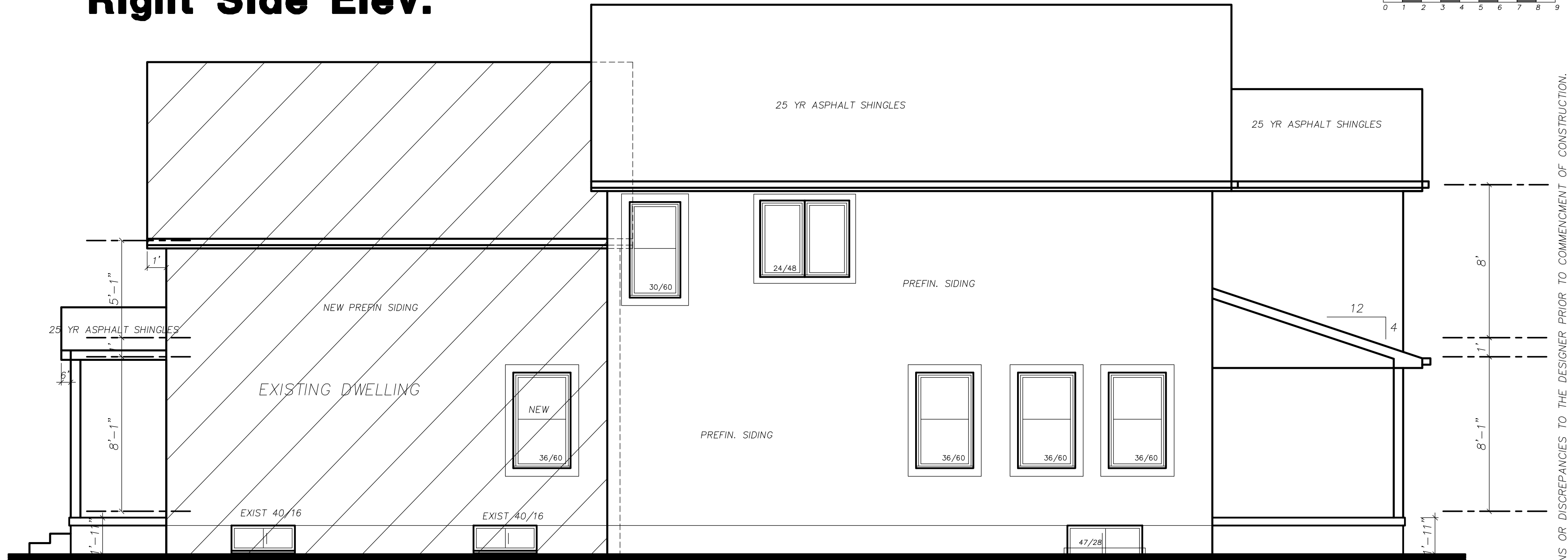
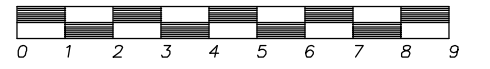
PROPOSED ADDITION/RENOVATION
278 PARK STREET W.
 DUNDAS

1

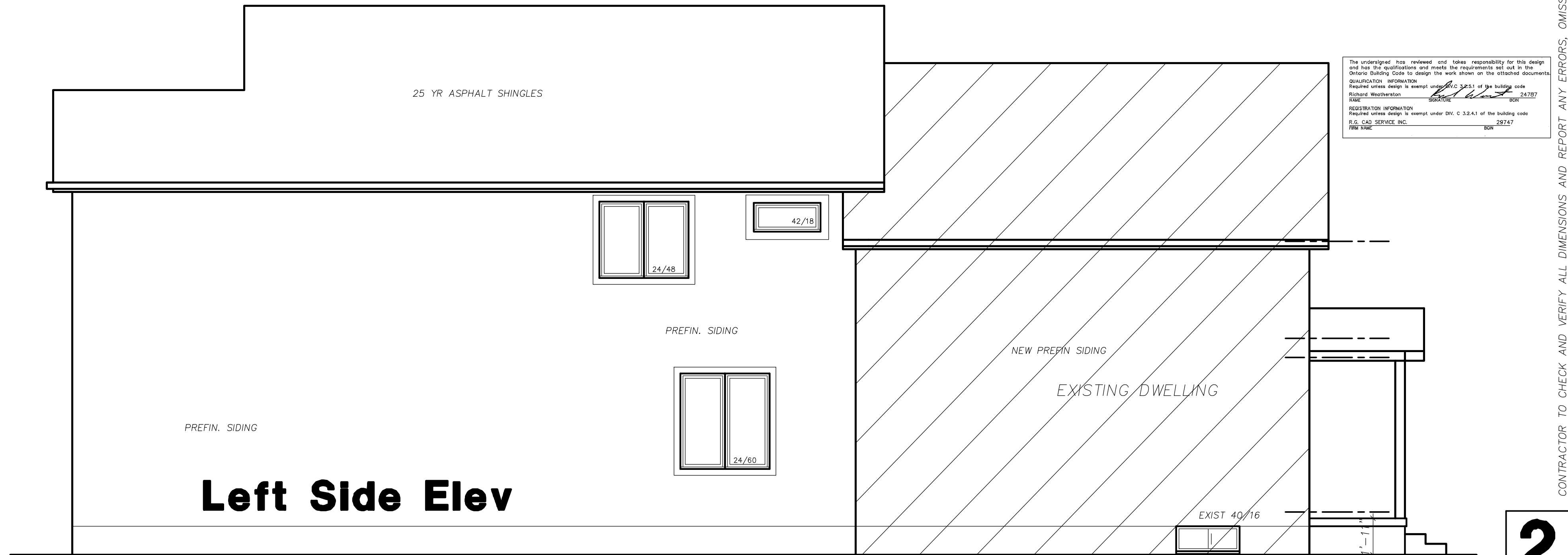
CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY ERRORS, OMISSIONS OR DISCREPANCIES TO THE DESIGNER PRIOR TO COMMENCEMENT OF CONSTRUCTION.

Right Side Elev.

SCALE 1/4" = 1'-0"



Left Side Elev



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 design the work shown on the attached documents.

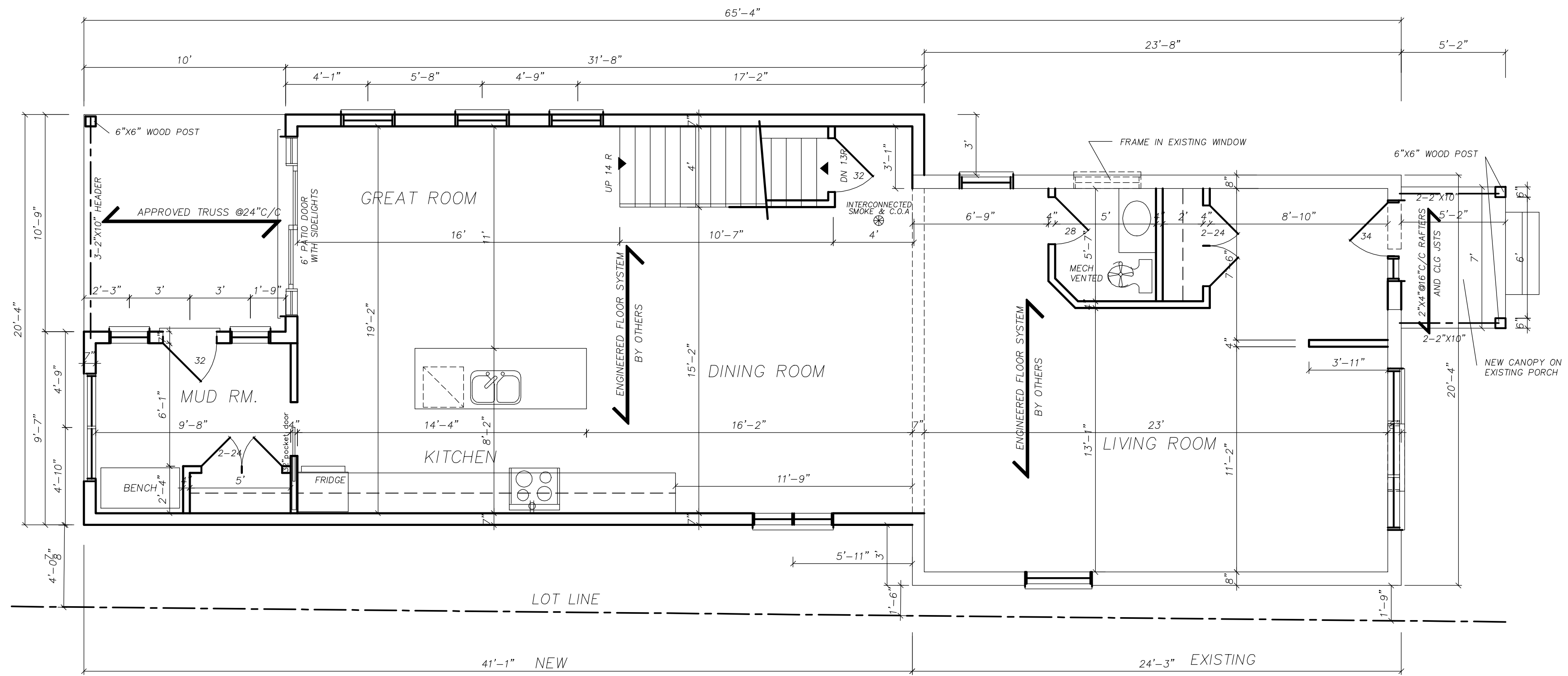
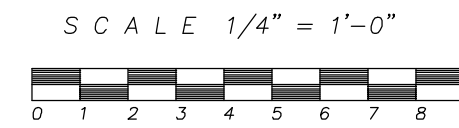
QUALIFICATION INFORMATION
 Required unless design is exempt under R.V.C. 3.2.5.1 of the building code
 Richard Weatherston
 NAME SIGNATURE B.C.N. 24787

REGISTRATION INFORMATION
 Required unless design is exempt under DIV. C 3.2.4.1 of the building code
 R.G. CAD SERVICE INC.
 FIRM NAME 29747 B.C.N.

CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY ERRORS, OMISSIONS OR DISCREPANCIES TO THE DESIGNER PRIOR TO COMMENCEMENT OF CONSTRUCTION.

2

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First Floor Plan

ADDITION FIRST FLOOR 729 SQ.FT.
 ADDITION SECOND FLOOR 729 SQ.FT.
 TOTAL ADDITION = 1458 SQ.FT.

EXISTING FIRST FLOOR 493 SQ.FT.
 EXISTING SECOND FLOOR 493 SQ.FT.
 TOTAL EXISTING = 986 SQ.FT.

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 design the work shown on the attached documents.

QUALIFICATION INFORMATION
 Required unless design is exempt under R.C.O.S. 5.2.1 of the building code
 Richard Weatherston
 NAME SIGNATURE BCN 24787

REGISTRATION INFORMATION
 Required unless design is exempt under DIV. C 3.2.4.1 of the building code
 R.G. CAD SERVICE INC.
 FIRM NAME BCN 29747

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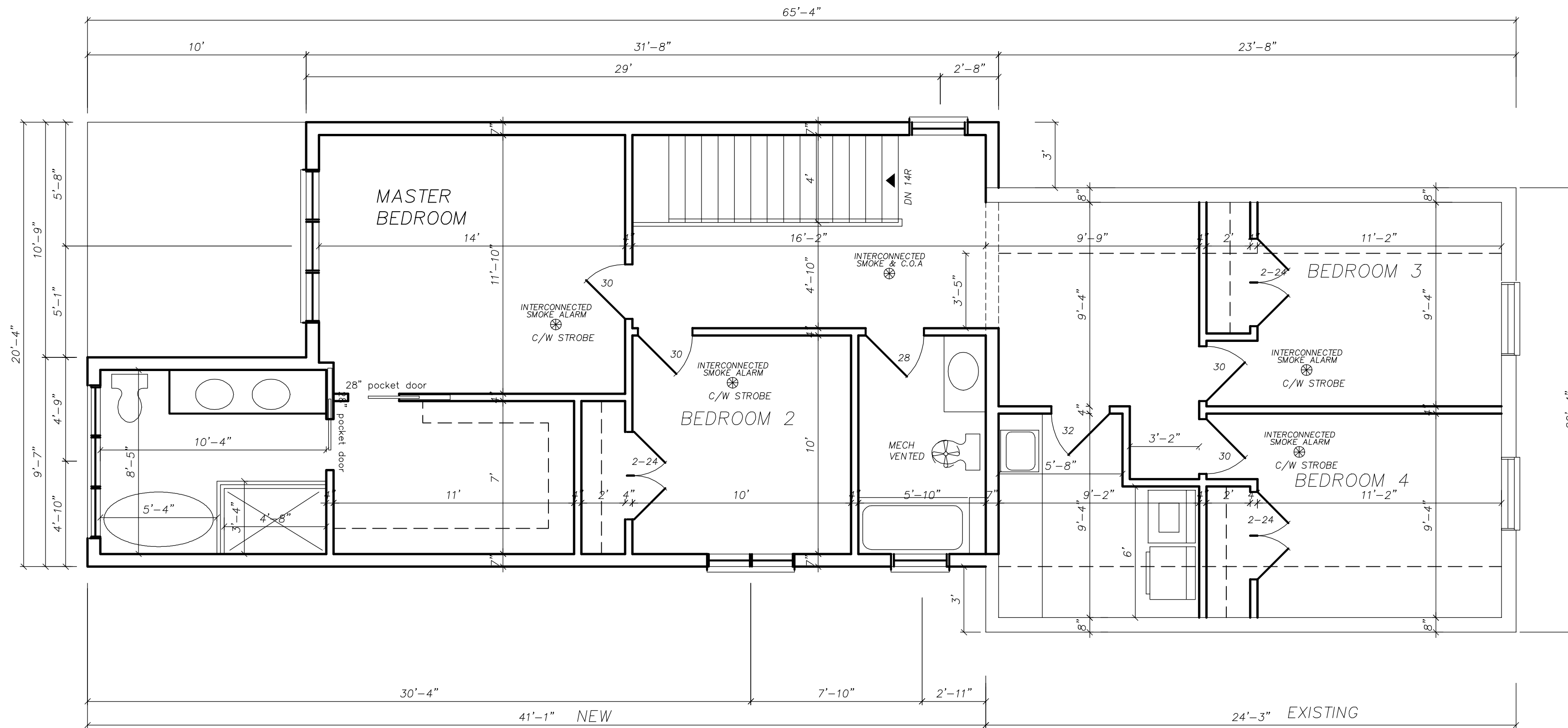
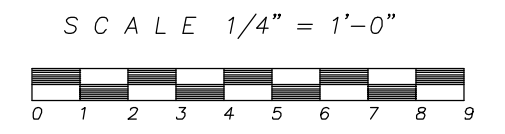
3593 SEPT.20

R.G.CAD SERVICE INC.
 228 GREEN RD., STONEY CREEK
 PHONE (905) 664-8061

PROPOSED ADDITION/RENOVATION
278 PARK STREET W.
 DUNDAS

5

CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY ERRORS, OMISSIONS OR DISCREPANCIES TO THE DESIGNER PRIOR TO COMMENCEMENT OF CONSTRUCTION.



Second Floor Plan

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 design the work shown on the attached documents.
 QUALIFICATION INFORMATION
 Required unless design is exempt under R.V.C. 2.5.1 of the building code
 Richard Weatherston 24787
 NAME DESIGNER DCR
 REGISTRATION INFORMATION
 Required unless design is exempt under DIV. C 3.2.4.1 of the building code
 R.G. CAD SERVICE INC. 28747
 FIRM NAME BCN

* THESE DRAWINGS HAVE BEEN PRODUCED FOR THE HOMEOWNER AND ARE PROTECTED BY COPYRIGHT.

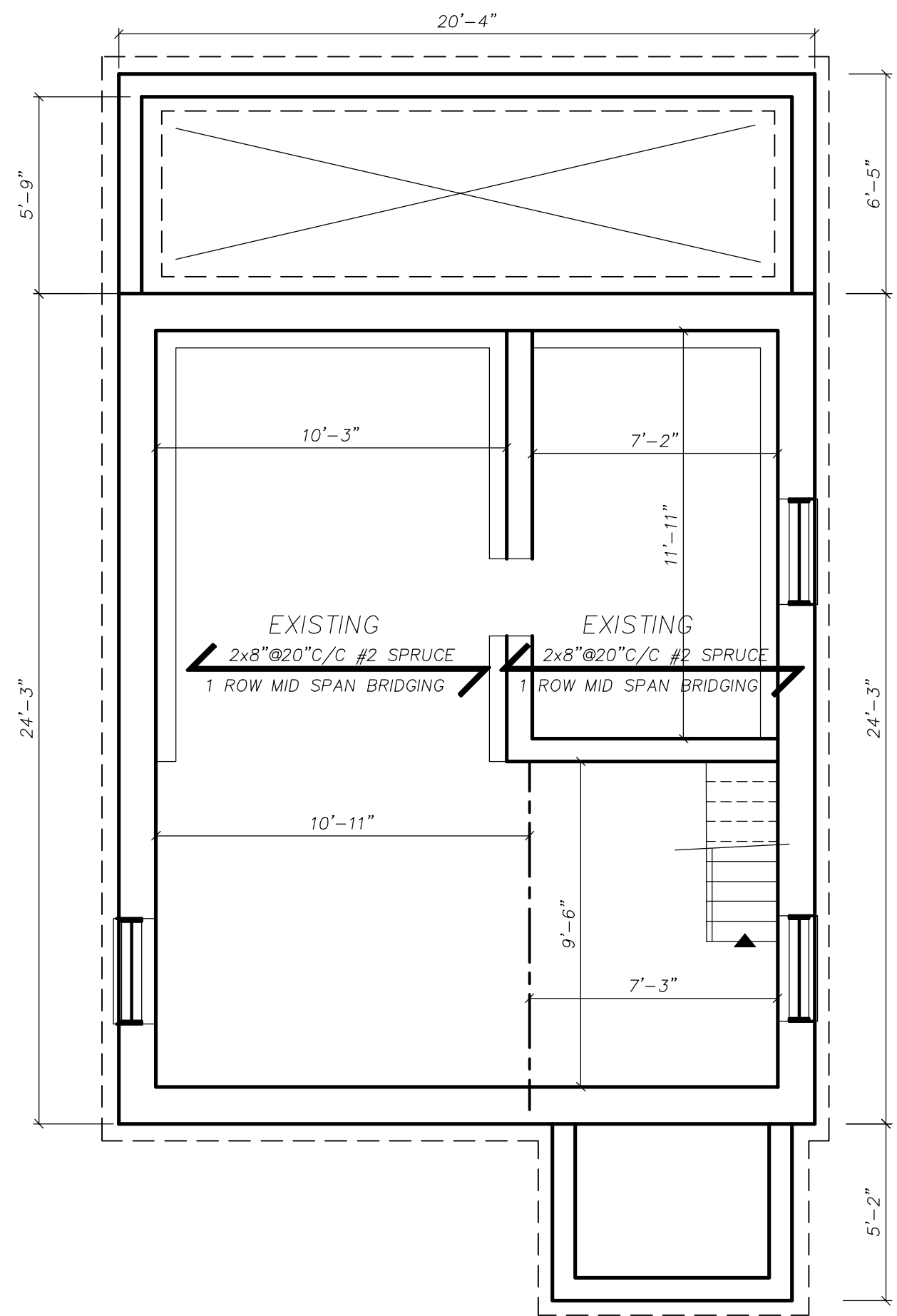
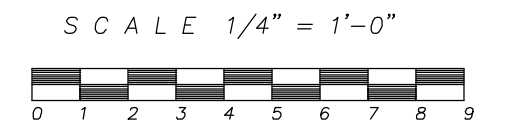
3593 SEPT.20

R.G.CAD
SERVICE INC.
 228 GREEN RD. STONEY CREEK
 PHONE (905) 664-8061

PROPOSED ADDITION/RENOVATION
278 PARK STREET W.
 DUNDAS

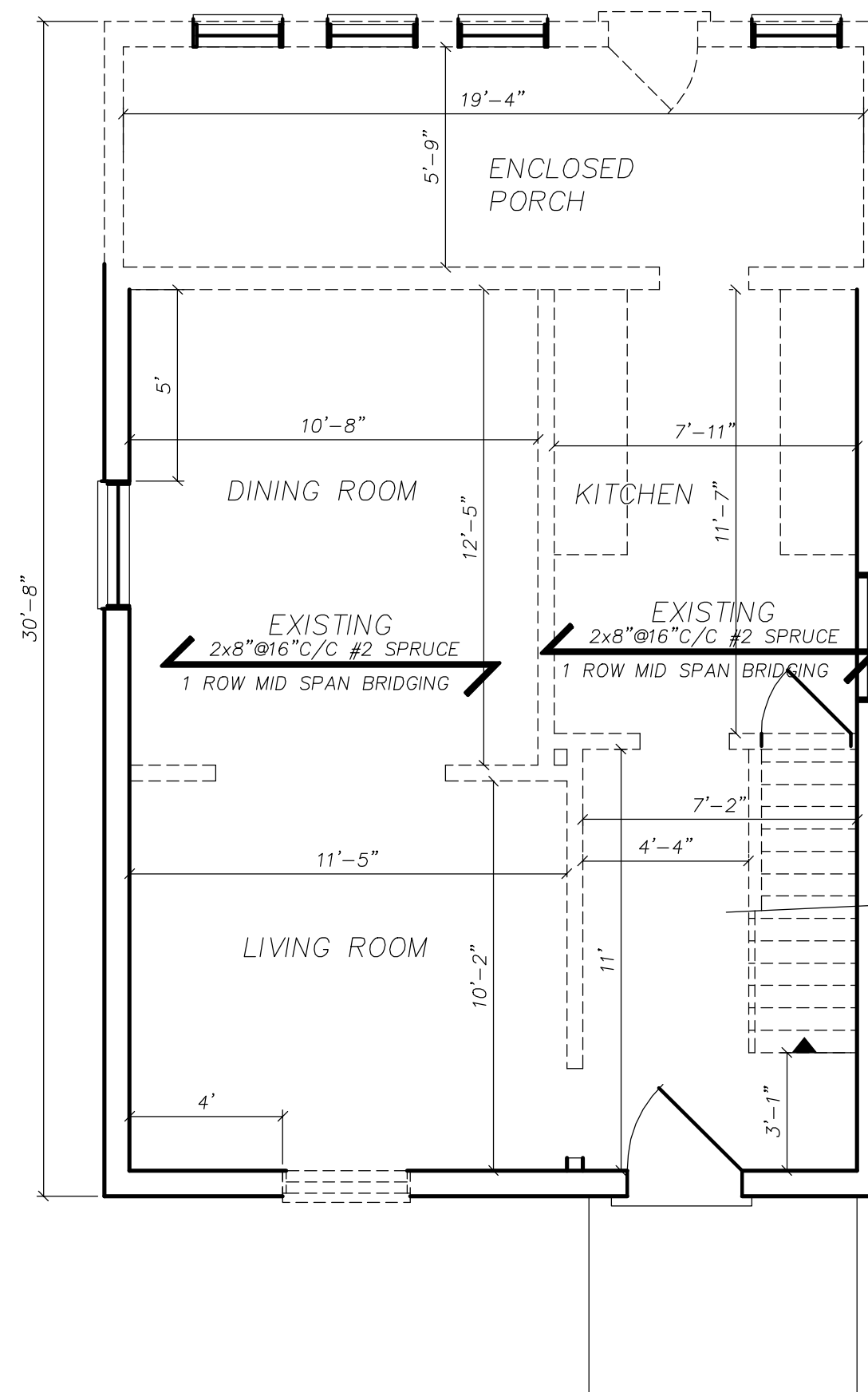
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CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY ERRORS, OMISSIONS OR DISCREPANCIES TO THE DESIGNER PRIOR TO COMMENCEMENT OF CONSTRUCTION.



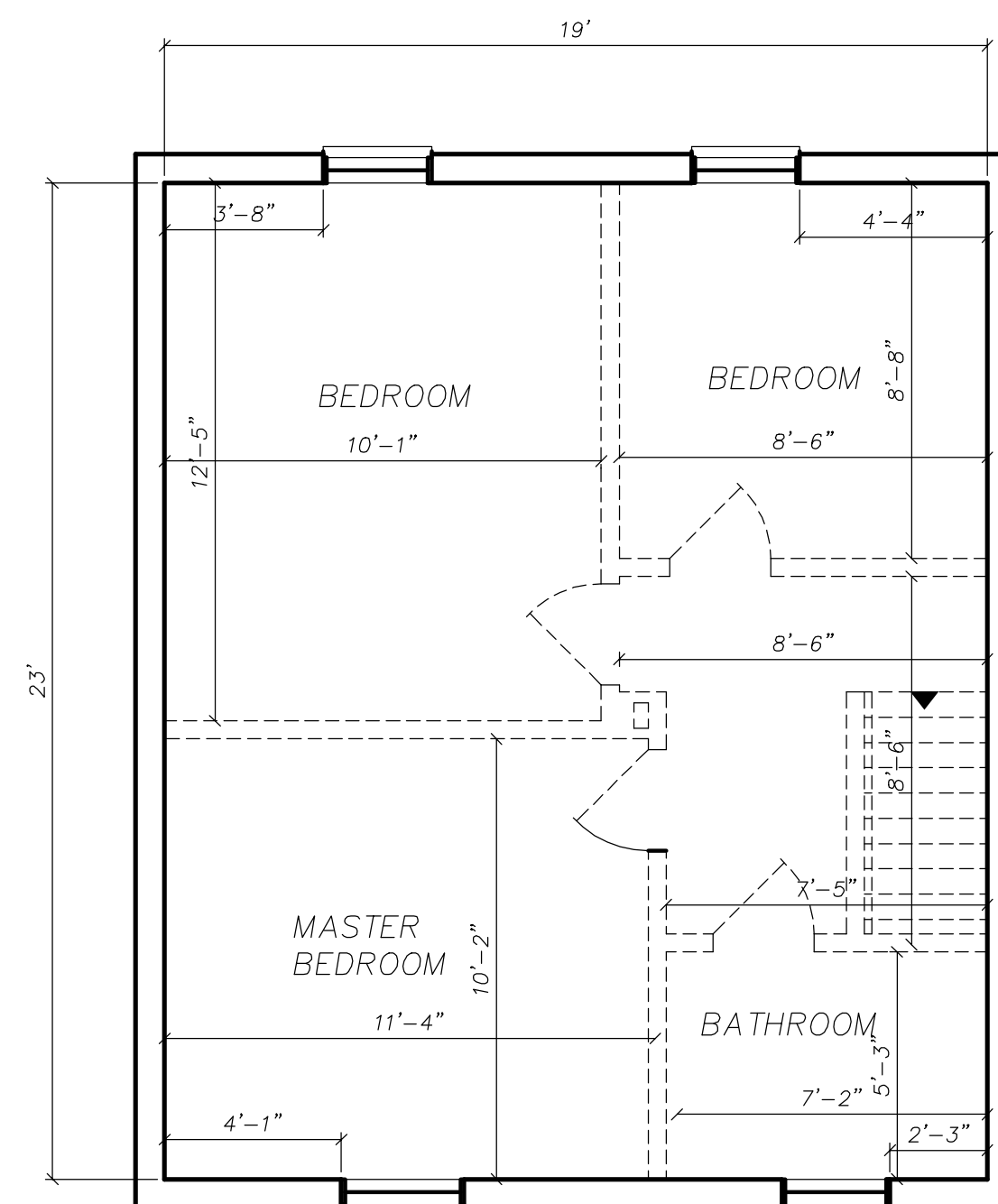
Basement & Fdn Plan

EXISTING



First Floor Plan

NOTE: CEILING HGT IS 8'-5" EXISTING



Second Floor Plan

EXISTING

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3593 SEPT. 20

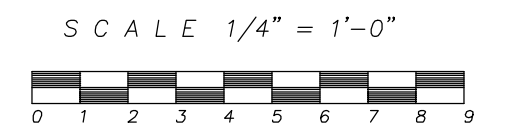
R.G.CAD
SERVICE INC.
 228 GREEN RD., STONEY CREEK
 PHONE (905) 664-8061

PROPOSED ADDITION/RENOVATION
278 PARK STREET W.
 DUNDAS

3

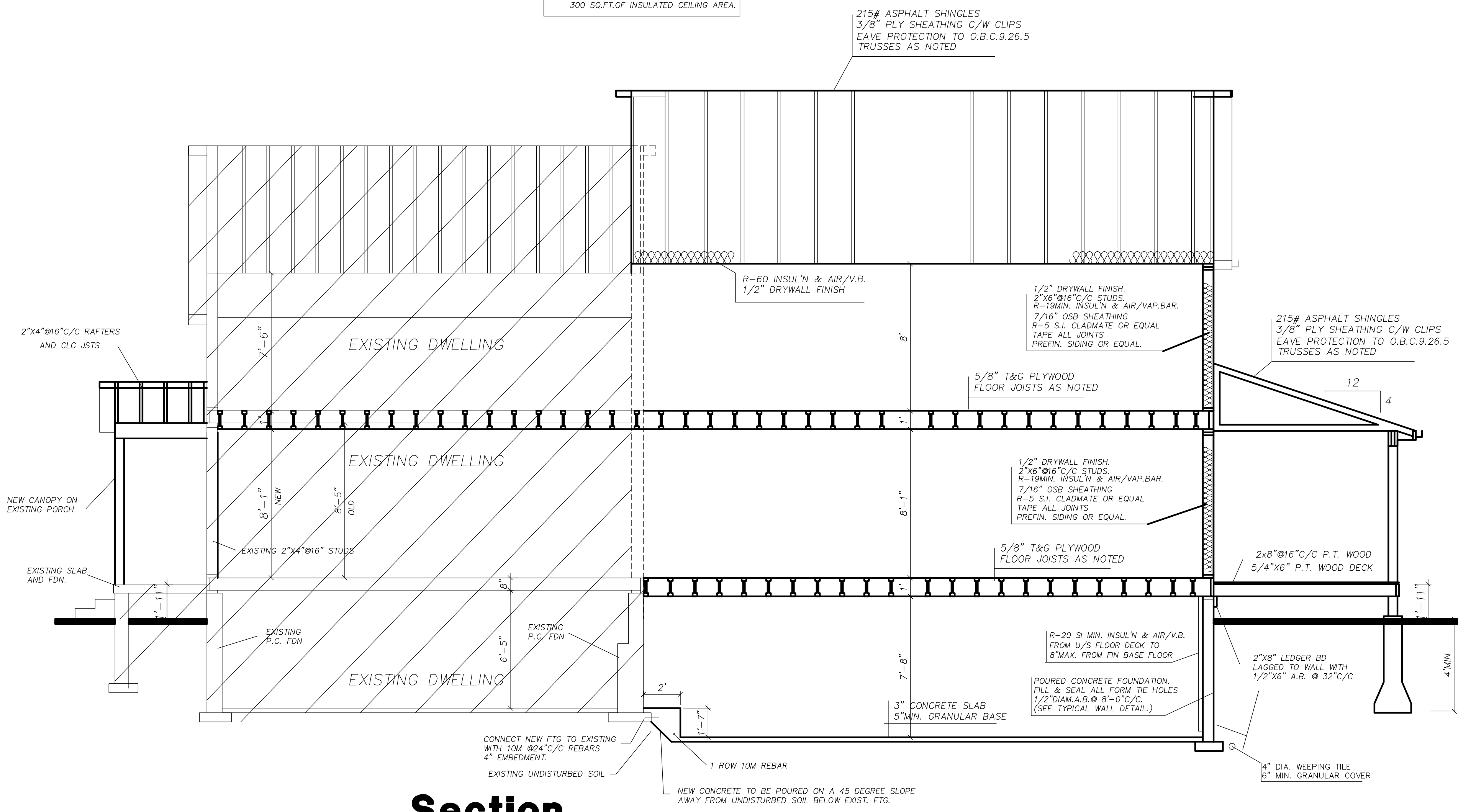
CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY ERRORS, OMISSIONS OR DISCREPANCIES TO THE DESIGNER PRIOR TO COMMENCEMENT OF CONSTRUCTION.

LINTEL SIZE	SUPPORTING 2 FLOORS + ROOF		SUPPORTING 1 FLOOR + ROOF		SUPPORTING ROOF ONLY	
	EXT.BRG.WALLS	INT. WALLS	EXT.BRG.WALLS	INT. WALLS	EXT.BRG.WALLS	INT. WALLS
2-2"x4"	2'-10"	2'-4"	3'-7"	3'-10"	3'-8"	
2-2"x6"	4'-1"	3'-4"	4'-6"	4'-5"	5'-5"	
2-2"x8"	5'-0"	3'-11"	5'-5"	5'-4"	6'-7"	
2-2"x10"	6'-1"	4'-9"	6'-8"	6'-7"	8'-1"	
2-2"x12"	6'-10"	5'-5"	7'-8"	7'-7"	9'-5"	



ROOF VENTING TO BE 1 SQ.FT. FOR EVERY 300 SQ.FT.OF INSULATED CEILING AREA.

215# ASPHALT SHINGLES
3/8" PLY SHEATHING C/W CLIPS
EAVE PROTECTION TO O.B.C.9.26.5
TRUSSES AS NOTED

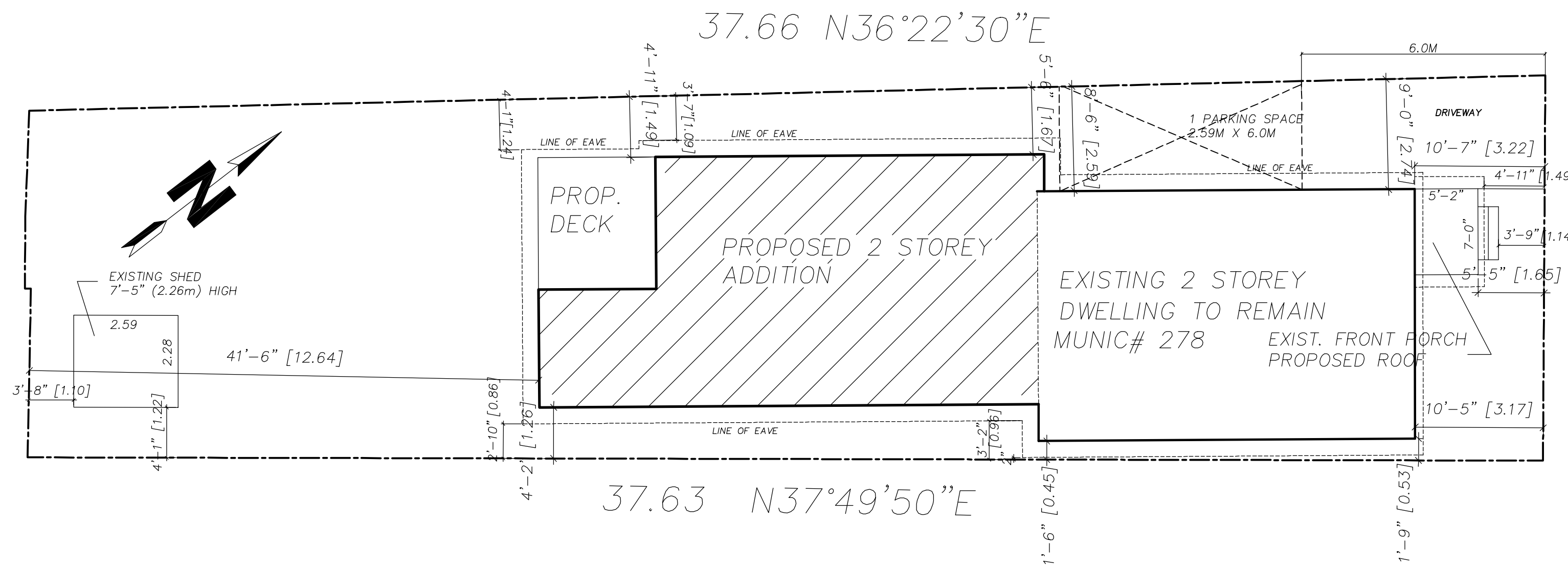


Section

CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY ERRORS, OMISSIONS OR DISCREPANCIES TO THE DESIGNER PRIOR TO COMMENCEMENT OF CONSTRUCTION.

7

* THESE DRAWINGS HAVE BEEN PRODUCED FOR THE HOMEOWNER AND ARE PROTECTED BY COPYRIGHT.



9.56 N51° 57' W
PARK STREET WEST

Site Plan

SCALE 1/8" = 1'-0"

FRONT YARD AREA 329 SQ.FT
LANDSCAPED AREA 188 S.F.
% FRONT YARD LANDSCAPED
57.14%

EXISTING FIRST FLOOR 493 SQ.FT.
EXISTING SECOND FLOOR 493 SQ.FT.
TOTAL EXISTING = 986 SQ.FT. 91.60 SQ.M.

ADDITION FIRST FLOOR 729 SQ.FT.
ADDITION SECOND FLOOR 729 SQ.FT.
TOTAL ADDITION = 1458 SQ.FT. 135.45 SQ.M.
TOTAL GFA 2444 SQ.FT. 227.05 SQ.M.

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 design the work shown on the attached documents.

QUALIFICATION INFORMATION
Required unless design is exempt under DIV. C 3.2.5.1 of the building code

Richard Weatherston SIGNATURE DATE 24.7.20
NAME SIGNATURE BON

REGISTRATION INFORMATION
Required unless design is exempt under DIV. C 3.2.4.1 of the building code

R.G. CAD SERVICE INC. 29747
FIRM NAME BON

3593 SEPT.20

R.G.CAD
SERVICE INC.
228 GREEN RD. STONEY CREEK
PHONE (905) 664-8061

PROPOSED ADDITION/RENOVATION
278 PARK STREET W.
DUNDAS

8

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CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY ERRORS, OMISSIONS OR DISCREPANCIES TO THE DESIGNER PRIOR TO COMMENCEMENT OF CONSTRUCTION.



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.

- Name of Owner Adam Kroeker & Samantha Joyce Telephone No. _____
FAX NO. _____ E-mail address. _____
- Address _____
Postal Code _____
- Name of Agent James Ling 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:
Toronto Dominion Bank, 4720 Tahoe Blvd, Building 1
Mississauga, ON Postal Code L4W 5P2
- Postal Code _____

6. Nature and extent of relief applied for:
 1. Relief from Section 9.2.2.2 (iv) Side Yard Requirement
 2. Relief from Section 9.2.2.1 Front Yard Requirement
 3. Relief from Section 7.14 Dimensions for the design of parking areas
 4. Relief from Section 7.12.1.1 Single-Detached Dwellings 1.0 space per dwelling unit.
7. Why it is not possible to comply with the provisions of the By-law?
 1. The size of the lot does not allow for this.
 2. The existing Front Porch is built too close to the street.
 3. The size of the lot does not allow for this
 4. There is no on site parking presently, the homeowner wants to put one in but doesn't have quite the required width; also applying for relief from this width.
8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
 Lot 3 - Block 13
 278 Park St. W, Dundas
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 X

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 X

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

9.2- 9.8 to the best of our knowledge, area has been solely residential.
-Asbestos testing returned with None Detected throughout house (Pinchin Ltd- lab reference #6237874)

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.


Asbestos Abatement in basement Completed Aug 12/20

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.

Oct 12, 2020
Date


Signature Property Owner
Adam Kroeker
Print Name of Owner

10. Dimensions of lands affected:

Frontage 9.56 m
 Depth 37.63 m / 37.66 m
 Area 359.84 m²
 Width of street 18.1 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: Ground Floor area 53.88 m²
Gross floor area 94.5 m²
Number of stories 2
Width 6.19m Length 9.35m Height 7.85m

Proposed: Ground Floor area
Gross floor area
Number of stories
Width 6.19m Length 19.91m Height 8.79m

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 lot to house 3.18m to porch 1.64m
East side to house 0.46m West side 2.59m
Rear to house 25.1m

Proposed: Front to house 3.18m to porch 1.64m
East to proposed addition 1.27m
West to proposed addition 1.51m
Rear to proposed addition 14.54m

13. Date of acquisition of subject lands:
June 30, 2020

14. Date of construction of all buildings and structures on subject lands:
1891

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:
130 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:

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Zoning R2

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



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: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: FL/B-20:71

SUBJECT PROPERTY: 905 Centre Rd., 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): Gerard P. Murphy on behalf of the owner Marvin Creighton

PURPOSE OF APPLICATION: To permit the conveyance of a parcel and to retain a parcel of land

Severed lands:

45.72m[±] x 96.621m[±] and an area of 1 acre[±]

Retained lands:

91.41m[±] x 465.21m[±] and an area of 46 ha[±]

The Committee of Adjustment will hear this application on:

DATE: Thursday, November 19th , 2020

TIME: 1:45 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:

FL/B-20:71
Page 2

- 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: November 3rd, 2020

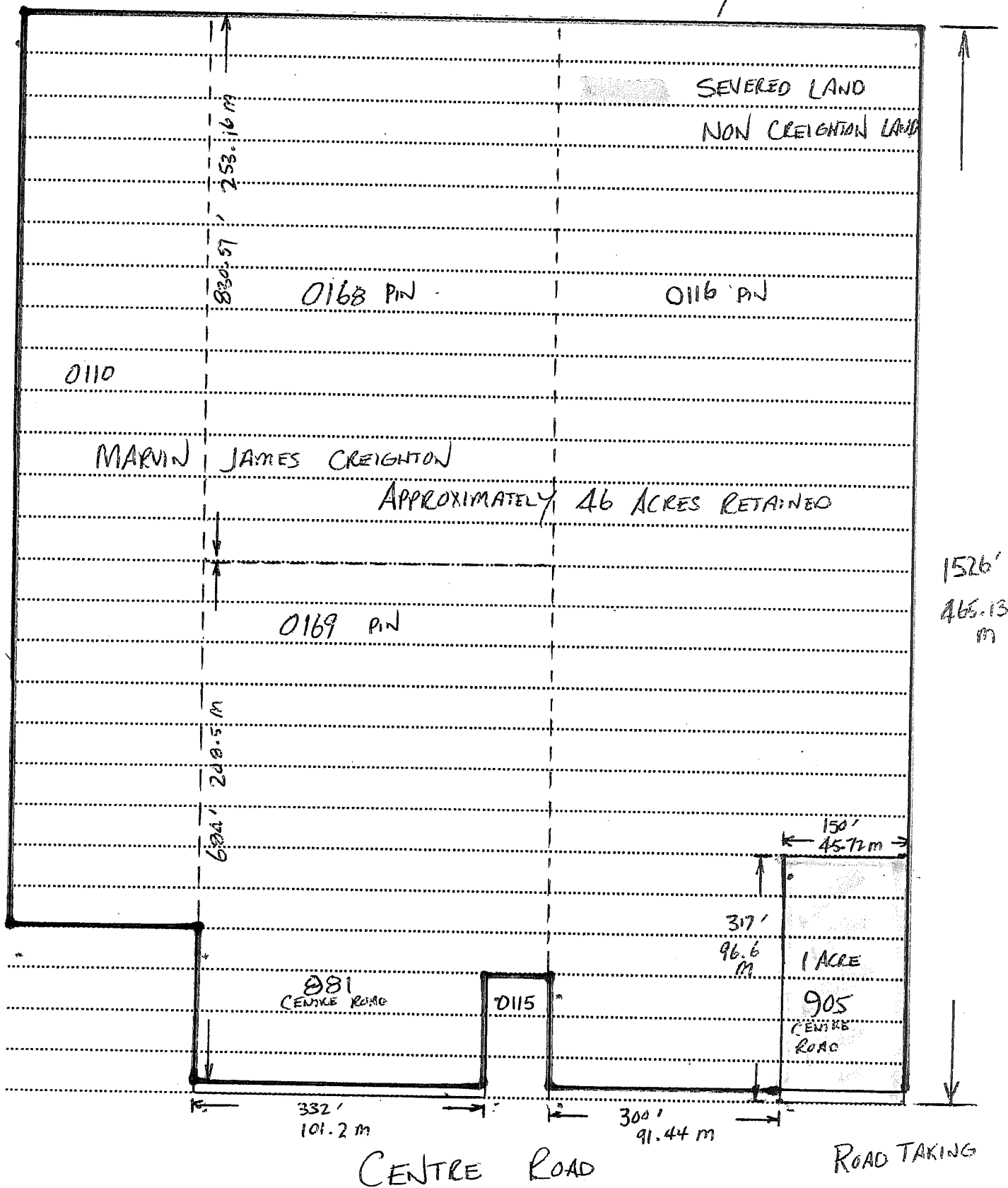


Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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.

GERARD P. MURPHY
Lawyer
130 North Shore Blvd West
Burlington, Ontario
L7T 4G4

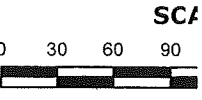
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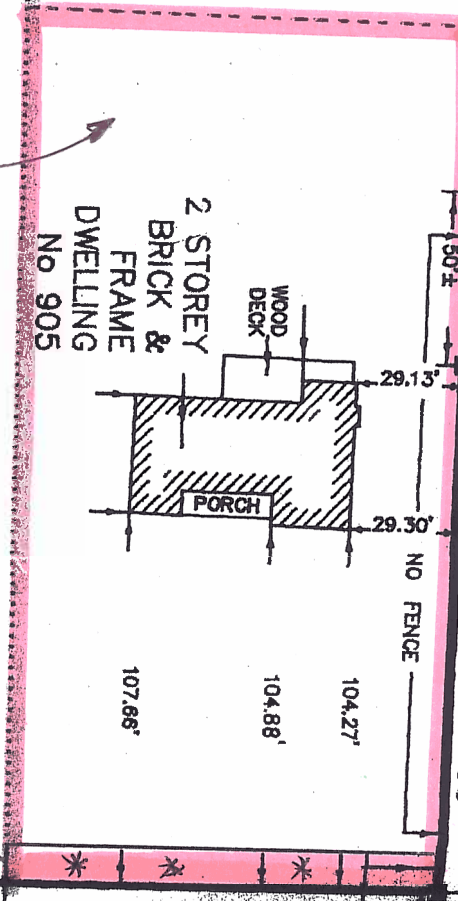
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20:71



PLAN ATTACHED TO INST. 306695 AB
INSTRUMENT NO 306695 AB

INSTRUMENT NO 60466 CD

1.30' MSD
SIB (B24)
N 44°46'00" E
333.19'
50'±
IB (B24)
PLAN ATT'D TO INST. 306695 AB & MSD
N 44°46'00" E 152.00'
IB (B24)



NOT TO SCALE
SUBJECT TO SURVEY
VERIFICATION

150' x 317'
45.72 m x 96.6216 m

*** EXPECTED EXPROPRIATION

150' x 17'
45.72 m x 5.1816 m

359.22'
359.02'

449.90' MSD

1789.04' PLAN 52R-4890

(447.28' INST. 329082 AB)
N 46° 11' 30" W EXP. PLAN REG'D AS INST. 94858 AB

ROAD - REGIONAL ROAD NO 508

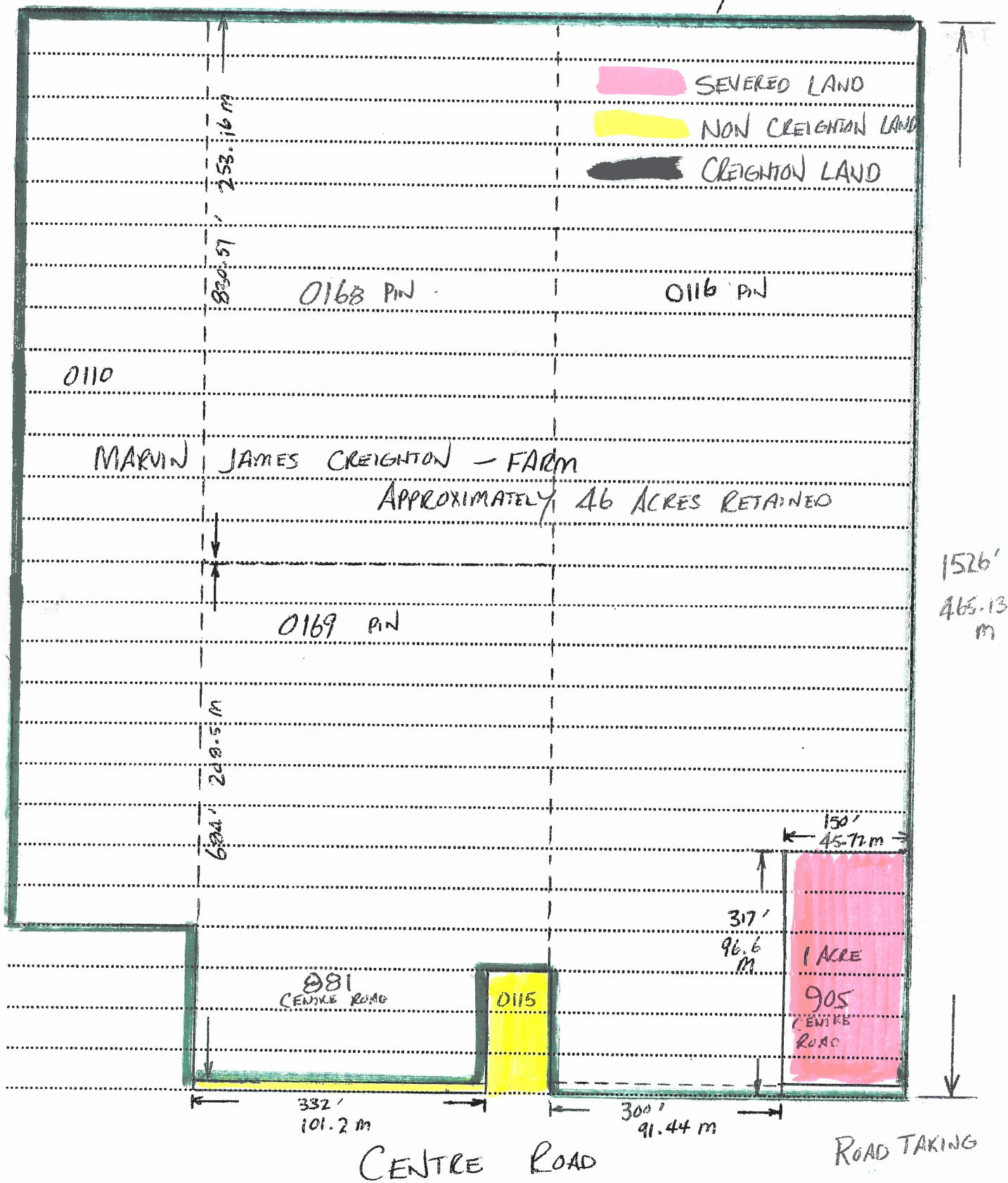
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(5)

GERARD P. MURPHY
Lawyer
130 North Shore Blvd West
Burlington, Ontario
L7T 4G4

WEST





77 James St. North, Suite 320
Hamilton, ON L8R 2K3
(905) 546-2439 (Telephone)
(905) 546-2463 (Fax)
gmcguire@hamilton.ca

Hamilton

Public Works Department

MEMORANDUM

TO:	Carol Connor Secretary Treasurer, Committee of Adjustment Planning and Development	YOUR FILE: Fax – 546-4202
FROM:	Gord McGuire Senior Project Manager of Surveys & Mapping Roads Division	OUR FILE: PHONE:(905) 546-2424, Ext. 2439
SUBJECT:	Road Widening Deed from Martin James Creighton and Lillian Edith Creighton, Land Severance Application No. FL/B-06:27 Registered Instrument Number WE461169	DATE: April 16, 2007

This is to advise you that the above road widening Deed has been registered, conveying the property to the City of Hamilton.

We have received a letter certifying the City's title to the subject land, pursuant to the conditions of the subject application.

Please find enclosed the registered instrument together with the Certificate of Title for the above transaction for your safekeeping.

By copy of this memo, Tony Sergi is informed that the condition for road widening purposes has been met.

GM:lc
Encls.

Attach.

- cc Mike Sabelli (Planning & Development)
Fax - (905) 546-4202
- cc Gerard P. Murphy– Fax - (905) 522-1398

002/002

04/17/2007 TUE 11:22 FAX 905 546 2463 PUBLIC WORKS



Committee of Adjustment
City Hall
7th floor, 71 Main Street West
Hamilton, ON L8P 4Y6
Telephone (905) 546-2424 Ext. 4144
Fax (905) 546-4202

FL/B-06:27

Form 4

The Planning Act, R.S.O. 1990, c.P. 13, as amended

CERTIFICATE OF SECRETARY - TREASURER

Pursuant to Subsection (42) of Section 53 of The Planning Act, R.S.O. 1990 c.P. 13, as amended, I certify that the consent of the Committee of Adjustment for the City of Hamilton was given on April 26th, 2006 to convey the following described lands:

Lands Transferred – Parcel One P.I.N. 17512-0114 (LT)
Part Lot 8, Concession 5 East Flamborough, as in CD130477 save and except Part 1 and Part 2 on Reference Plan 62R-17621, Flamborough, City of Hamilton

Existing Description of Adjoining Property – Parcel Two P.I.N. 17512-0116 (LT)
Part Lot 8, Concession 5 East Flamborough, as in VM191657, save and except AB94858, Flamborough, City of Hamilton

Proposed Description of Consolidated Property – Parcel Three (Parcel One to be added to P.I.N. 17512-0116(LT)
Parcels One and Two as set out above.

Part Lot 8, Concession 5 East Flamborough, as in VM191657 save and except AB94858, AND, Part Lot 8, Concession 5, East Flamborough, as in CD130477, save and except Part 1 and Part 2 on Reference Plan 62R-17621, Flamborough, City of Hamilton

Subsections 3 and 5 of Section 50 of The Planning Act applies to any subsequent conveyance or transaction of or in relation to the parcel of land being the subject of this consent.

DATED, at the City of Hamilton
this 18th day of April

Secretary-Treasurer

20 07.

**LAWYER'S CERTIFICATE OF TITLE & REGISTRATION
of a road widening Transfer**

Planning Application/file Number FL/B-06:27

I, the undersigned lawyer, hereby certify to the City of Hamilton (hereinafter referred to as the "City"):

1. That a dedication of land required by the City as a condition of a Planning approval in respect of the above mentioned Application was carried out by registration of a Transfer of the required land in favour of the City of Hamilton, as Transferee, free and clear of all mortgage(s) and lien(s) as follows:

Transfer of Land, namely Part(s) 2

On Plan 62R-17621

Registered on title on April 16, 2007

as Instrument Number WE461169

Transferor: Marvin James Creighton and Lillian Edith Creighton

Transferee: City of Hamilton

2. That in my opinion, as a result of the registration of the said Transfer of Land to the City, the City of Hamilton in the registered owner in fee simple of the land transferred, free and clear of all encumbrances.

3. That, without limiting the generality of the foregoing, I also hereby certify to the City that, at the time the said Transfer of land to the City was registered:

(a) there were no writs of execution or liens filed with the Sheriff of the Judicial District of Hamilton-Wentworth or with the Land Titles Division of Registry Office (No. 62) against the Transferor who dedicated the said land or against any prior registered owner(s) of the land transferred to the City;

(b) Realty taxes were not in arrears on the land(s) transferred to the City;

(c) I was (and I am at the time of this Certificate) a member in good standing of the Law Society of Upper Canada.

4. That this Certificate is provided to the City by me as required of the Transferor by the conditions of approval of the Transferor's Planning Act Application, and/or an Agreement between the Transferor and the City, and I acknowledge that the City is relying upon the statements in this Certificate notwithstanding any intermediary communications between me, the City and its officials.

Dated this 17th day of April, 2007.

Firm Name:

GERARD P. MURPHY



Gerard P. Murphy

Firm Address:

Suite 701, 1 King Street West
Hamilton, Ontario
L8P 1A4



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.:
----------------------------	-----------------------------------	-----------------	-----------

Morgan - Evans & Hamilton, CA

1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS	PHONE/FAX
Registered Owners(s)	MARVI JAMES CREIGHTON		Business () Fax: () E-mail:
Applicant(s)*	MARVIN JAMES CREIGHTON		Business () Fax: () E-mail:
Agent or Solicitor	GERARDO P. MURPHY		Business Fax: E-mail:

* Owner's authorisation required if the applicant is of the

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 FLAMBOROUGH	Lot PART LOT 8	Concession 5	Former Township EAST FLAMBOROUGH
Registered Plan N°. PIN # 17512-0116(LT)	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 905 CENTRE ROAD, WATERLOO, ON L8N 2Z7			Assessment Roll N°. 303.510.69000.0000

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 checked="" 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:

NOT APPLICABLE TO DATE

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) <u>45.72</u>	Depth (m) <u>96.6216</u>	Area (m ² or ha) <u>4417.57 m²</u>
------------------------------	-----------------------------	---

Existing 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) _____ | | |

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: RESIDENCE + DRIVING SHED (ENCLOSED)

Proposed: AS IS EXISTING

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

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

Concerning PIN 17512-0116

Frontage (m) <u>91.41</u>	Depth (m) <u>465.21</u>	Area (m ² or ha) <u>38,107.64 square meters</u>
------------------------------	----------------------------	---

* PLUS REMAINDER OF FARM PROPERTY
SEE DRAWING

Existing 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) _____ | | |

Proposed Use of Property to be severed:

- Residential
 Industrial
 Commercial
 Agriculture (includes a farm dwelling)
 Agricultural-Related
 Vacant
 Other (specify) _____

Building(s) or Structure(s):

Existing: RESIDENCE + DRIVING SHED (ENCLOSED)

Proposed: EXISTING AS IS

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) _____

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 checked="" type="checkbox"/>	STORAGE FACILITY *
An active railway line	<input type="checkbox"/>	* WATERDOWN SELF STORAGE TO THE WEST.
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?
MARVIN JAMES CLEIGHTON HAS BEEN FARMING THIS PROPERTY FOR OVER 40 YEARS.
- 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? ON SITE FUEL STORAGE FOR FARM MACHINERY.
 Yes No

7 PROVINCIAL POLICY

(NOT KNOWN - WILL REQUIRE ASSISTANCE)

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection 3(1) of the Planning Act?
 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?
 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.

NOT APPLICABLE.

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? *26 YEARS (905 PROPERTY)*

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.

SEE DRAWING + PIN ABSTRACTS + TRANSFERS OF ADJOINING PROPERTIES FROM MOTHER/FATHER + MOTHER TO SON.

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.

FARMING CASH CROPS

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
 Rural Settlement Area Severance or Lot Addition } (Complete Section 10.3)
- 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) 45.1 <u>91.44</u> <u>45.72</u> m	Area (m ² or ha): (from in Section 4.1) <u>4417.54</u> m ²
---	---

Existing Land Use: RESIDENCE Proposed Land Use: RESIDENCE

b) Lands to be Retained:

Frontage (m): (from Section 4.2) 45.1 <u>91.44</u> m	Area (m ² or ha): (from Section 4.2) <u>25.1</u> hectares
--	---

Existing Land Use: RESIDENCE, RETAIL, BARN + FARM Proposed Land Use: NO CHANGE

10.4 **Description of Lands (Abutting Farm Consolidation)**

a) Location of abutting farm:
881 CENTRE ROAD , FLAMBOROUGH (WATERLOO) L8N 2E7
 (Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m): <u>450M 101.2 m</u>	Area (m2 or ha): <u>18.62 hectares</u>
-----------------------------------	--

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

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

Frontage (m): <u>137M 192 m</u>	Area (m2 or ha): <u>25.1 hectares</u>
--	---------------------------------------

Existing Land Use: FARM Proposed Land Use: FARM

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

Frontage (m): (from Section 4.1) <u>45.72</u>	Area (m2 or ha): (from Section 4.1) <u>4417.54 m²</u>
--	---

Front yard set back: ~ 33 m

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) <u>91M 137 m</u>	Area (m2 or ha): (from Section 4.2) <u>38,107.64 25.1 hectares</u>
---	--

Existing Land Use: FARM Proposed Land Use: FARM

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: _____



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: 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-20:222

APPLICANTS: Owner 2708796 Ontario Inc.

SUBJECT PROPERTY: Municipal address **1064 Hwy 6, Flamborough**

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-law 15-173 & 19-062

ZONING: "E2 & 249" (Existing Rural Industrial) (E2) Zone

PROPOSAL: To permit an accessory retail sales area, including an associated showroom and offices, within a building containing manufacturing and warehousing notwithstanding that:

1. A maximum of 20% of the gross floor area of the building shall be permitted to be used for accessory retail sales including an associated showroom and offices of the instead of the requirement a maximum area permitted for accessory retail sales shall not exceed 10% of the gross floor area of the permitted use.

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

DATE: Thursday, November 19th, 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.

MORE INFORMATION

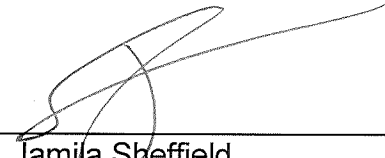
For more information on this matter, including access to drawings illustrating this request:

FL/A-20:222

Page 2

- 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: November 3rd, 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.

PART OF LOT 13, CONCESSION 6
CITY OF HAMILTON
(GEOGRAPHIC TOWNSHIP OF EAST
FLAMBOROUGH)



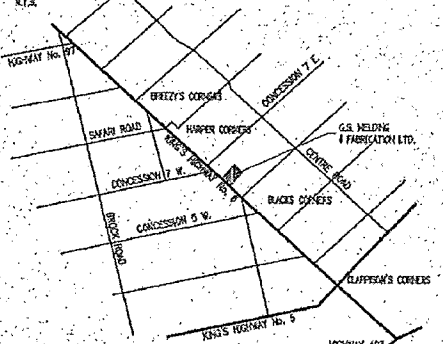
LEGEND:

- ENTRANCE / EXIT DOOR
- EX. DOOR / DOOR DOOR
- FIRE ROUTE
- EXISTING ASPHALT PAVING
- EXISTING PAVING
- EXISTING GRAVEL
- CONCRETE EDGE
- TB TOP OF BANK
- BB BOTTOM OF BANK
- EXISTING GRASSES
- PROPOSED GRASSES
- SLT FENCE LOCATIONS

SITE DATA:

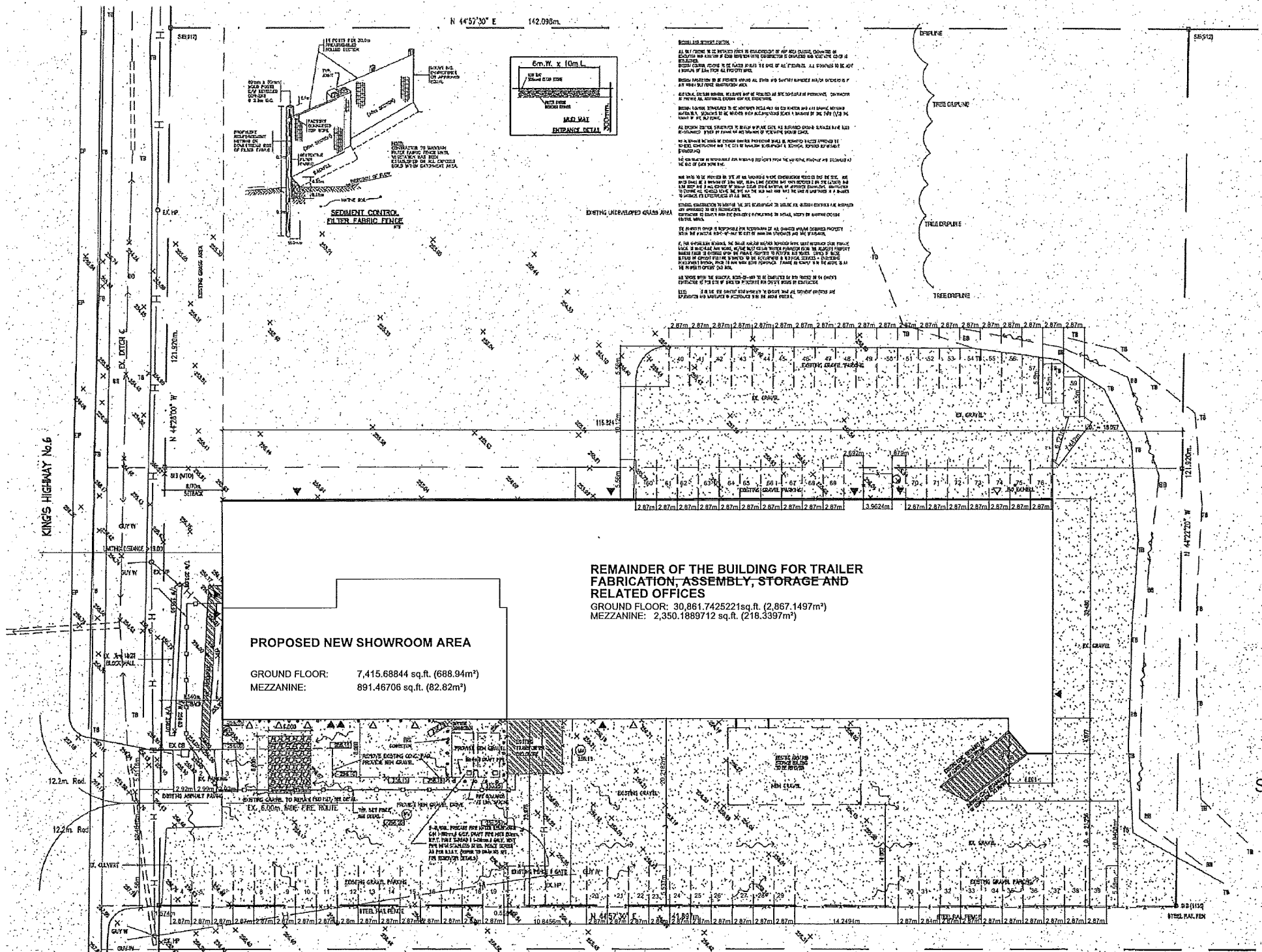
GITE AREA	17,38.15 sq.m.	= 100.0%
EX. BUILDING AREA	3,713.32 sq.m.	
EX. POLE BARN BUILDING TO BE DEMOLISHED	- 555.01 sq.m.	
EX. STORAGE BUILDING TO BE DEMOLISHED	- 204.10 sq.m.	
EX. BUILDING AREA REMAINING	2,962.21 sq.m.	= 17.0%
NEW BUILDING ADDITION	409.89 sq.m.	= 2.3%
NEW TOTAL BUILDING AREA	3,372.10 sq.m.	= 19.4%
EX. ASPHALT AREA	- 55.72 sq.m.	= 0.3%
EX. CONCRETE AREA	147.57 sq.m.	= 0.8%
EX. GRAVEL AREA	4,477.33 sq.m.	= 25.8%
EX. GRASS & LANDSCAPING AREA	6,552.84 sq.m.	= 37.8%
NEW GRAVEL	50.59 sq.m.	= 0.3%

KEY PLAN:



SCALE: 1:500

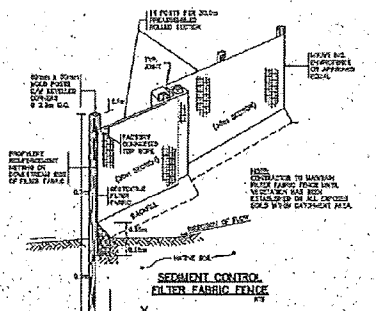
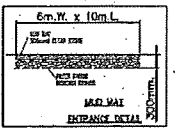
PLIA 201208

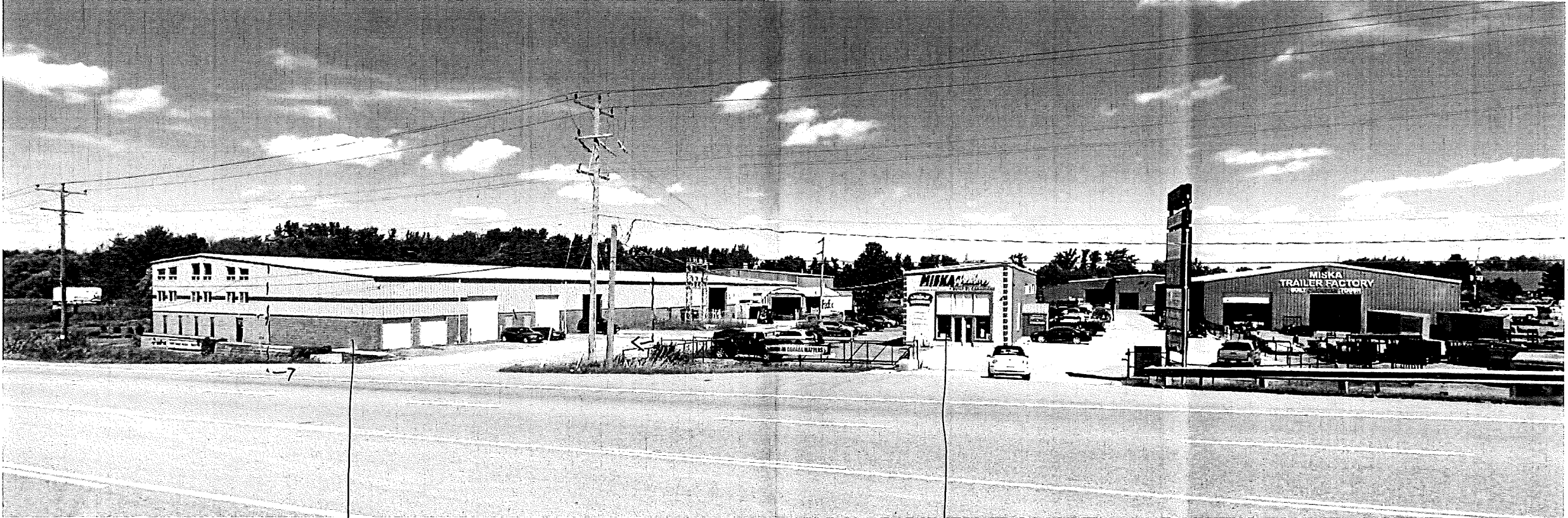


PROPOSED NEW SHOWROOM AREA
GROUND FLOOR: 7,415.68844 sq.ft. (688.94m²)
MEZZANINE: 891.46706 sq.ft. (82.82m²)

REMAINDER OF THE BUILDING FOR TRAILER FABRICATION, ASSEMBLY, STORAGE AND RELATED OFFICES
GROUND FLOOR: 30,861.7425221sq.ft. (2,867.1497m²)
MEZZANINE: 2,350.1889712 sq.ft. (218.3397m²)

GENERAL NOTES:
1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.



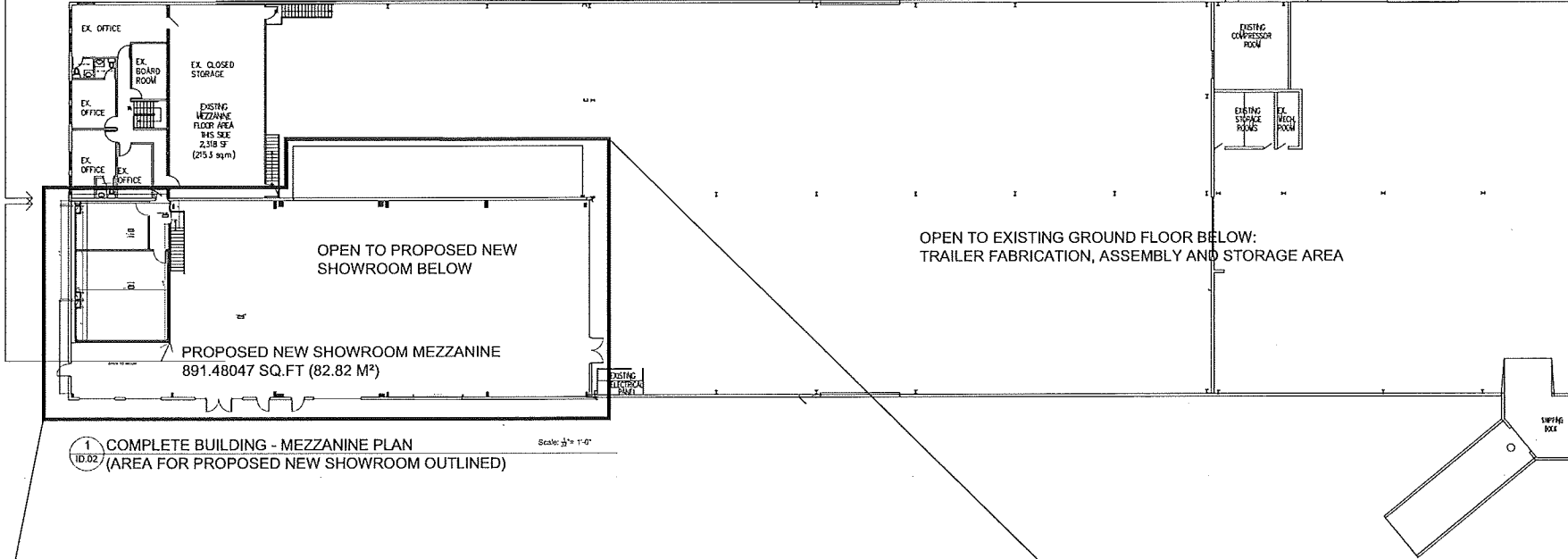


Proposed Showroom
@ 1064 Hwy 6 N.
Hamilton

Existing Parts Department
& offices
@ 1056 Hwy 6 N.
Hamilton

FC/A 20:222

EXISTING MEZZANINE WAREHOUSE
RELATED OFFICES:
2,421.6255 SQ.FT. (224.97M²)



1 COMPLETE BUILDING - MEZZANINE PLAN
10.02 (AREA FOR PROPOSED NEW SHOWROOM OUTLINED)

Scale: 1/4" = 1'-0"

FL/A 10.20.20



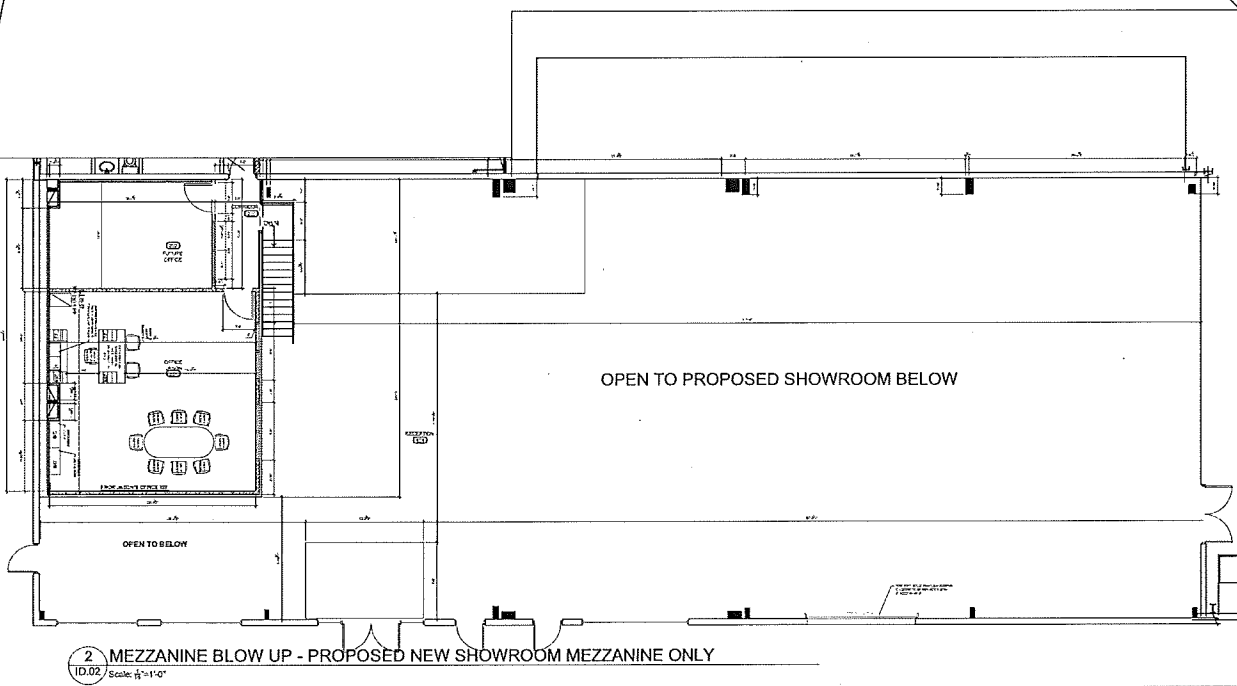
designated space incorporated
2245 horsey road, Burlington, Ontario, L7R 2B7
P: 905-639-8600 F: 905-639-4212 designatedspace@cspace.ca

REVISIONS	
NO.	DATE
1	10/27/2019
2	10/27/2019
3	10/27/2019
4	10/27/2019
5	10/27/2019

PROJECT TITLE
MISKA TRAILERS
LOCATION:
1064 ON-6
FLAMBOROUGH (HAMILTON), ON

SHEET TITLE
1. MEZZANINE - PROPOSED NEW SHOWROOM PARTITION PLAN CW FURNITURE

DESIGNER: AVP
DRAWN: AVP / BS
APPROVED:
SCALE: AS NOTED
DATE: JULY 2019
CND PLOT: OCTOBER 27th, 2020
ISSUED FOR EDA REVIEW: OCTOBER 27th, 2020
DRAWING NUMBER: 10.02

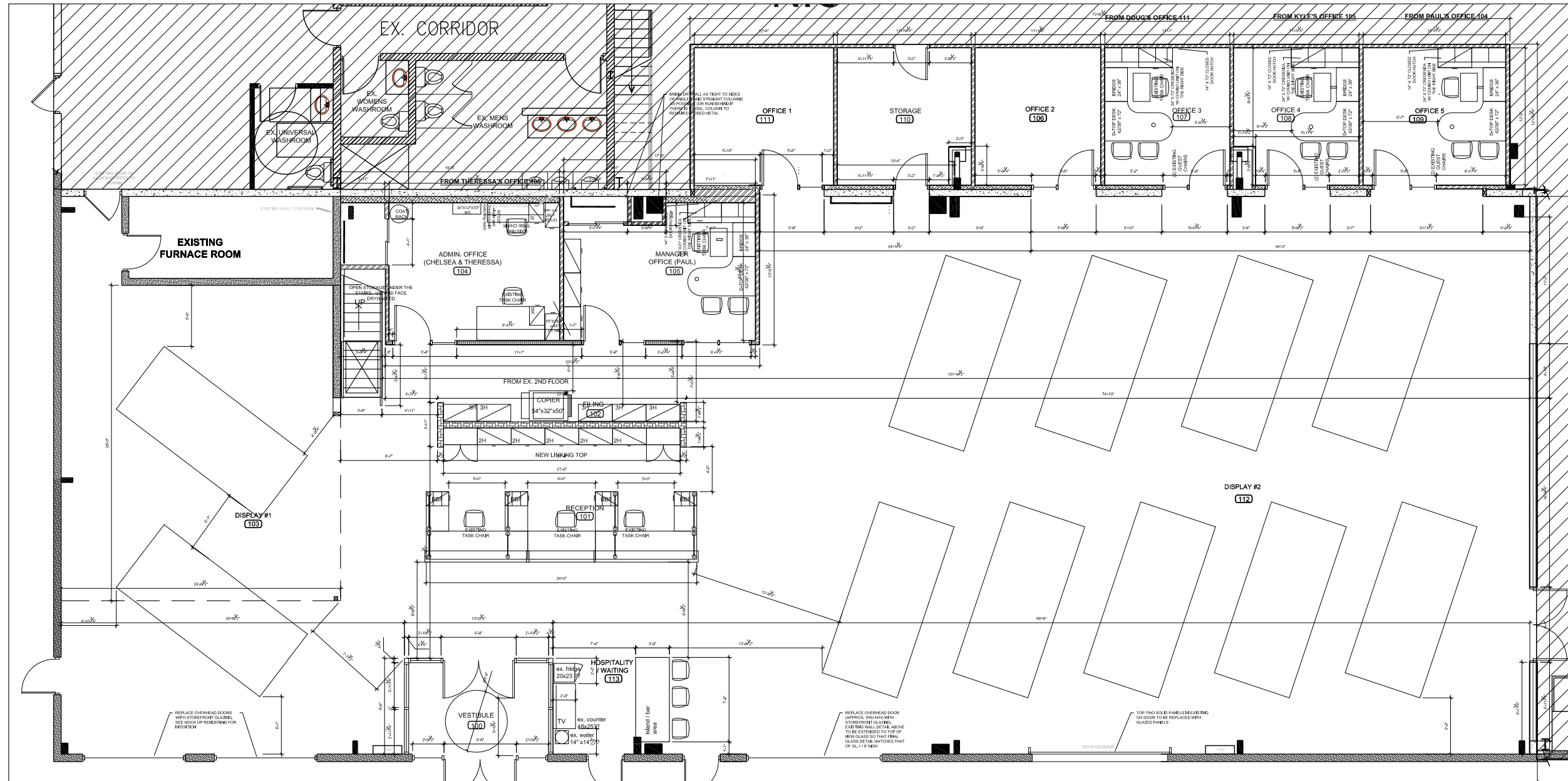


2 MEZZANINE BLOW UP - PROPOSED NEW SHOWROOM MEZZANINE ONLY
10.02

Scale: 1/4" = 1'-0"



designated space incorporated
 2345 barclay road, Burlington, Ontario, L7R 2B7
 p: 905-639-6600 f: 905-639-6212 designatedspace@cogeco.ca



1 GROUND FLOOR - PARTITION PLAN C/W PROPOSED FURNITURE LAYOUT
 ID.01 Scale: 3/32" = 1'-0"

REVISIONS		
No.	DATE	REVISION
1.	APR 13 2020	ISSUED FOR PERMIT
2.	JUN 29 2020	RE-ISSUED FOR PERMIT
3.	AUG 17 2020	REVISIONS DUE TO OCCUPANCY CHANGE
1. DO NOT SCALE DRAWINGS		
2. VERIFY CONFIGURATIONS AND DIMENSIONS ON SITE BEFORE BEGINNING WORK. NOTIFY THE DESIGNER IMMEDIATELY OF ANY ERRORS OMISSIONS OR DISCREPANCIES.		

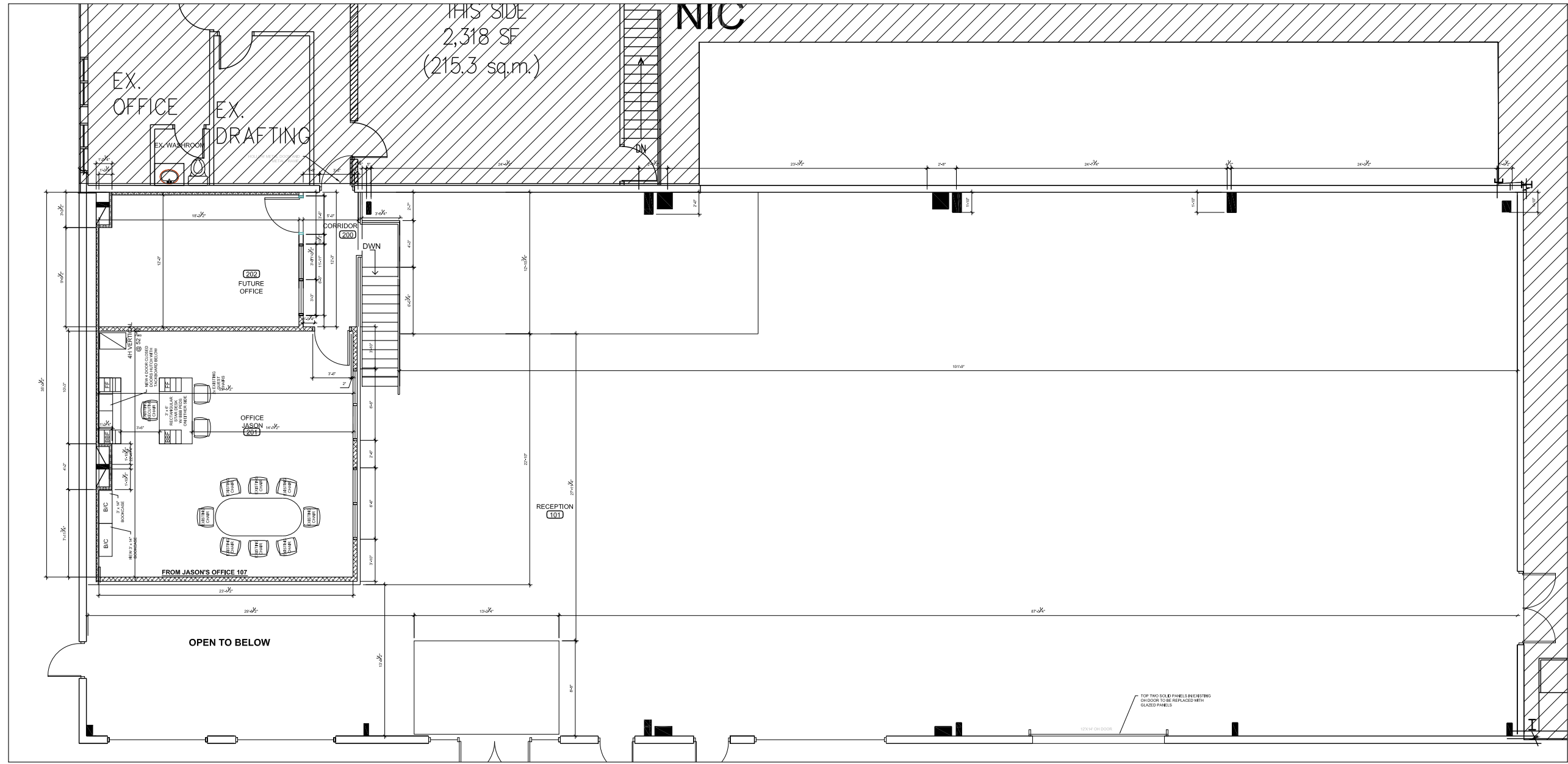
PROJECT TITLE
MISKA TRAILERS
 LOCATION
 1064 ON-6
 FLAMBOROUGH (HAMILTON), ON

SHEET TITLE
 1. GROUND FLOOR - PROPOSED NEW SHOWROOM PARTITION PLAN C/W FURNITURE

DESIGNER	AMP
DRAWN	AMP / BS
APPROVED	
SCALE	AS NOTED
DATE	JULY 2019
CAD PLOT	OCTOBER 13TH, 2020
ISSUED FOR C.O.A.	
REVIEW	OCTOBER 13TH, 2020
DRAWING NUMBER	ID.01



designated space incorporated
 2345 barclay road, Burlington, Ontario, L7R 2B7
 p: 905-639-6600 f: 905-639-6212 designatedspace@cogeco.ca



1 MEZZANINE - PARTITION PLAN C/W PROPOSED FURNITURE LAYOUT
 ID.02 Scale: 3/32" = 1'-0"

REVISIONS

No	DATE	REVISION
1.	APR 13 2020	ISSUED FOR PERMIT
2.	JUN 29 2020	RE-ISSUED FOR PERMIT
3.	AUG 17 2020	REVISIONS DUE TO OCCUPANCY CHANGE
1.		DO NOT SCALE DRAWINGS
2.		VERIFY CONFIGURATIONS AND DIMENSIONS ON SITE BEFORE BEGINNING WORK. NOTIFY THE DESIGNER IMMEDIATELY OF ANY ERRORS OMISSIONS OR DISCREPANCIES.

PROJECT TITLE
MISKA TRAILERS
 LOCATION
 1064 ON-6
 FLAMBOROUGH (HAMILTON), ON

SHEET TITLE
1. MEZZANINE - PROPOSED NEW SHOWROOM PARTITION PLAN C/W FURNITURE

DESIGNER	AMP
DRAWN	AMP / BS
APPROVED	
SCALE	AS NOTED
DATE	JULY 2019
CAD PLOT	OCTOBER 13TH, 2020
ISSUED FOR C.O.A. REVIEW	OCTOBER 13TH, 2020
DRAWING NUMBER	ID.02



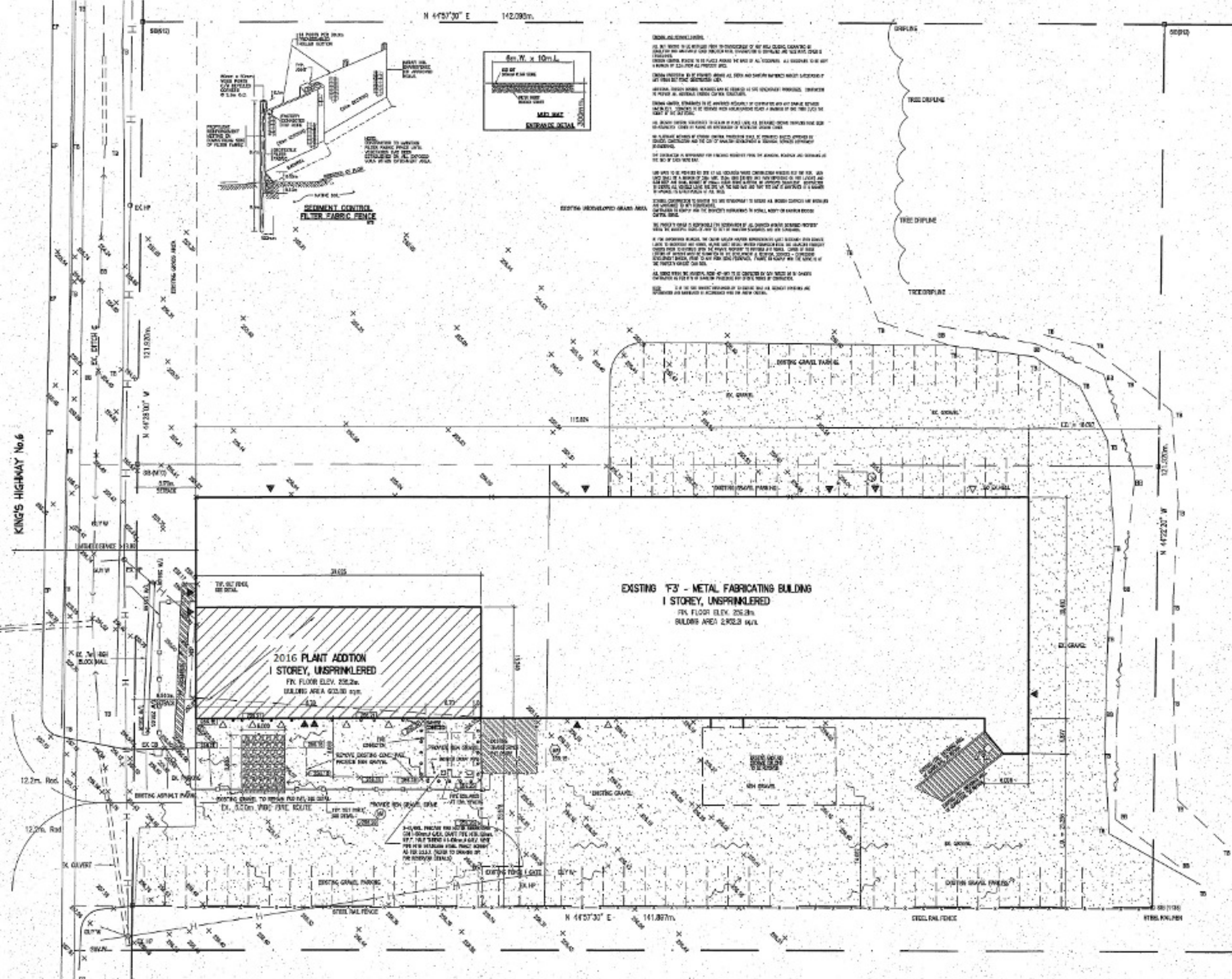
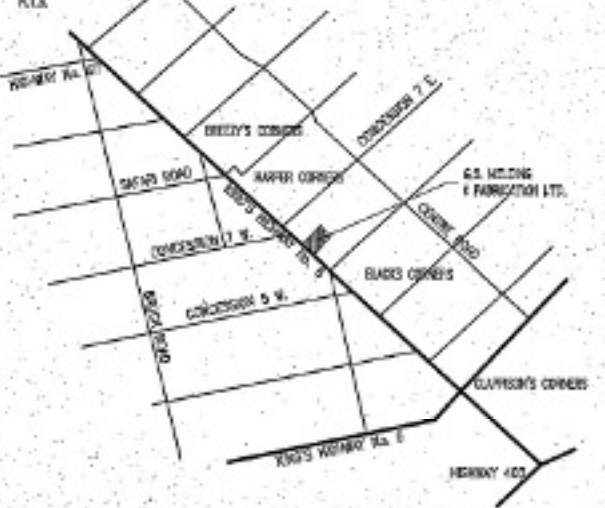
LEGEND

- STORAGE / DIRT AREA
- OIL TANK / TANK AREA
- FIRE ROUTE
- EXISTING ASPHALT PAVING
- CONCRETE PAVING
- EXISTING GRAVEL
- CONTOUR LINES
- TO TOP OF BANK
- TO BOTTOM OF BANK
- EXISTING GRAVEL
- PROPOSED GRAVEL
- UTILITY POLE LOCATION

SITE DATA:

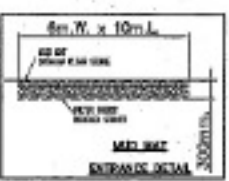
SITE AREA	17,38.75 sqm	= 100.00%
EX. BUILDING AREA	3,718.22 sqm	
EX. POLE BARN BUILDING TO BE DEMOLISHED	- 555.01 sqm	
EX. STORAGE BUILDING TO BE DEMOLISHED	- 204.01 sqm	
EX. BUILDING AREA REMAINING	2,959.21 sqm	= 17.05%
2016 NEW BUILDING ADDITION	605.08 sqm	= 3.49%
2016 TOTAL BUILDING AREA	3,564.29 sqm	= 20.54%
EX. ASPHALT AREA	76.72 sqm	= 0.55%
EX. CONCRETE AREA	59.57 sqm	= 0.52%
EX. GRAVEL AREA	4,477.35 sqm	= 25.50%
EX. GRASS & LANDSCAPING AREA	8,638.84 sqm	= 49.63%
NEW GRAVEL	98.59 sqm	= 0.50%

KEY PLAN
 N.T.S.



GENERAL NOTES:

- THE SITE IS TO BE DEVELOPED FOR THE PURPOSES OF THE METAL FABRICATING BUILDING AND THE 2016 PLANT ADDITION.
- THE EXISTING BUILDING IS TO BE DEMOLISHED AND THE 2016 PLANT ADDITION IS TO BE CONSTRUCTED ON THE EXISTING GRAVEL AREA.
- THE 2016 PLANT ADDITION IS TO BE CONSTRUCTED ON THE EXISTING GRAVEL AREA.
- THE EXISTING ASPHALT PAVING IS TO BE DEMOLISHED AND THE 2016 PLANT ADDITION IS TO BE CONSTRUCTED ON THE EXISTING GRAVEL AREA.
- THE EXISTING GRAVEL IS TO BE DEMOLISHED AND THE 2016 PLANT ADDITION IS TO BE CONSTRUCTED ON THE EXISTING GRAVEL AREA.
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- THE EXISTING GRAVEL IS TO BE DEMOLISHED AND THE 2016 PLANT ADDITION IS TO BE CONSTRUCTED ON THE EXISTING GRAVEL AREA.



KING'S HIGHWAY No. 6

12.2m. Rad.

12.2m. Rad.

12.2m. Rad.





Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment
City Hall
6th 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.

- Name of Owner 2709196 ONTARIO INC Telephone No. [REDACTED]
FAX NO. [REDACTED] E-mail address. [REDACTED]
- Address [REDACTED] Postal Code [REDACTED]
- 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:
RBC ROYAL BANK, 95 LYNDEN RD
BRANTFORD, ON Postal Code N3R 7J9

Postal Code _____

6. Nature and extent of relief applied for:

Property is zoned for E2, Exception 249 in Hamilton by law 05-200. Section 12.7.3 allows for a max. 10% of the gross floor area of the principal use to be for accessory retail purposes. Total building area is 3,857.2487 m². Area in question is 771.76 m² = 20%.

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

Miska trailers is to use this space as a showroom for their trailers, sales people and parts sales. Due to the size of the items on display & the number of people working in the space 10% is not adequate.

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

Lot 13, Concession 6 East Flamborough in the City of Hamilton IC: 1064 Hwy 6 N.
Hamilton

9. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other _____

9.1 If Industrial or Commercial, specify use

sales / manufacturing

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?
- knowledge of previous owners


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 Sept 17/20


 Signature Property Owner
J. VanDenHunk
 Print Name of Owner

10. Dimensions of lands affected:
 Frontage 400ft (121.92m)
 Depth 466.2 ft (142.098m)
 Area 186,339.4352 sq.ft (1.73115m²)
 Width of street Hwy 6 N. } N/A

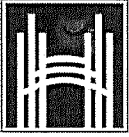
11. Particulars of all buildings and structures on or proposed for the subject lands:
 (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)
 Existing: gross bld. garea = 41,519.08 sq.ft. (3,857.2487m²)
ground floor area = 38,277.43 sq.ft (3,556.089 m²)
width = 100' (30.48m)
length = 380' (115.824m) 1 story + mezzanine
 Proposed: Same - not changing

12. Location of all buildings and structures on or proposed for the subject lands:
 (Specify distance from side, rear and front lot lines)
 Existing: North Property Line to N. Side of Bldg.
South Property Line to S. Side of Bldg. 85.23' (25.978m)
Rear Property Line to back of Bldg. 59.37' (18.097-17.47m)
Front Property Line to face of Bldg. 26.90' (7.64-8.20m)
 Proposed: Same - not changing

13. Date of acquisition of subject lands: Aug 2019
14. Date of construction of all buildings and structures on subject lands: _____
15. Existing uses of the subject property: Manufacturing
16. Existing uses of abutting properties: Manufacturing
17. Length of time the existing uses of the subject property have continued: + 20 years plus.
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: rural
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land: rural industrial E2
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.



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: 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-20:223

APPLICANTS: Zoltan Engineering on behalf of the owner Brad Andree

SUBJECT PROPERTY: Municipal address **9 Haines Ave., Flamborough**

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

ZONING: "S1" (Settlement Residential (S1) Zone

PROPOSAL: To permit the construction of a 5.77m (18'11") x 12.34m (40'6") northerly 66.4m² addition, a 4.01m (13'2") x 6.1m (20'0") westerly 23.9m² front addition, a 4.27m (14'0") x 5.39m (17'8") easterly 23m² rear addition, a front covered porch and a rear covered porch onto the existing single detached dwelling and to recognize the location of an existing 49.42m² (532 sq.ft.) accessory building notwithstanding that:

1. A minimum front yard of 7.0m shall be provided instead of the minimum required front yard of 7.5m.
2. A minimum northerly side yard of 1.0m and a minimum southerly side yard of 2.2m shall be provided for the single detached dwelling instead of the minimum required side yard of 3.0m.
3. No maximum parking space size shall be required instead of the maximum required parking space size of 3.0m wide x 6.0m long.
4. A minimum northerly side yard of 2.1m shall be provided for the existing accessory building instead of the minimum required side yard of 3.0m.
5. A minimum rear yard of 3.0m shall be provided for the existing accessory building instead of the minimum required rear yard of 7.5m.

NOTE:

- i) Pursuant to Variance # 3, the new parking space regulations (which are under appeal to the Local Planning Appeals Tribunal) require a minimum parking space size of 3.3m wide x 5.8m long within the attached garage which has been provided. The existing parking space regulations require a minimum parking space size of 2.6m wide x 5.5m long and a maximum parking space size of 3.0m wide x 6.0m long.

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

FL/A-20:223

Page 2

DATE: Thursday, November 19th, 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.

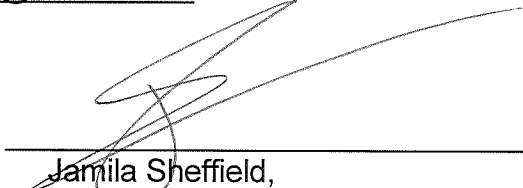
Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

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: November 3rd, 2020.

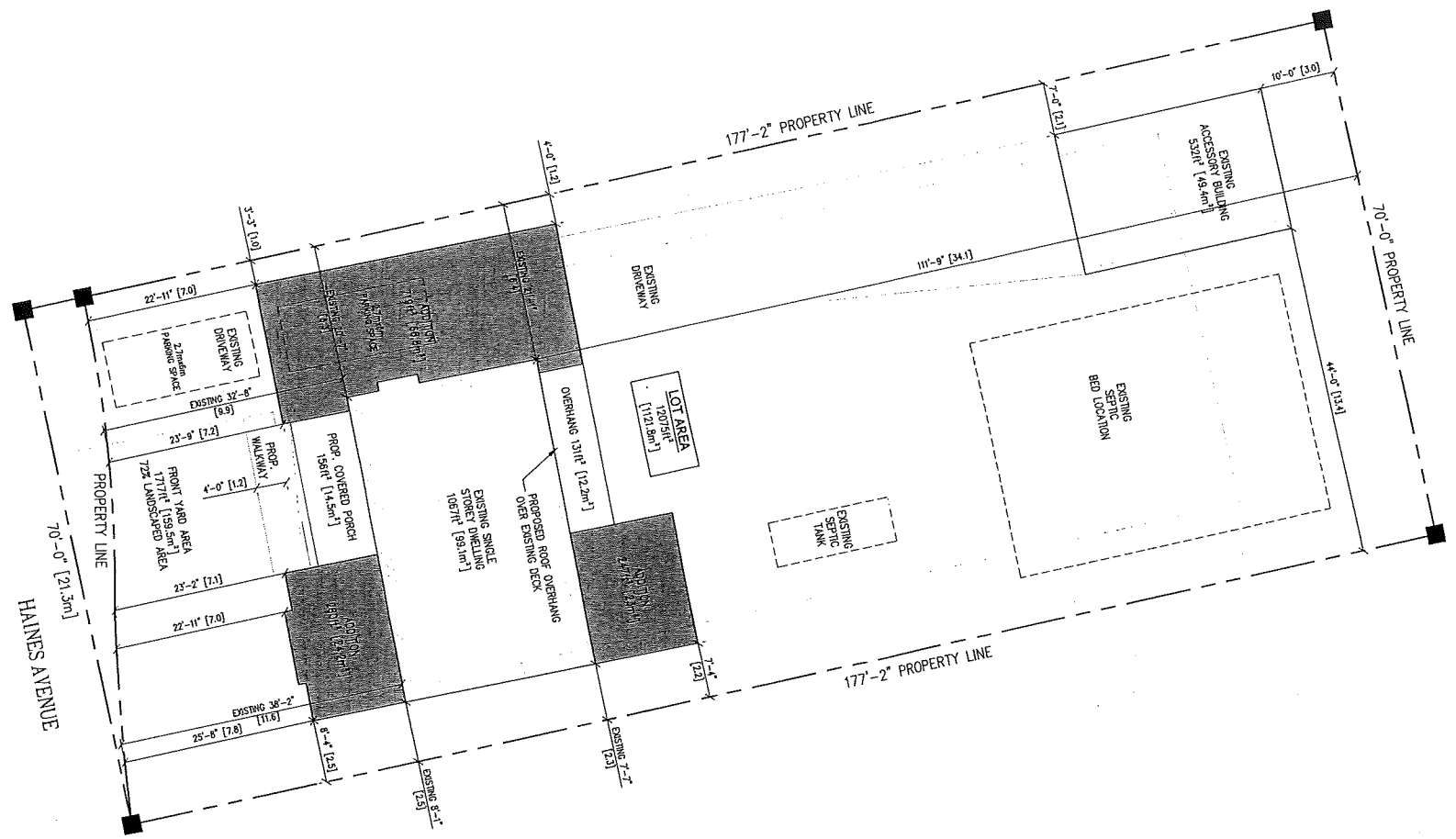


Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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.

ZONING STATISTICS - 9 HAINES AVE. HAMILTON (S1 ZONE)

ITEM	REQUIRED	PROVIDED	COMPLIANCE
LOT AREA	0.4 HECTARES	0.12 HECTARES	EXIST.
LOT WIDTH	30.0m	21.3m	EXIST.
MINIMUM FRONT YARD	7.5m	7.0m	N
MINIMUM SIDE YARD (SOUTH)	3.0m	2.2m	N
MINIMUM SIDE YARD (NORTH)	3.0m	1.0m	N
MINIMUM REAR YARD	7.5m	31.0m	Y
MAXIMUM BUILDING HEIGHT	10.5m	5.8m	Y



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REV.	DATE	REMARKS
2	29SEP20	ISSUED FOR MINOR VARIANCE
1	18AUG20	ISSUED FOR MINOR VARIANCE
0	30JUL20	ISSUED FOR APPROVAL

ZOLTAN ENGINEERING
 4380 S Service Road, Suite #25
 Burlington, ON L7L 5Y6
 905.331.8307
 www.zoltanengineering.com

PROJECT TITLE
 ANDREE RESIDENCE
 9 HAINES AVENUE
 GREENSVILLE, ONTARIO

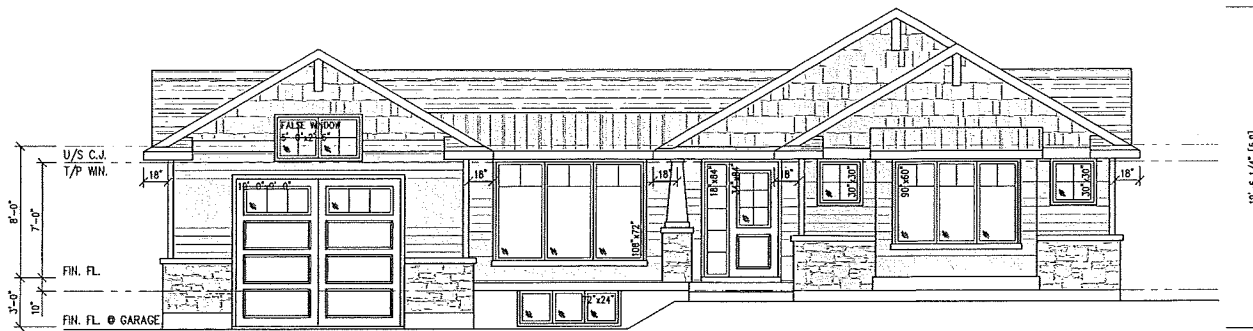
DRAWING TITLE
 ARRANGEMENT PLAN

SCALE	AS NOTED
DATE	29SEP20
DRAWN	TV
DESIGNED	ZL
CHECKED	ZL

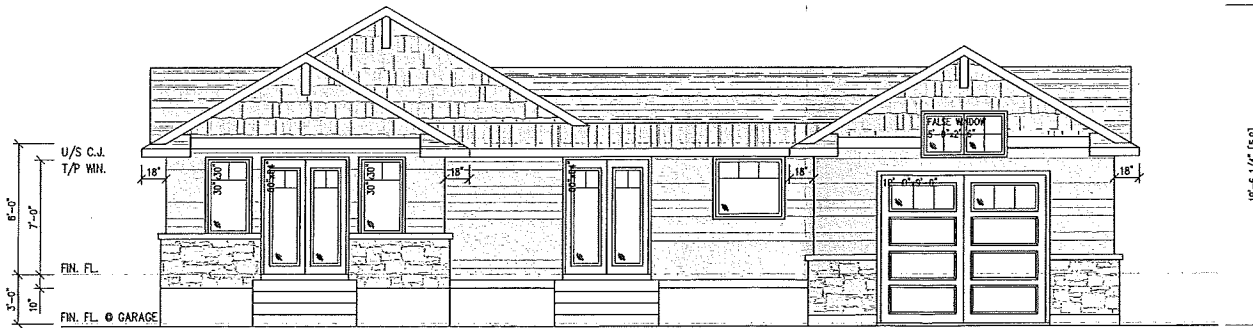


PROJECT No.	SHEET No.
20-076	S1

FL/A
 20: 223



1 FRONT ELEVATION
Scale: 3/16"=1'-0"



2 REAR ELEVATION
Scale: 3/16"=1'-0"

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GREENSVILLE, ONTARIO

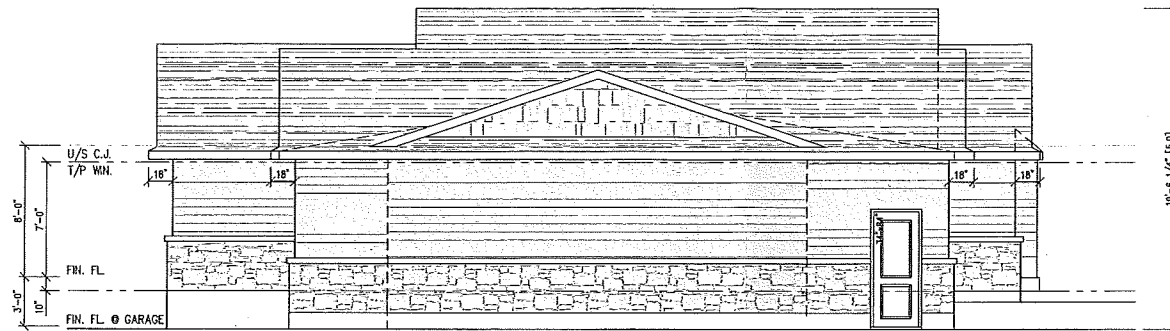
DRAWING TITLE
PROPOSED ELEVATIONS

SCALE AS NOTED
DATE 29SEP20
DRAWN TV
DESIGNED ZL
CHECKED ZL

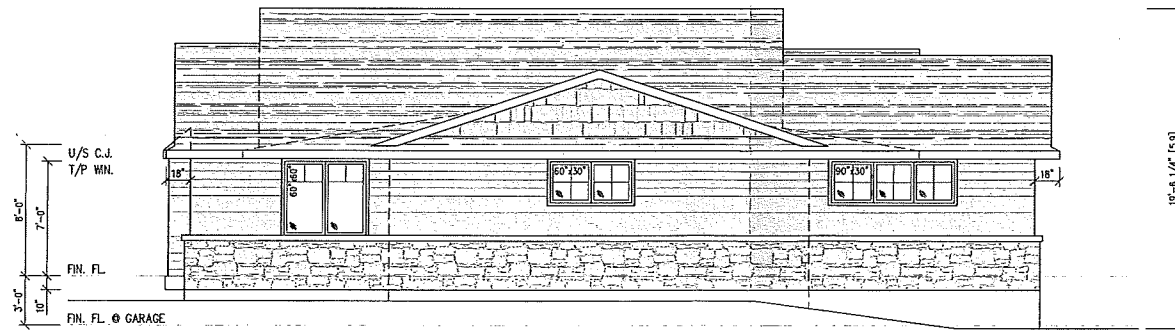


PROJECT No. 20-076 SHEET No. A4

PL/A
20:223



1 SIDE ELEVATION
Scale: 3/16"=1'-0"



2 SIDE ELEVATION
Scale: 3/16"=1'-0"

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PROJECT TITLE
ANDREE RESIDENCE
9 HAINES AVENUE
GREENSVILLE, ONTARIO

DRAWING TITLE
PROPOSED ELEVATIONS

SCALE AS NOTED
DATE 29SEP20
DRAWN TY
DESIGNED ZL
CHECKED ZL



PROJECT No. 20-076
SHEET No. A5

FLA
20-223

2

ZONING STATISTICS - 9 HAINES AVE. HAMILTON (S1 ZONE)

ITEM	REQUIRED	PROVIDED	COMPLIANCE
LOT AREA	0.4 HECTARES	0.12 HECTARES	EXIST.
LOT WIDTH	30.0m	21.3m	EXIST.
MINIMUM FRONT YARD	7.5m	7.0m	N
MINIMUM SIDE YARD (SOUTH)	3.0m	2.2m	N
MINIMUM SIDE YARD (NORTH)	3.0m	1.0m	N
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MAXIMUM BUILDING HEIGHT	10.5m	5.9m	Y

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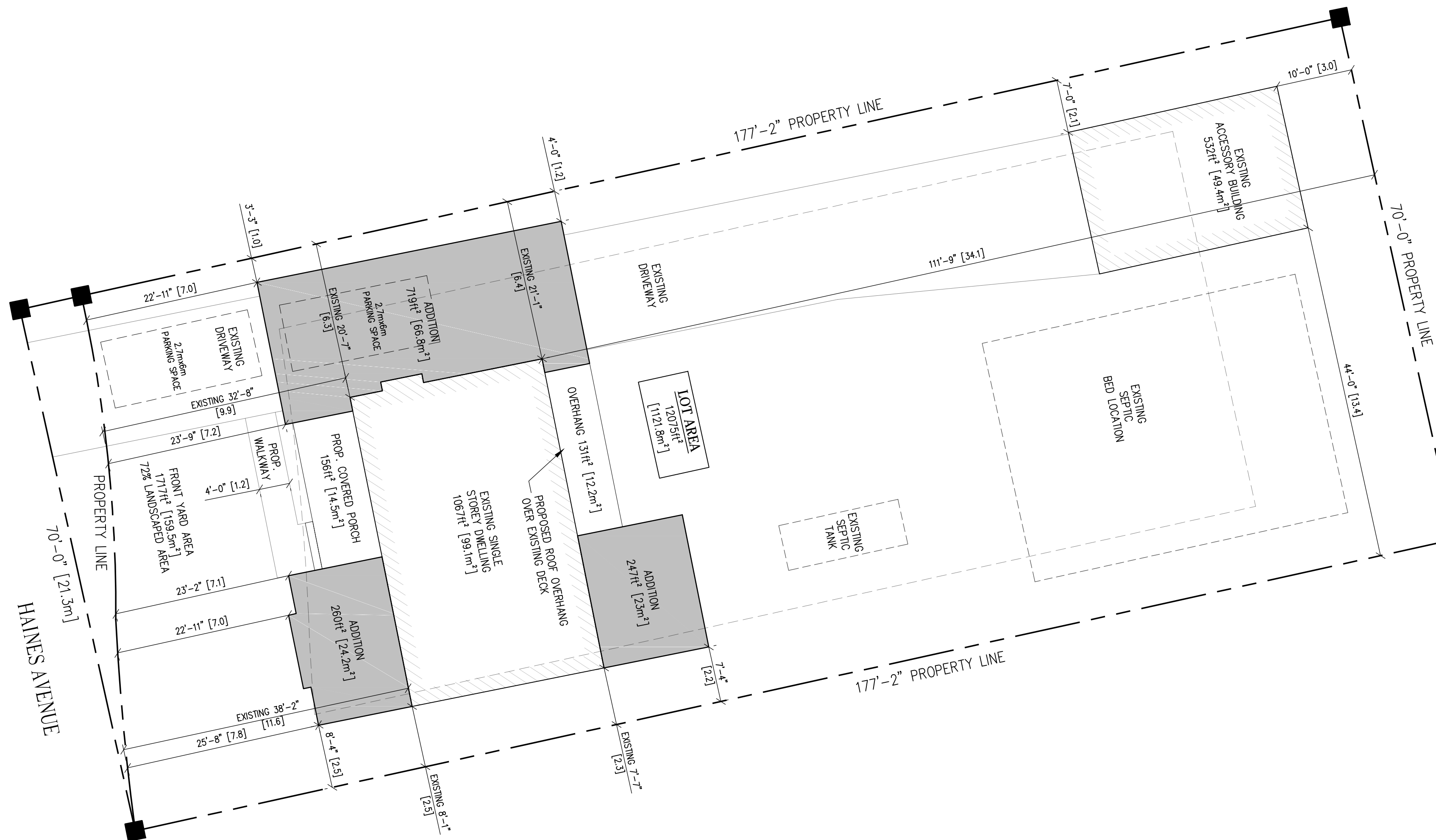
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ARRANGEMENT PLAN

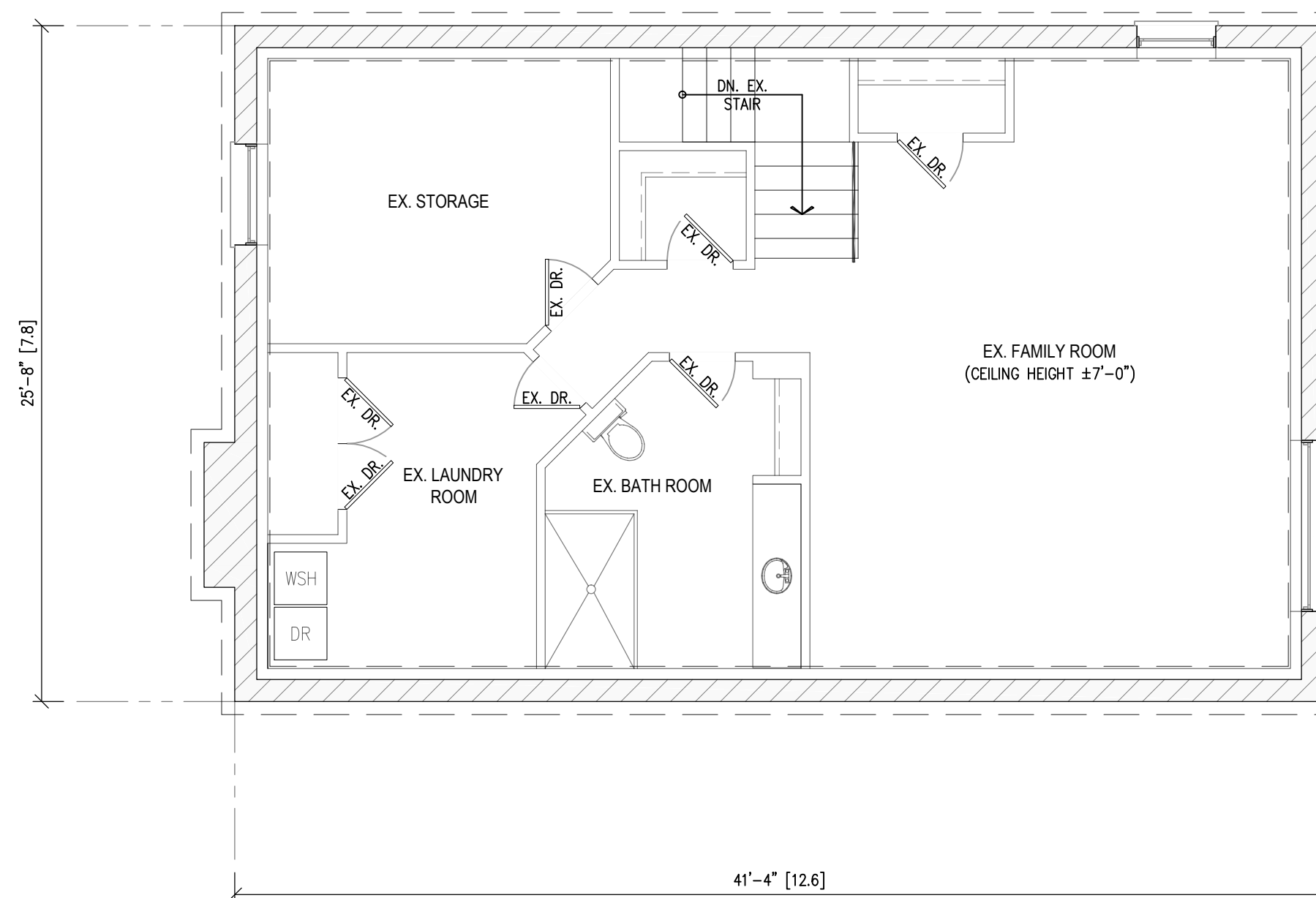
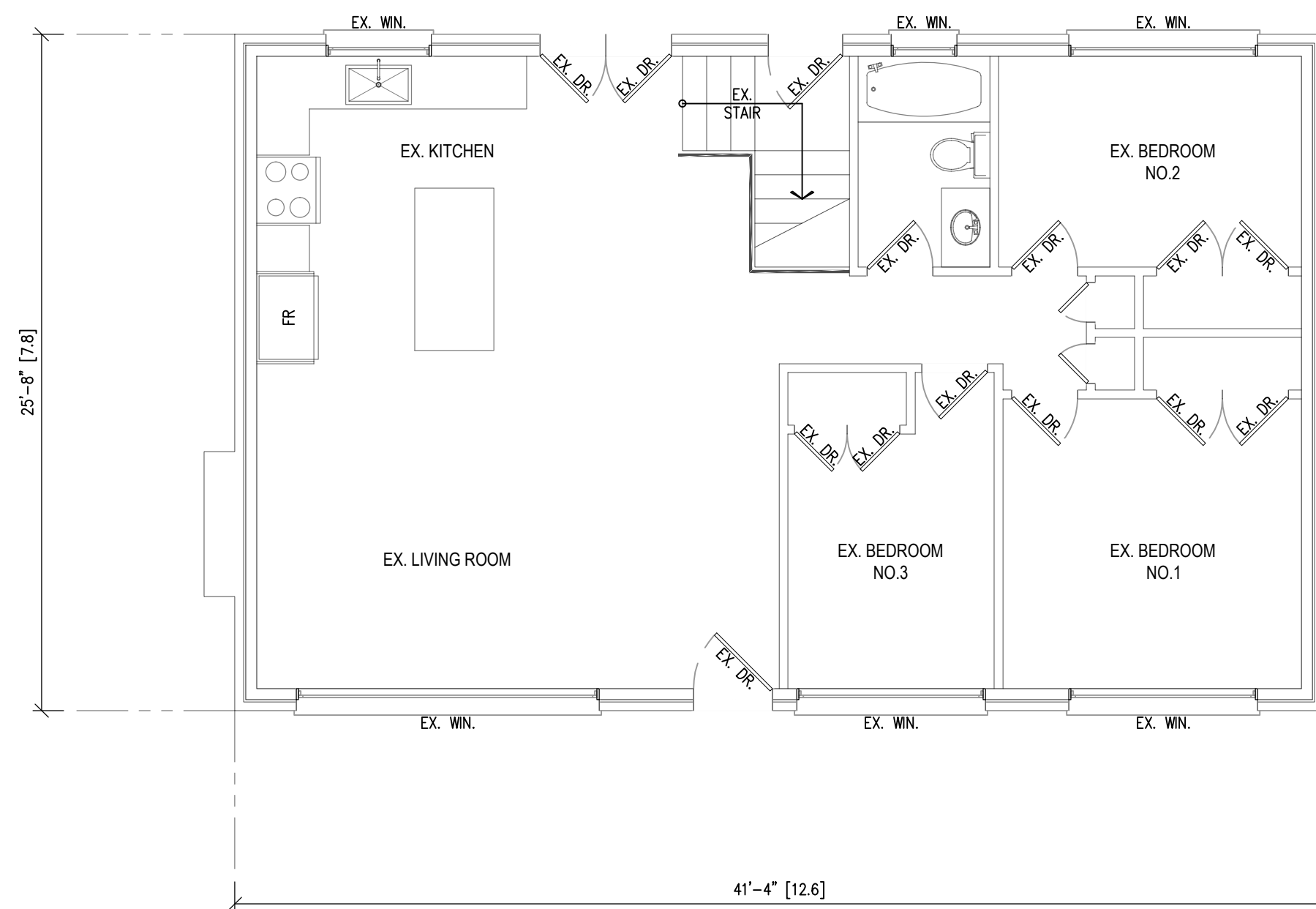
SCALE AS NOTED
DATE 29SEP20
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DESIGNED ZL
CHECKED ZL



PROJECT No.
20-076

SHEET No.
S1





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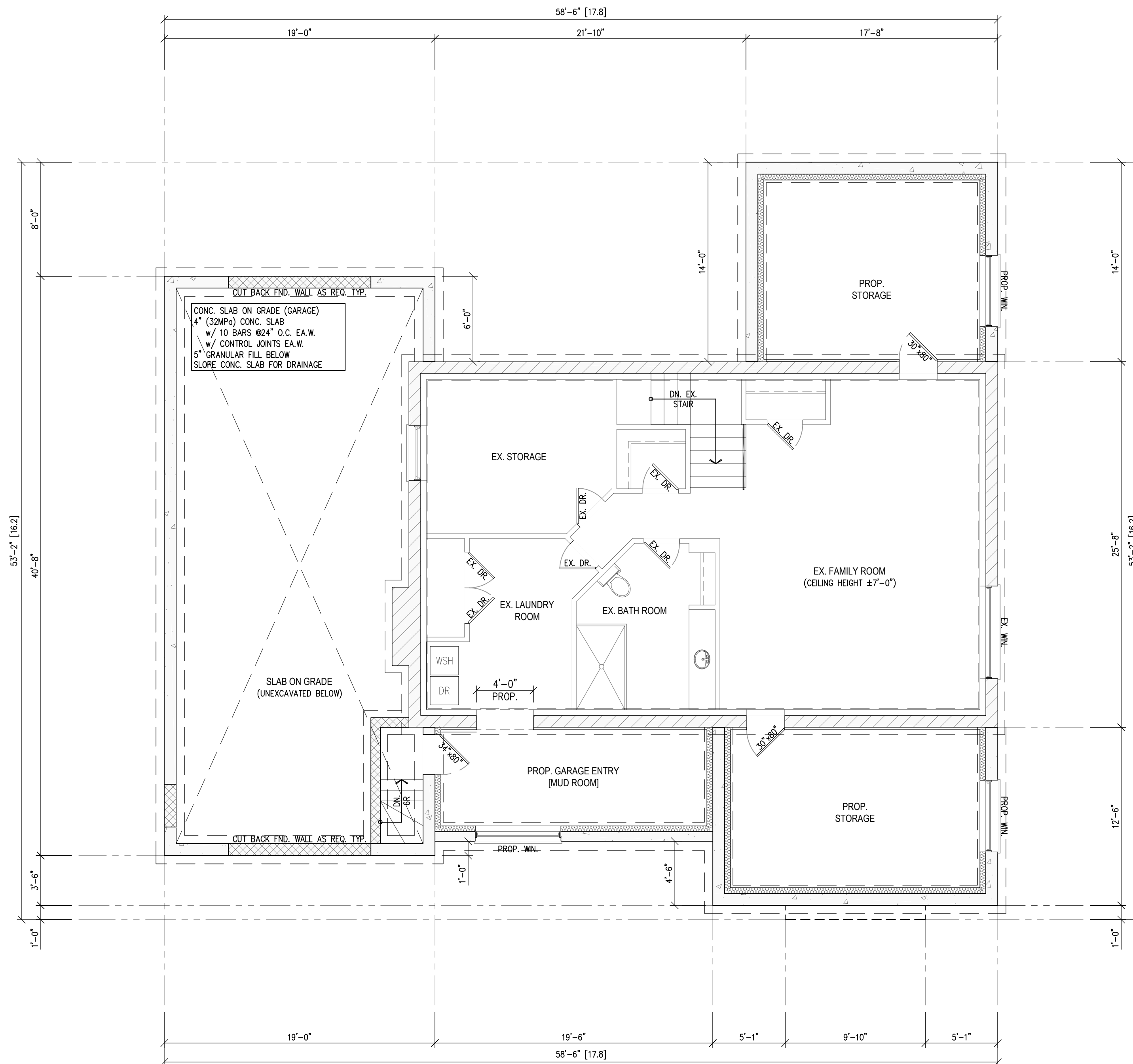
PROJECT TITLE
ANDREE RESIDENCE
 9 HAINES AVENUE
 GREENSVILLE, ONTARIO

DRAWING TITLE
EXISTING LAYOUTS

SCALE	AS NOTED
DATE	29SEP20
DRAWN	TV
DESIGNED	ZL
CHECKED	ZL



PROJECT No. **20-076** SHEET No. **E1**



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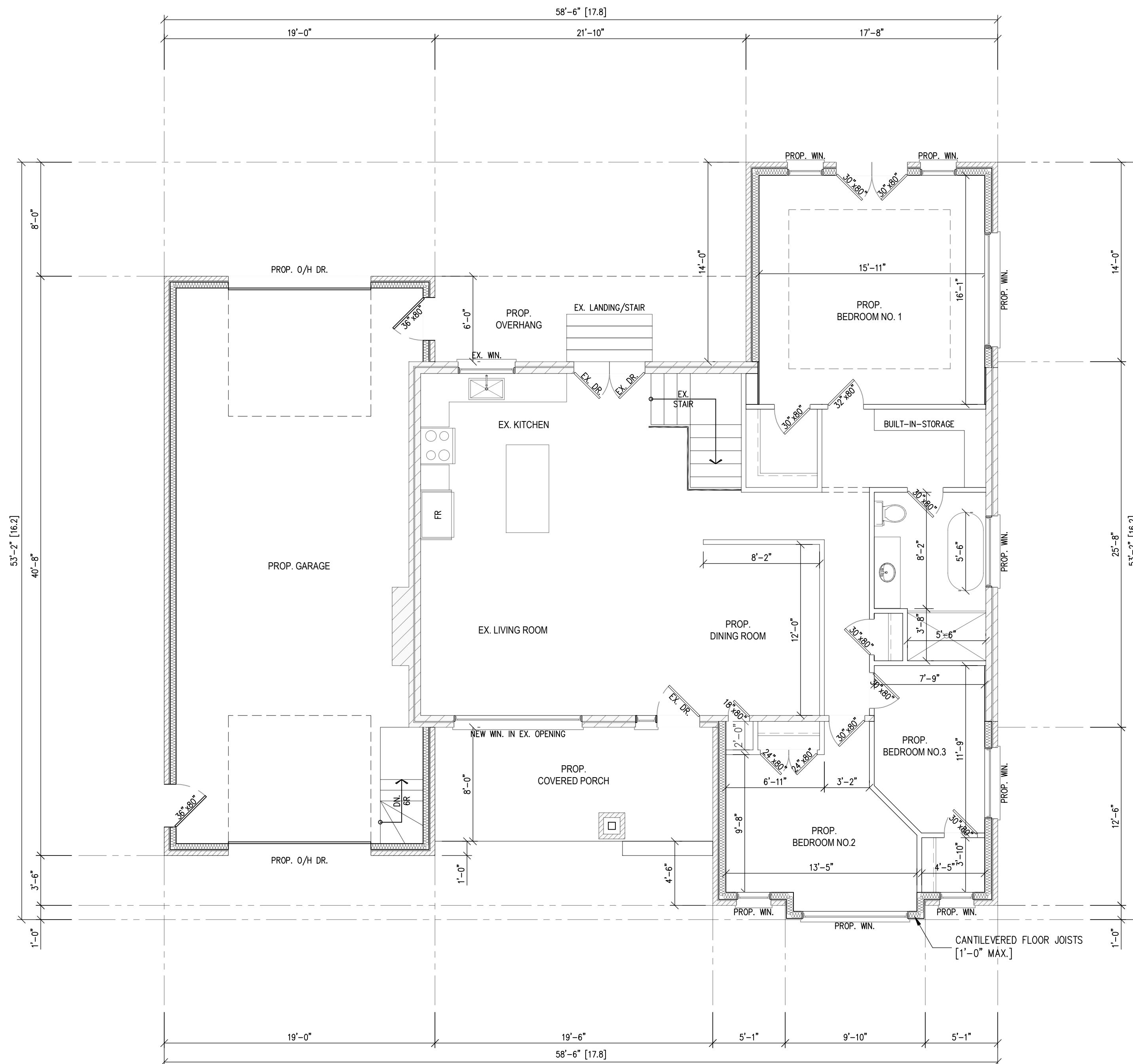
PROJECT TITLE
ANDREE RESIDENCE
 9 HAINES AVENUE
 GREENSVILLE, ONTARIO

DRAWING TITLE
PROPOSED FOUNDATION PLAN

SCALE	AS NOTED
DATE	29SEP20
DRAWN	TV
DESIGNED	ZL
CHECKED	ZL



PROJECT No. **20-076** SHEET No. **A1**



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PROJECT TITLE
ANDREE RESIDENCE
 9 HAINES AVENUE
 GREENSVILLE, ONTARIO

DRAWING TITLE
**PROPOSED
 FIRST FLOOR PLAN**

SCALE	AS NOTED
DATE	29SEP20
DRAWN	TV
DESIGNED	ZL
CHECKED	ZL

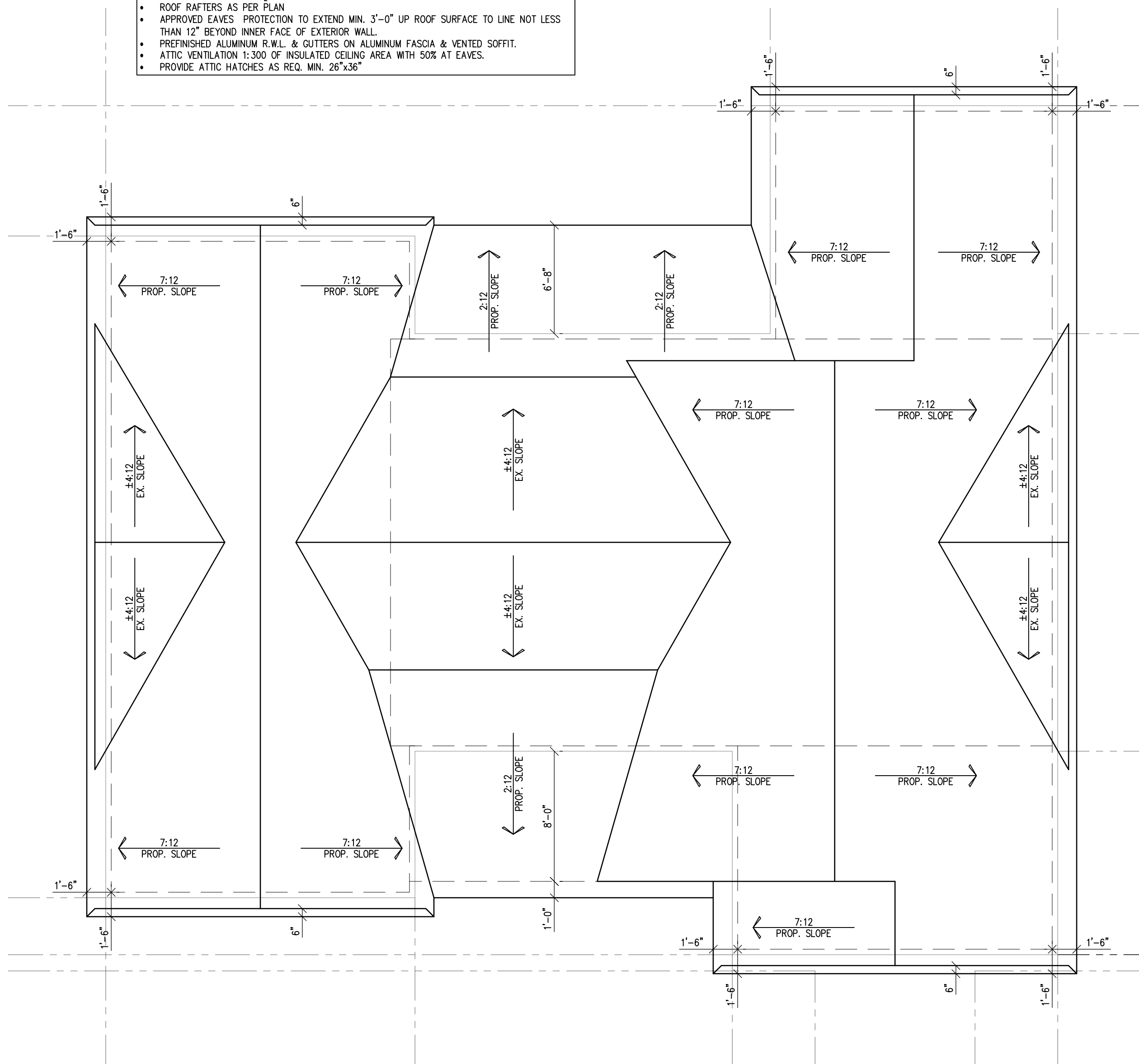


PROJECT No. **20-076** SHEET No. **A2**

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- PROP. ROOF CONSTRUCTION**
- ASPHALT SHINGLES ON 1/2" PLYWOOD SHEATHING WITH 'H' CLIPS.
 - ROOF RAFTERS AS PER PLAN
 - APPROVED EAVES PROTECTION TO EXTEND MIN. 3'-0" UP ROOF SURFACE TO LINE NOT LESS THAN 12" BEYOND INNER FACE OF EXTERIOR WALL.
 - PREFINISHED ALUMINUM R.W.L. & GUTTERS ON ALUMINUM FASCIA & VENTED SOFFIT.
 - ATTIC VENTILATION 1:300 OF INSULATED CEILING AREA WITH 50% AT EAVES.
 - PROVIDE ATTIC HATCHES AS REQ. MIN. 26"x36"



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PROJECT TITLE

ANDREE RESIDENCE

**9 HAINES AVENUE
 GREENSVILLE, ONTARIO**

DRAWING TITLE

**PROPOSED
 ROOF PLAN**

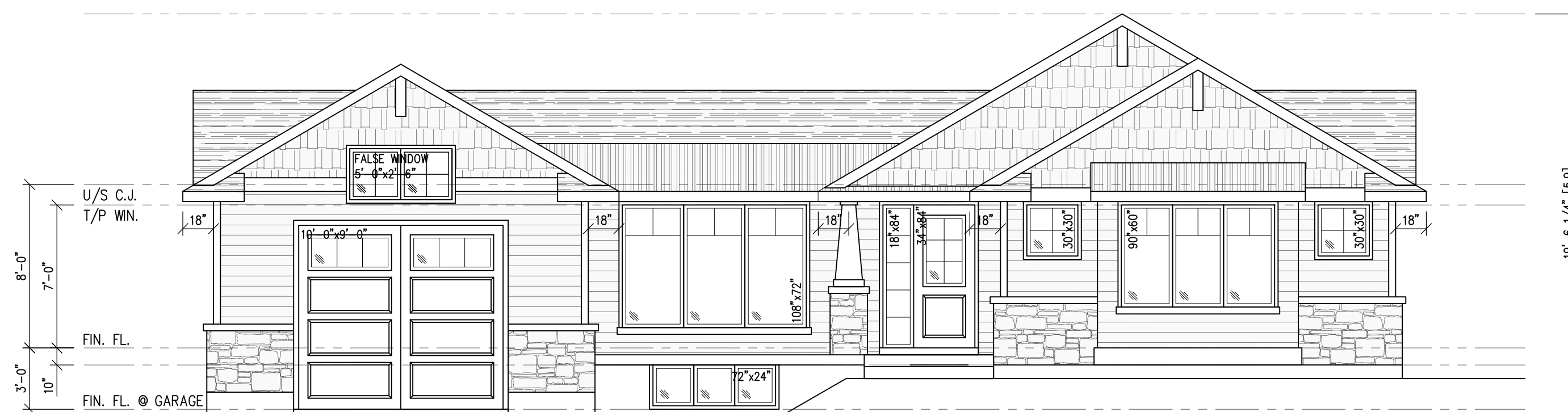
SCALE	AS NOTED
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DESIGNED	ZL
CHECKED	ZL



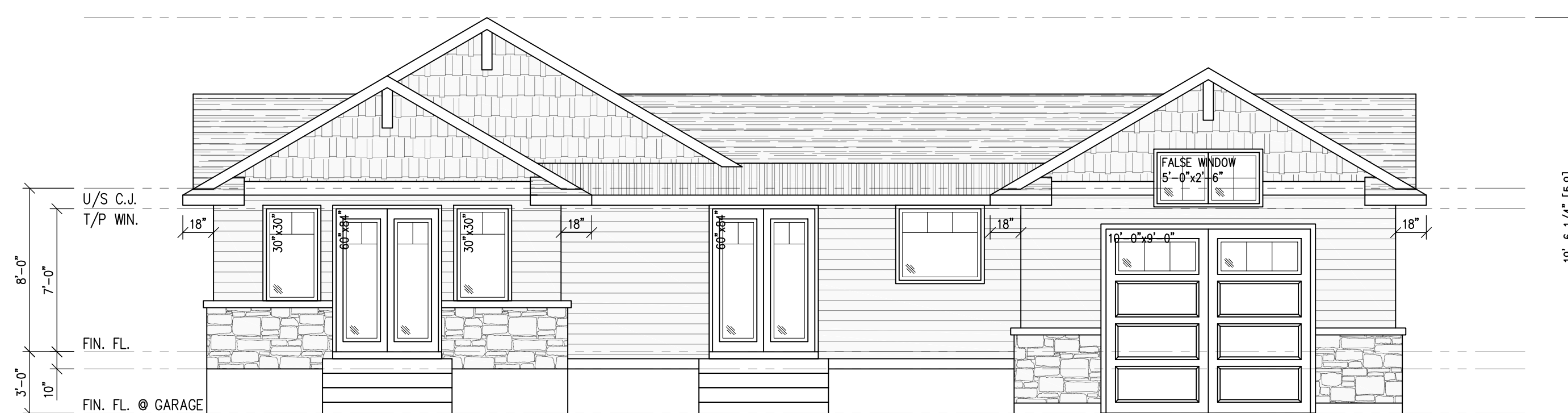
PROJECT No. **20-076** SHEET No. **A3**

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1 FRONT ELEVATION
Scale: 3/16"=1'-0"



2 REAR ELEVATION
Scale: 3/16"=1'-0"

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PROJECT TITLE
ANDREE RESIDENCE
 9 HAINES AVENUE
 GREENSVILLE, ONTARIO

DRAWING TITLE
PROPOSED ELEVATIONS

SCALE	AS NOTED
DATE	29SEP20
DRAWN	TV
DESIGNED	ZL
CHECKED	ZL

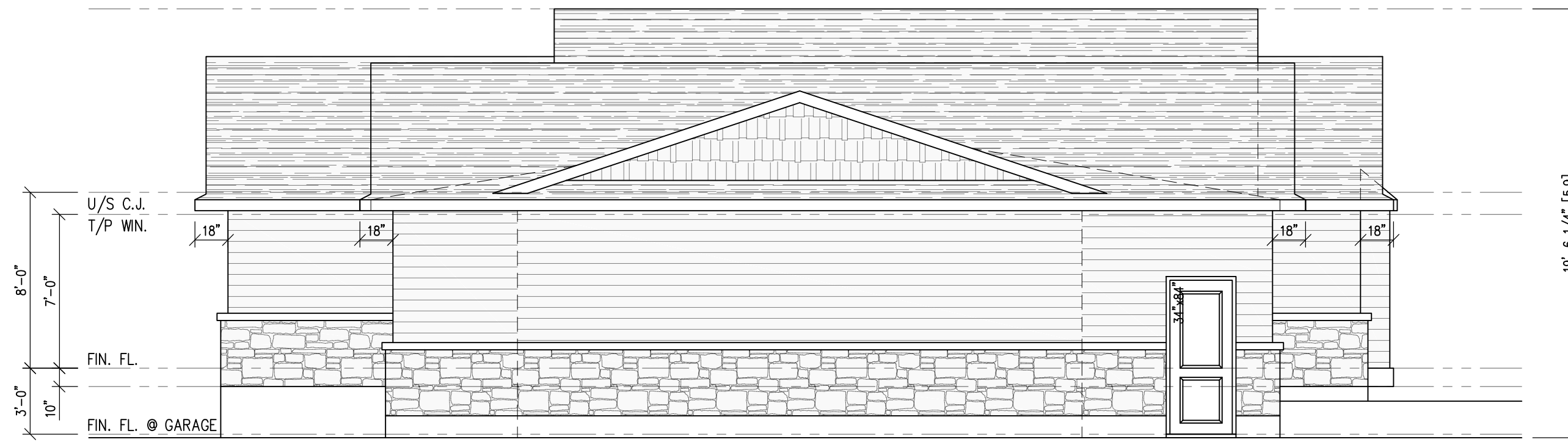


PROJECT No. **20-076** SHEET No. **A4**

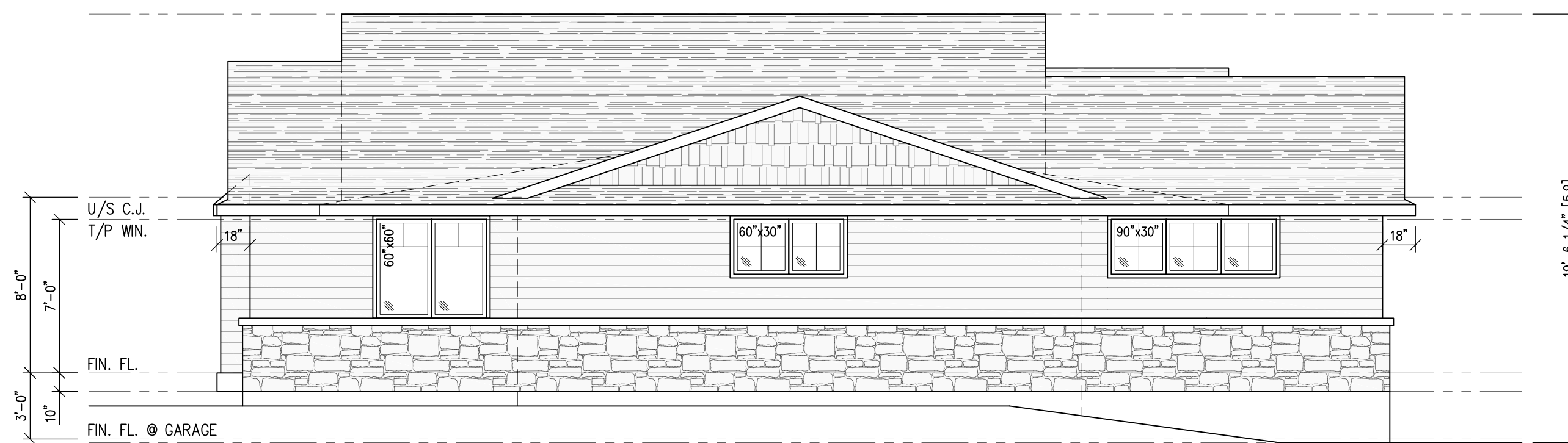


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1 SIDE ELEVATION
Scale: 3/16" = 1'-0"



2 SIDE ELEVATION
Scale: 3/16" = 1'-0"

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PROJECT TITLE

ANDREE RESIDENCE

9 HAINES AVENUE
GREENSVILLE, ONTARIO

DRAWING TITLE

PROPOSED
ELEVATIONS

SCALE	AS NOTED
DATE	29SEP20
DRAWN	TV
DESIGNED	ZL
CHECKED	ZL



PROJECT No.

20-076

SHEET No.

A5



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.

- Name of Owner Brad Andree Telephone No. _____
FAX NO. _____ E-mail address. _____
- Address _____
Postal Code _____
- Name of Agent Zoltan Engineering 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 _____

Postal Code _____

6. Nature and extent of relief applied for:

Proposing a side yard & front yard setback which is less than required by the current regulations

The current by-law requires a 3m side yard setback and 7.5m front yard setback

The proposed plan shows a south side yard setback of 2.2m,

a north side yard setback of 1.0m, and a front yard setback of 7.0m

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

We are extending directly in front and behind the existing residence on the south side and maintaining the existing line of the house which did not comply.

On the north side the owners would like to create an attached garage their is not adequate room to park a vehicle with a 3m setback.

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

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?

Available data and information from 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.

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.

Aug 23 2020
Date



Signature Property Owner

Bradley Andree

Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>21.3meters</u>
Depth	<u>54.0 meters</u>
Area	<u>1121.8 m^2</u>
Width of street	<u>20.0 meters (6.5m paved)</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: Existing Residence: GFA=99.1m^2, 1-Storey, Width=12m,
Length=30.0m, Height=5.9m

Existing Accessory Building: GFA=49.4m^2, 1-Storey, Width=5.8m
Length=8.5m, Height=4.0m

Proposed: Residence: GFA=208.2m^2, 1-Storey, Width=17.8m,
Length=15.3m, Height=5.9m

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 Residence: Front=9.9m, Rear=34.1m Side=6.3m, Side=2.3m

Existing Accessory Bldg: Front=39.9m, Rear=3.0m Side=2.1m, Side=13.4m

Proposed: Proposed Residence: Front=7.0m, Rear=31.0m Side=1.0m, Side=2.2m

Proposed Residence: Front=7.0m, Rear=31.0m Side=1.0m, Side=2.2m

13. Date of acquisition of subject lands:
March 4 2010
-
14. Date of construction of all buildings and structures on subject lands:

-
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:

-
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:
N/A
-
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
N/A
-
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.



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: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: HM/B-20:72

SUBJECT PROPERTY: 80 Bancroft St., Hamilton

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): Zoltan Engineering on behalf of the owner Brad Andree

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land to be added to 399 Kenora Ave., Hamilton

Severed lands:

15m[±] x 64m[±] and an area of 960m^{2±}

Retained lands:

42.9m[±] x 64m[±] and an area of 2,746m^{2±}

The Committee of Adjustment will hear this application on:

DATE: Thursday, November 19th , 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.

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:

HM/B-20:72

Page 2

- 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

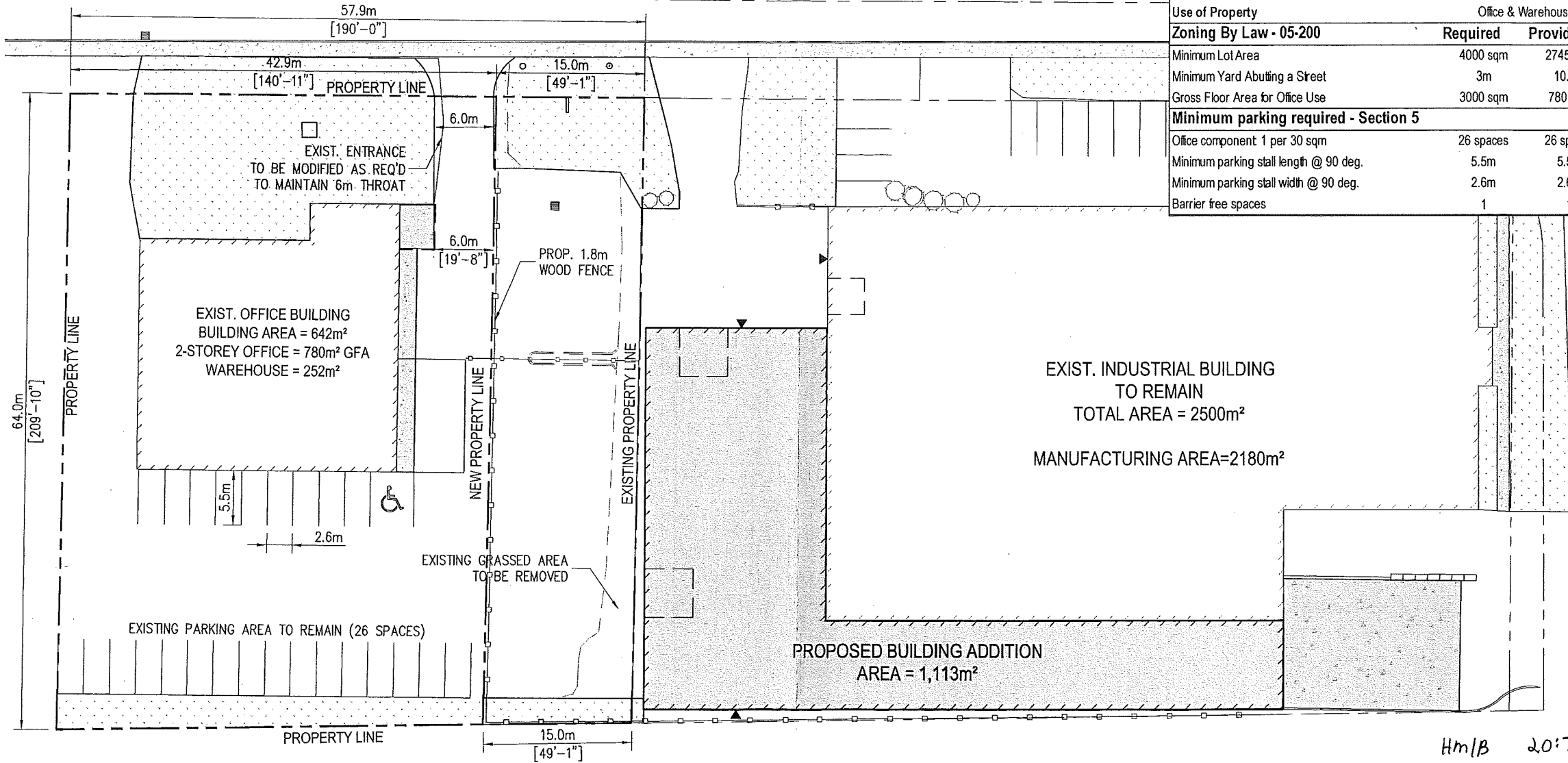
DATED: November 3rd, 2020



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.

BANCROFT STREET



Site Statistics - 80 Bancroft Avenue		
Official Plan Designation	Registered Plan No. 1299	
Zoning	M5 - General Industrial	
Use of Property	Office & Warehouse	
Zoning By Law - 05-200	Required	Provided
Minimum Lot Area	4000 sqm	2745 sqm
Minimum Yard Abutting a Street	3m	10.8m
Gross Floor Area for Office Use	3000 sqm	780 sqm
Minimum parking required - Section 5		
Office component 1 per 30 sqm	26 spaces	26 spaces
Minimum parking stall length @ 90 deg.	5.5m	5.5m
Minimum parking stall width @ 90 deg.	2.6m	2.6m
Barrier free spaces	1	1

EXIST. INDUSTRIAL BUILDING
TO REMAIN
TOTAL AREA = 2500m²
MANUFACTURING AREA=2180m²

PROPOSED BUILDING ADDITION
AREA = 1,113m²

Hm/B 20:72

REV.	DATE	REMARKS
0	17OCT18	FOR APPROVAL
1	16NOV18	FOR MINOR SP

ZOLTAN ENGINEERING

4380 S Service Road, Suite #25
Burlington, ON L7L 5Y6
Tel: 905.331.8307 • Fax: 905.331.6840

DRAWING TITLE

ARRANGEMENT PLAN

PROJECT TITLE

PROPOSED LOT LINE ADJUSTMENT

80 BANCROFT STREET
HAMILTON ONTARIO



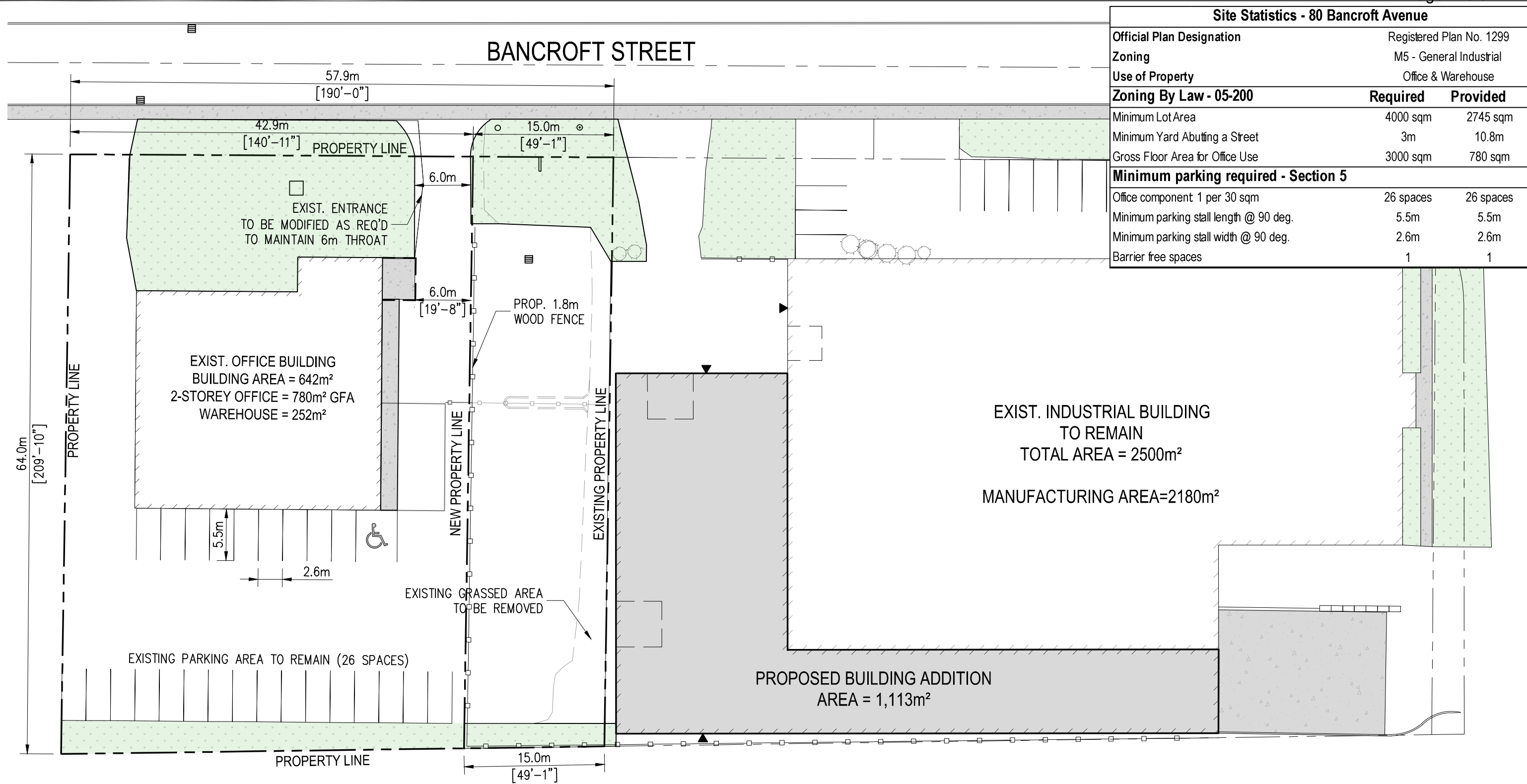
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DATE	16NOV18
DRAWN	EP
DESIGNED	ZL
CHECKED	ZL

PROJECT No.

17-252

SHEET No.

AP1



REV.	DATE	REMARKS
0	17OCT18	FOR APPROVAL
1	16NOV18	FOR MINOR SP

ZOLTAN
ENGINEERING

4380 S Service Road, Suite #25
Burlington, ON L7L 5Y6
Tel: 905.331.8307 • Fax: 905.331.6840

DRAWING TITLE
ARRANGEMENT PLAN

PROJECT TITLE
**80 BANCROFT STREET
HAMILTON ONTARIO**



SCALE	1: 400
DATE	16NOV18
DRAWN	EP
DESIGNED	ZL
CHECKED	ZL

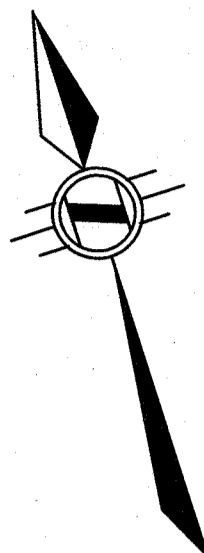
PROJECT No.
17-252

SHEET No.
AP1

PLAN OF SURVEY
OF PART OF
LOTS 7 & 8
REGISTERED PLAN 1299
IN THE
CITY OF HAMILTON

SCALE 1:300 METRIC
6 3 0 6 12 18 metres

S.D. McLAREN, O.L.S. - 2019



BANCROFT STREET

(ESTABLISHED ACCORDING TO REGISTERED PLAN 1299)

P.I.N. 17295 - 0046 (LT)

133.466 (P4 & Set)

SCHEDULE			
PART	LOT	PLAN	P.I.N.
1	PART OF LOT 7 AND PART OF LOT 8	REGISTERED PLAN 1299	ALL OF P.I.N. 17295-0003 (LT)
2	PART OF LOT 8		

PLAN 62 R-

RECEIVED AND DEPOSITED

Date _____

REPRESENTATIVE FOR
LAND REGISTRAR FOR THE LAND
TITLES DIVISION OF WENTWORTH (No. 62)

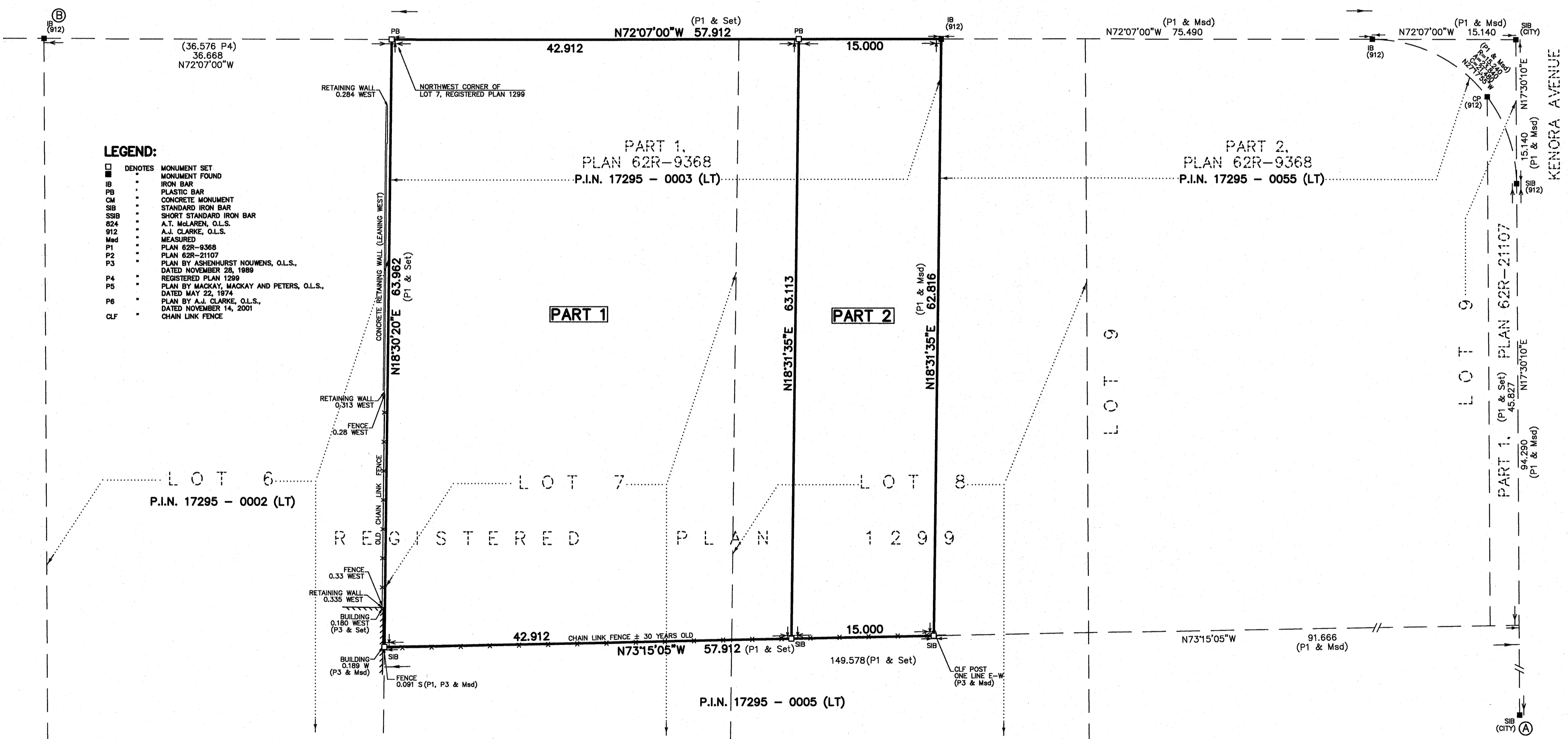
I REQUIRE THIS PLAN TO BE
DEPOSITED UNDER THE LAND
TITLES ACT.

Date DECEMBER 17, 2019

[Signature]
S. DAN McLAREN, O.L.S.

LEGEND:

- DENOTES MONUMENT SET
- DENOTES MONUMENT FOUND
- IB IRON BAR
- PB PLASTIC BAR
- CM CONCRETE MONUMENT
- SIB STANDARD IRON BAR
- SSIB SHORT STANDARD IRON BAR
- 824 A.T. McLAREN, O.L.S.
- 912 A.J. CLARKE, O.L.S.
- Meas MEASURED
- P1 PLAN 62R-9368
- P2 PLAN 62R-21107
- P3 PLAN BY ASHENHURST NOUMENS, O.L.S., DATED NOVEMBER 28, 1989
- P4 REGISTERED PLAN 1299
- P5 PLAN BY MACKAY, MACKAY AND PETERS, O.L.S., DATED MAY 22, 1974
- P6 PLAN BY A.J. CLARKE, O.L.S., DATED NOVEMBER 14, 2001
- CLF CHAIN LINK FENCE



INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORP's): UTM ZONE 17, NAD83 (CSRS) (2010.0).
COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O.REG. 216/10

POINT ID	NORTHING	EASTING
ORP A	4788527.672	600182.164
ORP B	4788368.465	600327.694

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

BEARING NOTE:

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

NOTE:

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9997172732

METRIC NOTE:

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

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 LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 9TH DAY OF DECEMBER, 2019

DECEMBER 17, 2019
DATE

[Signature]
S. DAN McLAREN, O.L.S.



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 LC	Checked DG	Crew Chief MW Jr.	Scale 1:300	Dwg.No. 36195
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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)	Group Seven Inc. Mr. Len Verhey	[REDACTED]	Business ([REDACTED]) Fax: () E-mail: [REDACTED]
Applicant(s)*	Zoltan Engineering Inc. Mr. Jonathan Lensink	[REDACTED]	Business ([REDACTED]) Fax: () E-mail: [REDACTED]
Agent or Solicitor	Zoltan Engineering Inc. Mr. Jonathan Lensink		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	Lot Part of Lot 7&8	Concession	Former Township
Registered Plan N ^o . 1299	Lot(s)	Reference Plan N ^o . Plan 62R-9368	Part(s)
Municipal Address 80 Bancroft Street, Hamilton, ON			Assessment Roll N ^o .

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:

Mr. Len Verhey, Nashdale Estates (owner of 399 Kenora)

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

399 Kenora Avenue, Hamilton, ON, L8E 2W3

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)
15m	64m	960m 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: None on the land to be severed.

Proposed: None proposed currently.

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)
42.9m	64m	2,746m 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:

- | | | |
|---|--|-------------------------------------|
| <input type="checkbox"/> Residential | <input checked="" 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: Industrial Office Building

Proposed: Industrial Office Building

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 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): _____

Urban Hamilton Official Plan designation (if applicable) Employment Area - Industrial Land

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

**Previously approved under HM/B-18:133 - re-applied as conditions were not completed in 1-year time.

The property is located in the employment area (industrial land) which supports uses through redevelopment and adaptation of existing structures. The property on 399 Kenora Ave is being redeveloped (building additions) and for optimal operation will require the requested land severed from 80 Bancroft Street. This application will allow for both properties to remain optimal with their existing uses.

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? M5 (General Industrial)

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 checked="" type="checkbox"/>	Equipment Manufacturing (adjacent lot)
An active railway line	<input checked="" type="checkbox"/>	approx. 30m away
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 Industrial Office Building
- 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?
Information provided by the owner & previous owner.
- 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

This severance will enable economic growth of the property at 399 Kenora Ave, further increasing the density of the urban area. The lot line adjustment is appropriate for the existing infrastructure & environment.

b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)
The PPS states that long term economic prosperity should be supported by promoting opportunities for economic development. The addition of land to 399 Kenora Ave will allow the current business (Canway Equipment Manufacturing) to operate optimally and grow economically.

c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)
One of the guiding principles for the growth plan of the GGH is to provide flexibility on new economic and employment opportunities. The proposed addition of land to 399 Kenora will allow the operations to expand and capitalize economically while the current use of 80 Bancroft will still continue.

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.

***Previously approved under HM/B-18:133 - re-applied as conditions were not completed in 1-year time. No change.*

- 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?
 +/- 1 year
-

- 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
<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 | } | (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)	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.

Mr. Len Verhey owns both properties, 399 Kenora & 80 Bancroft.

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



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: 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.: HM/A-20:229

APPLICANTS: Invizij Architects c/o Emma Cubitt on behalf of the owner Lydell Wiebe

SUBJECT PROPERTY: Municipal address **412 Dundurn St. S., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-laws 18-299 & 19-307

ZONING: "C/S-1787" (Urban Protected Residential) district

PROPOSAL: To permit the construction of a rear second dwelling unit along with an uncovered deck on the same lot containing a single family dwelling notwithstanding that:

1. A maximum gross floor area of 99.0m² shall be permitted for the proposed second dwelling unit instead of the maximum 50.0m² gross floor area permitted.
2. A parking space size having a minimum length of 5.3m shall be permitted for the southerly parking space instead of the minimum 6.0m length required for a 90° parking space.
3. The uncovered deck shall be permitted to be located as close as 0.0m to the southerly side lot line instead of the minimum 0.5m setback required from a side lot line.

Notes: It appears that the lands are two (2) separate parcels. Therefore, the applicant shall confirm that the lands are under identical ownership or merged in title for the proposal. Otherwise, the construction of the proposed dwelling is not permitted, and further variances shall be required.

No dimensions were shown for the southerly parking space. The applicant shall verify that the variance to the parking space size is correct; otherwise, further variances shall be required.

The applicant shall ensure that the minimum width of the opening into the private garage shall be no less than 2.4m; otherwise, further variance shall be required.

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

DATE: Thursday, November 19th, 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

HM/A-20:229
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:

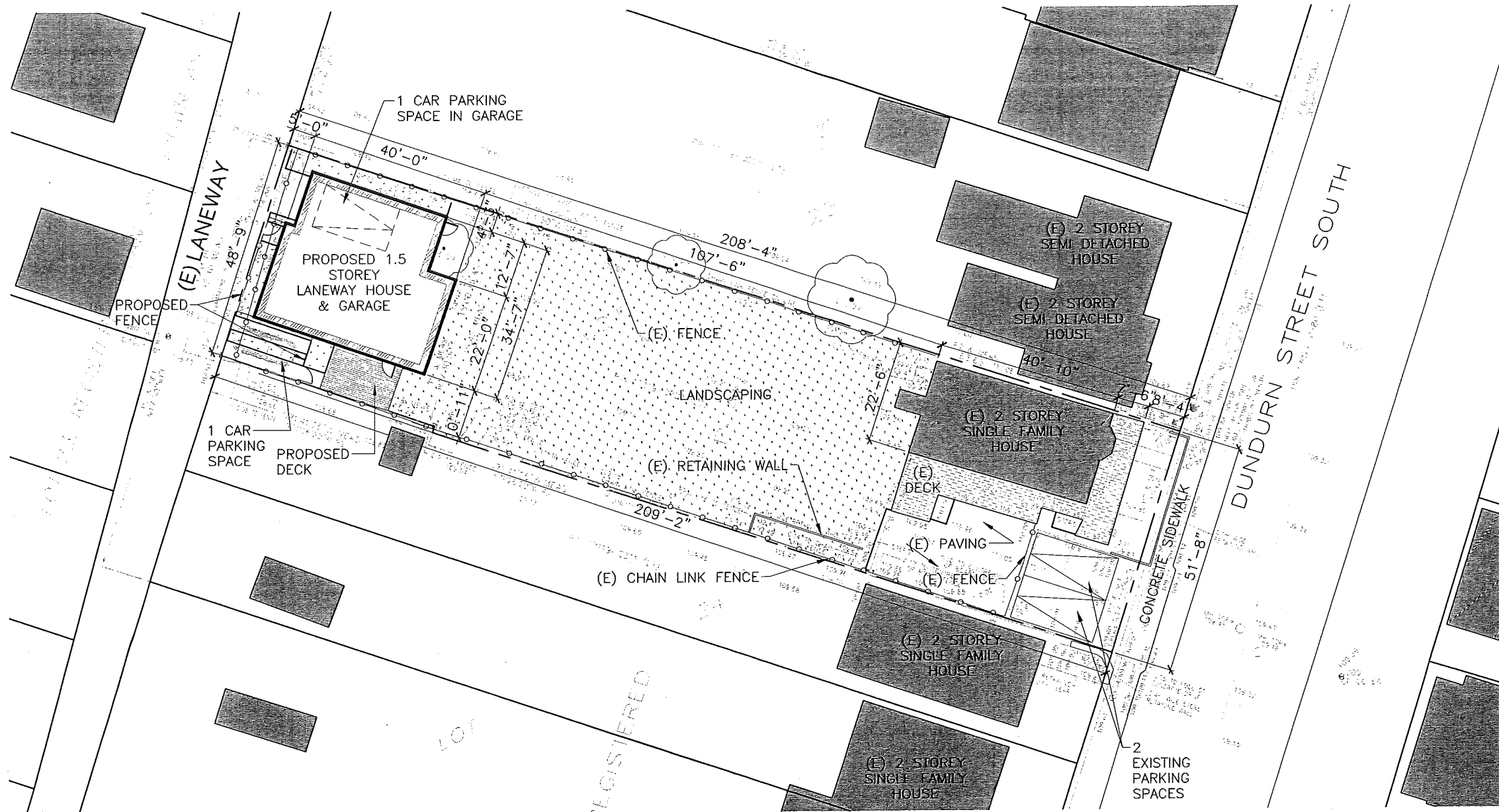
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: November 3rd, 2020.



Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

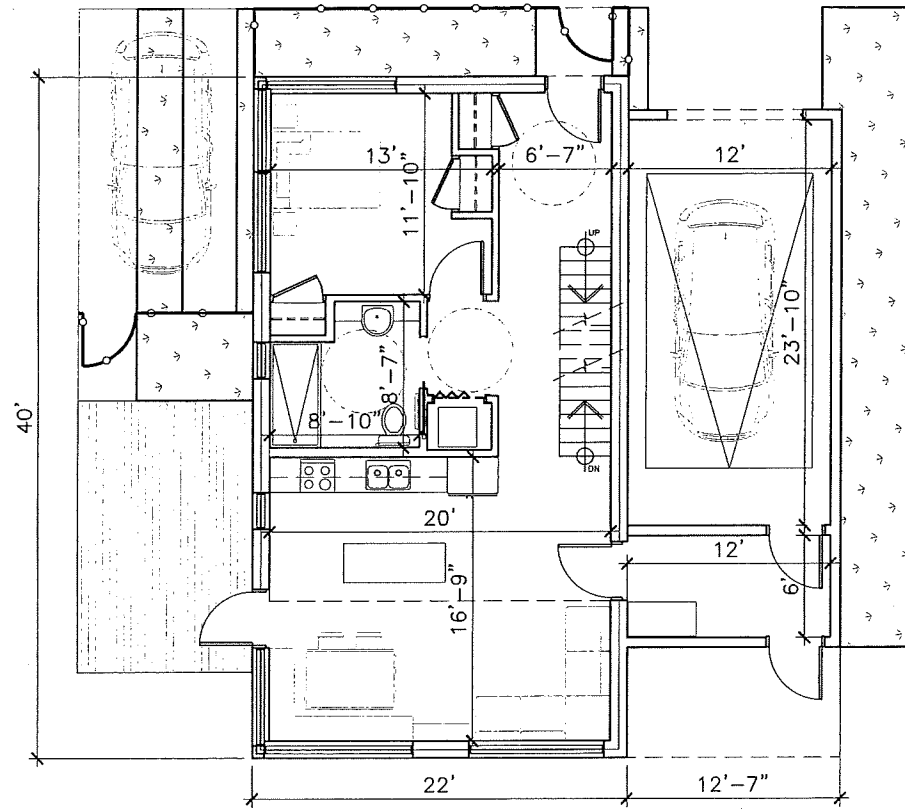
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions,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



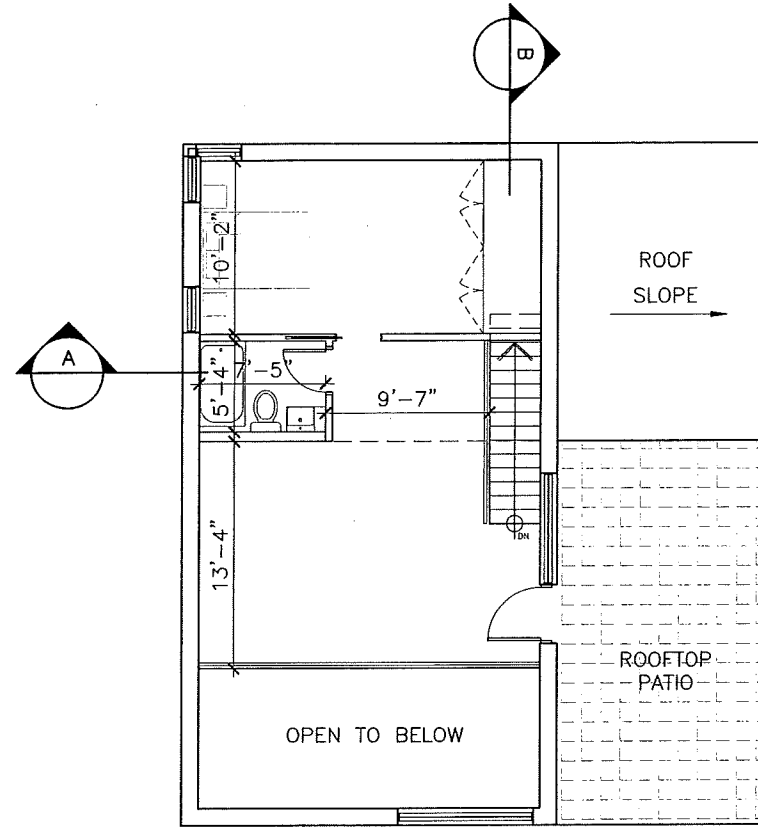
Hm/A 20:229



GROUND FLOOR AREA INCLUDING GARAGE 1276.5 SF
GROUND FLOOR AREA NOT INCLUDING GARAGE 880 SF
2ND FLOOR AREA 676.5 SF



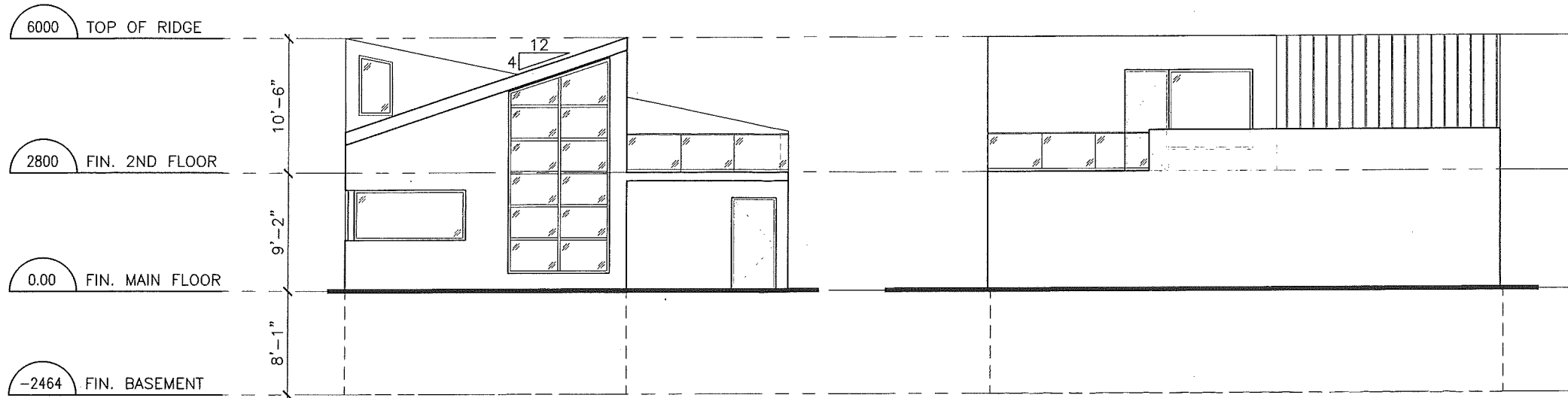
GROUND FLOOR PLAN



2ND FLOOR PLAN

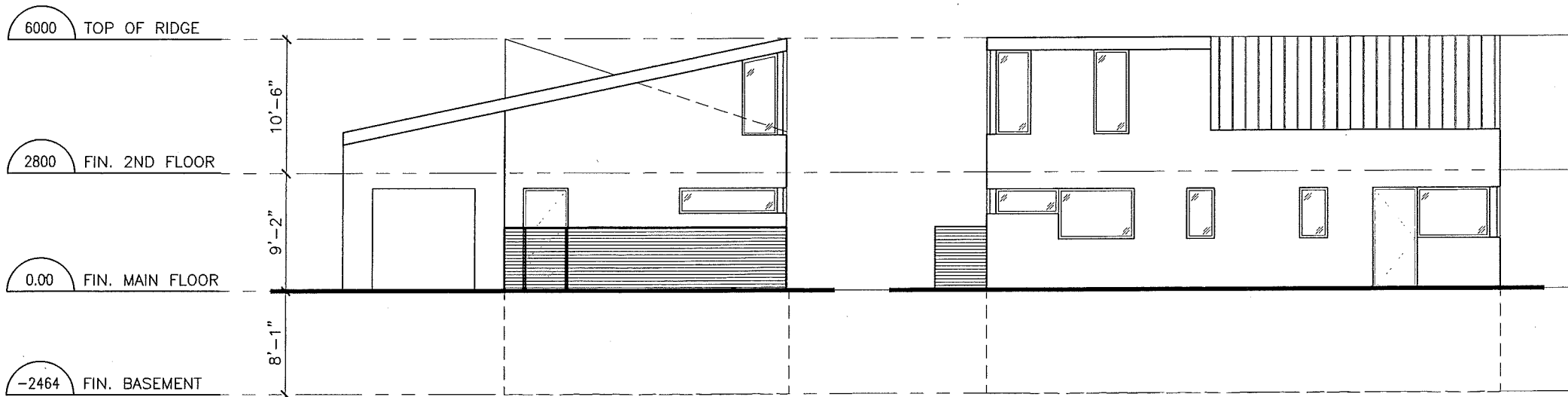
Hm/A 20:229





EAST ELEVATION

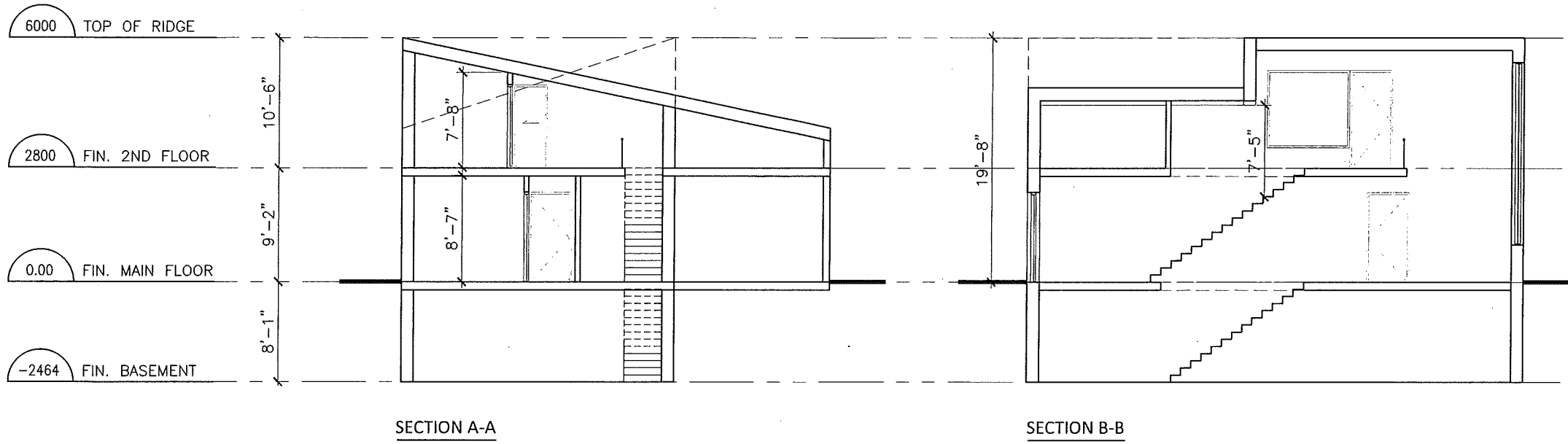
NORTH ELEVATION

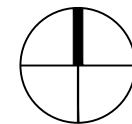
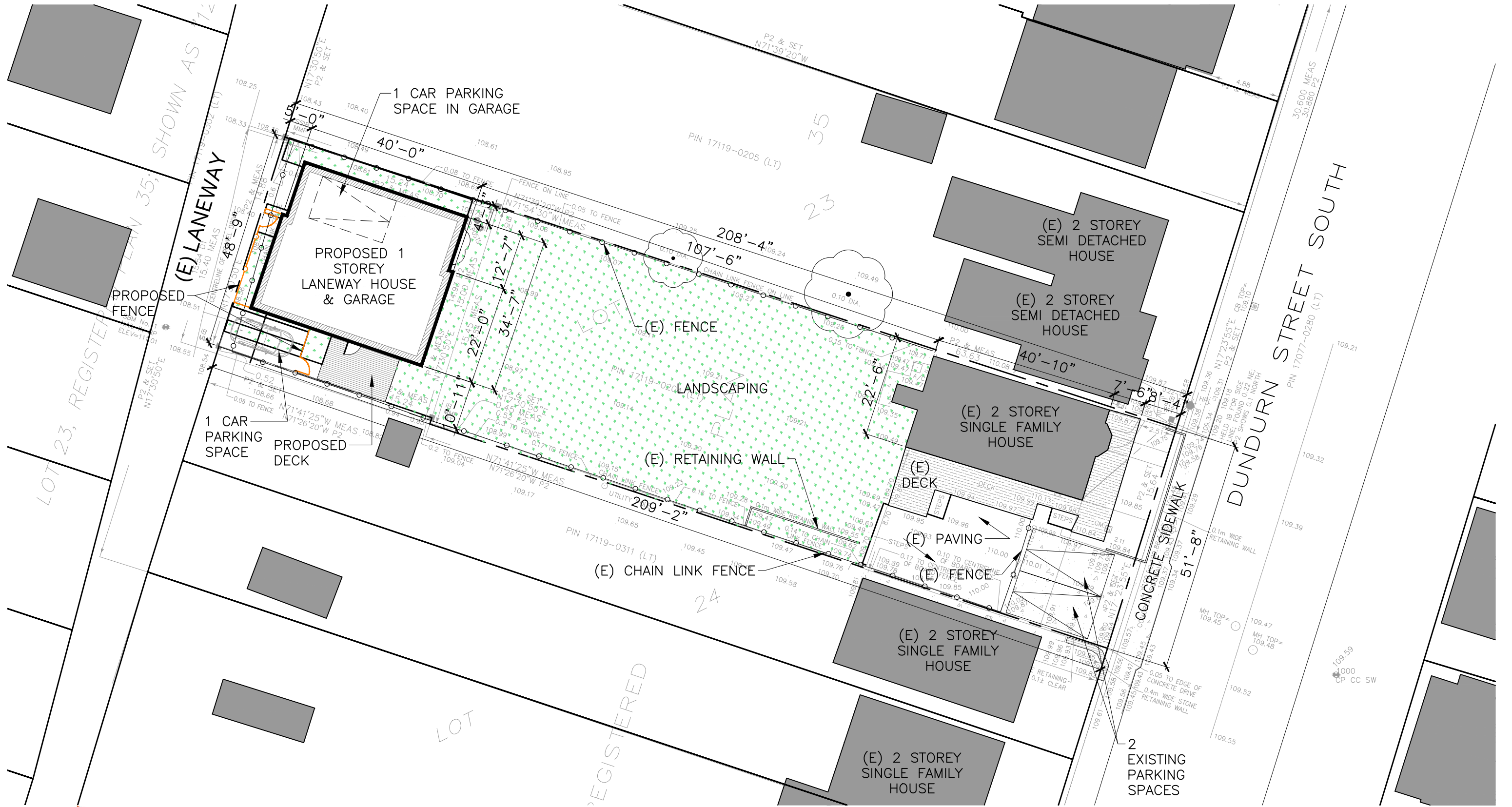


WEST ELEVATION

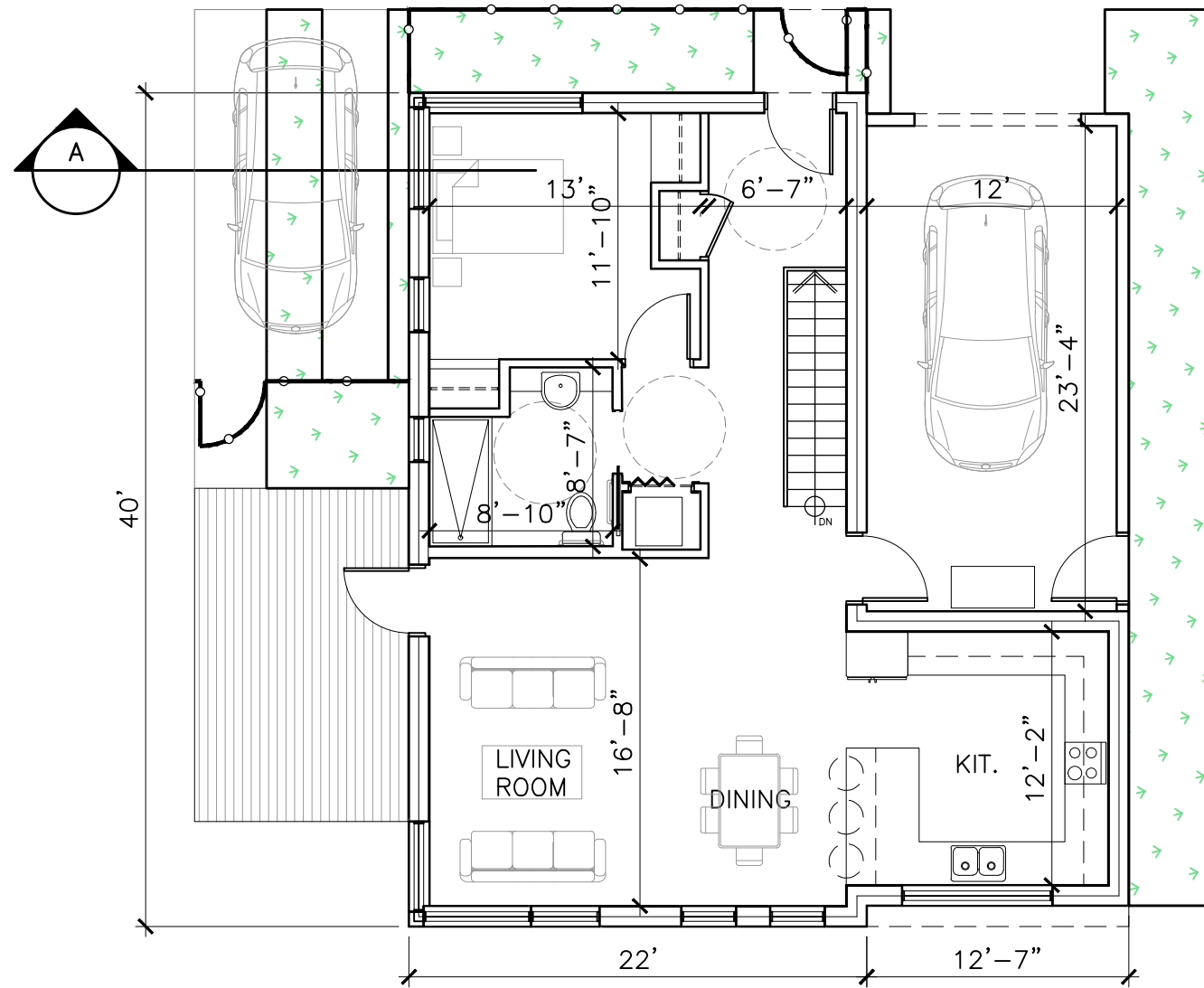
SOUTH ELEVATION

Hm/A 20:229

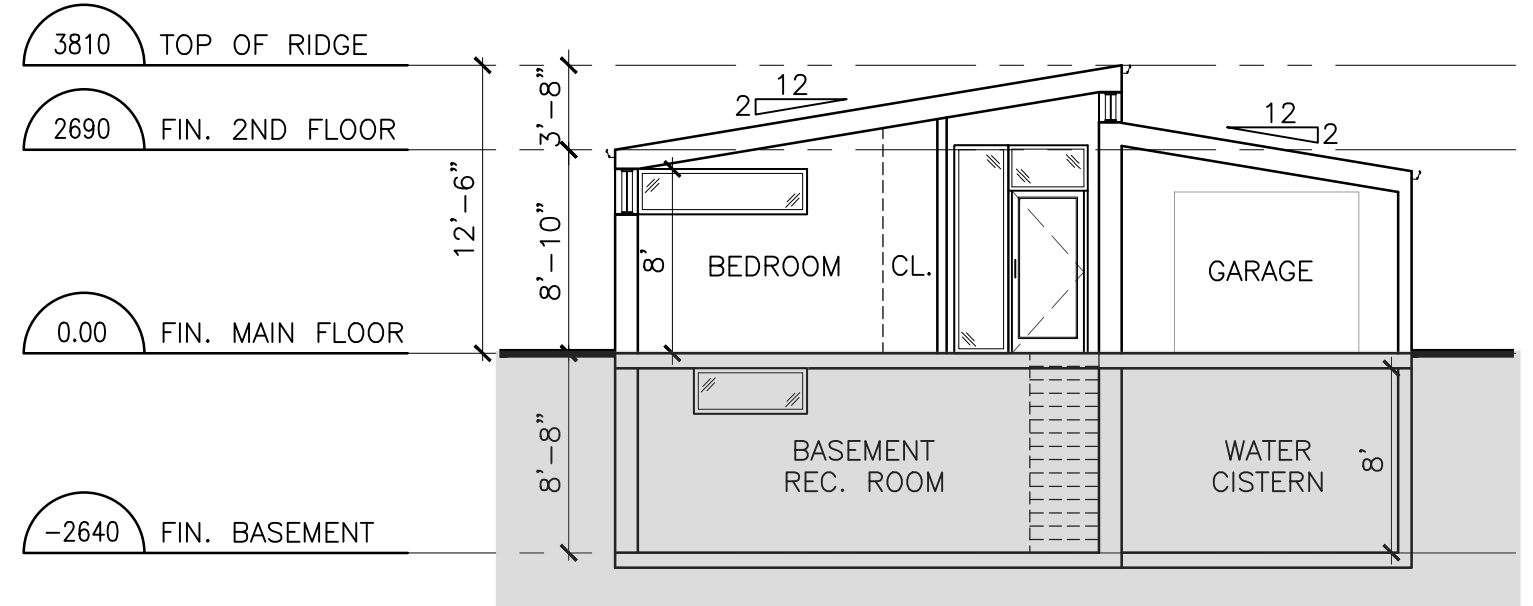




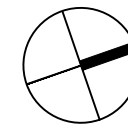
GROUND FLOOR AREA INCLUDING GARAGE 1357.8 SF
 GROUND FLOOR AREA NOT INCLUDING GARAGE 1057.2 SF

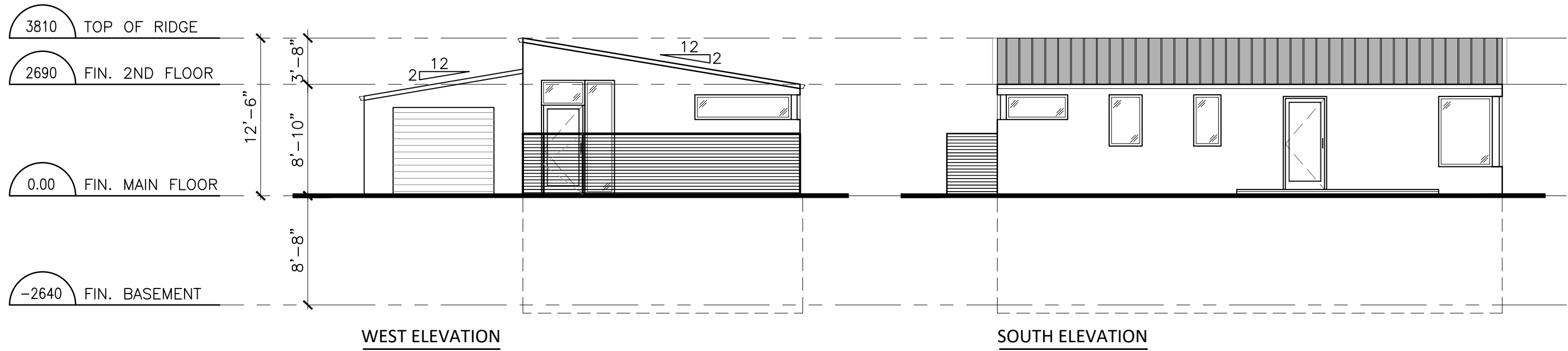
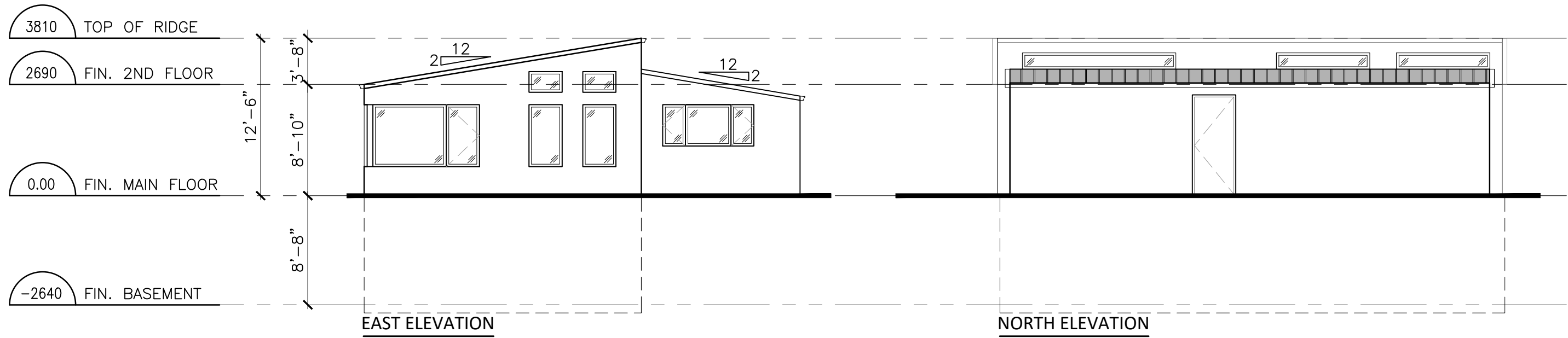


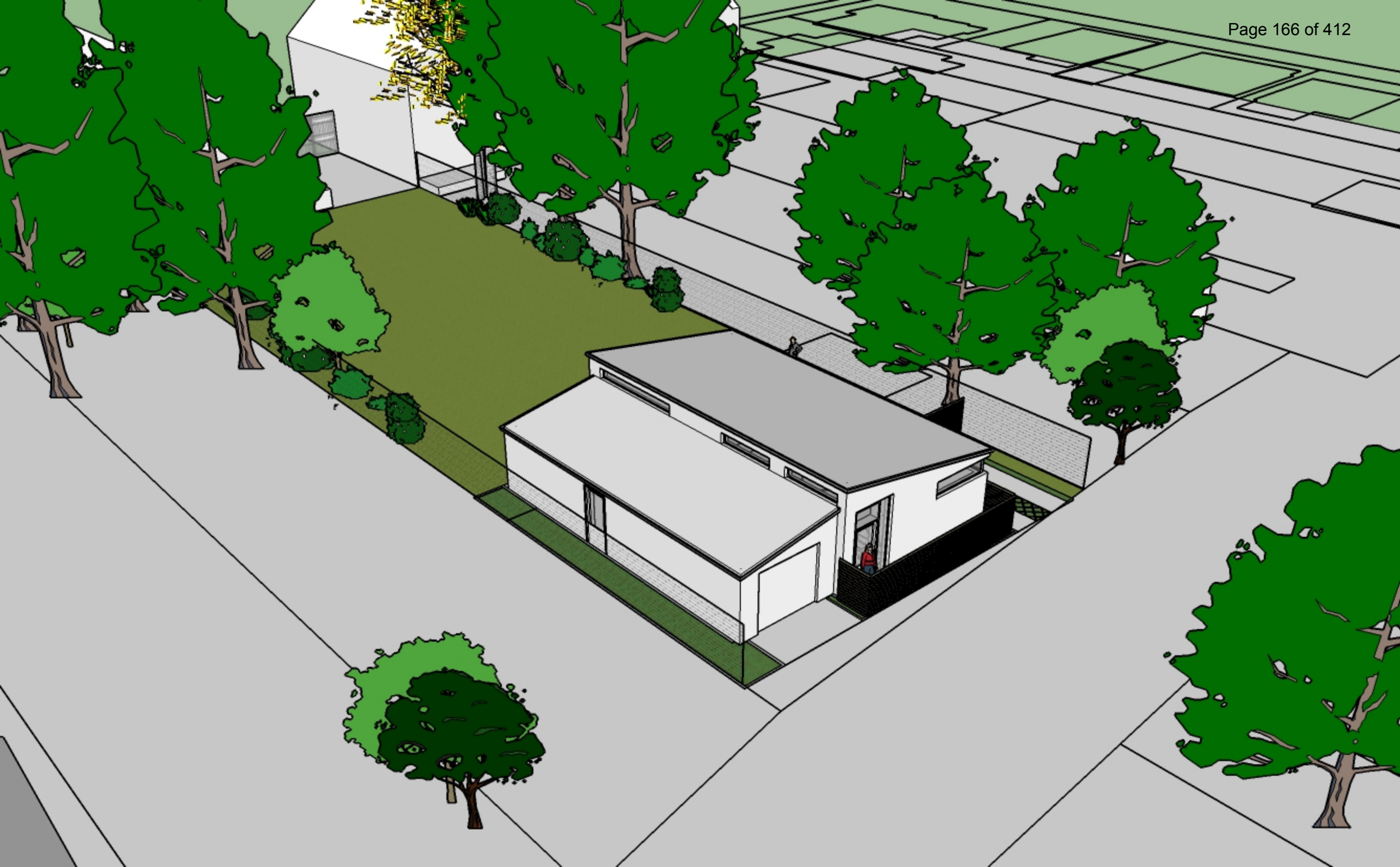
GROUND FLOOR PLAN

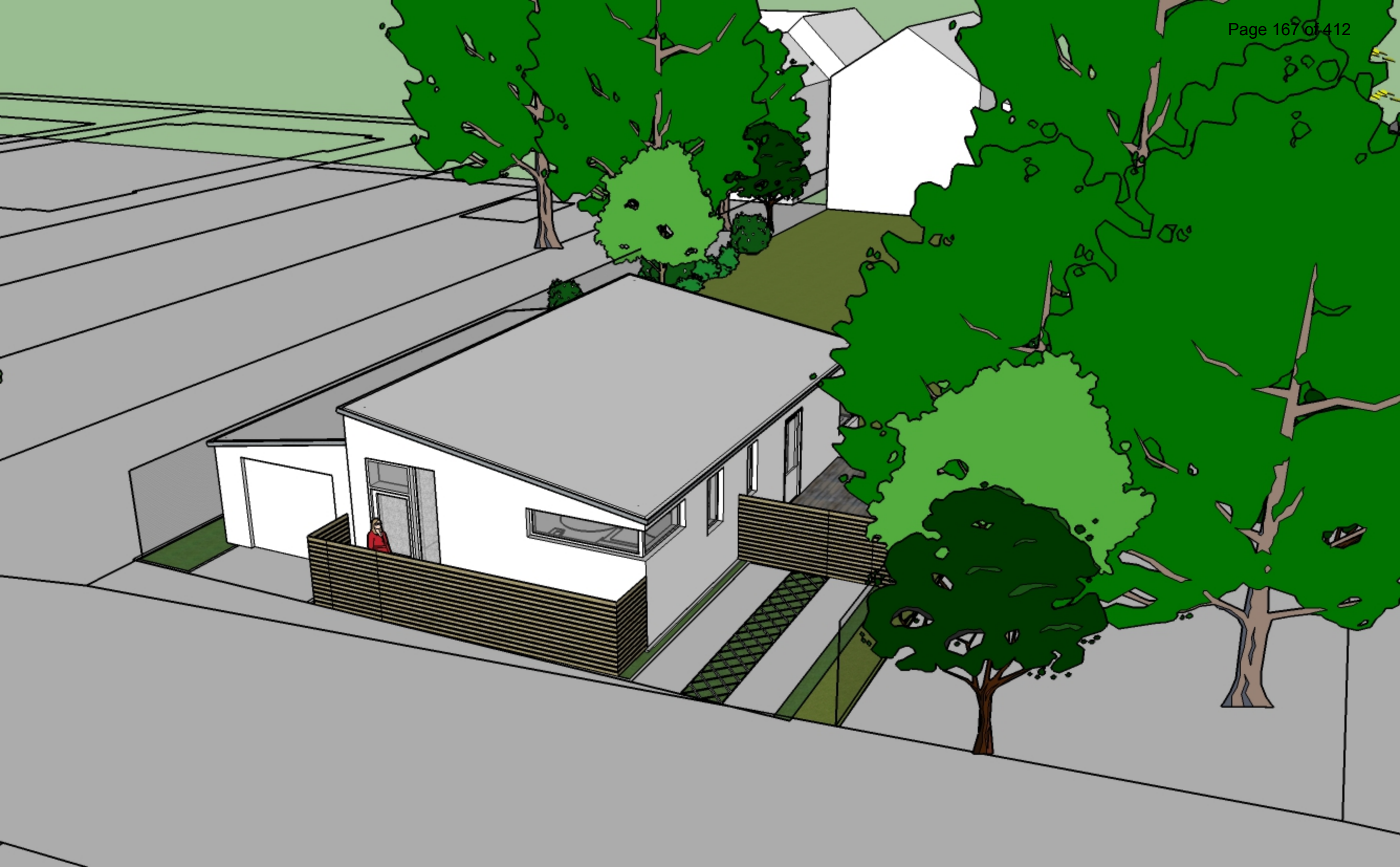


SECTION A-A















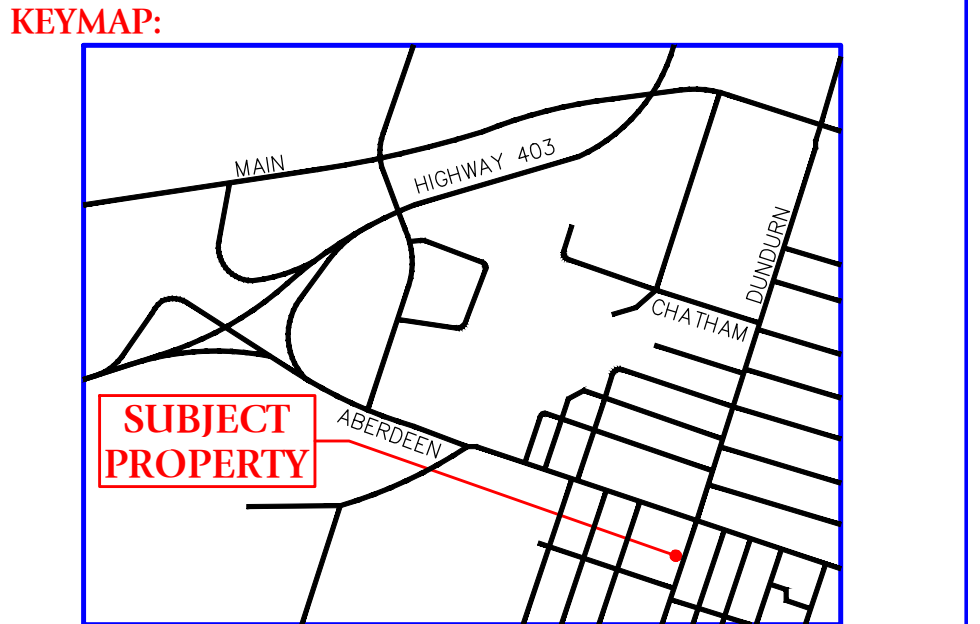
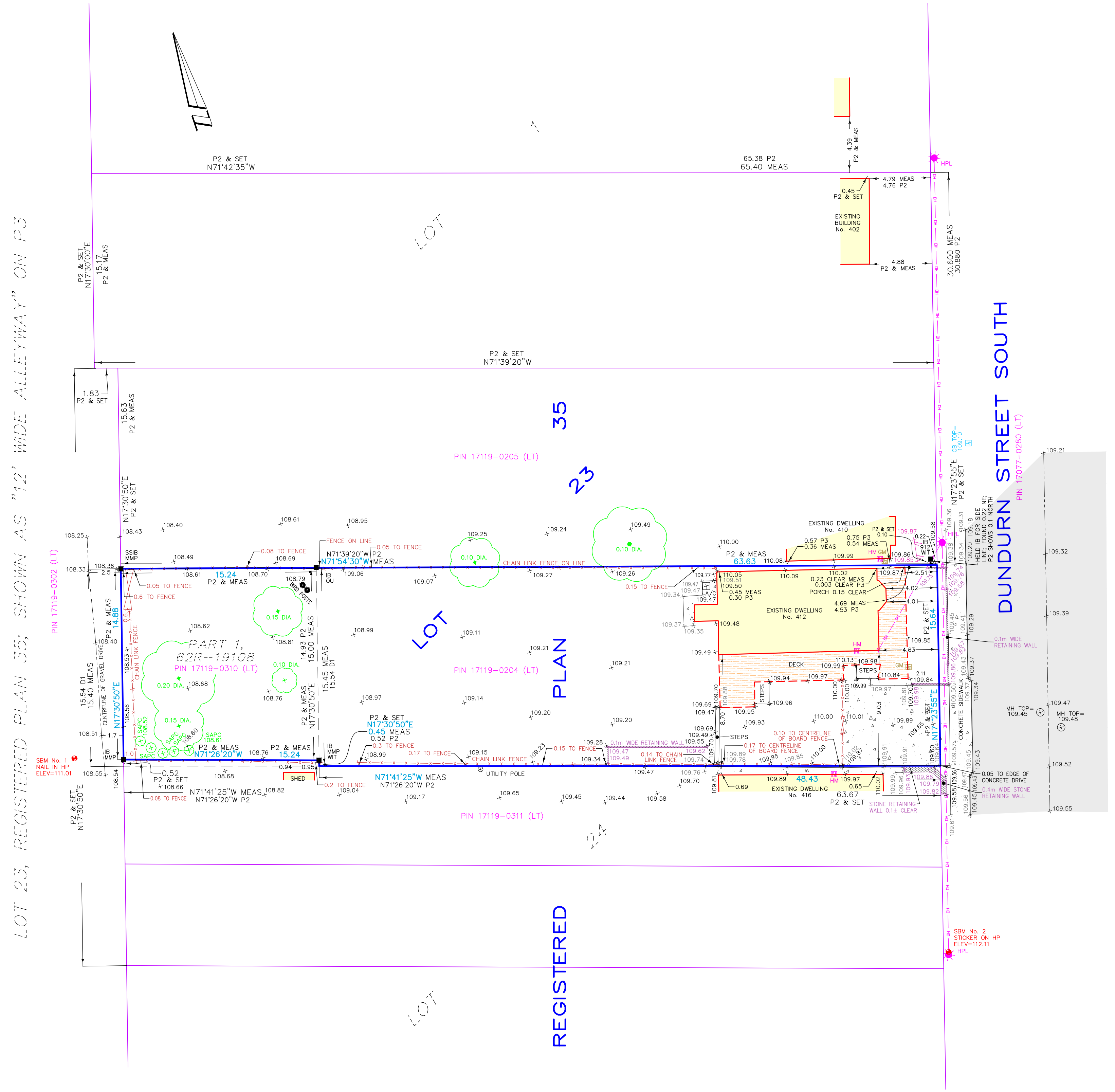


- LEGEND:**
- DENOTES SURVEY MONUMENT SET
 - DENOTES SURVEY MONUMENT FOUND
 - SIB DENOTES .025 x .025 x 1.20 STANDARD IRON BAR
 - IB DENOTES .015 x .015 x 0.60 IRON BAR
 - 912 DENOTES A.J. CLARKE AND ASSOCIATES LTD.
 - MMP DENOTES MacKAY MacKAY PETERS LIMITED
 - VH DENOTES VAN HARTEN SURVEYING INC., O.L.S.'s
 - P1 DENOTES REGISTERED PLAN 35
 - P2 DENOTES DEPOSITED PLAN 62R-19108 BY (MMP)
 - P3 DENOTES SURVEY PROJECT E-2635 BY (912), DATED JUNE 30, 1992
 - D1 DENOTES INSTRUMENT NS155368

- EXISTING ELEVATION x 206.55
- GUY WIRE (GUY) GATE
 - HYDRO POLE (HP) DECIDUOUS TREE
 - HYDRO METER (HM)
 - GAS METER (GM) CONIFEROUS TREE
 - CATCHBASIN (CB)
 - MANHOLE (MH)
 - OVERHEAD HYDRO
 - FENCELINE
 - CENTRELINE OF ROAD
 - TOP OF BANK
- ASPHALT BUILDING CONCRETE DECK

- BEARING AND COORDINATE NOTE:**
- BEARINGS ARE GRID BEARINGS AND ARE DERIVED FROM GPS OBSERVATIONS AND ARE REFERRED TO THE UTM PROJECTION, ZONE 17, NAD 83 (CSRS-2010) ADJUSTMENT.
 - DISTANCES SHOWN ON THIS PLAN ARE ADJUSTED GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY AN AVERAGED COMBINED SCALE FACTOR OF 0.99968791.
 - COORDINATES ON THIS PLAN ARE UTM, ZONE 17, NAD83 (CSRS-2010) ADJUSTMENT AND ARE BASED ON GPS OBSERVATIONS FROM A NETWORK OF PERMANENT GPS REFERENCE STATIONS.

- SURVEY INFORMATION:**
- BENCHMARK REFERENCE:**
ELEVATIONS ARE BASED ON GPS OBSERVATIONS FROM PERMANENT REFERENCE STATIONS IN THE NAD83 (CSRS-2010) COORDINATE SYSTEM, WITH HEIGHTS CONVERTED TO ORTHOMETRIC ELEVATIONS ON THE CVGD28 DATUM (1978 ADJUSTMENT) WITH GEOID MODEL HTv2.0, AS SUPPLIED BY NATURAL RESOURCES CANADA.
- SITE BENCHMARK:**
- NAIL IN HYDRO POLE NEAR PIN NEAR SOUTHWEST CORNER OF SUBJECT PROPERTY HAVING AN ELEVATION OF 111.01 METRES.
 - STICKER ON HYDRO POLE SOUTH OF SOUTHEAST CORNER OF SUBJECT PROPERTY HAVING AN ELEVATION OF 112.11 METRES.



SUMMARY REPORT:

CLIENT:
THIS PLAN WAS PREPARED FOR **ROBERT ANDREE** AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

NOTE:
THIS SURVEY PLAN IS TO BE READ IN CONJUNCTION WITH A WRITTEN SURVEY REPORT DATED SEPTEMBER 24, 2020.

PROPERTY DESCRIPTION:

- PIN 17119-0204 (LT)
- ADDRESS: 412 DUNDURN STREET SOUTH
- PART OF LOT 23, REGISTERED PLAN 35; AS IN INSTRUMENT NS155368
- CITY OF HAMILTON

- PIN 17119-0310 (LT)
- ADDRESS: 412 DUNDURN STREET SOUTH
- PART OF LOT 23, REGISTERED PLAN 35; DESIGNATED AS PART 1, 62R-19108
- CITY OF HAMILTON

ASSOCIATION OF ONTARIO LAND SURVEYORS
PLAN SUBMISSION FORM
2133093

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE REGULATIONS MADE UNDER THEM.
- THIS TOPOGRAPHIC SURVEY WAS COMPLETED ON THE 14th DAY OF AUGUST, 2020.

DATE: SEPTEMBER 24, 2020

JEFFREY E. BUISMAN
ONTARIO LAND SURVEYOR

CAUTION: - THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES.
- THIS SKETCH IS PROTECTED BY COPYRIGHT. ©

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

SURVEYOR'S REAL PROPERTY REPORT WITH TOPOGRAPHIC DATA
PART OF LOT 23
REGISTERED PLAN 35
CITY OF HAMILTON

DRAWING REVISION SCHEDULE

NO.	REVISION	DATE
0	INITIAL SUBMISSION	SEPT. 24, 2020

PROJECT No. 28608-20
DRAWING SCALE 1 : 200

0 2.5 5 7.5 10 metres

Van Harten SURVEYING INC.
LAND SURVEYORS and ENGINEERS

Kitchener/Waterloo Ph: 519-742-8371 Guelph Ph: 519-821-2763 Orangeville Ph: 519-940-4110

www.vanharten.com info@vanharten.com

DRAWN BY: S.A.P CHECKED BY: J.E.B.

Sep 24, 2020-3:05pm
G:\HAMILTON\35\ACAD\TOPO\PTLOT 23 (ANDREE) UTM-17 2010 NR.dwg



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.

- Name of Owner _____ Telephone No. _____
FAX NO. _____ E-mail address. _____
- Address _____
Postal Code _____
- 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 _____

Postal Code _____

6. Nature and extent of relief applied for:

New 1 1/2 storey laneway house as per bylaw 18:299 with the following requested minor variances:

- Increase proposed GFA from 55 m2 to 99 m2 (does not include garage area)

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

The goal is to provide a residence for our parents to live after downsizing from a much larger home in the country. We believe the proposed dwelling is reasonable considering the extra large lot our house is situated on. We have exceeded the bylaw by providing two (2) parking spaces as well.

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

LOT 23, REGISTERED PLAN 35; SHOWN AS "12' WIDE ALLEYWAY" ON P3

Property Description:

PIN 17119-0204 (LT) ADDRESS: 412 DUNDURN STREET SOUTH PART OF LOT 23, REGISTERED PLAN 35; AS IN INSTRUMENT NS155368 CITY OF HAMILTON

PIN 17119-0310 (LT) ADDRESS: 412 DUNDURN STREET SOUTH PART OF LOT 23, REGISTERED PLAN 35; DESIGNATED AS PART 1, 62R-19108 CITY OF 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?

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

Signature Property Owner

Print Name of Owner

10. Dimensions of lands affected:

Frontage _____

Depth _____

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: _____

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: _____

Proposed: _____

13. Date of acquisition of subject lands:

14. Date of construction of all buildings and structures on subject lands:

15. Existing uses of the subject property: _____

16. Existing uses of abutting properties: _____

17. Length of time the existing uses of the subject property have continued:

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
 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



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: 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.: HM/A-20:221

APPLICANTS: Lee Paule on behalf of the owner John Anastasakis

SUBJECT PROPERTY: Municipal address **98 Rosslyn Ave., N. Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-law 92-281

ZONING: "D" (Urban Protected Residential - One and Two Family Dwellings etc.) district

PROPOSAL: To permit the conversion of an existing two (2) storey single family dwelling to a two (2) family dwelling, notwithstanding that:

1. The minimum lot area for a two family dwelling shall be 185 square metres instead of the required 270 square metres.
2. One (1) parking shall be required instead of the required one parking space per dwelling unit for a converted two family dwelling.
3. The front yard shall consist of not less than 45% landscaped area instead of the required minimum 50% landscaped area for a converted two family dwelling.

NOTES:

1. The variance for parking has been written as requested by the applicant to address the request for reduced parking. The applicant, however, has modified the variance to request one (1) parking space instead of no parking spaces. The applicant is proposing to provide a 2.7m x 6.0m parking space in the rear yard that is accessible from the alley which will be provided on an updated site plan.
2. Additional variances have been identified through the review of the application to address the reduced lot area requirement for a two family dwelling and also for the reduced landscaped area within the front yard.
3. With respect to Variance #2, as the existing driveway and parking space is located within the road allowance, it would be subject to a Boulevard Parking Agreement.

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

DATE: Thursday, November 19th, 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

HM/A-20:221

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.

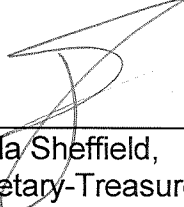
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MORE INFORMATION

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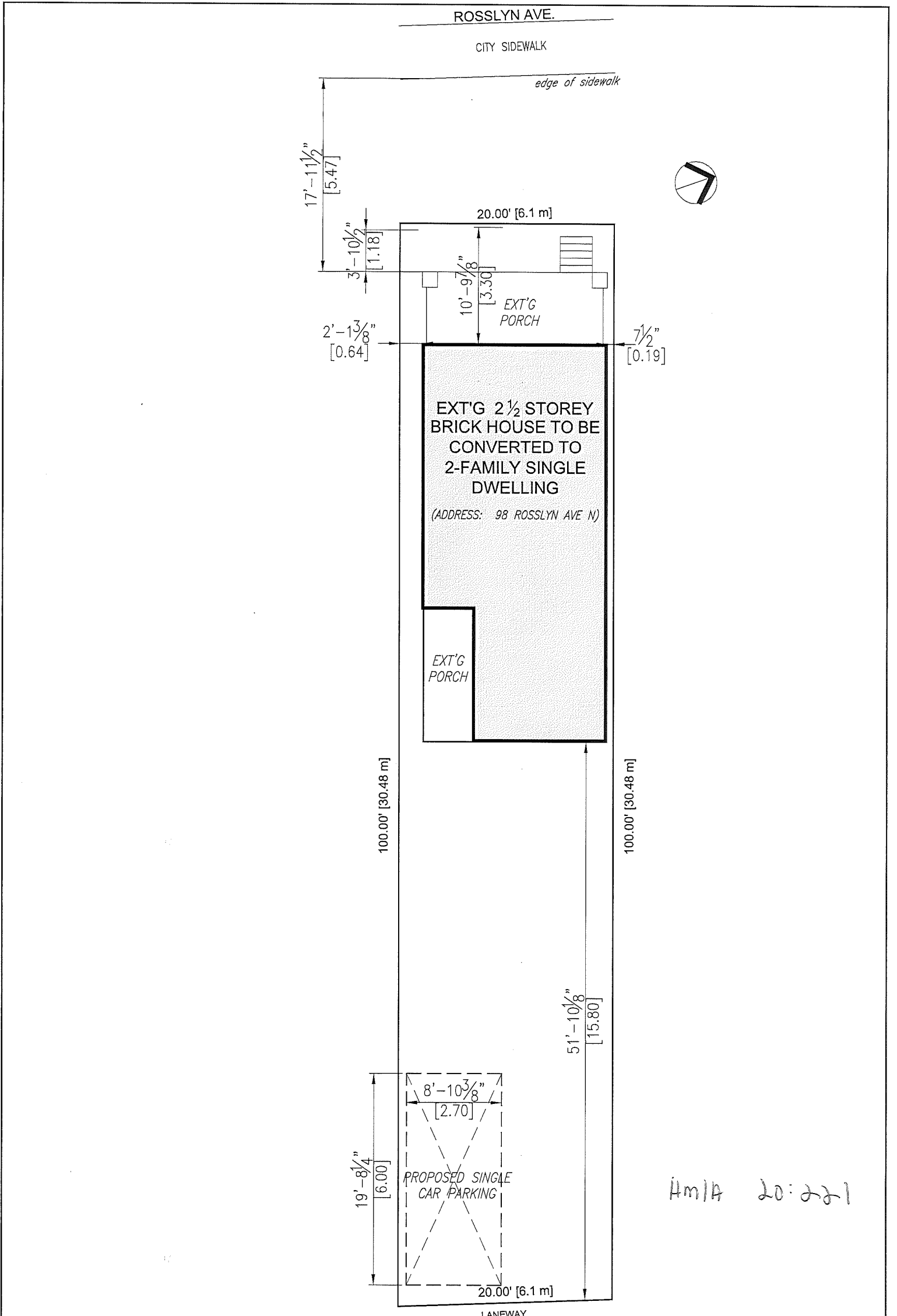
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: November 3rd, 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.

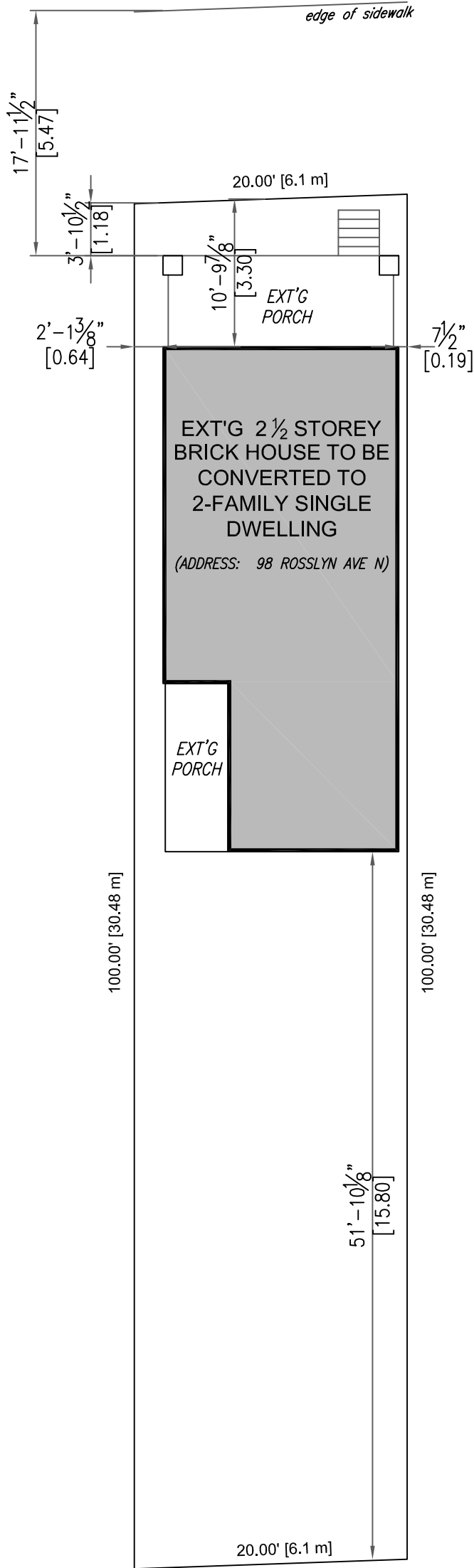


Hm/A 20:221

SWS ENGINEERING INC. 1100 CENTRAL PKWY WEST UNIT 15, 2nd FL, MISSISSAUGA, ON L5C 4E5 TEL:(905)272-1938 FAX:(905)272-8254	PROJECT 98 ROSSLYN AVE N PROPOSED SINGLE CAR FOR MINOR VARIANCE APPLICATION	DATE: OCT 27, 2020
	DRAWING TITLE SITE PLAN	DRAWN BY: LMP SCALE: 1"=10'-0" PROJECT NO. DWG NO. ASP-1

ROSSLYN AVE.

CITY SIDEWALK



SWS ENGINEERING INC.

1100 CENTRAL PKWY WEST
 UNIT 15, 2nd FL, MISSISSAUGA, ON L5C 4E5
 TEL:(905)272-1938 FAX:(905)272-8254

PROJECT
 98 ROSSLYN AVE N
 PROPOSED SINGLE CAR FOR
 MINOR VARIANCE APPLICATION

DRAWING TITLE
 SITE PLAN

DATE:	SEPT 28, 2020
DRAWN BY:	LMP
SCALE:	1"=10'-0"
PROJECT NO.	
DWG NO.	ASP-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

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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.

1. Name of Owner John Anastasakis Telephone No. ██████████

FAX NO. ██████████ E-mail address. ██████████

2. Address ██

Postal Code ██████████

3. Name of Agent LEE PAULE 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:

CIBC, 7850 WESTON ROAD, UNIT 2, WOODBRIDGE, ON

Postal Code L4L 2N8

Postal Code _____

6. Nature and extent of relief applied for:

To allow no parking on the subject property.

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

The existing driveway is located on city boulevard.

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 153 KENSINGTON - REGISTERED PLAN 545 IN THE

CITY OF HAMILTON, 98 ROSSLYN 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 X Unknown _____

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

PREVIOUS TENANT HAS BEEN A LONG TIME RESIDENCE IN HAMILTON
AND IT IS BASE ON THEIR ASSUMPTION

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.

2020-09-28
Date

[Redacted Signature]
Signature Property Owner

John Anastasakis
Print Name of Owner

10. Dimensions of lands affected:

Frontage 6.1m
Depth 30.48
Area 185.68 sq.m
Width of street +/- 7.5m

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-STOREY SINGLE FAMILY BRICK HOUSE, G.F.A. = 137.48 sq.m
GROUND FLOOR AREA = 53.85 sq.m,
width = 5.26m , length = 13.28m, height = +/- 10.5m

Proposed: 2-FAMILY SINGLE DWELLING
1st UNIT G.F.A. = 107.46 sq.m
2nd UNIT G.F.A. = 83.63 sq.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 = 10.5m
side = .3m
rear = 15.8m

Proposed: _____

13. Date of acquisition of subject lands:

 unknown

14. Date of construction of all buildings and structures on subject lands:

 unknown

15. Existing uses of the subject property: _____ single family residence

16. Existing uses of abutting properties: _____ single family residence & Duplex

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:

 N/A

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:

 N/A

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.



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: 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.: HM/A-20:217

APPLICANTS: Ed. Fothergill on behalf of the owners A. & L. Colalillo

SUBJECT PROPERTY: Municipal address **322 Mt. Albion Rd., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-law 90-102

ZONING: "C/S-1162" (Urban Protected Residential) district

PROPOSAL: To permit the creation of four new lots (Parts 2 – 5 inclusive) and maintain an existing two-family dwelling on Part 1 as per Consent Applications HM/B-20:68, HM/B-20:69 and HM/B-20:79, notwithstanding that;

Part 1 (containing exiting two-family dwelling):

1. A maximum height of 2.5 storeys shall be permitted instead of the maximum 2.5 storeys and 11.0m is permitted.
2. A minimum 1.2m rear yard shall be permitted instead of the minimum 7.5m rear yard required.

Part 3, 4 and 5 (new single-family dwelling lots):

3. A minimum lot area of 310.0m² shall be permitted for Part 3, Part 4 and Part 5 instead of the minimum 360.0m² lot area required.

Notes for proposed lot containing an existing two-family dwelling:

The applicant shall ensure that a minimum parking space size of 2.7m x 6.0m and a minimum 2.8m access driveway is maintained for each of the two parking spaces proposed in the front yard; otherwise, further variances shall be required.

The applicant shall ensure that a minimum of 50.0% of the front yard shall be maintained as landscaping; otherwise, further variances shall be required.

The applicant shall ensure that any proposed encroachments conform to the zoning By-law; otherwise, further variances shall be required.

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

DATE: Thursday, November 19th, 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

HM/A-20:217
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

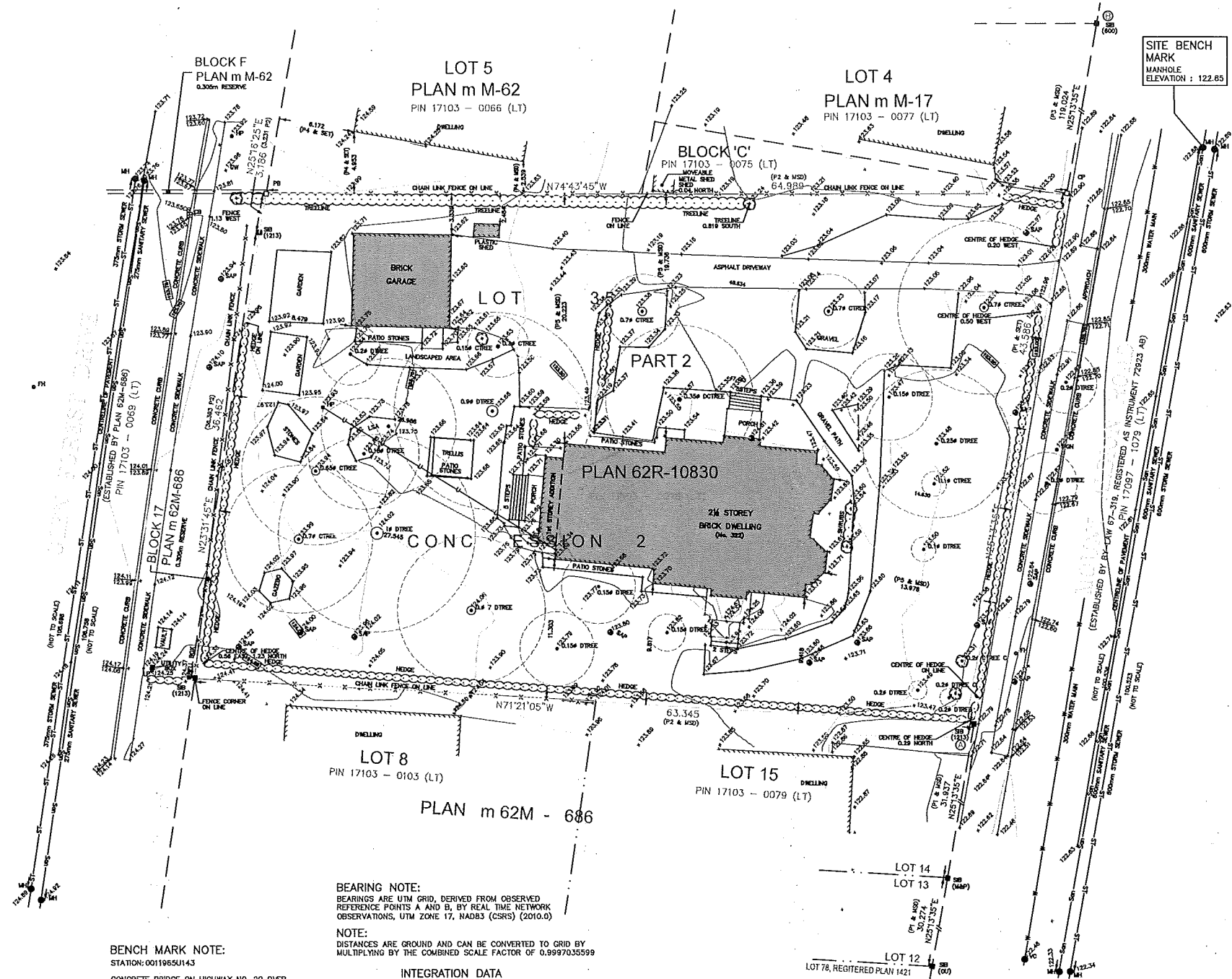
DATED: November 3rd, 2020.



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.

LTP: 02
HM/A



SITE BENCH MARK
MANHOLE
ELEVATION : 122.65

LOT 5
PLAN m M-62
PIN 17103 - 0066 (LT)

LOT 4
PLAN m M-17
PIN 17103 - 0077 (LT)

LOT 8
PIN 17103 - 0103 (LT)
PLAN m 62M - 686

LOT 15
PIN 17103 - 0079 (LT)

BEARING NOTE:
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0).

NOTE:
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9997035599

INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORP'S), UTM ZONE 17, NAD83 (CSRS) (2010.0). COORDINATES TO UTM ACCURACY FOR SEC. 14(2) OF CURS, 218/12

POINT ID	NORTHING	EASTING
ORP A	4780193.650	507497.007
ORP B	4785340.817	507788.309

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

BENCH MARK NOTE:
STATION: 0011965U143
CONCRETE BRIDGE ON HIGHWAY NO. 20 OVER TH. & B.R.Y., 0.6 KM SOUTH OF KING STREET, 61.0 M NORTH OF A SIDE ROAD TO WEST. TABLET IN WEST FACE OF ABUTMENT AT WEST SIDE OF ROAD, 30 CM SOUTH END, 76 CM BELOW TOP OF CURB AND ROAD LEVEL, 1.5 M SOUTH OF POWER POLE.
ELEVATION : CGVD 28 : 78 - 135.037 metres

FPD**FOTHERGILL PLANNING & DEVELOPMENT INC.**

62 DAFFODIL CRES. • HAMILTON, ON L9K 1E1 • PHONE: (905) 577-1077 • FAX: (905) 546-0545 • E-MAIL: edf@nas.net

October 7, 2020

City of Hamilton
Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5
ATTENTION: Ms. Jamila Sheffield, Secretary-Treasurer

Dear Ms. Sheffield:

RE: 322 Mount Albion Road, Hamilton
Application for Consent and Minor Variance

Fothergill Planning & Development Inc. has been retained by Adam Colalillo and Lucas Colalillo, the owners of the above referenced lands, and respectfully submits the enclosed three (3) Consent applications to create four new lots and retain the existing dwelling as well as an application for minor variances to implement the severance applications.

The subject lands, municipally known as 322 Mount Albion Road are currently occupied by a two family dwelling and single detached garage. 322 Mount Albion Road is designated Neighbourhoods per the Urban Hamilton Official Plan (UHOP). The subject lands are zoned under the former City of Hamilton Zoning By-law 6593, Urban Protected Residential, Etc. (C/S-1162) District, Modified. The site specific by-law 90-102 permits the two-family dwelling existing on the date of the passing of the by-law as an additional residential use.

The requested Consents will facilitate a residential intensification initiative through the creation of four (4) lots for single detached dwellings in a logical and orderly residential lotting pattern. The proposed development is compatible and consistent with the lot pattern along Mount Albion Road and Glen Forest Drive.

The three (3) requested Consents are:

1. To sever Parts 3, 4 and 5 as one block and retain Parts 1 and 2 per the Cumulative Sketch Plan and associated severance sketch;
2. To sever Part 4 and retain Parts 3 and 5 per the Cumulative Sketch Plan and associated severance sketch; and
3. To sever Part 2 and retain Part 1 per the Cumulative Sketch Plan and associated severance sketch.

The proposal is aligned with the Urban Hamilton Official Plan Neighbourhood Policies. Other than a request for a small reduction in the lot area, the lots comply with the provisions of the existing "C" zone. In addition, as shown with the applications, appropriate building envelopes can be established on each of the proposed lots in accordance with existing zoning regulations. In my opinion, the proposal meets the requirements of Section 51(24) of the Planning Act dealing with subdivision and consents.

A Minor Variance application is required to allow for modifications to the "C/S-11622" District under Zoning By-law No. 6593 including reducing the rear yard setback, recognizing the height of the existing dwelling and reducing the minimum required lot area. It is my opinion that the proposal meets the four tests for a minor variance as outlined in Section 45(1) of the Planning Act.

In support of this application, please find enclosed:

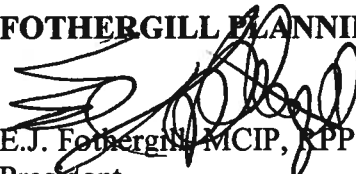
- One (1) copy of a Planning Report, dated October 7, prepared by Fothergill Planning and Development Inc.
- One (1) copy of the completed Consent Application for each severance identified above;
- One (1) copy of the Survey Plan;
- One (2) copy of the Severance Plan for each identified Consent;
- One (1) copy of the Cumulative Sketch Plan;
- One (1) copy of the cheque in the amount of **\$8,535.00** made payable to the City of Hamilton to satisfy the application fees of all three (3) applications.
- Cheque for **\$3302.00** for minor variance application.

I look forward to these applications being brought forward to the Committee.

Should you have any questions or require additional information, please do not hesitate to my office at 905-577-1077.

Sincerely,

FOTHERGILL PLANNING & DEVELOPMENT INC.


E.J. Fothergill, MCIP, RPP
President

Fothergill Planning & Development Inc.

PLANNING REPORT

Application for Consents and Minor Variance
322 Mount Albion Road
City of Hamilton



Date: October 7, 2020

Prepared for: Adam Colalillo
Lucas Colalillo

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Figure 1 - Site Location

Fothergill Planning and Development Inc.

1.0 Introduction

This report provides planning review and support for three applications for consent as well as an application for minor variance to allow for redevelopment of an existing property at 322 Mount Albion Road in the City of Hamilton.

2.0 Description of Subject Lands

The subject lands are located in the Red Hill Neighbourhood; south of King Street East and east of the Red Hill Valley Parkway. The subject lands are rectangular in shape, with an approximate site area of 0.26 ha (0.65 ac). The lot is a through lot with a recognized frontage of approximately 43.62m along Mount Albion Road and additional frontage along Glenn Forest Drive of approximately 39.61m. The lands are generally flat with mature vegetation in the rear yard and along the side yard lot lines. The site is occupied by one (1) two and a half storey two-family dwelling and one (1) detached garage (Refer to Figure 1 - Site Location).

The existing building on the subject lands is identified as an Inventoried Heritage Building in Hamilton's Heritage Volume 2: Inventory of Buildings of Architectural and/or Historical Interest and as a Single Dwelling in Volume 3: Canadian Inventory of Historic Building (CIHB).

The subject lands are designated Neighbourhoods per the Urban Hamilton Official Plan ("UHOP") and are zoned Urban Protected Residential, Etc. "C/S-1162" District, Modified in the former City of Hamilton Zoning By-law No. 6593.

3.0 Proposed Development

To facilitate the proposed development of 322 Mount Albion Road, the following applications are required:

Fothergill Planning and Development Inc.

- Three (3) Consent to Sever applications; and
- A Minor Variance application to recognize the existing height of the retained building, to reduce the minimum rear yard of the retained building and to reduce the minimum lot area for three (3) of the proposed lots;

The intent of the above applications is to facilitate the creation of five (5) "C/S-1162" District lots. The redevelopment proposes to retain the existing two-family dwelling and create an additional four (4) single detached dwellings. Three (3) of the proposed single detached dwellings will have frontage along Glen Forest Drive, and one (1) of the single detached dwellings and the existing dwelling will retain frontage along Mount Albion Road.

The site has been designed based on the limits of development imposed by the existing two-family dwelling. The existing two-family dwelling is listed in Hamilton's Heritage Volume 2 and Volume 3 as a single residential dwelling. As such, the dwelling is to be retained and the proposed lots are designed with setbacks which maintain the functionality of the existing dwelling (refer to attached Cumulative Sketch).

The proposed redevelopment of 322 Mount Albion Road requires relief from the Zoning By-law No. 6593 "C/S-1162" (Urban Protected Residential Etc.) District, Modified, to permit a reduction in the rear yard setback of the retained dwelling, allow for a reduction of the lot area for the three (3) lots fronting Glen Forest Drive, and to recognize the existing height of the 2 ½ storey building.

4.0 Application for Consent

The creation of the four lots as proposed is consistent with intensification policies in the Provincial Policy Statement, Growth Plan and Urban Hamilton Official Plan which permit intensification generally throughout the built up Urban Area.

The criteria to assess the appropriate level of intensification suitable for each site is based on policies in the UHOP including policies in Section B.2.4 and E.3.0.

Fothergill Planning and Development Inc.

Policy B.2.4 recognize that intensification will bring change and achieves a number of public policy objectives. The UHOP includes a number of criteria to consider when evaluating intensification proposals, including Policies in Section B.2.1.4 and B.2.4.2.

Intensification initiatives are evaluated in part on the basis to which they are compatible with surrounding area developments in terms of use, scale, form and character (B.2.4.1.4(d)). In considering what is deemed compatible, the Official Plan provides the following definition:

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

From my review of the proposal and consideration of the lot pattern in the neighbourhood area, it is my opinion that the proposal meets the compatibility criteria and the intensification criteria in the Official Plan.

Compatibility with the UHOP is further illustrated by the extent to which the lot pattern conforms with zoning regulations which implement official plan policies and are deemed to comply with the UHOP.

The UHOP designates the subject lands Neighbourhoods (Schedule E-1). Mount Albion Road is a collector road and Glen Forest Avenue is a local road (Schedule C).

UHOP Policy E.3.1.1 encourages compact development in transit-supportive and active transportation friendly neighbourhoods. Mount Albion Road is identified as having a planned bike lane in the Hamilton Transportation Master Plan (Map 1A). The subject lands are located along a local HSR bus route, with a bus stop less than a one-minute walk away. As such, the subject lands are within proximity to alternative transportation methods including bikes lanes and transit to support the proposed development.

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UHOP Policy E.3.1.3 encourages a range of housing types and densities. The proposed redevelopment will provide appropriate intensification on the subject lands while contributing to Hamilton's housing stock. Policy E.3.1.4 and Policy E.3.1.5 promotes design which enhances and respects the character of existing neighbourhoods, and promotes residential intensification of appropriate scale in suitable locations. The proposed redevelopment is aligned with existing lotting patterns in the established neighbourhood by proposing lot widths and yard setbacks that maintain the general character of the streetscape, while respecting the culturally significant existing dwelling to be retained on the lands.

The Neighbourhoods designation in UHOP Chapter E permits low density residential development within the interior of neighbourhoods. Low density residential in the form of single-detached and semi-detached dwellings are permitted uses within Neighbourhoods (E.3.4.3). The proposed development provides low density residential development in a low density built form with appropriate scale and setbacks to the existing residential character.

The proposed redevelopment for four (4) additional single detached lots within the Red Hill Neighbourhood is aligned with the City's Community and Neighbourhoods policies found within UHOP's Chapter B and Chapter E, respectively.

5.0 Application for Minor Variance

5.1 Nature and extent of relief applied for:

Three (3) Minor Variances are being sought from the former City of Hamilton Zoning By-law No. 6593 to facilitate the proposed infill residential development uses to provide appropriate residential intensification within Hamilton's urban boundary. The requested minor variances are as follows:

Fothergill Planning and Development Inc.

	<u>Zoning By-law No. 6593</u> <u>Section</u>	<u>Purpose</u>
1	9.(2)	To allow a maximum height of 2 ½ storeys for the existing two-family dwelling, whereas a maximum height of 2 ½ storeys and 11.0 metres is required.
2	9.(3)(iii)	To allow a minimum rear yard depth of 1.2m for the existing two-family dwelling, whereas a minimum depth of 7.5m is required.
3	9.(4)	To allow a minimum lot area of 310.0m ² , whereas a minimum lot area of 360.0m ² is required.

5.2 Planning Rationale to Support the Variances:

VARIANCE 1. To allow a maximum height of 2 ½ storeys for the existing Two-Family Dwelling, whereas a maximum height of 2 ½ storeys and 11.0 metres is required.

The variance to allow a maximum height of 2 ½ storeys for the two-family dwelling is required to recognize the existing condition of the building. The proposed redevelopment recognizes the cultural significance of the existing dwelling, and as such proposes it be retained. The intent of the Zoning By-law maximum height provision is to ensure appropriate scale in the established neighbourhood and privacy for the surrounding properties. The variance is minor as the two-family dwelling is existing and as such, recognizing the existing height will not impact the neighbouring properties. The variance is desirable for the development of the property as it facilitates appropriate low density residential infill within the urban boundary while retaining the existing culturally significant two-family dwelling.

Fothergill Planning and Development Inc.

VARIANCE 2. To allow a minimum rear yard depth of 1.2m for the existing Two-Family Dwelling, whereas a minimum depth of 7.5m is required.

Why is it not possible to comply with the provision of the by-law?

UHOP Policy B.2.4 identifies residential intensification as a key component to Hamilton's growth strategy and an essential way to meet the City's growth targets. UHOP Policy E.3.2.4 encourages residential intensification within established Neighbourhoods that is compatible with the scale and character of the existing residential neighbourhood. UHOP Policy B.3.4.1.3 requires that all new development be appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources.

The proposed redevelopment provides appropriate residential intensification on underutilized lands by providing lots that can accommodate single detached dwellings that respect the neighbourhood character while retaining the existing culturally significant two-family dwelling. The existing dwelling has a semi-detached built form, and each unit's primary entrance is accessed from the side yard. As such, the side yards are proposed to function as rear yards and private amenity space for each unit. A reduction in the rear yard depth of 1.2 metres is requested to recognize the rear yard as a functional side yard.

1. Conformity to the Intent of the Zoning By-law

The intent of the Zoning By-law rear yard provision is to provide the private amenity space for the dwelling unit. The proposed four (4) additional lots have sufficient depth to allow future dwellings to meet the required rear yard setbacks for the purpose of providing private amenity area. The layout of the existing two-family dwelling logically allows for the side yards to function as private amenity space for each unit which would typically be in the rear yard. The proposed 1.2m for the rear yard is intended to function as a side yard. The proposed lot layout proposes a minimum side yard setback of 7.5 metres for the existing units. This is consistent with the standard rear yard setback requirements for a "C" zone.

Fothergill Planning and Development Inc.

2. Is the Variance Minor?

The requested variance to reduce the rear yard setback from 7.5 metres to 1.2 metres is minor as it will continue to provide appropriate setbacks to the existing dwelling and the proposed new lot area and configuration can accommodate private amenity space elsewhere. The 1.2 metre rear yard functions as the side yard for the existing dwelling, provides appropriate setbacks for access and maintenance, and is consistent with side yard setbacks in the "C" District. The existing dwelling is two and a half storeys in height and has no windows to a habitable room along the rear wall. As such, there will be little impact on the proposed single detached dwellings and the reduced rear yard setback will have no impact on the existing neighbouring properties. The proposed redevelopment will facilitate appropriate residential intensification to provide more safe residential dwelling units in Hamilton's Red Hill Neighbourhood.

3. Is the Variance Desirable for the development of the property?

The reduced rear yard setback is desirable as it facilitates the creation of four (4) additional single detached lots in a stable neighbourhood with a proposed lot pattern that maintains the fabric of the street and broader neighbourhood context as well as the retention of a listed significant building. The proposed variance facilitates appropriate low density residential infill within the urban boundary.

VARIANCE 3. To allow a minimum lot area of 310.0m², whereas a minimum lot area of 360.0m² is required.

Why is it not possible to comply with the provision of the by-law?

Zoning By-law No. 6593 establishes minimum lot areas to ensure appropriate densities and yard setbacks are provided. The proposed lot area is required to permit the Consent to Sever to create four (4) new lots and facilitate the construction of single family dwellings, while retaining the existing two-family dwelling. Due to the location of the existing dwelling, the lot depth of the proposed lots fronting Glen Forest Drive is impacted however, a minimum 7.5 metre rear yard setback can be provided. The three (3) proposed lots along Glen Forest Drive provide lot widths that exceed the requirements of the "C/S-1162" District, however, a reduction in lot area of 310.0m² is required to facilitate the development.

Fothergill Planning and Development Inc.

1. Conformity to the Intent of the Zoning By-law

The "C/S-1162" District permits two-family dwellings existing the day the by-law passed and single-family dwellings. The intent of the lot area requirement is to ensure a parcel of land is functional and maintain a general uniformity of lot sizes within a neighbourhood. The proposed lot area of 310.0m² is required to accommodate the retention of the existing two-family dwelling.

The proposed single detached lots along Glen Forest Avenue provide frontages that exceed the required lot widths per the ZBL and provide a lotting pattern that is consistent with the surrounding residential neighbourhood. The proposed lots provide front, side and rear yard setbacks that meet the ZBL requirements, and are able to accommodate a dwelling footprint that can reflect the character of the surrounding dwellings.

2. Is the Variance Minor?

The requested variance to permit a reduction in the minimum lot area per dwelling is minor as the impacts of the residential infill will be mitigated with appropriate setbacks. The proposed single-detached dwellings will have a maximum height of 11.0m and a building footprint that generally conforms with the existing dwellings on the block. The proposed development provides infill residential development with a low density built form. Since the frontage of the lots are consistent with those in the neighbourhood, the slight reduction in lot area will not be noticeable from a public perspective.

3. Is the Variance Desirable for the Development of the Property?

The request is desirable as it will facilitate the construction of purpose-built family-sized dwelling units to contribute to the City of Hamilton's housing supply. Further, the proposed density will support the future ridership on existing transit infrastructure and planned active-transit infrastructure. It will allow for the construction of a residence on each site in accordance with by-law requirements, while at the same time allowing for an appropriately sized rear yard to maintain the functionality of the existing dwelling.

Fothergill Planning and Development Inc.

6.0 Conclusion

The proposed redevelopment of 322 Mount Albion will help achieve general intensification targets in a way which will enhance the existing built form of the residential neighbourhood by continuing to define the streetscape with low density residential development. The proposed redevelopment continues the established lot pattern of the neighbourhood, in a manner which is consistent with existing zoning.

In my opinion, the severance applications are consistent with the Provincial Policy Statement, help to implement the Growth Plan and the Urban Hamilton Official Plan, and achieve a redevelopment form which is compatible with the neighbourhood and meets the tests of the Planning Act while conserving the existing two-family dwelling.

The requested variances maintain the intent of the UHOP and Zoning By-law No. 6593, are minor in nature and are desirable for the appropriate development of the site. The proposed development represents good land use planning.

Respectfully Submitted,

FOTHERGILL PLANNING & DEVELOPMENT INC.



E.J. Fothergill, MCIP, RPP
President

Figure 1 - Site Location





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.

- Name of Owner Adam Colalillo and Lucas Colalillo Telephone No. [REDACTED]
FAX NO. _____ E-mail address. [REDACTED]
- Address [REDACTED]
Postal Code [REDACTED]
- Name of Agent Fothergill Planning & Development
c/o Ed Fothergill 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:
Scotiabank - 4 King Street West, 2nd Floor, Toronto, ON
Postal Code M5H 1B6

Postal Code _____

6. Nature and extent of relief applied for:

Please see justification report.

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

Please see justification report.

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 35, Concession 2, Part 2 Plan 62R-10830, Township of Saltfleet in the
City of 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?

Owner's 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.

9/30/2020

Date


Signature of Property Owner

Adam Colalillo and Lucas Colalillo
Print Name of Owner

10. Dimensions of lands affected:

Frontage Mount Albion Road: +43.62 m, Glen Forest Drive: +36.462 m
Depth +64.989 m
Area +2,649.73 m²
Width of street Mount Albion Road: +30.6m, Glen Forest Drive: +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: See concept plan.

Proposed: See concept 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 concept plan.

Proposed: See concept plan.

13. Date of acquisition of subject lands:
May 1st, 2020

14. Date of construction of all buildings and structures on subject lands:
1891

15. Existing uses of the subject property: Residential

16. Existing uses of abutting properties: Low Destiny Residential

17. Length of time the existing uses of the subject property have continued:
>1891

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:
Please see justification report.

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Please see justification report.

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



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: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: HM/B-20:68

SUBJECT PROPERTY: 322 Mt. Albion Rd., Hamilton

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): Ed Fothergill on behalf of the owners A. & L. Colalillo

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land containing a garage (to be removed) and to retain a parcel of land containing an existing 2½ storey dwelling (to remain) for residential purposes

Severed lands:

39.65m[±] x 23.75m[±] and an area of 951.3m^{2±}

Retained lands:

43.62m[±] x 38.87m[±] and an area of 1,699.0m^{2±}

This application will be heard in conjunction with Severance Application HM/B-20:69 & HM/B-20:70

The Committee of Adjustment will hear this application on:

DATE: Thursday, November 19th , 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.

HM/B-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:

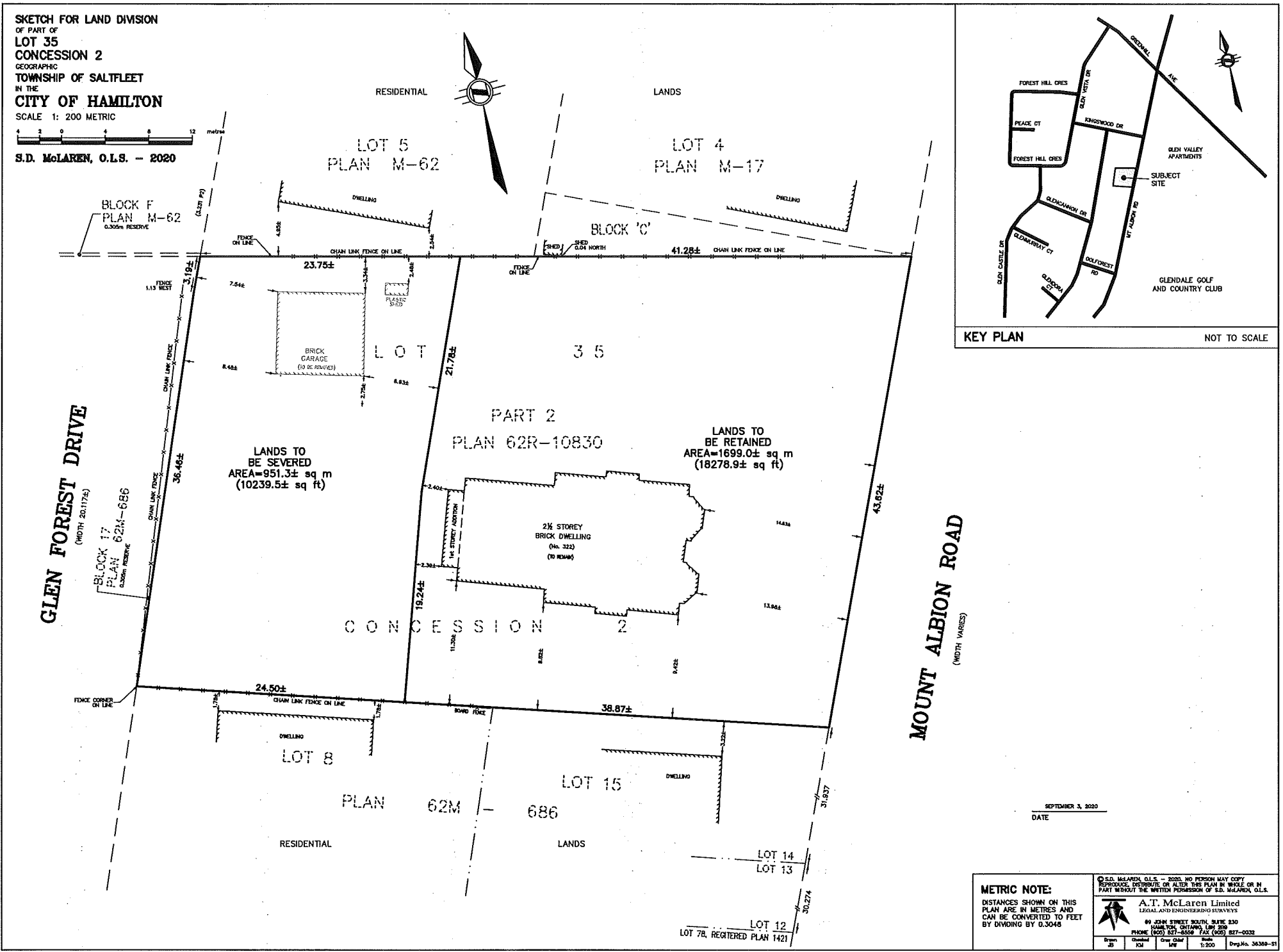
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: November 3rd, 2020

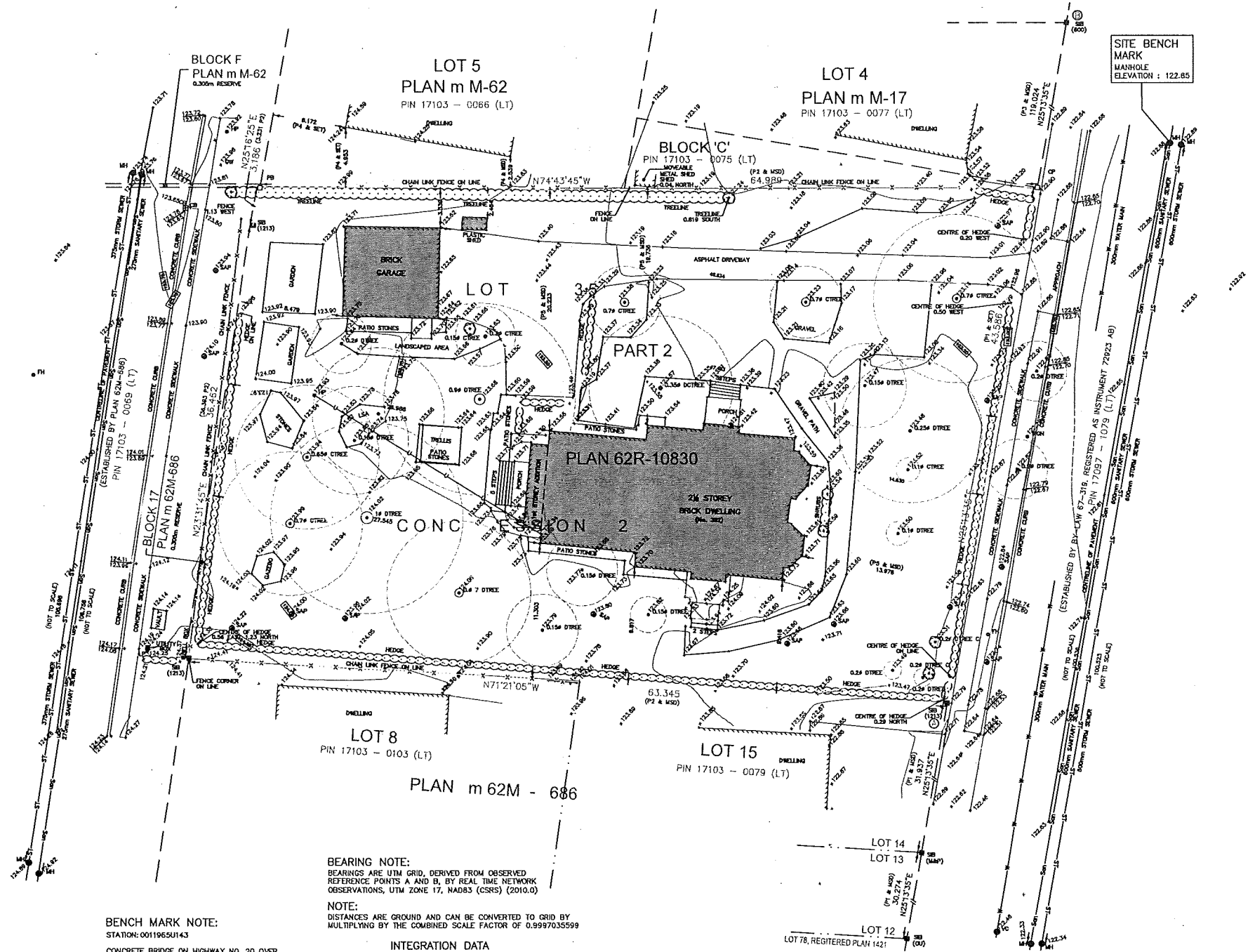


Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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.



Hm/B
 10:68,69,70



BENCH MARK NOTE:
 STATION: 0011965U143
 CONCRETE BRIDGE ON HIGHWAY NO. 20 OVER
 T.H. & B.R.Y., 0.6 KM SOUTH OF KING STREET,
 61.0 M NORTH OF A SIDE ROAD TO WEST
 SIDE OF ROAD, 30 CM SOUTH END, 76 CM
 BELOW TOP OF CURB AND ROAD LEVEL, 1.5 M
 SOUTH OF POWER POLE.
 ELEVATION : CGVD 28 : 78 - 135.037 metres

BEARING NOTE:
 BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED
 REFERENCE POINTS A AND B, BY REAL TIME NETWORK
 OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

NOTE:
 DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY
 MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9997035599

INTEGRATION DATA

POINT ID	NORTHING	EASTING
CRP A	4785183.425	567697.007
CRP B	4785346.817	567766.306

OBSERVED REFERENCE POINTS (CRP) A, UTM ZONE 17, NAD83 (CSRS) (2010.0).
 COORDINATES TO UTM ACCURACY PER SEC. 14(2) OF GREQ. 214/10
 COORDINATES CANNOT, IN THEMSELVES, BE USED TO
 RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

FPD**FOTHERGILL PLANNING & DEVELOPMENT INC.**

62 DAFFODIL CRES. • HAMILTON, ON L9K 1E1 • PHONE: (905) 577-1077 • FAX: (905) 546-0545 • E-MAIL: edf@nas.net

October 7, 2020

City of Hamilton
Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5
ATTENTION: Ms. Jamila Sheffield, Secretary-Treasurer

Dear Ms. Sheffield:

RE: 322 Mount Albion Road, Hamilton
Application for Consent and Minor Variance

Fothergill Planning & Development Inc. has been retained by Adam Colalillo and Lucas Colalillo, the owners of the above referenced lands, and respectfully submits the enclosed three (3) Consent applications to create four new lots and retain the existing dwelling as well as an application for minor variances to implement the severance applications.

The subject lands, municipally known as 322 Mount Albion Road are currently occupied by a two family dwelling and single detached garage. 322 Mount Albion Road is designated Neighbourhoods per the Urban Hamilton Official Plan (UHOP). The subject lands are zoned under the former City of Hamilton Zoning By-law 6593, Urban Protected Residential, Etc. (C/S-1162) District, Modified. The site specific by-law 90-102 permits the two-family dwelling existing on the date of the passing of the by-law as an additional residential use.

The requested Consents will facilitate a residential intensification initiative through the creation of four (4) lots for single detached dwellings in a logical and orderly residential lotting pattern. The proposed development is compatible and consistent with the lot pattern along Mount Albion Road and Glen Forest Drive.

The three (3) requested Consents are:

1. To sever Parts 3, 4 and 5 as one block and retain Parts 1 and 2 per the Cumulative Sketch Plan and associated severance sketch;
2. To sever Part 4 and retain Parts 3 and 5 per the Cumulative Sketch Plan and associated severance sketch; and
3. To sever Part 2 and retain Part 1 per the Cumulative Sketch Plan and associated severance sketch.

The proposal is aligned with the Urban Hamilton Official Plan Neighbourhood Policies. Other than a request for a small reduction in the lot area, the lots comply with the provisions of the existing "C" zone. In addition, as shown with the applications, appropriate building envelopes can be established on each of the proposed lots in accordance with existing zoning regulations. In my opinion, the proposal meets the requirements of Section 51(24) of the Planning Act dealing with subdivision and consents.

A Minor Variance application is required to allow for modifications to the "C/S-11622" District under Zoning By-law No. 6593 including reducing the rear yard setback, recognizing the height of the existing dwelling and reducing the minimum required lot area. It is my opinion that the proposal meets the four tests for a minor variance as outlined in Section 45(1) of the Planning Act.

In support of this application, please find enclosed:

- One (1) copy of a Planning Report, dated October 7, prepared by Fothergill Planning and Development Inc.
- One (1) copy of the completed Consent Application for each severance identified above;
- One (1) copy of the Survey Plan;
- One (2) copy of the Severance Plan for each identified Consent;
- One (1) copy of the Cumulative Sketch Plan;
- One (1) copy of the cheque in the amount of **\$8,535.00** made payable to the City of Hamilton to satisfy the application fees of all three (3) applications.
- Cheque for **\$3302.00** for minor variance application.

I look forward to these applications being brought forward to the Committee.

Should you have any questions or require additional information, please do not hesitate to my office at 905-577-1077.

Sincerely,

FOTHERGILL PLANNING & DEVELOPMENT INC.


E.J. Fothergill, MCIP, RPP
President

Fothergill Planning & Development Inc.

PLANNING REPORT

Application for Consents and Minor Variance
322 Mount Albion Road
City of Hamilton



Date: October 7, 2020

Prepared for: Adam Colalillo
Lucas Colalillo

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Figure 1 - Site Location

Fothergill Planning and Development Inc.

1.0 Introduction

This report provides planning review and support for three applications for consent as well as an application for minor variance to allow for redevelopment of an existing property at 322 Mount Albion Road in the City of Hamilton.

2.0 Description of Subject Lands

The subject lands are located in the Red Hill Neighbourhood; south of King Street East and east of the Red Hill Valley Parkway. The subject lands are rectangular in shape, with an approximate site area of 0.26 ha (0.65 ac). The lot is a through lot with a recognized frontage of approximately 43.62m along Mount Albion Road and additional frontage along Glenn Forest Drive of approximately 39.61m. The lands are generally flat with mature vegetation in the rear yard and along the side yard lot lines. The site is occupied by one (1) two and a half storey two-family dwelling and one (1) detached garage (Refer to Figure 1 - Site Location).

The existing building on the subject lands is identified as an Inventoried Heritage Building in Hamilton's Heritage Volume 2: Inventory of Buildings of Architectural and/or Historical Interest and as a Single Dwelling in Volume 3: Canadian Inventory of Historic Building (CIHB).

The subject lands are designated Neighbourhoods per the Urban Hamilton Official Plan ("UHOP") and are zoned Urban Protected Residential, Etc. "C/S-1162" District, Modified in the former City of Hamilton Zoning By-law No. 6593.

3.0 Proposed Development

To facilitate the proposed development of 322 Mount Albion Road, the following applications are required:

Fothergill Planning and Development Inc.

- Three (3) Consent to Sever applications; and
- A Minor Variance application to recognize the existing height of the retained building, to reduce the minimum rear yard of the retained building and to reduce the minimum lot area for three (3) of the proposed lots;

The intent of the above applications is to facilitate the creation of five (5) "C/S-1162" District lots. The redevelopment proposes to retain the existing two-family dwelling and create an additional four (4) single detached dwellings. Three (3) of the proposed single detached dwellings will have frontage along Glen Forest Drive, and one (1) of the single detached dwellings and the existing dwelling will retain frontage along Mount Albion Road.

The site has been designed based on the limits of development imposed by the existing two-family dwelling. The existing two-family dwelling is listed in Hamilton's Heritage Volume 2 and Volume 3 as a single residential dwelling. As such, the dwelling is to be retained and the proposed lots are designed with setbacks which maintain the functionality of the existing dwelling (refer to attached Cumulative Sketch).

The proposed redevelopment of 322 Mount Albion Road requires relief from the Zoning By-law No. 6593 "C/S-1162" (Urban Protected Residential Etc.) District, Modified, to permit a reduction in the rear yard setback of the retained dwelling, allow for a reduction of the lot area for the three (3) lots fronting Glen Forest Drive, and to recognize the existing height of the 2 ½ storey building.

4.0 Application for Consent

The creation of the four lots as proposed is consistent with intensification policies in the Provincial Policy Statement, Growth Plan and Urban Hamilton Official Plan which permit intensification generally throughout the built up Urban Area.

The criteria to assess the appropriate level of intensification suitable for each site is based on policies in the UHOP including policies in Section B.2.4 and E.3.0.

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Policy B.2.4 recognize that intensification will bring change and achieves a number of public policy objectives. The UHOP includes a number of criteria to consider when evaluating intensification proposals, including Policies in Section B.2.1.4 and B.2.4.2.

Intensification initiatives are evaluated in part on the basis to which they are compatible with surrounding area developments in terms of use, scale, form and character (B.2.4.1.4(d)). In considering what is deemed compatible, the Official Plan provides the following definition:

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

From my review of the proposal and consideration of the lot pattern in the neighbourhood area, it is my opinion that the proposal meets the compatibility criteria and the intensification criteria in the Official Plan.

Compatibility with the UHOP is further illustrated by the extent to which the lot pattern conforms with zoning regulations which implement official plan policies and are deemed to comply with the UHOP.

The UHOP designates the subject lands Neighbourhoods (Schedule E-1). Mount Albion Road is a collector road and Glen Forest Avenue is a local road (Schedule C).

UHOP Policy E.3.1.1 encourages compact development in transit-supportive and active transportation friendly neighbourhoods. Mount Albion Road is identified as having a planned bike lane in the Hamilton Transportation Master Plan (Map 1A). The subject lands are located along a local HSR bus route, with a bus stop less than a one-minute walk away. As such, the subject lands are within proximity to alternative transportation methods including bikes lanes and transit to support the proposed development.

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UHOP Policy E.3.1.3 encourages a range of housing types and densities. The proposed redevelopment will provide appropriate intensification on the subject lands while contributing to Hamilton's housing stock. Policy E.3.1.4 and Policy E.3.1.5 promotes design which enhances and respects the character of existing neighbourhoods, and promotes residential intensification of appropriate scale in suitable locations. The proposed redevelopment is aligned with existing lotting patterns in the established neighbourhood by proposing lot widths and yard setbacks that maintain the general character of the streetscape, while respecting the culturally significant existing dwelling to be retained on the lands.

The Neighbourhoods designation in UHOP Chapter E permits low density residential development within the interior of neighbourhoods. Low density residential in the form of single-detached and semi-detached dwellings are permitted uses within Neighbourhoods (E.3.4.3). The proposed development provides low density residential development in a low density built form with appropriate scale and setbacks to the existing residential character.

The proposed redevelopment for four (4) additional single detached lots within the Red Hill Neighbourhood is aligned with the City's Community and Neighbourhoods policies found within UHOP's Chapter B and Chapter E, respectively.

5.0 Application for Minor Variance

5.1 Nature and extent of relief applied for:

Three (3) Minor Variances are being sought from the former City of Hamilton Zoning By-law No. 6593 to facilitate the proposed infill residential development uses to provide appropriate residential intensification within Hamilton's urban boundary. The requested minor variances are as follows:

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	<u>Zoning By-law No. 6593</u> <u>Section</u>	<u>Purpose</u>
1	9.(2)	To allow a maximum height of 2 ½ storeys for the existing two-family dwelling, whereas a maximum height of 2 ½ storeys and 11.0 metres is required.
2	9.(3)(iii)	To allow a minimum rear yard depth of 1.2m for the existing two-family dwelling, whereas a minimum depth of 7.5m is required.
3	9.(4)	To allow a minimum lot area of 310.0m ² , whereas a minimum lot area of 360.0m ² is required.

5.2 Planning Rationale to Support the Variances:

VARIANCE 1. To allow a maximum height of 2 ½ storeys for the existing Two-Family Dwelling, whereas a maximum height of 2 ½ storeys and 11.0 metres is required.

The variance to allow a maximum height of 2 ½ storeys for the two-family dwelling is required to recognize the existing condition of the building. The proposed redevelopment recognizes the cultural significance of the existing dwelling, and as such proposes it be retained. The intent of the Zoning By-law maximum height provision is to ensure appropriate scale in the established neighbourhood and privacy for the surrounding properties. The variance is minor as the two-family dwelling is existing and as such, recognizing the existing height will not impact the neighbouring properties. The variance is desirable for the development of the property as it facilitates appropriate low density residential infill within the urban boundary while retaining the existing culturally significant two-family dwelling.

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VARIANCE 2. To allow a minimum rear yard depth of 1.2m for the existing Two-Family Dwelling, whereas a minimum depth of 7.5m is required.

Why is it not possible to comply with the provision of the by-law?

UHOP Policy B.2.4 identifies residential intensification as a key component to Hamilton's growth strategy and an essential way to meet the City's growth targets. UHOP Policy E.3.2.4 encourages residential intensification within established Neighbourhoods that is compatible with the scale and character of the existing residential neighbourhood. UHOP Policy B.3.4.1.3 requires that all new development be appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources.

The proposed redevelopment provides appropriate residential intensification on underutilized lands by providing lots that can accommodate single detached dwellings that respect the neighbourhood character while retaining the existing culturally significant two-family dwelling. The existing dwelling has a semi-detached built form, and each unit's primary entrance is accessed from the side yard. As such, the side yards are proposed to function as rear yards and private amenity space for each unit. A reduction in the rear yard depth of 1.2 metres is requested to recognize the rear yard as a functional side yard.

1. Conformity to the Intent of the Zoning By-law

The intent of the Zoning By-law rear yard provision is to provide the private amenity space for the dwelling unit. The proposed four (4) additional lots have sufficient depth to allow future dwellings to meet the required rear yard setbacks for the purpose of providing private amenity area. The layout of the existing two-family dwelling logically allows for the side yards to function as private amenity space for each unit which would typically be in the rear yard. The proposed 1.2m for the rear yard is intended to function as a side yard. The proposed lot layout proposes a minimum side yard setback of 7.5 metres for the existing units. This is consistent with the standard rear yard setback requirements for a "C" zone.

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2. Is the Variance Minor?

The requested variance to reduce the rear yard setback from 7.5 metres to 1.2 metres is minor as it will continue to provide appropriate setbacks to the existing dwelling and the proposed new lot area and configuration can accommodate private amenity space elsewhere. The 1.2 metre rear yard functions as the side yard for the existing dwelling, provides appropriate setbacks for access and maintenance, and is consistent with side yard setbacks in the "C" District. The existing dwelling is two and a half storeys in height and has no windows to a habitable room along the rear wall. As such, there will be little impact on the proposed single detached dwellings and the reduced rear yard setback will have no impact on the existing neighbouring properties. The proposed redevelopment will facilitate appropriate residential intensification to provide more safe residential dwelling units in Hamilton's Red Hill Neighbourhood.

3. Is the Variance Desirable for the development of the property?

The reduced rear yard setback is desirable as it facilitates the creation of four (4) additional single detached lots in a stable neighbourhood with a proposed lot pattern that maintains the fabric of the street and broader neighbourhood context as well as the retention of a listed significant building. The proposed variance facilitates appropriate low density residential infill within the urban boundary.

VARIANCE 3. To allow a minimum lot area of 310.0m², whereas a minimum lot area of 360.0m² is required.

Why is it not possible to comply with the provision of the by-law?

Zoning By-law No. 6593 establishes minimum lot areas to ensure appropriate densities and yard setbacks are provided. The proposed lot area is required to permit the Consent to Sever to create four (4) new lots and facilitate the construction of single family dwellings, while retaining the existing two-family dwelling. Due to the location of the existing dwelling, the lot depth of the proposed lots fronting Glen Forest Drive is impacted however, a minimum 7.5 metre rear yard setback can be provided. The three (3) proposed lots along Glen Forest Drive provide lot widths that exceed the requirements of the "C/S-1162" District, however, a reduction in lot area of 310.0m² is required to facilitate the development.

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1. Conformity to the Intent of the Zoning By-law

The "C/S-1162" District permits two-family dwellings existing the day the by-law passed and single-family dwellings. The intent of the lot area requirement is to ensure a parcel of land is functional and maintain a general uniformity of lot sizes within a neighbourhood. The proposed lot area of 310.0m² is required to accommodate the retention of the existing two-family dwelling.

The proposed single detached lots along Glen Forest Avenue provide frontages that exceed the required lot widths per the ZBL and provide a lotting pattern that is consistent with the surrounding residential neighbourhood. The proposed lots provide front, side and rear yard setbacks that meet the ZBL requirements, and are able to accommodate a dwelling footprint that can reflect the character of the surrounding dwellings.

2. Is the Variance Minor?

The requested variance to permit a reduction in the minimum lot area per dwelling is minor as the impacts of the residential infill will be mitigated with appropriate setbacks. The proposed single-detached dwellings will have a maximum height of 11.0m and a building footprint that generally conforms with the existing dwellings on the block. The proposed development provides infill residential development with a low density built form. Since the frontage of the lots are consistent with those in the neighbourhood, the slight reduction in lot area will not be noticeable from a public perspective.

3. Is the Variance Desirable for the Development of the Property?

The request is desirable as it will facilitate the construction of purpose-built family-sized dwelling units to contribute to the City of Hamilton's housing supply. Further, the proposed density will support the future ridership on existing transit infrastructure and planned active-transit infrastructure. It will allow for the construction of a residence on each site in accordance with by-law requirements, while at the same time allowing for an appropriately sized rear yard to maintain the functionality of the existing dwelling.

Fothergill Planning and Development Inc.

6.0 Conclusion

The proposed redevelopment of 322 Mount Albion will help achieve general intensification targets in a way which will enhance the existing built form of the residential neighbourhood by continuing to define the streetscape with low density residential development. The proposed redevelopment continues the established lot pattern of the neighbourhood, in a manner which is consistent with existing zoning.

In my opinion, the severance applications are consistent with the Provincial Policy Statement, help to implement the Growth Plan and the Urban Hamilton Official Plan, and achieve a redevelopment form which is compatible with the neighbourhood and meets the tests of the Planning Act while conserving the existing two-family dwelling.

The requested variances maintain the intent of the UHOP and Zoning By-law No. 6593, are minor in nature and are desirable for the appropriate development of the site. The proposed development represents good land use planning.

Respectfully Submitted,

FOTHERGILL PLANNING & DEVELOPMENT INC.



E.J. Fothergill, MCIP, RPP
President

Figure 1 - Site Location





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)	Adam Colalillo and Lucas Colalillo	[REDACTED]	Business [REDACTED] Fax: () [REDACTED] E-mail: [REDACTED]
Applicant(s)*	Same as above		Business () [REDACTED] Fax: () [REDACTED] E-mail: [REDACTED]
Agent or Solicitor	Fothergill Planning & Development c/o Ed Fothergill	[REDACTED]	Business [REDACTED] Fax: () [REDACTED] E-mail: [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 The City of Hamilton	Lot Lot 35	Concession Concession 2	Former Township Township of Saltfleet
Registered Plan N°. PLAN 62R - 10830	Lot(s)	Reference Plan N°.	Part(s) Part 2
Municipal Address 322 Mount Albion Road	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) ±13.63 m on Glen Forest Drive	Depth (m) ±23.42 m	Area (m ² or ha) ±317.8 m ²
---	-----------------------	--

Existing 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) _____ | | |

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: 2-storey 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) +12.80 m on Glen Forest Drive +13.22 m on Glen Forest Drive	Depth (m) ±23.42 m ±23.66 m	Area (m ² or ha) ±316.3 m ² ±317.2 m ²
--	-----------------------------------	---

Existing Use of Property to be retained:

- | | | |
|---|---|-------------------------------------|
| <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) _____ | | |

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: Detached garage

Proposed: Two, 2-storey single detached dwellings

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

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

The proposal facilitates residential intensification on under-utilized urban land in a low density built form. The proposed development provides lotting patterns that are consistent with the surrounding area, as such the development is compatible with the existing character of the established neighbourhood.

5.2 What is the existing zoning of the subject land? Urban Protected Residential, Etc. "C/S-1162"
 Zone, Modified

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

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?
Owner's 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

The proposed development represents good land use planning, providing an appropriate residential use that does not over intensify the subject lands.

- b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)

The proposed development directs growth to Settlement Areas adjacent to existing development and as such, is consistent with the Provincial Policy Statement.

- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

The subject lands are located in a Built-Up area with existing services and contributes to achieving growth targets and as such, is consistent with the Growth Plan.

- 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?
May 2020

- 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
<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 | } | (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)	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.

See attached consent sketch.

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



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: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: HM/B-20:69

SUBJECT PROPERTY: 322 Mt. Albion Rd., Hamilton

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): Ed Fothergill on behalf of the owners A. & L. Colalillo

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land shown as Part 4 on the attached sketch and to retain two parcels of land shown as Parts 3 & 5 on the attached sketch for residential purposes.

Severed lands:

13.63m[±] x 23.42m[±] and an area of 317.8m^{2±}

Retained lands:

12.80m[±] x 23.42m[±] and an area of 316.3m^{2±}

Retained lands:

13.22m[±] x 23.42m[±] and an area of 317.2m^{2±}

This application will be heard in conjunction with Severance Application HM/B-20:68 & HM/B-20:70

The Committee of Adjustment will hear this application on:

DATE: Thursday, November 19th , 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.

HM/B-20:69
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:

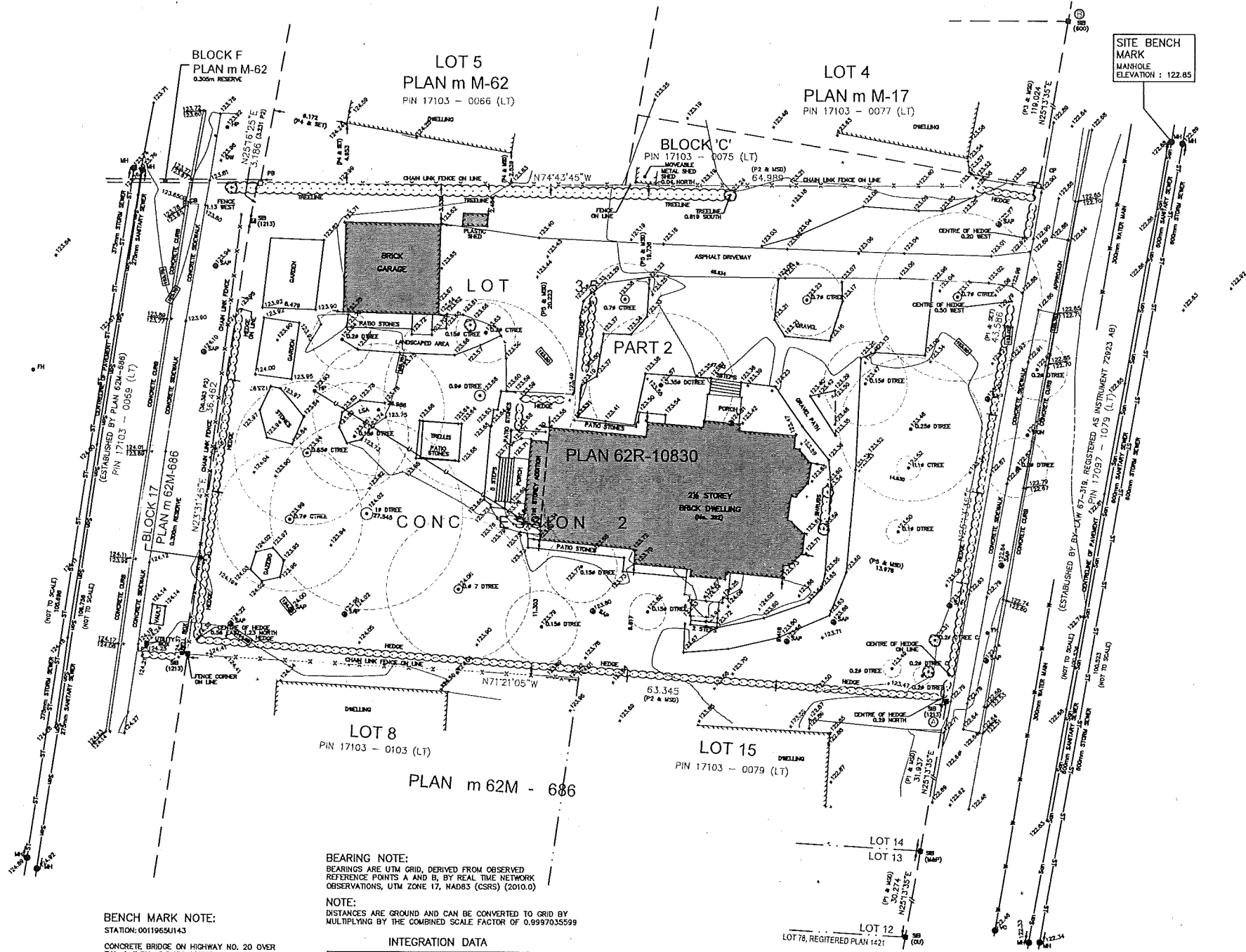
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: November 3rd, 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.



SITE BENCH MARK
MAINHOLE ELEVATION : 122.85

BENCH MARK NOTE:
STATION: 0011965U143
CONCRETE BRIDGE ON HIGHWAY NO. 20 OVER T.H. & B.R.Y., 0.6 KM SOUTH OF KING STREET, 61.0 M NORTH OF A SIDE ROAD TO WEST. TABLET IN WEST FACE OF ABUTMENT AT WEST SIDE OF ROAD, 30 CM SOUTH END, 76 CM BELOW TOP OF CURB AND ROAD LEVEL, 1.5 M SOUTH OF POWER POLE.
ELEVATION : CGVD 28 : 78 - 135.037 metres

BEARING NOTE:
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

NOTE:
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9997035599

INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORP): UTM ZONE 17, NAD83 (CSRS) (2010.0). COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF OREG. 218/10

POINT ID	NORTHING	EASTING
ORP A	4782164.435	567947.007
ORP B	4782340.817	567714.389

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

FPD**FOTHERGILL PLANNING & DEVELOPMENT INC.**

62 DAFFODIL CRES. • HAMILTON, ON L9K 1E1 • PHONE: (905) 577-1077 • FAX: (905) 546-0545 • E-MAIL: edf@nas.net

October 7, 2020

City of Hamilton
Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5
ATTENTION: Ms. Jamila Sheffield, Secretary-Treasurer

Dear Ms. Sheffield:

RE: 322 Mount Albion Road, Hamilton
Application for Consent and Minor Variance

Fothergill Planning & Development Inc. has been retained by Adam Colalillo and Lucas Colalillo, the owners of the above referenced lands, and respectfully submits the enclosed three (3) Consent applications to create four new lots and retain the existing dwelling as well as an application for minor variances to implement the severance applications.

The subject lands, municipally known as 322 Mount Albion Road are currently occupied by a two family dwelling and single detached garage. 322 Mount Albion Road is designated Neighbourhoods per the Urban Hamilton Official Plan (UHOP). The subject lands are zoned under the former City of Hamilton Zoning By-law 6593, Urban Protected Residential, Etc. (C/S-1162) District, Modified. The site specific by-law 90-102 permits the two-family dwelling existing on the date of the passing of the by-law as an additional residential use.

The requested Consents will facilitate a residential intensification initiative through the creation of four (4) lots for single detached dwellings in a logical and orderly residential lotting pattern. The proposed development is compatible and consistent with the lot pattern along Mount Albion Road and Glen Forest Drive.

The three (3) requested Consents are:

1. To sever Parts 3, 4 and 5 as one block and retain Parts 1 and 2 per the Cumulative Sketch Plan and associated severance sketch;
2. To sever Part 4 and retain Parts 3 and 5 per the Cumulative Sketch Plan and associated severance sketch; and
3. To sever Part 2 and retain Part 1 per the Cumulative Sketch Plan and associated severance sketch.

The proposal is aligned with the Urban Hamilton Official Plan Neighbourhood Policies. Other than a request for a small reduction in the lot area, the lots comply with the provisions of the existing "C" zone. In addition, as shown with the applications, appropriate building envelopes can be established on each of the proposed lots in accordance with existing zoning regulations. In my opinion, the proposal meets the requirements of Section 51(24) of the Planning Act dealing with subdivision and consents.

A Minor Variance application is required to allow for modifications to the "C/S-11622" District under Zoning By-law No. 6593 including reducing the rear yard setback, recognizing the height of the existing dwelling and reducing the minimum required lot area. It is my opinion that the proposal meets the four tests for a minor variance as outlined in Section 45(1) of the Planning Act.

In support of this application, please find enclosed:

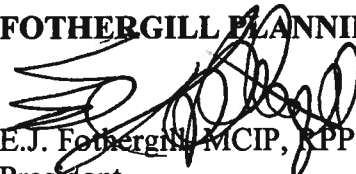
- One (1) copy of a Planning Report, dated October 7, prepared by Fothergill Planning and Development Inc.
- One (1) copy of the completed Consent Application for each severance identified above;
- One (1) copy of the Survey Plan;
- One (2) copy of the Severance Plan for each identified Consent;
- One (1) copy of the Cumulative Sketch Plan;
- One (1) copy of the cheque in the amount of **\$8,535.00** made payable to the City of Hamilton to satisfy the application fees of all three (3) applications.
- Cheque for **\$3302.00** for minor variance application.

I look forward to these applications being brought forward to the Committee.

Should you have any questions or require additional information, please do not hesitate to my office at 905-577-1077.

Sincerely,

FOTHERGILL PLANNING & DEVELOPMENT INC.


E.J. Fothergill, MCIP, RPP
President

Fothergill Planning & Development Inc.

PLANNING REPORT

Application for Consents and Minor Variance
322 Mount Albion Road
City of Hamilton



Date: October 7, 2020

Prepared for: Adam Colalillo
Lucas Colalillo

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Figure 1 - Site Location

Fothergill Planning and Development Inc.

1.0 Introduction

This report provides planning review and support for three applications for consent as well as an application for minor variance to allow for redevelopment of an existing property at 322 Mount Albion Road in the City of Hamilton.

2.0 Description of Subject Lands

The subject lands are located in the Red Hill Neighbourhood; south of King Street East and east of the Red Hill Valley Parkway. The subject lands are rectangular in shape, with an approximate site area of 0.26 ha (0.65 ac). The lot is a through lot with a recognized frontage of approximately 43.62m along Mount Albion Road and additional frontage along Glenn Forest Drive of approximately 39.61m. The lands are generally flat with mature vegetation in the rear yard and along the side yard lot lines. The site is occupied by one (1) two and a half storey two-family dwelling and one (1) detached garage (Refer to Figure 1 - Site Location).

The existing building on the subject lands is identified as an Inventoried Heritage Building in Hamilton's Heritage Volume 2: Inventory of Buildings of Architectural and/or Historical Interest and as a Single Dwelling in Volume 3: Canadian Inventory of Historic Building (CIHB).

The subject lands are designated Neighbourhoods per the Urban Hamilton Official Plan ("UHOP") and are zoned Urban Protected Residential, Etc. "C/S-1162" District, Modified in the former City of Hamilton Zoning By-law No. 6593.

3.0 Proposed Development

To facilitate the proposed development of 322 Mount Albion Road, the following applications are required:

Fothergill Planning and Development Inc.

- Three (3) Consent to Sever applications; and
- A Minor Variance application to recognize the existing height of the retained building, to reduce the minimum rear yard of the retained building and to reduce the minimum lot area for three (3) of the proposed lots;

The intent of the above applications is to facilitate the creation of five (5) "C/S-1162" District lots. The redevelopment proposes to retain the existing two-family dwelling and create an additional four (4) single detached dwellings. Three (3) of the proposed single detached dwellings will have frontage along Glen Forest Drive, and one (1) of the single detached dwellings and the existing dwelling will retain frontage along Mount Albion Road.

The site has been designed based on the limits of development imposed by the existing two-family dwelling. The existing two-family dwelling is listed in Hamilton's Heritage Volume 2 and Volume 3 as a single residential dwelling. As such, the dwelling is to be retained and the proposed lots are designed with setbacks which maintain the functionality of the existing dwelling (refer to attached Cumulative Sketch).

The proposed redevelopment of 322 Mount Albion Road requires relief from the Zoning By-law No. 6593 "C/S-1162" (Urban Protected Residential Etc.) District, Modified, to permit a reduction in the rear yard setback of the retained dwelling, allow for a reduction of the lot area for the three (3) lots fronting Glen Forest Drive, and to recognize the existing height of the 2 ½ storey building.

4.0 Application for Consent

The creation of the four lots as proposed is consistent with intensification policies in the Provincial Policy Statement, Growth Plan and Urban Hamilton Official Plan which permit intensification generally throughout the built up Urban Area.

The criteria to assess the appropriate level of intensification suitable for each site is based on policies in the UHOP including policies in Section B.2.4 and E.3.0.

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Policy B.2.4 recognize that intensification will bring change and achieves a number of public policy objectives. The UHOP includes a number of criteria to consider when evaluating intensification proposals, including Policies in Section B.2.1.4 and B.2.4.2.

Intensification initiatives are evaluated in part on the basis to which they are compatible with surrounding area developments in terms of use, scale, form and character (B.2.4.1.4(d)). In considering what is deemed compatible, the Official Plan provides the following definition:

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

From my review of the proposal and consideration of the lot pattern in the neighbourhood area, it is my opinion that the proposal meets the compatibility criteria and the intensification criteria in the Official Plan.

Compatibility with the UHOP is further illustrated by the extent to which the lot pattern conforms with zoning regulations which implement official plan policies and are deemed to comply with the UHOP.

The UHOP designates the subject lands Neighbourhoods (Schedule E-1). Mount Albion Road is a collector road and Glen Forest Avenue is a local road (Schedule C).

UHOP Policy E.3.1.1 encourages compact development in transit-supportive and active transportation friendly neighbourhoods. Mount Albion Road is identified as having a planned bike lane in the Hamilton Transportation Master Plan (Map 1A). The subject lands are located along a local HSR bus route, with a bus stop less than a one-minute walk away. As such, the subject lands are within proximity to alternative transportation methods including bikes lanes and transit to support the proposed development.

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UHOP Policy E.3.1.3 encourages a range of housing types and densities. The proposed redevelopment will provide appropriate intensification on the subject lands while contributing to Hamilton's housing stock. Policy E.3.1.4 and Policy E.3.1.5 promotes design which enhances and respects the character of existing neighbourhoods, and promotes residential intensification of appropriate scale in suitable locations. The proposed redevelopment is aligned with existing lotting patterns in the established neighbourhood by proposing lot widths and yard setbacks that maintain the general character of the streetscape, while respecting the culturally significant existing dwelling to be retained on the lands.

The Neighbourhoods designation in UHOP Chapter E permits low density residential development within the interior of neighbourhoods. Low density residential in the form of single-detached and semi-detached dwellings are permitted uses within Neighbourhoods (E.3.4.3). The proposed development provides low density residential development in a low density built form with appropriate scale and setbacks to the existing residential character.

The proposed redevelopment for four (4) additional single detached lots within the Red Hill Neighbourhood is aligned with the City's Community and Neighbourhoods policies found within UHOP's Chapter B and Chapter E, respectively.

5.0 Application for Minor Variance

5.1 Nature and extent of relief applied for:

Three (3) Minor Variances are being sought from the former City of Hamilton Zoning By-law No. 6593 to facilitate the proposed infill residential development uses to provide appropriate residential intensification within Hamilton's urban boundary. The requested minor variances are as follows:

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	<u>Zoning By-law No. 6593</u> <u>Section</u>	<u>Purpose</u>
1	9.(2)	To allow a maximum height of 2 ½ storeys for the existing two-family dwelling, whereas a maximum height of 2 ½ storeys and 11.0 metres is required.
2	9.(3)(iii)	To allow a minimum rear yard depth of 1.2m for the existing two-family dwelling, whereas a minimum depth of 7.5m is required.
3	9.(4)	To allow a minimum lot area of 310.0m ² , whereas a minimum lot area of 360.0m ² is required.

5.2 Planning Rationale to Support the Variances:

VARIANCE 1. To allow a maximum height of 2 ½ storeys for the existing Two-Family Dwelling, whereas a maximum height of 2 ½ storeys and 11.0 metres is required.

The variance to allow a maximum height of 2 ½ storeys for the two-family dwelling is required to recognize the existing condition of the building. The proposed redevelopment recognizes the cultural significance of the existing dwelling, and as such proposes it be retained. The intent of the Zoning By-law maximum height provision is to ensure appropriate scale in the established neighbourhood and privacy for the surrounding properties. The variance is minor as the two-family dwelling is existing and as such, recognizing the existing height will not impact the neighbouring properties. The variance is desirable for the development of the property as it facilitates appropriate low density residential infill within the urban boundary while retaining the existing culturally significant two-family dwelling.

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VARIANCE 2. To allow a minimum rear yard depth of 1.2m for the existing Two-Family Dwelling, whereas a minimum depth of 7.5m is required.

Why is it not possible to comply with the provision of the by-law?

UHOP Policy B.2.4 identifies residential intensification as a key component to Hamilton's growth strategy and an essential way to meet the City's growth targets. UHOP Policy E.3.2.4 encourages residential intensification within established Neighbourhoods that is compatible with the scale and character of the existing residential neighbourhood. UHOP Policy B.3.4.1.3 requires that all new development be appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources.

The proposed redevelopment provides appropriate residential intensification on underutilized lands by providing lots that can accommodate single detached dwellings that respect the neighbourhood character while retaining the existing culturally significant two-family dwelling. The existing dwelling has a semi-detached built form, and each unit's primary entrance is accessed from the side yard. As such, the side yards are proposed to function as rear yards and private amenity space for each unit. A reduction in the rear yard depth of 1.2 metres is requested to recognize the rear yard as a functional side yard.

1. Conformity to the Intent of the Zoning By-law

The intent of the Zoning By-law rear yard provision is to provide the private amenity space for the dwelling unit. The proposed four (4) additional lots have sufficient depth to allow future dwellings to meet the required rear yard setbacks for the purpose of providing private amenity area. The layout of the existing two-family dwelling logically allows for the side yards to function as private amenity space for each unit which would typically be in the rear yard. The proposed 1.2m for the rear yard is intended to function as a side yard. The proposed lot layout proposes a minimum side yard setback of 7.5 metres for the existing units. This is consistent with the standard rear yard setback requirements for a "C" zone.

Fothergill Planning and Development Inc.

2. Is the Variance Minor?

The requested variance to reduce the rear yard setback from 7.5 metres to 1.2 metres is minor as it will continue to provide appropriate setbacks to the existing dwelling and the proposed new lot area and configuration can accommodate private amenity space elsewhere. The 1.2 metre rear yard functions as the side yard for the existing dwelling, provides appropriate setbacks for access and maintenance, and is consistent with side yard setbacks in the "C" District. The existing dwelling is two and a half storeys in height and has no windows to a habitable room along the rear wall. As such, there will be little impact on the proposed single detached dwellings and the reduced rear yard setback will have no impact on the existing neighbouring properties. The proposed redevelopment will facilitate appropriate residential intensification to provide more safe residential dwelling units in Hamilton's Red Hill Neighbourhood.

3. Is the Variance Desirable for the development of the property?

The reduced rear yard setback is desirable as it facilitates the creation of four (4) additional single detached lots in a stable neighbourhood with a proposed lot pattern that maintains the fabric of the street and broader neighbourhood context as well as the retention of a listed significant building. The proposed variance facilitates appropriate low density residential infill within the urban boundary.

VARIANCE 3. To allow a minimum lot area of 310.0m², whereas a minimum lot area of 360.0m² is required.

Why is it not possible to comply with the provision of the by-law?

Zoning By-law No. 6593 establishes minimum lot areas to ensure appropriate densities and yard setbacks are provided. The proposed lot area is required to permit the Consent to Sever to create four (4) new lots and facilitate the construction of single family dwellings, while retaining the existing two-family dwelling. Due to the location of the existing dwelling, the lot depth of the proposed lots fronting Glen Forest Drive is impacted however, a minimum 7.5 metre rear yard setback can be provided. The three (3) proposed lots along Glen Forest Drive provide lot widths that exceed the requirements of the "C/S-1162" District, however, a reduction in lot area of 310.0m² is required to facilitate the development.

Fothergill Planning and Development Inc.

1. Conformity to the Intent of the Zoning By-law

The "C/S-1162" District permits two-family dwellings existing the day the by-law passed and single-family dwellings. The intent of the lot area requirement is to ensure a parcel of land is functional and maintain a general uniformity of lot sizes within a neighbourhood. The proposed lot area of 310.0m² is required to accommodate the retention of the existing two-family dwelling.

The proposed single detached lots along Glen Forest Avenue provide frontages that exceed the required lot widths per the ZBL and provide a lotting pattern that is consistent with the surrounding residential neighbourhood. The proposed lots provide front, side and rear yard setbacks that meet the ZBL requirements, and are able to accommodate a dwelling footprint that can reflect the character of the surrounding dwellings.

2. Is the Variance Minor?

The requested variance to permit a reduction in the minimum lot area per dwelling is minor as the impacts of the residential infill will be mitigated with appropriate setbacks. The proposed single-detached dwellings will have a maximum height of 11.0m and a building footprint that generally conforms with the existing dwellings on the block. The proposed development provides infill residential development with a low density built form. Since the frontage of the lots are consistent with those in the neighbourhood, the slight reduction in lot area will not be noticeable from a public perspective.

3. Is the Variance Desirable for the Development of the Property?

The request is desirable as it will facilitate the construction of purpose-built family-sized dwelling units to contribute to the City of Hamilton's housing supply. Further, the proposed density will support the future ridership on existing transit infrastructure and planned active-transit infrastructure. It will allow for the construction of a residence on each site in accordance with by-law requirements, while at the same time allowing for an appropriately sized rear yard to maintain the functionality of the existing dwelling.

Fothergill Planning and Development Inc.

6.0 Conclusion

The proposed redevelopment of 322 Mount Albion will help achieve general intensification targets in a way which will enhance the existing built form of the residential neighbourhood by continuing to define the streetscape with low density residential development. The proposed redevelopment continues the established lot pattern of the neighbourhood, in a manner which is consistent with existing zoning.

In my opinion, the severance applications are consistent with the Provincial Policy Statement, help to implement the Growth Plan and the Urban Hamilton Official Plan, and achieve a redevelopment form which is compatible with the neighbourhood and meets the tests of the Planning Act while conserving the existing two-family dwelling.

The requested variances maintain the intent of the UHOP and Zoning By-law No. 6593, are minor in nature and are desirable for the appropriate development of the site. The proposed development represents good land use planning.

Respectfully Submitted,

FOTHERGILL PLANNING & DEVELOPMENT INC.



E.J. Fothergill, MCIP, RPP
President

Figure 1 - Site Location





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)	Adam Colalillo and Lucas Colalillo	[REDACTED]	Business [REDACTED] Fax: () E-mail: [REDACTED]
Applicant(s)*	Same as above		Business () Fax: () E-mail:
Agent or Solicitor	Fothergill Planning & Development c/o Ed Fothergill	[REDACTED]	Business [REDACTED] Fax: () E-mail: [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 The City of Hamilton	Lot Lot 35	Concession Concession 2	Former Township Township of Saltfleet
Registered Plan N°. PLAN 62R-10830	Lot(s)	Reference Plan N°.	Part(s) Part 2
Municipal Address 322 Mount Albion Road			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)
+14.64 m on Mount Albion Road	+40.66 m	+515.9 m ²

Existing 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) _____ | | |

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: 2-storey 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)
+28.97 m on Mount Albion Road	+38.87 m	+1,183.2 m ²

Existing Use of Property to be retained:

- | | | |
|---|---|-------------------------------------|
| <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) _____ | | |

Proposed Use of Property to be retained:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) _____
 Industrial
 Agricultural-Related
 Commercial
 Vacant

Building(s) or Structure(s):

Existing: Two and a half storey, two family dwelling

Proposed: Existing two family dwelling to remain

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

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

The proposal facilitates residential intensification on under-utilized urban land in a low density built form. The proposed development provides lotting patterns that are consistent with the surrounding area, as such the development is compatible with the existing character of the established neighbourhood.

5.2 What is the existing zoning of the subject land? Urban Protected Residential, Etc. "C/S-1162"
 Zone, Modified

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

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?
 Owner's 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

The proposed development represents good land use planning, providing an appropriate residential use that does not over intensify the subject lands.

- b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)

The proposed development directs growth to Settlement Areas adjacent to existing development and as such, is consistent with the Provincial Policy Statement.

- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

The subject lands are located in a Built-Up area with existing services and contributes to achieving growth targets and as such, is consistent with the Growth Plan.

- 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?
 May 2020
-

- 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
<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 | } | (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)	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.

See attached consent sketch.

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



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: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: HM/B-20:70

SUBJECT PROPERTY: 322 Mt. Albion Rd., Hamilton

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): Ed Fothergill on behalf of the owners A. & L. Colalillo

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land for residential purposes and to retain a parcel of land containing an existing 2½ storey dwelling (to remain) for residential purposes.

Severed lands:

14.64m[±] x 40.66m[±] and an area of 515.9m^{2±}

Retained lands:

28.97m[±] x 38.87m[±] and an area of 1,183.2m^{2±}

The Committee of Adjustment will hear this application on:

DATE: Thursday, November 19th , 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.

HM/B-20:70

Page 2

MORE INFORMATION

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

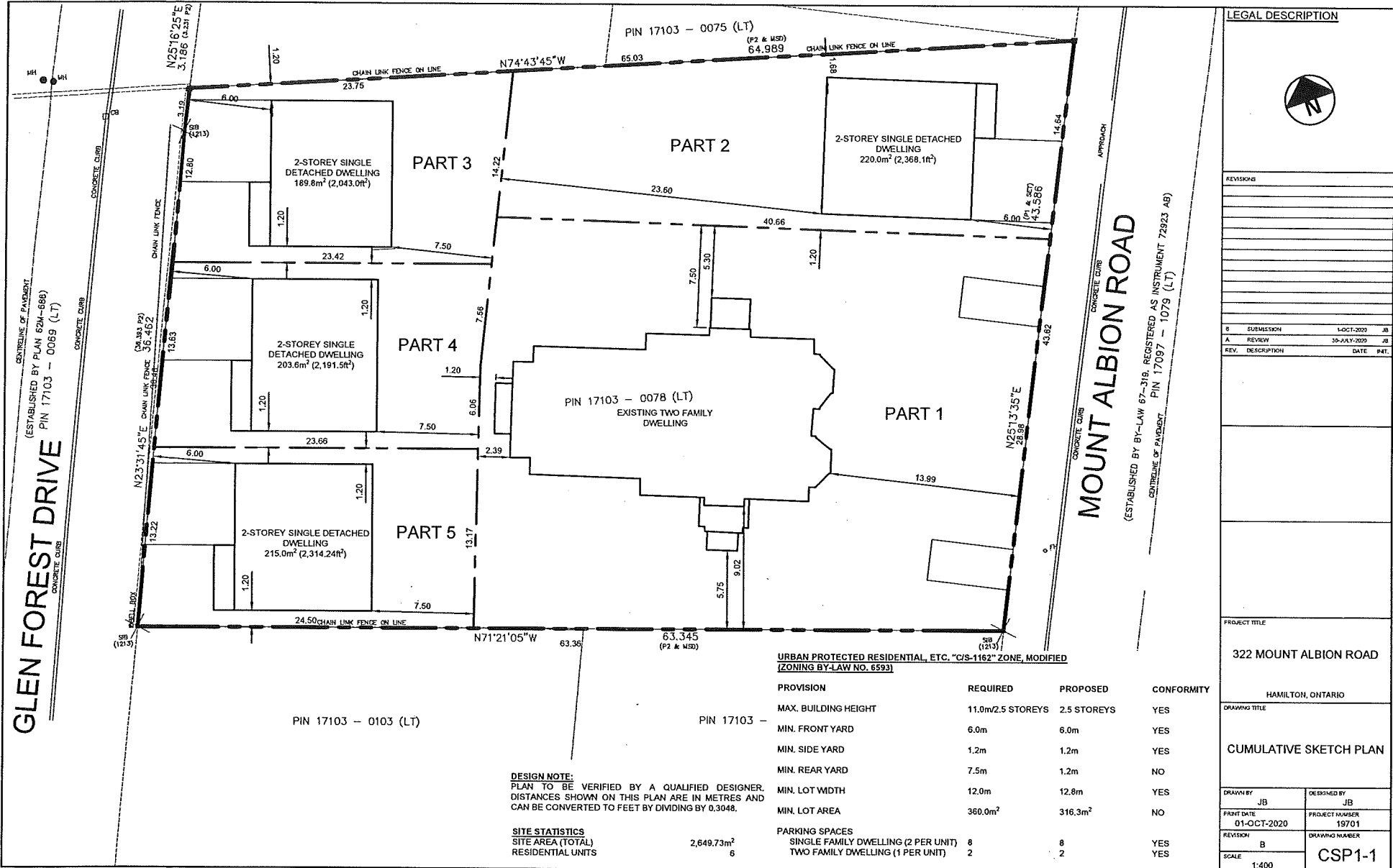
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: November 3rd, 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.



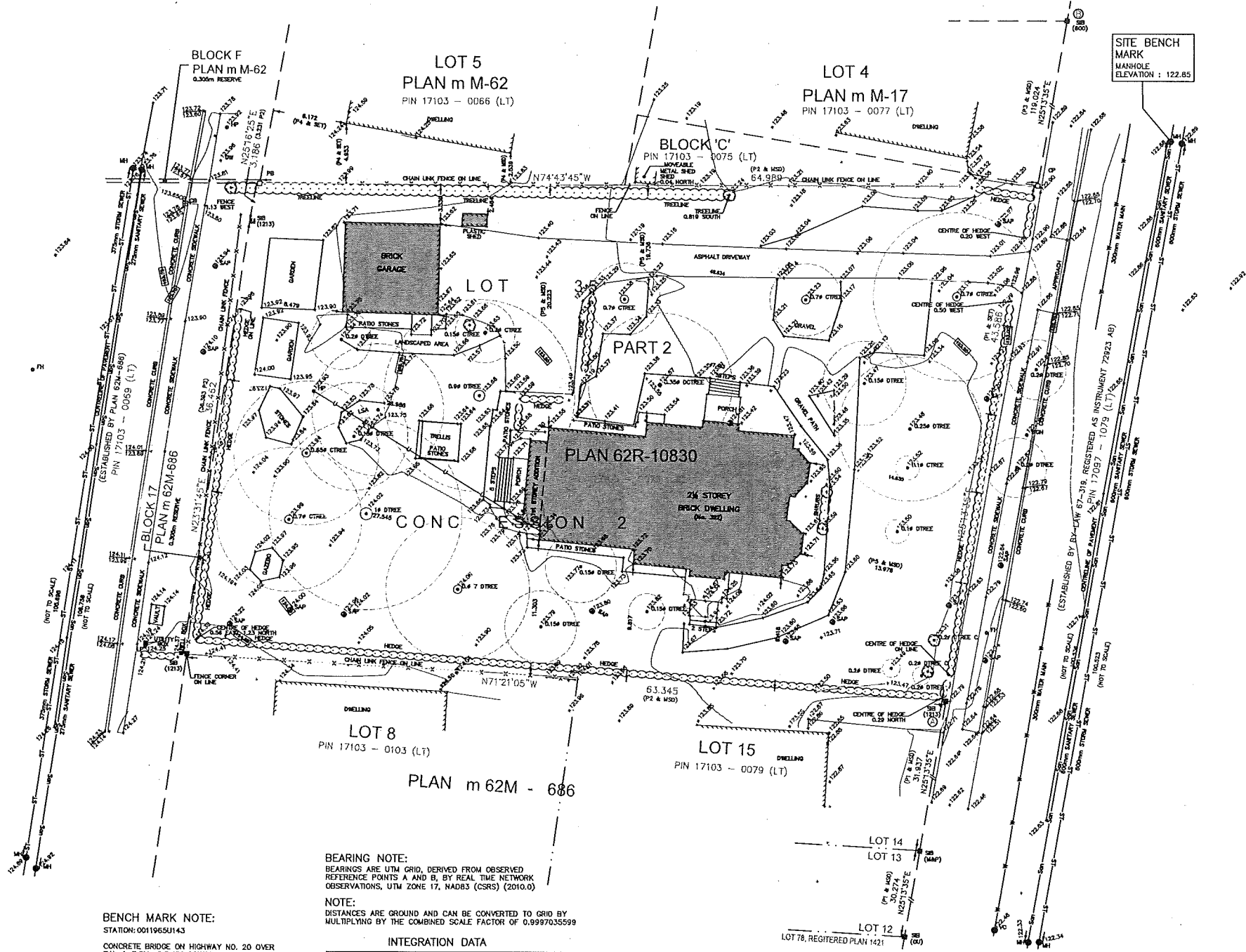
URBAN PROTECTED RESIDENTIAL, ETC. "C/S-1162" ZONE, MODIFIED (ZONING BY-LAW NO. 6593)

PROVISION	REQUIRED	PROPOSED	CONFORMITY
MAX. BUILDING HEIGHT	11.0m/2.5 STOREYS	2.5 STOREYS	YES
MIN. FRONT YARD	6.0m	6.0m	YES
MIN. SIDE YARD	1.2m	1.2m	YES
MIN. REAR YARD	7.5m	1.2m	NO
MIN. LOT WIDTH	12.0m	12.8m	YES
MIN. LOT AREA	360.0m ²	316.3m ²	NO
PARKING SPACES			
SINGLE FAMILY DWELLING (2 PER UNIT)	8	8	YES
TWO FAMILY DWELLING (1 PER UNIT)	2	2	YES

DESIGN NOTE:
 PLAN TO BE VERIFIED BY A QUALIFIED DESIGNER. DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

SITE STATISTICS

SITE AREA (TOTAL)	2,649.73m ²
RESIDENTIAL UNITS	6



SITE BENCH MARK
MANHOLE
ELEVATION : 122.85

BEARING NOTE:
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

NOTE:
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9997035599

INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORP): UTM ZONE 17, NAD83 (CSRS) (2010.0)
COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF OREG. 218/10

POINT ID	NORTHING	EASTING
ORP A	4783183.458	507907.007
ORP B	4783340.817	487744.308

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

BENCH MARK NOTE:
STATION: 00119650143
CONCRETE BRIDGE ON HIGHWAY NO. 20 OVER T.H. & B.R.Y., 0.8 KM SOUTH OF KING STREET, 61.0 M NORTH OF A SIDE ROAD TO WEST, TABLET IN WEST FACE OF ABUTMENT AT WEST SIDE OF ROAD, 30 CM SOUTH END, 76 CM BELOW TOP OF CURB AND ROAD LEVEL, 1.5 M SOUTH OF POWER POLE.
ELEVATION : CGVD 28 : 78 - 135.037 metres

FPD**FOTHERGILL PLANNING & DEVELOPMENT INC.**

62 DAFFODIL CRES. • HAMILTON, ON L9K 1E1 • PHONE: (905) 577-1077 • FAX: (905) 546-0545 • E-MAIL: edf@nas.net

October 7, 2020

City of Hamilton
Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5
ATTENTION: Ms. Jamila Sheffield, Secretary-Treasurer

Dear Ms. Sheffield:

RE: 322 Mount Albion Road, Hamilton
Application for Consent and Minor Variance

Fothergill Planning & Development Inc. has been retained by Adam Colalillo and Lucas Colalillo, the owners of the above referenced lands, and respectfully submits the enclosed three (3) Consent applications to create four new lots and retain the existing dwelling as well as an application for minor variances to implement the severance applications.

The subject lands, municipally known as 322 Mount Albion Road are currently occupied by a two family dwelling and single detached garage. 322 Mount Albion Road is designated Neighbourhoods per the Urban Hamilton Official Plan (UHOP). The subject lands are zoned under the former City of Hamilton Zoning By-law 6593, Urban Protected Residential, Etc. (C/S-1162) District, Modified. The site specific by-law 90-102 permits the two-family dwelling existing on the date of the passing of the by-law as an additional residential use.

The requested Consents will facilitate a residential intensification initiative through the creation of four (4) lots for single detached dwellings in a logical and orderly residential lotting pattern. The proposed development is compatible and consistent with the lot pattern along Mount Albion Road and Glen Forest Drive.

The three (3) requested Consents are:

1. To sever Parts 3, 4 and 5 as one block and retain Parts 1 and 2 per the Cumulative Sketch Plan and associated severance sketch;
2. To sever Part 4 and retain Parts 3 and 5 per the Cumulative Sketch Plan and associated severance sketch; and
3. To sever Part 2 and retain Part 1 per the Cumulative Sketch Plan and associated severance sketch.

The proposal is aligned with the Urban Hamilton Official Plan Neighbourhood Policies. Other than a request for a small reduction in the lot area, the lots comply with the provisions of the existing "C" zone. In addition, as shown with the applications, appropriate building envelopes can be established on each of the proposed lots in accordance with existing zoning regulations. In my opinion, the proposal meets the requirements of Section 51(24) of the Planning Act dealing with subdivision and consents.

A Minor Variance application is required to allow for modifications to the "C/S-11622" District under Zoning By-law No. 6593 including reducing the rear yard setback, recognizing the height of the existing dwelling and reducing the minimum required lot area. It is my opinion that the proposal meets the four tests for a minor variance as outlined in Section 45(1) of the Planning Act.

In support of this application, please find enclosed:

- One (1) copy of a Planning Report, dated October 7, prepared by Fothergill Planning and Development Inc.
- One (1) copy of the completed Consent Application for each severance identified above;
- One (1) copy of the Survey Plan;
- One (2) copy of the Severance Plan for each identified Consent;
- One (1) copy of the Cumulative Sketch Plan;
- One (1) copy of the cheque in the amount of **\$8,535.00** made payable to the City of Hamilton to satisfy the application fees of all three (3) applications.
- Cheque for **\$3302.00** for minor variance application.

I look forward to these applications being brought forward to the Committee.

Should you have any questions or require additional information, please do not hesitate to my office at 905-577-1077.

Sincerely,

FOTHERGILL PLANNING & DEVELOPMENT INC.


E.J. Fothergill, MCIP, RPP
President

Fothergill Planning & Development Inc.

PLANNING REPORT

Application for Consents and Minor Variance
322 Mount Albion Road
City of Hamilton



Date: October 7, 2020

Prepared for: Adam Colalillo
Lucas Colalillo

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Figure 1 - Site Location

Fothergill Planning and Development Inc.

1.0 Introduction

This report provides planning review and support for three applications for consent as well as an application for minor variance to allow for redevelopment of an existing property at 322 Mount Albion Road in the City of Hamilton.

2.0 Description of Subject Lands

The subject lands are located in the Red Hill Neighbourhood; south of King Street East and east of the Red Hill Valley Parkway. The subject lands are rectangular in shape, with an approximate site area of 0.26 ha (0.65 ac). The lot is a through lot with a recognized frontage of approximately 43.62m along Mount Albion Road and additional frontage along Glenn Forest Drive of approximately 39.61m. The lands are generally flat with mature vegetation in the rear yard and along the side yard lot lines. The site is occupied by one (1) two and a half storey two-family dwelling and one (1) detached garage (Refer to Figure 1 - Site Location).

The existing building on the subject lands is identified as an Inventoried Heritage Building in Hamilton's Heritage Volume 2: Inventory of Buildings of Architectural and/or Historical Interest and as a Single Dwelling in Volume 3: Canadian Inventory of Historic Building (CIHB).

The subject lands are designated Neighbourhoods per the Urban Hamilton Official Plan ("UHOP") and are zoned Urban Protected Residential, Etc. "C/S-1162" District, Modified in the former City of Hamilton Zoning By-law No. 6593.

3.0 Proposed Development

To facilitate the proposed development of 322 Mount Albion Road, the following applications are required:

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- Three (3) Consent to Sever applications; and
- A Minor Variance application to recognize the existing height of the retained building, to reduce the minimum rear yard of the retained building and to reduce the minimum lot area for three (3) of the proposed lots;

The intent of the above applications is to facilitate the creation of five (5) "C/S-1162" District lots. The redevelopment proposes to retain the existing two-family dwelling and create an additional four (4) single detached dwellings. Three (3) of the proposed single detached dwellings will have frontage along Glen Forest Drive, and one (1) of the single detached dwellings and the existing dwelling will retain frontage along Mount Albion Road.

The site has been designed based on the limits of development imposed by the existing two-family dwelling. The existing two-family dwelling is listed in Hamilton's Heritage Volume 2 and Volume 3 as a single residential dwelling. As such, the dwelling is to be retained and the proposed lots are designed with setbacks which maintain the functionality of the existing dwelling (refer to attached Cumulative Sketch).

The proposed redevelopment of 322 Mount Albion Road requires relief from the Zoning By-law No. 6593 "C/S-1162" (Urban Protected Residential Etc.) District, Modified, to permit a reduction in the rear yard setback of the retained dwelling, allow for a reduction of the lot area for the three (3) lots fronting Glen Forest Drive, and to recognize the existing height of the 2 ½ storey building.

4.0 Application for Consent

The creation of the four lots as proposed is consistent with intensification policies in the Provincial Policy Statement, Growth Plan and Urban Hamilton Official Plan which permit intensification generally throughout the built up Urban Area.

The criteria to assess the appropriate level of intensification suitable for each site is based on policies in the UHOP including policies in Section B.2.4 and E.3.0.

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Policy B.2.4 recognize that intensification will bring change and achieves a number of public policy objectives. The UHOP includes a number of criteria to consider when evaluating intensification proposals, including Policies in Section B.2.1.4 and B.2.4.2.

Intensification initiatives are evaluated in part on the basis to which they are compatible with surrounding area developments in terms of use, scale, form and character (B.2.4.1.4(d)). In considering what is deemed compatible, the Official Plan provides the following definition:

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

From my review of the proposal and consideration of the lot pattern in the neighbourhood area, it is my opinion that the proposal meets the compatibility criteria and the intensification criteria in the Official Plan.

Compatibility with the UHOP is further illustrated by the extent to which the lot pattern conforms with zoning regulations which implement official plan policies and are deemed to comply with the UHOP.

The UHOP designates the subject lands Neighbourhoods (Schedule E-1). Mount Albion Road is a collector road and Glen Forest Avenue is a local road (Schedule C).

UHOP Policy E.3.1.1 encourages compact development in transit-supportive and active transportation friendly neighbourhoods. Mount Albion Road is identified as having a planned bike lane in the Hamilton Transportation Master Plan (Map 1A). The subject lands are located along a local HSR bus route, with a bus stop less than a one-minute walk away. As such, the subject lands are within proximity to alternative transportation methods including bikes lanes and transit to support the proposed development.

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UHOP Policy E.3.1.3 encourages a range of housing types and densities. The proposed redevelopment will provide appropriate intensification on the subject lands while contributing to Hamilton's housing stock. Policy E.3.1.4 and Policy E.3.1.5 promotes design which enhances and respects the character of existing neighbourhoods, and promotes residential intensification of appropriate scale in suitable locations. The proposed redevelopment is aligned with existing lotting patterns in the established neighbourhood by proposing lot widths and yard setbacks that maintain the general character of the streetscape, while respecting the culturally significant existing dwelling to be retained on the lands.

The Neighbourhoods designation in UHOP Chapter E permits low density residential development within the interior of neighbourhoods. Low density residential in the form of single-detached and semi-detached dwellings are permitted uses within Neighbourhoods (E.3.4.3). The proposed development provides low density residential development in a low density built form with appropriate scale and setbacks to the existing residential character.

The proposed redevelopment for four (4) additional single detached lots within the Red Hill Neighbourhood is aligned with the City's Community and Neighbourhoods policies found within UHOP's Chapter B and Chapter E, respectively.

5.0 Application for Minor Variance

5.1 Nature and extent of relief applied for:

Three (3) Minor Variances are being sought from the former City of Hamilton Zoning By-law No. 6593 to facilitate the proposed infill residential development uses to provide appropriate residential intensification within Hamilton's urban boundary. The requested minor variances are as follows:

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	<u>Zoning By-law No. 6593</u> <u>Section</u>	<u>Purpose</u>
1	9.(2)	To allow a maximum height of 2 ½ storeys for the existing two-family dwelling, whereas a maximum height of 2 ½ storeys and 11.0 metres is required.
2	9.(3)(iii)	To allow a minimum rear yard depth of 1.2m for the existing two-family dwelling, whereas a minimum depth of 7.5m is required.
3	9.(4)	To allow a minimum lot area of 310.0m ² , whereas a minimum lot area of 360.0m ² is required.

5.2 Planning Rationale to Support the Variances:

VARIANCE 1. To allow a maximum height of 2 ½ storeys for the existing Two-Family Dwelling, whereas a maximum height of 2 ½ storeys and 11.0 metres is required.

The variance to allow a maximum height of 2 ½ storeys for the two-family dwelling is required to recognize the existing condition of the building. The proposed redevelopment recognizes the cultural significance of the existing dwelling, and as such proposes it be retained. The intent of the Zoning By-law maximum height provision is to ensure appropriate scale in the established neighbourhood and privacy for the surrounding properties. The variance is minor as the two-family dwelling is existing and as such, recognizing the existing height will not impact the neighbouring properties. The variance is desirable for the development of the property as it facilitates appropriate low density residential infill within the urban boundary while retaining the existing culturally significant two-family dwelling.

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VARIANCE 2. To allow a minimum rear yard depth of 1.2m for the existing Two-Family Dwelling, whereas a minimum depth of 7.5m is required.

Why is it not possible to comply with the provision of the by-law?

UHOP Policy B.2.4 identifies residential intensification as a key component to Hamilton's growth strategy and an essential way to meet the City's growth targets. UHOP Policy E.3.2.4 encourages residential intensification within established Neighbourhoods that is compatible with the scale and character of the existing residential neighbourhood. UHOP Policy B.3.4.1.3 requires that all new development be appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources.

The proposed redevelopment provides appropriate residential intensification on underutilized lands by providing lots that can accommodate single detached dwellings that respect the neighbourhood character while retaining the existing culturally significant two-family dwelling. The existing dwelling has a semi-detached built form, and each unit's primary entrance is accessed from the side yard. As such, the side yards are proposed to function as rear yards and private amenity space for each unit. A reduction in the rear yard depth of 1.2 metres is requested to recognize the rear yard as a functional side yard.

1. Conformity to the Intent of the Zoning By-law

The intent of the Zoning By-law rear yard provision is to provide the private amenity space for the dwelling unit. The proposed four (4) additional lots have sufficient depth to allow future dwellings to meet the required rear yard setbacks for the purpose of providing private amenity area. The layout of the existing two-family dwelling logically allows for the side yards to function as private amenity space for each unit which would typically be in the rear yard. The proposed 1.2m for the rear yard is intended to function as a side yard. The proposed lot layout proposes a minimum side yard setback of 7.5 metres for the existing units. This is consistent with the standard rear yard setback requirements for a "C" zone.

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2. Is the Variance Minor?

The requested variance to reduce the rear yard setback from 7.5 metres to 1.2 metres is minor as it will continue to provide appropriate setbacks to the existing dwelling and the proposed new lot area and configuration can accommodate private amenity space elsewhere. The 1.2 metre rear yard functions as the side yard for the existing dwelling, provides appropriate setbacks for access and maintenance, and is consistent with side yard setbacks in the "C" District. The existing dwelling is two and a half storeys in height and has no windows to a habitable room along the rear wall. As such, there will be little impact on the proposed single detached dwellings and the reduced rear yard setback will have no impact on the existing neighbouring properties. The proposed redevelopment will facilitate appropriate residential intensification to provide more safe residential dwelling units in Hamilton's Red Hill Neighbourhood.

3. Is the Variance Desirable for the development of the property?

The reduced rear yard setback is desirable as it facilitates the creation of four (4) additional single detached lots in a stable neighbourhood with a proposed lot pattern that maintains the fabric of the street and broader neighbourhood context as well as the retention of a listed significant building. The proposed variance facilitates appropriate low density residential infill within the urban boundary.

VARIANCE 3. To allow a minimum lot area of 310.0m², whereas a minimum lot area of 360.0m² is required.

Why is it not possible to comply with the provision of the by-law?

Zoning By-law No. 6593 establishes minimum lot areas to ensure appropriate densities and yard setbacks are provided. The proposed lot area is required to permit the Consent to Sever to create four (4) new lots and facilitate the construction of single family dwellings, while retaining the existing two-family dwelling. Due to the location of the existing dwelling, the lot depth of the proposed lots fronting Glen Forest Drive is impacted however, a minimum 7.5 metre rear yard setback can be provided. The three (3) proposed lots along Glen Forest Drive provide lot widths that exceed the requirements of the "C/S-1162" District, however, a reduction in lot area of 310.0m² is required to facilitate the development.

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1. Conformity to the Intent of the Zoning By-law

The "C/S-1162" District permits two-family dwellings existing the day the by-law passed and single-family dwellings. The intent of the lot area requirement is to ensure a parcel of land is functional and maintain a general uniformity of lot sizes within a neighbourhood. The proposed lot area of 310.0m² is required to accommodate the retention of the existing two-family dwelling.

The proposed single detached lots along Glen Forest Avenue provide frontages that exceed the required lot widths per the ZBL and provide a lotting pattern that is consistent with the surrounding residential neighbourhood. The proposed lots provide front, side and rear yard setbacks that meet the ZBL requirements, and are able to accommodate a dwelling footprint that can reflect the character of the surrounding dwellings.

2. Is the Variance Minor?

The requested variance to permit a reduction in the minimum lot area per dwelling is minor as the impacts of the residential infill will be mitigated with appropriate setbacks. The proposed single-detached dwellings will have a maximum height of 11.0m and a building footprint that generally conforms with the existing dwellings on the block. The proposed development provides infill residential development with a low density built form. Since the frontage of the lots are consistent with those in the neighbourhood, the slight reduction in lot area will not be noticeable from a public perspective.

3. Is the Variance Desirable for the Development of the Property?

The request is desirable as it will facilitate the construction of purpose-built family-sized dwelling units to contribute to the City of Hamilton's housing supply. Further, the proposed density will support the future ridership on existing transit infrastructure and planned active-transit infrastructure. It will allow for the construction of a residence on each site in accordance with by-law requirements, while at the same time allowing for an appropriately sized rear yard to maintain the functionality of the existing dwelling.

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6.0 Conclusion

The proposed redevelopment of 322 Mount Albion will help achieve general intensification targets in a way which will enhance the existing built form of the residential neighbourhood by continuing to define the streetscape with low density residential development. The proposed redevelopment continues the established lot pattern of the neighbourhood, in a manner which is consistent with existing zoning.

In my opinion, the severance applications are consistent with the Provincial Policy Statement, help to implement the Growth Plan and the Urban Hamilton Official Plan, and achieve a redevelopment form which is compatible with the neighbourhood and meets the tests of the Planning Act while conserving the existing two-family dwelling.

The requested variances maintain the intent of the UHOP and Zoning By-law No. 6593, are minor in nature and are desirable for the appropriate development of the site. The proposed development represents good land use planning.

Respectfully Submitted,

FOTHERGILL PLANNING & DEVELOPMENT INC.



E.J. Fothergill, MCIP, RPP
President

Figure 1 - Site Location





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)	Adam Colalillo and Lucas Colalillo	[REDACTED]	Business ([REDACTED]) Fax: () E-mail: [REDACTED]
Applicant(s)*	Same as above		Business () Fax: () E-mail:
Agent or Solicitor	Fothergill Planning & Development c/o Ed Fothergill	[REDACTED]	Business [REDACTED] Fax: () E-mail: [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 City of Hamilton	Lot Lot 35	Concession Concession 2	Former Township Township of Saltfleet
Registered Plan N°. PLAN 62R-10830	Lot(s)	Reference Plan N°.	Part(s) Part 2
Municipal Address 322 Mount Albion Road	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)
±39.65 m on Glen Forest Drive	±23.75 m	±951.3m ²

Existing 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) _____ | | |

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: Detached garage

Proposed: Future single detached dwellings

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)
±43.62 m on Mount Albion Road	±38.87 m	±1,699.0 m ²

Existing Use of Property to be retained:

- | | | |
|---|---|-------------------------------------|
| <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) _____ | | |

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: Two and a half storey, two family dwelling

Proposed: Existing dwelling to remain and future 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

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

The proposal facilitates residential intensification on under-utilized urban land in a low density built form. The proposed development provides lotting patterns that are consistent with the surrounding area, as such the development is compatible with the existing character of the established neighbourhood.

5.2 What is the existing zoning of the subject land? Urban Protected Residential, Etc. "C/S-1162"
Zone, Modified

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

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?
Owner's knowlege.
- 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

The proposed development represents good land use planning, providing an appropriate residential use that does not over intensify the subject lands.

- b) Is this application consistent with the Provincial Policy Statement (PPS)?
 - Yes
 - No (Provide explanation)

The proposed development directs growth to Settlement Areas adjacent to existing development and as such, is consistent with the Provincial Policy Statement.

- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 - Yes
 - No (Provide explanation)

The subject lands are located in a Built-Up area with existing services and contributes to achieving growth targets and as such, is consistent with the Growth Plan.

- 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?
May 2020

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)	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.

See attached consent sketch.

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 or 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



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: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: HM/B-20:64

SUBJECT PROPERTY: 1280 Rymal Rd. E & 385 Nebo Rd., Hamilton

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): Agent Ed Fothergill
 Owner 2531083 Ontario Inc.

PURPOSE OF APPLICATION: To create a mortgage/charge over a portion of the property to facilitate phased development.

To be heard in conjunction with HM/B-20:65, HM/B-20:66, and HM/B-20:67.

Mortgage/charge area: (Part 1)
 135m[±] x 124m[±] and an area of 1.51 ha[±]

Retained area: (Parts 2-5)
 184m[±] x 215m[±] and an area of 3.83 ha[±]

The Committee of Adjustment will hear this application on:

DATE: Thursday, November 19th , 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.

HM/B-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: November 3rd, 2020

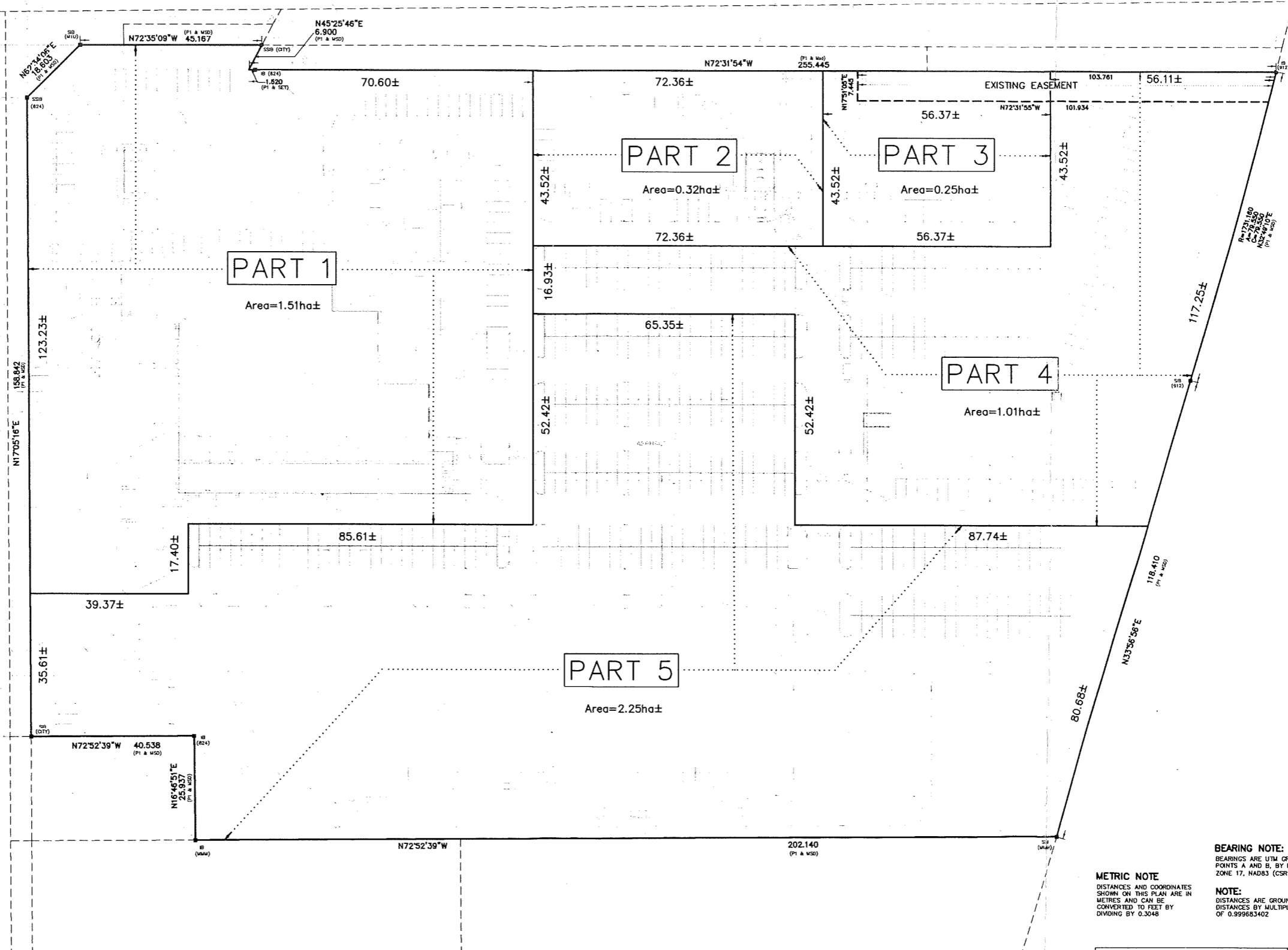
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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.

SKETCH FOR SEVERANCE
 OF PART OF
LOT 14, CONCESSION 1
 GEOGRAPHIC TOWNSHIP OF GLANFORD
 IN THE
CITY OF HAMILTON
 SCALE 1:500 METRIC
 S.D. McLAREN, O.L.S. - 2020

RYMAL ROAD EAST
 (FORMERLY THE KING'S HIGHWAY NO. 53)

ORIGINAL ROAD ALLOWANCE BETWEEN GEOGRAPHIC TOWNSHIPS OF BARTON AND GLANFORD



- LEGEND:**
- DEPICTS MONUMENT SET
 - MONUMENT FOUND
 - SB IRON BAR
 - SB STANDARD IRON BAR
 - SB SHORT STANDARD IRON BAR
 - SB ROUND IRON BAR
 - SB A.T. McLAREN, O.L.S.
 - SB A.J. CLARKE, O.L.S.
 - SB CITY OF HAMILTON
 - SB MARSHALL, MADSEN, MCKENNA
 - SB MINISTRY OF TRANSPORTATION, ONTARIO
 - SB MEASURED
 - SB PLAN 629-20293
 - SB DIAMETER

BEARING NOTE:
 BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

METRIC NOTE:
 DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

NOTE:
 DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999683402

© S.D. McLAREN, O.L.S. - 2020. NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF S.D. McLAREN, O.L.S.

A.T. McLaren Limited
 LEGAL AND ENGINEERING SURVEYS
 66 JOHN STREET SOUTH, SUITE 230
 HAMILTON, ONTARIO, L9M 2S6
 PHONE (905) 527-6556 FAX (905) 527-0032

DATE: SEPTEMBER 11, 2020
 S.D. McLAREN, O.L.S.

Scale: 1:500
 Dwg. No. 35254-06

**FOTHERGILL PLANNING & DEVELOPMENT INC.**

62 DAFFODIL CRES. • HAMILTON, ON L9K 1E1 • PHONE: (905) 577-1077 • FAX: (905) 546-0545 • E-MAIL: edf@nas.net

October 7, 2020

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

Dear Ms. Sheffield:

**Re: Applications for Consent for Financing
1280 Rymal Road East and 385 Nebo Road**

Please find enclosed four applications for Consent for the purposes of financing to create 5 parts within a 5.5 hectare parcel of land at the corner of Nebo Road and Rymal Road East. I am assuming that with the approval of each of the four applications, the fifth parcel will be created essentially as a retained parcel. Can you please confirm. The intent of the owner is to retain ownership of the entire site but arrange for financing to be placed on the property on a staged basis as the project unfolds.

I have attached with each application a sketch to illustrate the size and location of each of the five parcels along with a copy of the approved site plan.

I have included a chain of emails between myself, yourself and Emily Coe which took place prior to submitting the applications to confirm that there is no need for a variance to consider the lot to be one parcel of land for the purposes of development.

We look forward to this application being brought forward to the first available meeting of the Committee of Adjustment.

Thank you very much.

Sincerely,
FOTHERGILL PLANNING & DEVELOPMENT INC.



E.J. Fothergill, MCIP, RPP
President

encl.

cc. Mohammed Ghaddar
Hussein Ghaddar
Saad Faraj
Councillor Tom Jackson



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)	2531083 ONTARIO INC. c/o HUSSEIN GHADDAR	[REDACTED]	Business [REDACTED] Fax: () E-mail: [REDACTED]
Applicant(s)*			Business () Fax: () E-mail:
Agent or Solicitor	ED FOTHERGILL FOTHERGILL PLANNING & DEVELOPMENT INC.	[REDACTED]	Business [REDACTED] Fax: () E-mail: [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	Lot	Concession	Former Township
HAMILTON	14	1	GLANFORD
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
		62R-20293	1, 2, 3, 5
Municipal Address			Assessment Roll N°.
1280 RYMAL ROAD EAST AND 385 NEBO ROAD			

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: SERVICING

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:

UNKNOWN FINANCIAL INSTITUTIONS

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**: PART 1 OF 4

Frontage (m)	Depth (m)	Area (m ² or ha)
128 +/- Rymal 135 - Nebo	135	1.51 ha

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: UNDER CONSTRUCTION

Proposed: SEE APPROVED SITE PLAN

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)
184.84 Rymal 35.61 Nebo	215	3.83 ha

Existing Use of Property to be retained:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) _____
- Industrial
 Agricultural-Related
 Commercial
 Vacant

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 checked="" type="checkbox"/>	<u>COMMERCIAL</u>
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 PIPE MANUFACTURING
- 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?
OWNER, PREVIOUS REPORTS
- 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 CLEAN UP OF SITE IS ONGOING

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)

HELPS TO IMPLEMENT APPROVED SITE PLAN

- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

HELPS TO IMPLEMENT APPROVED SITE PLAN

- 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)

Ed Fothergill

From: Coe, Emily <Emily.Coe@hamilton.ca>
Sent: September 10, 2020 12:10 PM
To: Sheffield, Jamila; 'Ed Fothergill'
Cc: Mohammed Ghaddar; hussein-ghaddar@hotmail.com; 7D ASSOCIATES LTD.; Dan McLaren; Romano, Maria
Subject: RE: Nebo & Rymal - Ghaddar

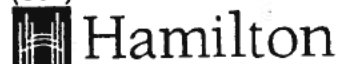
Thanks Jamila,

As long as the parcels are still held in identical ownership, then the consolidated lot development regulation in the Zoning By-law can be used. As such, there is no need for a variance to consider the lot to be one parcel of land for the purposes of development.

If the parcels are held in different ownership, then yes, the variance would be required.

Emily Coe, BA, CPT

Supervisor of Zoning
 Planning and Economic Development
 Building Division, City of Hamilton
 (905) 546-2424 Ext.2575



From: Sheffield, Jamila <Jamila.Sheffield@hamilton.ca>

Sent: September 10, 2020 11:44 AM

To: 'Ed Fothergill' <edf@nas.net>; Coe, Emily <Emily.Coe@hamilton.ca>

Cc: Mohammed Ghaddar <mghammer8@yahoo.ca>; hussein-ghaddar@hotmail.com; 7D ASSOCIATES LTD. <7dassociates@gmail.com>; Dan McLaren <dmclaren@atmclaren.com>; Romano, Maria <Maria.Romano@hamilton.ca>

Subject: RE: Nebo & Rymal - Ghaddar

Good Morning,

The mortgage parcels are kind of a cross between an easement and a long term lease (from my understanding) the mortgage parcels are not able to be sold as legally conveyable lots, but the mortgage interest is (I don't know if I'm explaining this well enough). So, I believe they could be treated as one lot for development purposes, Emily please correct me if this is not correct.

The application for the creation would follow the same process for a consent for a new lot as a consent for mortgage purposes, one severed parcel is created for each application. So, you will need more than 1 application, but likely not 5, depending on how the mortgage parcels are configured.

These can be fairly tricky to wrap your head around, so I would suggest contacting the City's planner for this file, if it is part of an active site plan file. This would give them the opportunity to clarify things before the consent process and ensure everyone is on the same page.

If you need further clarification, just let me know.

Jamila

From: Ed Fothergill <edf@nas.net>
Sent: September 9, 2020 3:59 PM
To: Coe, Emily <Emily.Coe@hamilton.ca>
Cc: Mohammed Ghaddar <mghammer8@yahoo.ca>; hussein-ghaddar@hotmail.com; 7D ASSOCIATES LTD. <7dassociates@gmail.com>; Dan McLaren <dmclaren@atmclaren.com>; Sheffield, Jamila <Jamila.Sheffield@hamilton.ca>; Romano, Maria <Maria.Romano@hamilton.ca>
Subject: RE: Nebo & Rymal - Ghaddar

Dear Emily,

Thank you for your quick reply.

If we pursue a consent for the purposes of financing, technically we are not creating separate properties, but rather simply allowing financing to be put on each of the 5 parcels separately. I am not sure if that makes a difference from a zoning perspective.

I like your option of applying for a variance to consider the entire property as one lot for the purposes of development, as that is essentially what will happen as the development unfolds. That would address a number of matters all at once.

I look forward to comments from Maria and Jamila.

Ed Fothergill
Fothergill Planning & Development Inc.
62 Daffodil Cres., Ancaster, ON L9K 1E1
T: 905-577-1077 E: edf@nas.net

From: Coe, Emily [<mailto:Emily.Coe@hamilton.ca>]
Sent: September 9, 2020 3:22 PM
To: Ed Fothergill; Sheffield, Jamila; Romano, Maria
Cc: Mohammed Ghaddar; hussein-ghaddar@hotmail.com; 7D ASSOCIATES LTD.; Dan McLaren
Subject: RE: Nebo & Rymal - Ghaddar

Hi Ed,

If you are creating separate properties, in separate ownership, each would need to comply with zoning requirements. The other option is to apply for a variance to consider all of the properties to be one for the purposes of development (and then zoning would apply as it would have if it remained one property).

Otherwise if these are just long-term leases (?) then it would remain one parcel.

By way of this email, I will ask Maria to answer your zoning questions, as she is the one who reviewed the site plan file.

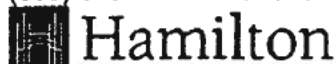
Maria, please see below – could you please assist Ed?

Thank you,

Emily

Emily Coe, BA, CPT

Supervisor of Zoning
 Planning and Economic Development
 Building Division, City of Hamilton
 (905) 546-2424 Ext.2575



Due to concerns related to COVID-19, only the 1st and 2nd floors of City Hall are open to the public. Although the Building Division offices remain closed to the public, the Building Division continues to operate as many of our services can still be accessed, including building permit inspections.

We can receive building permit applications and requests for Zoning Verifications (regular service only) by mail/courier delivery or online. Online building permit applications can be completed at www.hamilton.ca/eplans and Zoning Verifications at <https://zoningverification.hamilton.ca/>. In addition to the drop box outside of City Hall at the rear of the building (for letters and small parcels), items can also be dropped off at the 1st floor of City Hall during business hours of 8:30 AM to 4:30 PM. Please kindly note, the 1st floor is a drop-off/pick-up only and staff are not available to discuss or consult on Building Division-related matters.

Under these unprecedented service delivery constraints, we are doing our best to maintain timeframes for building permit applications, responding information, building inspections, Zoning Verifications, and other requests for information/compliance.

From: Ed Fothergill <edf@nas.net>

Sent: September 9, 2020 3:13 PM

To: Sheffield, Jamila <Jamila.Sheffield@hamilton.ca>; Coe, Emily <Emily.Coe@hamilton.ca>

Cc: Mohammed Ghaddar <mghammer8@yahoo.ca>; hussein-ghaddar@hotmai.com; 7D ASSOCIATES LTD. <7dassociates@gmail.com>; Dan McLaren <dmclaren@atmclaren.com>

Subject: Nebo & Rymal - Ghaddar

Dear Jamila and Emily:

Enclosed is a marked up copy of a site plan drawing for a site at 1280 Rymal Road East and 385 Nebo Road, which was approved under application DA-17-187.

The owner would like to consider submitting an application for consent for five separate parcels as shown on the attached plan for the purposes of financing. I understand that we can submit an application that will not create individual lots, but can be used for financing purposes only such that the owner can place separate financing on each of the 5 parcels. Can this be done with one application, or do we need to submit 5 separate applications with 5 separate fees?

If this is the case, does each parcel have to comply with zoning requirements, including parking?

Through a review of the site plan, it was determined that the stacking spaces for the car wash and detailing use could be considered as required parking. **Emily**, in terms of providing parking spaces, you will note that each of the buildings and parcels 2 and 3 which are drive through restaurants, provide 12 stacking spaces. Can these stacking spaces be applied to parking requirements of the by-law?

Can you have someone review the attached parking calculation chart I have prepared? It was agreed through the processing of the application that parking requirements for Parcel 1 will be based on the individual uses within that parcel. Parking requirements for the balance of the site will be based on the planned Business Centre at a ratio of 1 space for each 30 sq.m. of gross floor area.



Hamilton

COMMITTEE OF ADJUSTMENT

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NOTICE OF PUBLIC HEARING

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APPLICATION NUMBER: HM/B-20:65

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- 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): Agent Ed Fothergill
 Owner 2531083 Ontario Inc.

PURPOSE OF APPLICATION: To create a mortgage/charge over a portion of the property to facilitate phased development.

To be heard in conjunction with HM/B-20:64, HM/B-20:66, and HM/B-20:67.

Mortgage/charge area: (Part 2)
 72m[±] x 43m[±] and an area of 0.34 ha[±]

Retained area: (Parts 3-5)
 112m[±] x 215m[±] and an area of 3.51 ha[±]

The Committee of Adjustment will hear this application on:

DATE: Thursday, November 19th , 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.

HM/B-20:65

Page 2

MORE INFORMATION

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- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: November 3rd, 2020

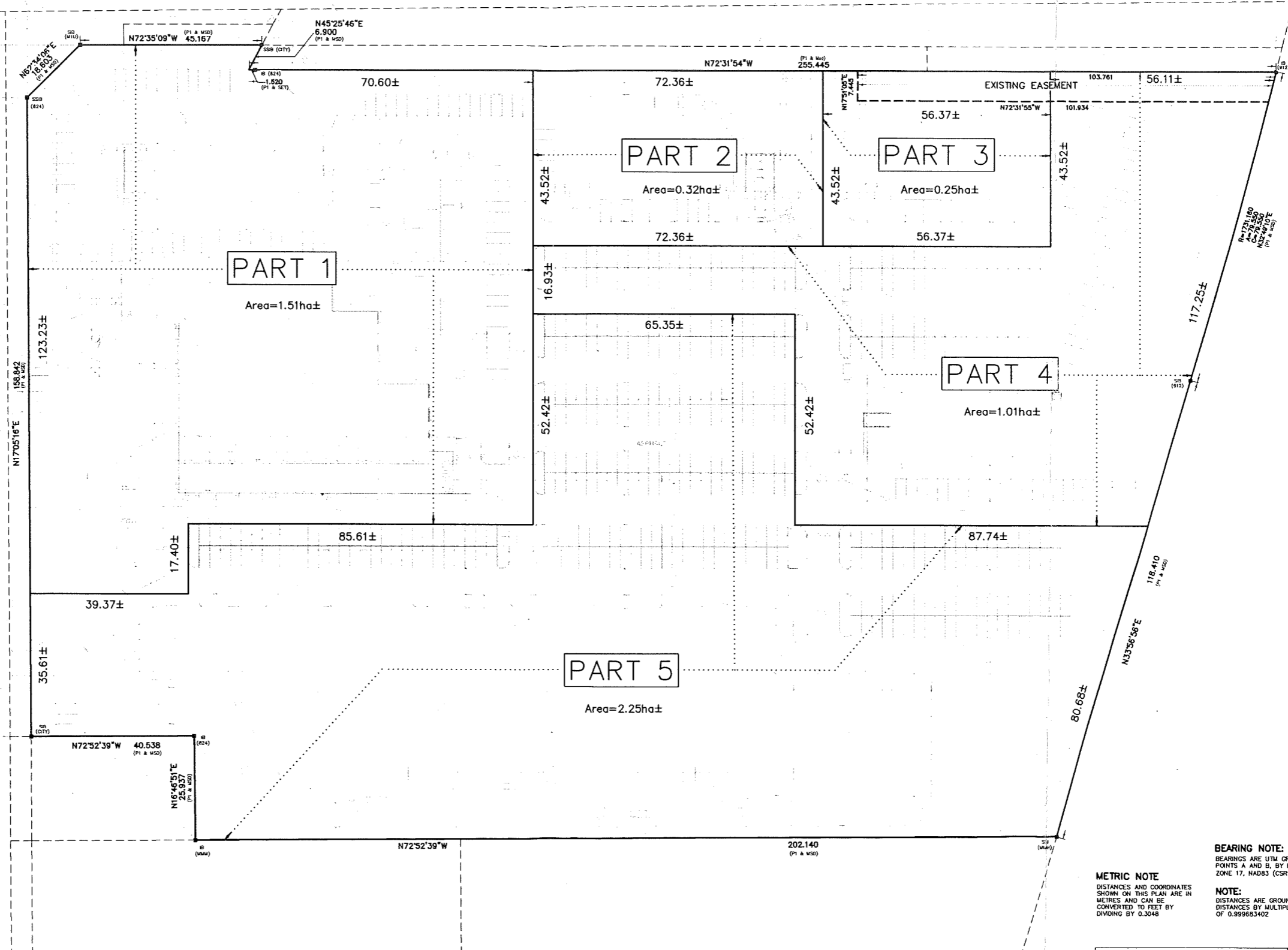
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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.

SKETCH FOR SEVERANCE
 OF PART OF
LOT 14, CONCESSION 1
 GEOGRAPHIC TOWNSHIP OF GLANFORD
 IN THE
CITY OF HAMILTON
 SCALE 1:500 METRIC
 S.D. McLAREN, O.L.S. - 2020

RYMAL ROAD EAST
 (FORMERLY THE KING'S HIGHWAY NO. 53)

ORIGINAL ROAD ALLOWANCE BETWEEN GEOGRAPHIC TOWNSHIPS OF BARTON AND GLANFORD



- LEGEND:**
- DEPICTS MONUMENT SET
 - MONUMENT FOUND
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 - SB A.T. McLAREN, O.L.S.
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 - SB MEASURED
 - SB PLAN 629-20293
 - SB DIAMETER

BEARING NOTE:
 BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

METRIC NOTE:
 DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

NOTE:
 DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999683402

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A.T. McLaren Limited
 LEGAL AND ENGINEERING SURVEYS
 66 JOHN STREET SOUTH, SUITE 230
 HAMILTON, ONTARIO, L9M 2S6
 PHONE (905) 527-6556 FAX (905) 527-0032

DATE: SEPTEMBER 11, 2020
 S.D. McLAREN, O.L.S.

Scale: 1:500
 Dwg. No. 35254-00

REQUIRED PARKING CALCULATION FACTORS						
Level	Name	BUILDING	Area SM	By AREA	By UNIT	Department
Level 1	AUTOMATIC CARWASH	A	7,263 SF	0.00 SF	3	M4 AUTOMOTIVE
Level 1	POOL/SPA	A	2,072 SF	0.00 SF	0	M4 AUTOMOTIVE
Level 1	STORE	A	2,052 SF	23.07 SF	0	M4 AUTOMOTIVE
Level 1	CAR DETAILING	A	692.87 SF	0.00 SF	0	M4 AUTOMOTIVE
Level 1	MECHANICAL SERVICES	A	276.35 SF	0.00 SF	0	M4 AUTOMOTIVE
Level 1	RUST PROOF M4	A	16.71 SF	0.00 SF	0	M4 AUTOMOTIVE
Level 1	DS CHANGE M4	A	41.22 SF	0.00 SF	12	M4 AUTOMOTIVE
Level 1	DEEP DETAILING M4	A	34.42 SF	0.00 SF	0	M4 AUTOMOTIVE
Level 1	MANUAL CARWASH M4	A	17.83 SF	0.00 SF	0	M4 AUTOMOTIVE
Level 1	WAXING M4	A	18.51 SF	0.00 SF	0	M4 AUTOMOTIVE
Level 1	STORE	A	16.22 SF	20.00 SF	0	M4 AUTOMOTIVE
Level 1	TOILETS	A	29.52 SF	0.00 SF	0	M4 AUTOMOTIVE
Level M	OFFICE SERVICES	A	423.43 SF	30.00 SF	0	M4 AUTOMOTIVE
Level M	MECHANICAL SERVICES	A	547.97 SF	0.00 SF	0	M4 AUTOMOTIVE
Level 14	AUTOMOTIVE		33,920 SF			
Level 1	RETAIL OFFICES 1ST FLOOR	C	18,519 SF	10.00 SF	0	M4 BUSINESS CENTRE
Level 1	RETAIL OFFICES 1ST FLOOR	C	754.28 SF	33.00 SF	0	M4 BUSINESS CENTRE
Level 1	RESTAURANT/BANK	D	447.58 SF	33.00 SF	0	M4 BUSINESS CENTRE
Level 1	RESTAURANT/BANK	D	447.58 SF	33.00 SF	0	M4 BUSINESS CENTRE
Level 2	OFFICES 2ND FLOOR	C	12,100 SF	20.00 SF	0	M4 BUSINESS CENTRE
Level 2	OFFICES 2ND FLOOR	C	17,528 SF	30.00 SF	0	M4 BUSINESS CENTRE
Level 2	OFFICES 2ND FLOOR	C	29,928 SF	30.00 SF	0	M4 BUSINESS CENTRE
Level 2	BUSINESS CENTRE 2	C	614.92 SF			
Level 2	MECHANICAL SERVICES	A	204.89 SF	0.00 SF	0	M4 AUTOMOTIVE

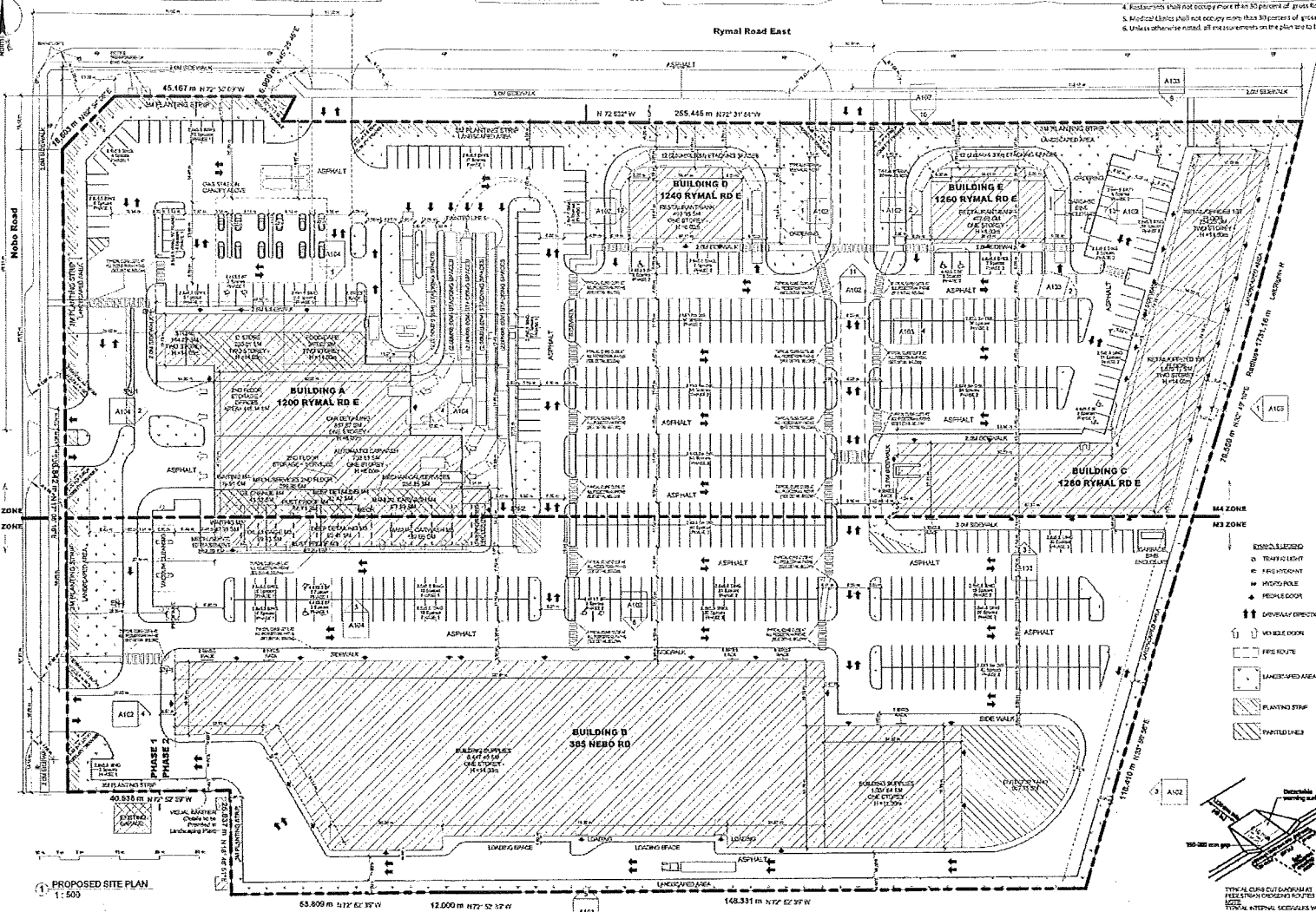
REQUIRED PARKING CALCULATION FACTORS						
Level	Name	BUILDING	Area SM	By AREA	By UNIT	Department
Level 1	DS CHANGE M4	A	49.43 SF	0.00 SF	0	M4 AUTOMOTIVE
Level 1	MANUAL CARWASH	A	197.66 SF	0.00 SF	0	M4 AUTOMOTIVE
Level 1	WAXING M4	A	59.41 SF	0.00 SF	0	M4 AUTOMOTIVE
Level 1	DEEP DETAILING M4	A	59.41 SF	0.00 SF	0	M4 AUTOMOTIVE
Level 1	MECH	A	23.48 SF	0.00 SF	0	M4 AUTOMOTIVE
Level 1	RUST PROOF M4	A	42.22 SF	0.00 SF	0	M4 AUTOMOTIVE
Level 1	AUTOMOTIVE 7		183.00 SF			
Level 1	BUILDING SUPPLIES	B	6447.42 SF	30.00 SF	0	M3 BUILDING SUPPLY
Level 1	BUILDING SUPPLIES	B	1749.24 SF	30.00 SF	0	M3 BUILDING SUPPLY
Level 1	BUILDING SUPPLIES 2		1974.22 SF			

PARKING PROVIDED BY PHASE		
Type	Spaces	Count
2.6x5.5 SING.	130	PHASE 1
2.6x5.5 SING. W ISLAND	4	PHASE 1
4.4X5.5 BF	126	PHASE 1
17	126	
2.6x5.5 SING.	145	PHASE 2
2.6X5.5m DDL	300	PHASE 2
4.4X5.5 BF	8	PHASE 2
22	459	
Grand total	39	605

INTERNAL TRAFFIC CONTROL SIGNAGE		
SYMBOL	SIGNAGE	COUNT
SN-1	STOP CONTROL	4
SN-2	DO NOT ENTER	1

Site Statistics Chart: 385 Nebo Road - HAMILTON, ON					
ZONING REGULATIONS	ALLOWED/REQUIRED	EXISTING	PROPOSED	TOTAL	COMPLIANCE
Spotting District M3 and M4					
Total Area M3		29,347.59 SF			
Lot Area M3		21,802.09 SF			YES
Lot Area (Minimum)	4,000.00 SF	53,289.58 SF			YES
Lot Length (Minimum)	4.00 SF	155.84 SF			YES
Lot Width (Minimum)	30.00 SF	205.00 SF			YES
Open Area	0.00 SF	17,974.22 SF	17,974.22 SF		YES
Open Area (Building Coverage)	0.00 SF	14,116.22 SF	14,116.22 SF		YES
Lot Coverage	0.00%	25.67%	26.5%		YES
Setback (Minimum)	6.00 SF	8.00 SF	8.00 SF		YES
Setback (Maximum)	0.00 SF	27.00 SF	0.00 SF		YES
Front Yard Setback (Minimum)	0.00 SF	6.00 SF	6.00 SF		YES
Side Yard Setback (Minimum)	0.00 SF	10.50 SF	10.50 SF		YES
Unobstructed Area	0.00 SF	7,841.74 SF	7,843.74 SF		YES
Maximum Open Space	0.00%	13.21%	11.25%		YES
Maximum Open Space	11%	0%	0%		YES
Maximum Open Space	20%	0%	0%		YES
Maximum Open Space	25%	0%	0%		YES
TOTAL OPEN SPACE	59%	0%	60%	60%	YES

- NOTE:
1. All proposed final developments shall be marked to a maximum gross floor area of 150,000 M².
 2. Maximum Gross Floor Area for Motor Cuts is 1,000 M².
 3. Maximum gross floor area for Office use within a residential building, excluding a secondary office, shall be limited to 10,000 M².
 4. Restaurants shall not occupy more than 10% percent of gross floor area of the proposed building.
 5. Mechanical exhaust shall not occupy more than 10% percent of gross floor area of the proposed building.
 6. Unless otherwise noted, all measurements on the plan are to be considered as minimums.



- GENERAL NOTES:
1. All work shall be in accordance with the Ontario Building Code and all applicable laws and regulations.
 2. The approval of this plan does not constitute a guarantee of the accuracy of the information provided.
 3. The approval of this plan does not constitute a guarantee of the accuracy of the information provided.
 4. The approval of this plan does not constitute a guarantee of the accuracy of the information provided.
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 9. The approval of this plan does not constitute a guarantee of the accuracy of the information provided.
 10. The approval of this plan does not constitute a guarantee of the accuracy of the information provided.
 11. The approval of this plan does not constitute a guarantee of the accuracy of the information provided.
 12. The approval of this plan does not constitute a guarantee of the accuracy of the information provided.



#	Description	Date
1	ISSUED FOR ETE PLAN CONTROL	2017-04-25
2	ISSUED FOR ETE PLAN REVISION	2016-04-25
3	ISSUED FOR ETE PLAN REVISION	2016-07-12
4	ISSUED FOR ETE PLAN REVISION	2016-10-16
5	ISSUED FOR ETE PLAN REVISION	2016-11-02
6	ISSUED FOR ETE PLAN REVISION	2016-11-11
7	ISSUED FOR ETE PLAN REVISION	2016-11-11
8	ISSUED FOR ETE PLAN REVISION	2016-11-11
9	ISSUED FOR ETE PLAN REVISION	2016-11-11
10	ISSUED FOR ETE PLAN REVISION	2016-11-11
11	ISSUED FOR ETE PLAN REVISION	2016-11-11
12	ISSUED FOR ETE PLAN REVISION	2016-11-11
13	ISSUED FOR ETE PLAN REVISION	2016-11-11
14	ISSUED FOR ETE PLAN REVISION	2016-11-11
15	ISSUED FOR ETE PLAN REVISION	2016-11-11
16	ISSUED FOR ETE PLAN REVISION	2016-11-11
17	ISSUED FOR ETE PLAN REVISION	2016-11-11
18	ISSUED FOR ETE PLAN REVISION	2016-11-11
19	ISSUED FOR ETE PLAN REVISION	2016-11-11
20	ISSUED FOR ETE PLAN REVISION	2016-11-11

Project Name: **Nebo Rymal PLAZA**

Project Address: **385 Nebo Road HAMILTON, ON**

Project City: **HAMILTON, ON**

Project State: **ON**

Project Country: **CA**

Project Date: **2017-04-25**

Project Scale: **1:500**

Project Status: **ISSUED FOR ETE PLAN CONTROL**

Project Designer: **DAVID J. BENNETT**

Project License: **11111**

Project Date: **2017**

**FOTHERGILL PLANNING & DEVELOPMENT INC.**

62 DAFFODIL CRES. • HAMILTON, ON L9K 1E1 • PHONE: (905) 577-1077 • FAX: (905) 546-0545 • E-MAIL: edf@nas.net

October 7, 2020

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

Dear Ms. Sheffield:

**Re: Applications for Consent for Financing
1280 Rymal Road East and 385 Nebo Road**

Please find enclosed four applications for Consent for the purposes of financing to create 5 parts within a 5.5 hectare parcel of land at the corner of Nebo Road and Rymal Road East. I am assuming that with the approval of each of the four applications, the fifth parcel will be created essentially as a retained parcel. Can you please confirm. The intent of the owner is to retain ownership of the entire site but arrange for financing to be placed on the property on a staged basis as the project unfolds.

I have attached with each application a sketch to illustrate the size and location of each of the five parcels along with a copy of the approved site plan.

I have included a chain of emails between myself, yourself and Emily Coe which took place prior to submitting the applications to confirm that there is no need for a variance to consider the lot to be one parcel of land for the purposes of development.

We look forward to this application being brought forward to the first available meeting of the Committee of Adjustment.

Thank you very much.

Sincerely,
FOTHERGILL PLANNING & DEVELOPMENT INC.



E.J. Fothergill, MCIP, RPP
President

encl.

cc. Mohammed Ghaddar
Hussein Ghaddar
Saad Faraj
Councillor Tom Jackson

S:\WPDOCS\FILES\Ghaddar, Mohammed\Jamila Sheffield Oct 7 2020.wpd

PART 2 OF 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

**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)	2531083 ONTARIO INC. c/o HUSSEIN GHADDAR	[REDACTED]	Business [REDACTED] Fax: () E-mail: [REDACTED]
Applicant(s)*			Business () Fax: () E-mail:
Agent or Solicitor	ED FOTHERGILL FOTHERGILL PLANNING & DEVELOPMENT INC.	[REDACTED]	Business [REDACTED] Fax: () E-mail: [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	Lot	Concession	Former Township
HAMILTON	14	1	GLANFORD
Registered Plan N°.	Lot(s)	Reference Plan N°. 62R-20293	Part(s) 1, 2, 3, 5
Municipal Address	1280 RYMAL ROAD EAST AND 385 NEBO ROAD		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: **SERVICING**

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:

UNKNOWN FINANCIAL INSTITUTIONS

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

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION4.1 Description of land intended to be **Severed**: **PART 2 OF 4**

Frontage (m)	Depth (m)	Area (m ² or ha)
72.36	43.52	0.34 ha

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: UNDER CONSTRUCTION

Proposed: SEE APPROVED SITE PLAN

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)
240.48 Rymal 170 Nebo	215	5.02

Existing Use of Property to be retained:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) _____
- Industrial
 Agricultural-Related
 Commercial
 Vacant

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 checked="" type="checkbox"/>	COMMERCIAL
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 PIPE MANUFACTURING
- 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?
OWNER, PREVIOUS REPORTS
- 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 CLEAN UP OF SITE IS ONGOING

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)

HELPS TO IMPLEMENT APPROVED SITE PLAN

- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

HELPS TO IMPLEMENT APPROVED SITE PLAN

- 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?
NOVEMBER 20, 2016

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 HM/A-19:368 Status APPROVED

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)

Site Statistics Chart - 385 Hebo Road - HAMILTON, ON - CN

Category	Sub-category	Value	Percentage
TOTAL	Area	1,100,000 sq. ft.	100%
	Impervious	1,100,000 sq. ft.	100%
	Permeable	0 sq. ft.	0%
	Roof	1,100,000 sq. ft.	100%
	Asphalt	0 sq. ft.	0%
	Concrete	0 sq. ft.	0%
	Grass	0 sq. ft.	0%
	Other	0 sq. ft.	0%
	Water	0 sq. ft.	0%
	Other	0 sq. ft.	0%
ESTIMATED	Area	1,100,000 sq. ft.	100%
	Impervious	1,100,000 sq. ft.	100%
	Permeable	0 sq. ft.	0%
	Roof	1,100,000 sq. ft.	100%
	Asphalt	0 sq. ft.	0%
	Concrete	0 sq. ft.	0%
	Grass	0 sq. ft.	0%
	Other	0 sq. ft.	0%
	Water	0 sq. ft.	0%
	Other	0 sq. ft.	0%

1. An impervious floor is defined as a floor of 2" or more of concrete, asphalt, or other material that does not absorb water.
2. A permeable floor is defined as a floor of 2" or more of grass, gravel, or other material that absorbs water.
3. A roof is defined as a surface that is inclined at an angle of 10 degrees or more from the horizontal.
4. A water body is defined as a body of water that is at least 100 feet in length and 10 feet in width.
5. Other is defined as any surface that does not fit into any of the other categories.

GENERAL NOTES:
 1. The site plan shows the proposed layout of the site, including the buildings, parking areas, and other features.
 2. The site plan is subject to the approval of the relevant authorities.
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REQUIRED PARKING CALCULATION FACTORS

Level	Name	Area (sq. ft.)	Zone	Department
Level 1	Office	1,100,000	Office	Office
Level 2	Office	1,100,000	Office	Office
Level 3	Office	1,100,000	Office	Office
Level 4	Office	1,100,000	Office	Office
Level 5	Office	1,100,000	Office	Office
Level 6	Office	1,100,000	Office	Office
Level 7	Office	1,100,000	Office	Office
Level 8	Office	1,100,000	Office	Office
Level 9	Office	1,100,000	Office	Office
Level 10	Office	1,100,000	Office	Office

INTERNAL TRAFFIC CONTROL SIGNAGE

Symbol	Count	Count
BN-1	1	1
BN-2	1	1

REQUIRED PARKING CALCULATION FACTORS

Area (sq. ft.)

1,100,000

REQUIRED PARKING CALCULATION FACTORS

Area (sq. ft.)

1,100,000

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1,100,000

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Area (sq. ft.)

1,100,000

REQUIRED PARKING CALCULATION FACTORS

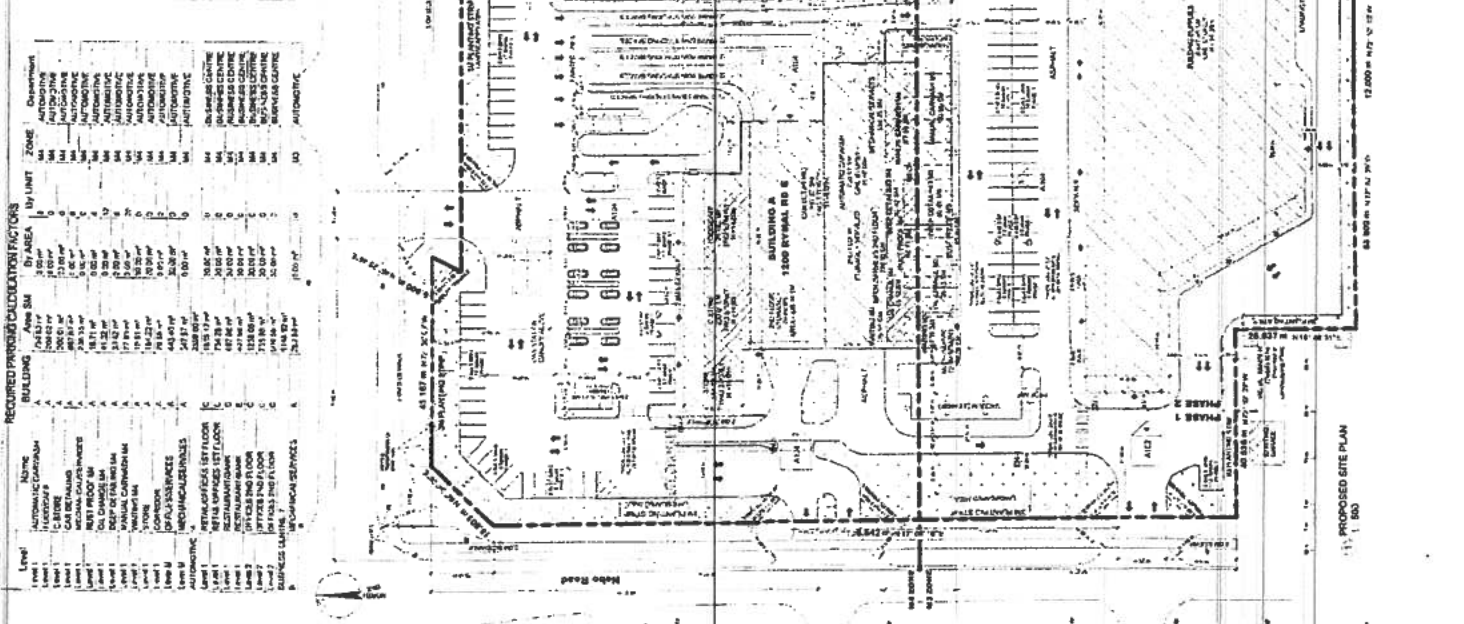
Area (sq. ft.)

1,100,000

REQUIRED PARKING CALCULATION FACTORS

Area (sq. ft.)

1,100,000



Ed Fothergill

From: Coe, Emily <Emily.Coe@hamilton.ca>
Sent: September 10, 2020 12:10 PM
To: Sheffield, Jamila; 'Ed Fothergill'
Cc: Mohammed Ghaddar; hussein-ghaddar@hotmail.com; 7D ASSOCIATES LTD.; Dan McLaren; Romano, Maria
Subject: RE: Nebo & Rymal - Ghaddar

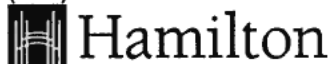
Thanks Jamila,

As long as the parcels are still held in identical ownership, then the consolidated lot development regulation in the Zoning By-law can be used. As such, there is no need for a variance to consider the lot to be one parcel of land for the purposes of development.

If the parcels are held in different ownership, then yes, the variance would be required.

Emily Coe, BA, CPT

Supervisor of Zoning
 Planning and Economic Development
 Building Division, City of Hamilton
 (905) 546-2424 Ext.2575



From: Sheffield, Jamila <Jamila.Sheffield@hamilton.ca>

Sent: September 10, 2020 11:44 AM

To: 'Ed Fothergill' <edf@nas.net>; Coe, Emily <Emily.Coe@hamilton.ca>

Cc: Mohammed Ghaddar <mghammer8@yahoo.ca>; hussein-ghaddar@hotmail.com; 7D ASSOCIATES LTD. <7dassociates@gmail.com>; Dan McLaren <dmclaren@atmclaren.com>; Romano, Maria <Maria.Romano@hamilton.ca>

Subject: RE: Nebo & Rymal - Ghaddar

Good Morning,

The mortgage parcels are kind of a cross between an easement and a long term lease (from my understanding) the mortgage parcels are not able to be sold as legally conveyable lots, but the mortgage interest is (I don't know if I'm explaining this well enough). So, I believe they could be treated as one lot for development purposes, Emily please correct me if this is not correct.

The application for the creation would follow the same process for a consent for a new lot as a consent for mortgage purposes, one severed parcel is created for each application. So, you will need more than 1 application, but likely not 5, depending on how the mortgage parcels are configured.

These can be fairly tricky to wrap your head around, so I would suggest contacting the City's planner for this file, if it is part of an active site plan file. This would give them the opportunity to clarify things before the consent process and ensure everyone is on the same page.

If you need further clarification, just let me know.

Jamila

From: Ed Fothergill <edf@nas.net>
Sent: September 9, 2020 3:59 PM
To: Coe, Emily <Emily.Coe@hamilton.ca>
Cc: Mohammed Ghaddar <mghammer8@yahoo.ca>; hussein-ghaddar@hotmail.com; 7D ASSOCIATES LTD. <7dassociates@gmail.com>; Dan McLaren <dmlaren@atmclaren.com>; Sheffield, Jamila <Jamila.Sheffield@hamilton.ca>; Romano, Maria <Maria.Romano@hamilton.ca>
Subject: RE: Nebo & Rymal - Ghaddar

Dear Emily,

Thank you for your quick reply.

If we pursue a consent for the purposes of financing, technically we are not creating separate properties, but rather simply allowing financing to be put on each of the 5 parcels separately. I am not sure if that makes a difference from a zoning perspective.

I like your option of applying for a variance to consider the entire property as one lot for the purposes of development, as that is essentially what will happen as the development unfolds. That would address a number of matters all at once.

I look forward to comments from Maria and Jamila.

Ed Fothergill
Fothergill Planning & Development Inc.
62 Daffodil Cres., Ancaster, ON L9K 1E1
T: 905-577-1077 E: edf@nas.net

From: Coe, Emily [<mailto:Emily.Coe@hamilton.ca>]
Sent: September 9, 2020 3:22 PM
To: Ed Fothergill; Sheffield, Jamila; Romano, Maria
Cc: Mohammed Ghaddar; hussein-ghaddar@hotmail.com; 7D ASSOCIATES LTD.; Dan McLaren
Subject: RE: Nebo & Rymal - Ghaddar

Hi Ed,

If you are creating separate properties, in separate ownership, each would need to comply with zoning requirements. The other option is to apply for a variance to consider all of the properties to be one for the purposes of development (and then zoning would apply as it would have if it remained one property).

Otherwise if these are just long-term leases (?) then it would remain one parcel.

By way of this email, I will ask Maria to answer your zoning questions, as she is the one who reviewed the site plan file.

Maria, please see below – could you please assist Ed?

Thank you,

Emily

Emily Coe, BA, CPT

Supervisor of Zoning
 Planning and Economic Development
 Building Division, City of Hamilton
 (905) 546-2424 Ext.2575



Due to concerns related to COVID-19, only the 1st and 2nd floors of City Hall are open to the public. Although the Building Division offices remain closed to the public, the Building Division continues to operate as many of our services can still be accessed, including building permit inspections.

We can receive building permit applications and requests for Zoning Verifications (regular service only) by mail/courier delivery or online. Online building permit applications can be completed at www.hamilton.ca/eplans and Zoning Verifications at <https://zoningverification.hamilton.ca/>. In addition to the drop box outside of City Hall at the rear of the building (for letters and small parcels), items can also be dropped off at the 1st floor of City Hall during business hours of 8:30 AM to 4:30 PM. Please kindly note, the 1st floor is a drop-off/pick-up only and staff are not available to discuss or consult on Building Division-related matters.

Under these unprecedented service delivery constraints, we are doing our best to maintain timeframes for building permit applications, responding information, building inspections, Zoning Verifications, and other requests for information/compliance.

From: Ed Fothergill <edf@nas.net>

Sent: September 9, 2020 3:13 PM

To: Sheffield, Jamila <Jamila.Sheffield@hamilton.ca>; Coe, Emily <Emily.Coe@hamilton.ca>

Cc: Mohammed Ghaddar <mghammer8@yahoo.ca>; hussain-ghaddar@hotmail.com; 7D ASSOCIATES LTD. <7dassociates@gmail.com>; Dan McLaren <dmclaren@atmclaren.com>

Subject: Nebo & Rymal - Ghaddar

Dear Jamila and Emily:

Enclosed is a marked up copy of a site plan drawing for a site at 1280 Rymal Road East and 385 Nebo Road, which was approved under application DA-17-187.

The owner would like to consider submitting an application for consent for five separate parcels as shown on the attached plan for the purposes of financing. I understand that we can submit an application that will not create individual lots, but can be used for financing purposes only such that the owner can place separate financing on each of the 5 parcels. Can this be done with one application, or do we need to submit 5 separate applications with 5 separate fees?

If this is the case, does each parcel have to comply with zoning requirements, including parking?

Through a review of the site plan, it was determined that the stacking spaces for the car wash and detailing use could be considered as required parking. Emily, in terms of providing parking spaces, you will note that each of the buildings and parcels 2 and 3 which are drive through restaurants, provide 12 stacking spaces. Can these stacking spaces be applied to parking requirements of the by-law?

Can you have someone review the attached parking calculation chart I have prepared? It was agreed through the processing of the application that parking requirements for Parcel 1 will be based on the individual uses within that parcel. Parking requirements for the balance of the site will be based on the planned Business Centre at a ratio of 1 space for each 30 sq.m. of gross floor area.



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: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: HM/B-20:66

SUBJECT PROPERTY: 1280 Rymal Rd. E. and 385 Nebo Rd., Hamilton

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): Agent Ed Fothergill
 Owner 2531083 Ontario Inc.

PURPOSE OF APPLICATION: To create a mortgage/charge over a portion of the property to facilitate phased development.

To be heard in conjunction with HM/B-20:64, HM/B-20:66, and HM/B-20:67.

Mortgage/charge area: (Part 3)
 56m[±] x 43m[±] and an area of 0.25 ha[±]

Retained area: (Parts 4-5)
 56m[±] x 197m[±] and an area of 3.26 ha[±]

The Committee of Adjustment will hear this application on:

DATE: Thursday, November 19th , 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.

HM/B-20:66

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: November 3rd, 2020

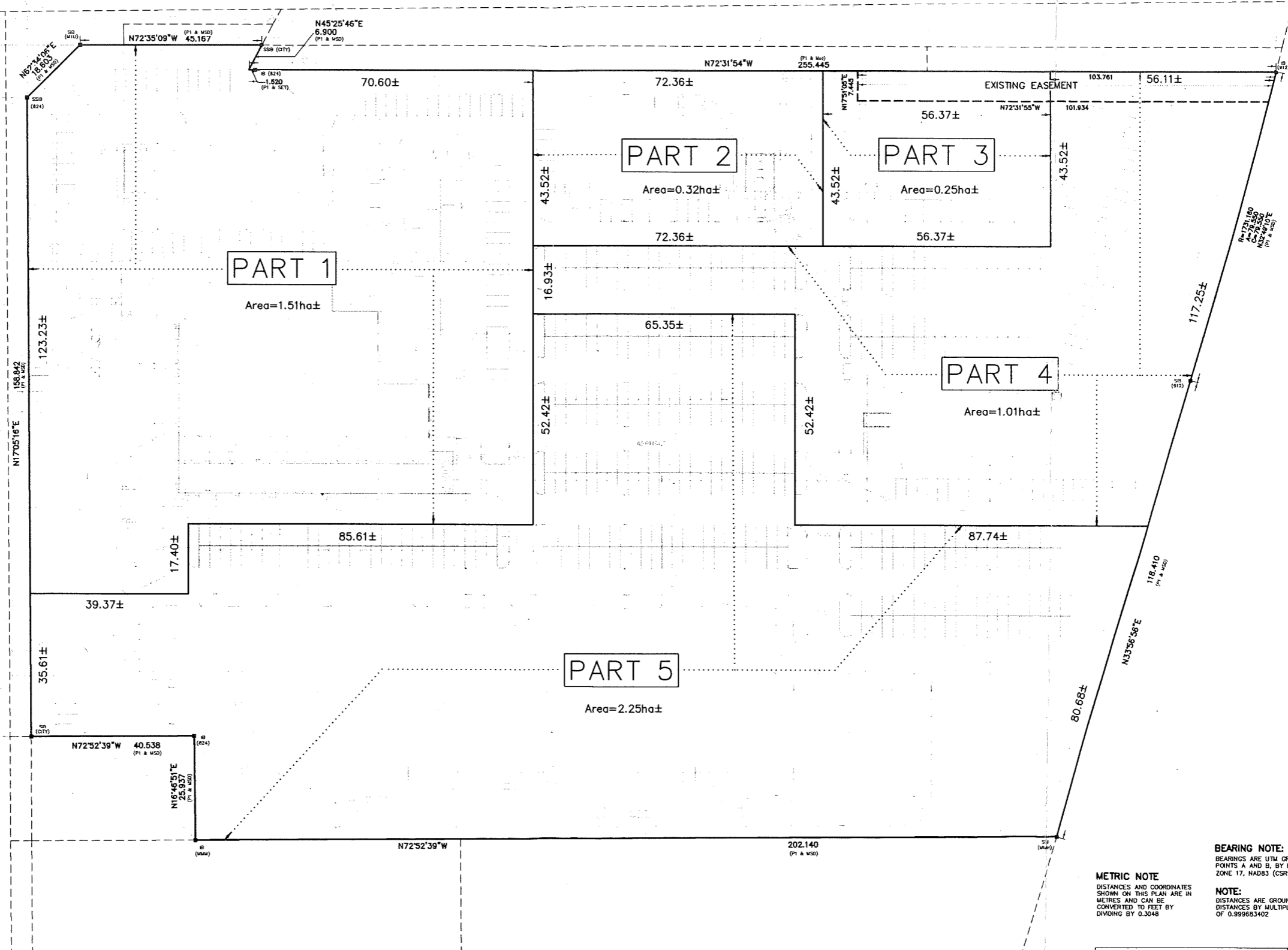
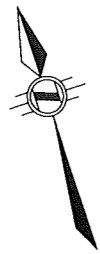
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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.

SKETCH FOR SEVERANCE
 OF PART OF
LOT 14, CONCESSION 1
 GEOGRAPHIC TOWNSHIP OF GLANFORD
 IN THE
CITY OF HAMILTON
 SCALE 1:500 METRIC
 S.D. McLAREN, O.L.S. - 2020

RYMAL ROAD EAST
 (FORMERLY THE KING'S HIGHWAY NO. 53)

ORIGINAL ROAD ALLOWANCE BETWEEN GEOGRAPHIC TOWNSHIPS OF BARTON AND GLANFORD



- LEGEND:**
- DEPICTS MONUMENT SET
 - MONUMENT FOUND
 - SB IRON BAR
 - SB STANDARD IRON BAR
 - SSB SHORT STANDARD IRON BAR
 - SB ROUND IRON BAR
 - SB A.T. McLAREN, O.L.S.
 - SB A.J. CLARKE, O.L.S.
 - SB CITY OF HAMILTON
 - SB MARSHALL, MADGIN, MCKEONIAN
 - SB MINISTRY OF TRANSPORTATION, ONTARIO
 - SB MEASURED
 - SB PLAN 629-20293
 - SB DIAMETER

BEARING NOTE:
 BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

METRIC NOTE:
 DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

NOTE:
 DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999683402

© S.D. McLAREN, O.L.S. - 2020. NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF S.D. McLAREN, O.L.S.

A.T. McLaren Limited
 LEGAL AND ENGINEERING SURVEYS
 66 JOHN STREET SOUTH, SUITE 230
 HAMILTON, ONTARIO, L9M 2S6
 PHONE (905) 527-6556 FAX (905) 527-0032

DATE: SEPTEMBER 11, 2020
 S.D. McLAREN, O.L.S.

Drawn: [Signature]
 Scale: 1:500
 Dwg. No. 35254-06

REQUIRED PARKING CALCULATION FACTORS						
Level	Name	BUILDING	Area SM	By AREA	By UNIT	Department
Level 1	AUTOMATIC CARWASH	A	7,263 SF	0.00 SF	3	M4 AUTOMOTIVE
Level 1	POOL/CAFÉ	A	2,072 SF	0.00 SF	0	M4 AUTOMOTIVE
Level 1	STORE	A	2,002 SF	23.07 SF	0	M4 AUTOMOTIVE
Level 1	CAR DETAILING	A	692.87 SF	0.00 SF	0	M4 AUTOMOTIVE
Level 1	MECHANICAL SERVICES	A	276.35 SF	0.00 SF	0	M4 AUTOMOTIVE
Level 1	RUST PROOF M4	A	16.71 SF	0.00 SF	0	M4 AUTOMOTIVE
Level 1	DIS. CHANGE M4	A	41.22 SF	0.00 SF	12	M4 AUTOMOTIVE
Level 1	DEEP DETAILING M4	A	34.42 SF	0.00 SF	0	M4 AUTOMOTIVE
Level 1	MANUAL CARWASH M4	A	17.83 SF	0.00 SF	0	M4 AUTOMOTIVE
Level 1	WAXING M4	A	18.51 SF	0.00 SF	0	M4 AUTOMOTIVE
Level 1	STORE	A	16.22 SF	20.00 SF	0	M4 AUTOMOTIVE
Level 1	TOILETS	A	29.52 SF	0.00 SF	0	M4 AUTOMOTIVE
Level M	OFFICE SERVICES	A	423.43 SF	30.00 SF	0	M4 AUTOMOTIVE
Level M	MECHANICAL SERVICES	A	547.97 SF	0.00 SF	0	M4 AUTOMOTIVE
Level 14	AUTOMOTIVE		332.60 SF			
Level 1	RETAIL OFFICES 1ST FLOOR	C	183.19 SF	10.00 SF	0	M4 BUSINESS CENTRE
Level 1	RETAIL OFFICES 1ST FLOOR	C	754.78 SF	33.00 SF	0	M4 BUSINESS CENTRE
Level 1	RESTAURANT/BANK	D	447.59 SF	33.00 SF	0	M4 BUSINESS CENTRE
Level 1	RESTAURANT/BANK	D	447.59 SF	33.00 SF	0	M4 BUSINESS CENTRE
Level 2	OFFICES 2ND FLOOR	C	1,121.00 SF	20.00 SF	0	M4 BUSINESS CENTRE
Level 2	OFFICES 2ND FLOOR	C	1,725.28 SF	30.00 SF	0	M4 BUSINESS CENTRE
Level 2	OFFICES 2ND FLOOR	C	929.58 SF	30.00 SF	0	M4 BUSINESS CENTRE
Level 2	BUSINESS CENTRE 7	C	614.92 SF			
Level 2	MECHANICAL SERVICES	A	204.89 SF	0.00 SF	0	M4 AUTOMOTIVE

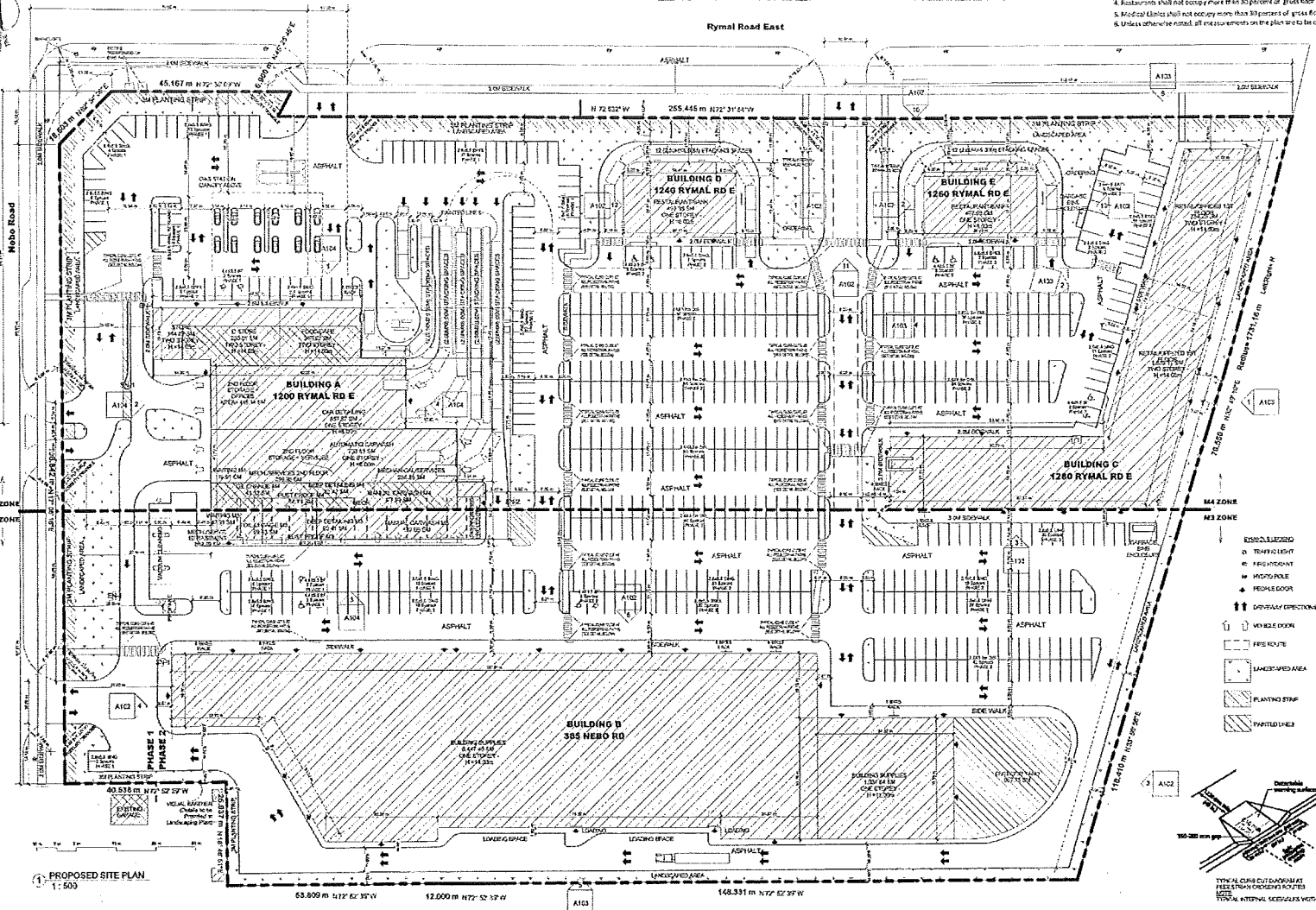
REQUIRED PARKING CALCULATION FACTORS						
Level	Name	BUILDING	Area SM	By AREA	By UNIT	Department
Level 1	DIS. CHANGE M4	A	49.43 SF	0.00 SF	0	M4 AUTOMOTIVE
Level 1	MANUAL CARWASH	A	197.66 SF	0.00 SF	0	M4 AUTOMOTIVE
Level 1	WAXING M4	A	59.41 SF	0.00 SF	0	M4 AUTOMOTIVE
Level 1	DEEP DETAILING M4	A	59.41 SF	0.00 SF	0	M4 AUTOMOTIVE
Level 1	MECH.	A	23.46 SF	0.00 SF	0	M4 AUTOMOTIVE
Level 1	RUST PROOF M4	A	42.22 SF	0.00 SF	0	M4 AUTOMOTIVE
Level 1	AUTOMOTIVE 7		163.00 SF			
Level 1	BUILDING SUPPLIES	B	6447.42 SF	30.00 SF	0	M3 BUILDING SUPPLY
Level 1	BUILDING SUPPLIES	B	1749.24 SF	30.00 SF	0	M3 BUILDING SUPPLY
Level 1	BUILDING SUPPLIES 2	B	1974.22 SF			

PARKING PROVIDED BY PHASE		
Type	Spaces	Count
2.6x5.5 SING.	130	PHASE 1
2.6x5.5 SING. W ISLAND	4	PHASE 1
4.4X5.5 BF	126	PHASE 1
17	126	
2.6x5.5 SING.	145	PHASE 2
2.6X5.5m DDL	300	PHASE 2
4.4X5.5 BF	8	PHASE 2
22	459	
Grand total	39	605

INTERNAL TRAFFIC CONTROL SIGNALING		
SYMBOL	SIGNAGE	COUNT
SN-1	STOP CONTROL	4
SN-2	DO NOT ENTER	1

Site Statistics Chart: 385 Nebo Road - HAMILTON, ON					
ZONING REGULATIONS	ALLOWED/REQUIRED	EXISTING	PROPOSED	TOTAL	COMPLIANCE
zoning District M3 and M4					
lot Area M4		29,347.59 SF			
lot Area M3		21,802.09 SF			YES
lot Area (Minimum)	4,000.00 SF	53,290.58 SF			YES
lot Length (Minimum)	14.00 SF	155.84 SF			YES
lot Width (Minimum)	30.00 SF	205.00 SF			YES
Gross Area	0.00 SF	17,974.22 SF	17,974.22 SF		YES
Net Usable Area (Building Coverage)	0.00 SF	14,116.22 SF	14,116.22 SF		YES
Gross Coverage	0.00 SF	25.67 SF	25.67 SF		YES
Street frontage (Minimum)	6.00 SF	8.00 SF	8.00 SF		YES
Street frontage (Street Measurement)	0.00 SF	27.00 SF	27.00 SF		YES
Front Yard Setback (M3)	0.00 SF	6.00 SF	6.00 SF		YES
Rear Yard Setback (M3)	0.00 SF	10.56 SF	10.56 SF		YES
Unenclosed Area	0.00 SF	7,643.74 SF	7,643.74 SF		YES
Maximum Gross Floor Area	0.00 SF	11,214 SF	11,214 SF		YES
Maximum Gross Floor Area for Motor Cars	117 SF	0 SF	0 SF		YES
Maximum Gross Floor Area for Office use within a residential building, excluding a secondary office, shall be limited to 3,000 SF	204 SF	0 SF	0 SF		YES
Maximum Gross Floor Area for Restaurant/Bar use shall be limited to 3,000 SF	226 SF	0 SF	0 SF		YES
Maximum Gross Floor Area for Retail use shall be limited to 3,000 SF	226 SF	0 SF	0 SF		YES
TOTAL GROSS FLOOR AREA	594 SF	0 SF	605 SF	605 SF	YES

- NOTE:
1. Any additional floor establishment shall be limited to a maximum gross floor area of 120,000 SF.
 2. Maximum Gross Floor Area for Motor Cars is 3,000 SF.
 3. Maximum gross floor area for Office use within a residential building, excluding a secondary office, shall be limited to 3,000 SF.
 4. Restaurants shall not occupy more than 50 percent of gross floor area of the proposed building.
 5. Structural elements shall not occupy more than 10 percent of gross floor area of the proposed building.
 6. Unless otherwise noted, all measurements on the plan are to be considered as minimums.



- GENERAL NOTES:
1. All work shall be in accordance with the Ontario Building Code and all applicable laws and regulations.
 2. The approval of this plan does not constitute a guarantee of the accuracy of the information provided.
 3. The approval of this plan does not constitute a guarantee of the accuracy of the information provided.
 4. All dimensions shown on the plan are to be considered as minimums.
 5. The approval of this plan does not constitute a guarantee of the accuracy of the information provided.
 6. The approval of this plan does not constitute a guarantee of the accuracy of the information provided.
 7. The approval of this plan does not constitute a guarantee of the accuracy of the information provided.
 8. The approval of this plan does not constitute a guarantee of the accuracy of the information provided.
 9. The approval of this plan does not constitute a guarantee of the accuracy of the information provided.
 10. The approval of this plan does not constitute a guarantee of the accuracy of the information provided.
 11. The approval of this plan does not constitute a guarantee of the accuracy of the information provided.
 12. The approval of this plan does not constitute a guarantee of the accuracy of the information provided.



#	Description	Date
1	ISSUED FOR ETE PLAN CONTROL	2014-07-15
2	ISSUED FOR ETE PLAN REVISION	2014-04-29
3	ISSUED FOR ETE PLAN REVISION	2014-07-12
4	ISSUED FOR ETE PLAN REVISION	2014-10-16
5	ISSUED FOR ETE PLAN REVISION	2014-11-02
6	ISSUED FOR ETE PLAN REVISION	2014-11-11
7	ISSUED FOR ETE PLAN REVISION	2014-11-11
8	ISSUED FOR ETE PLAN REVISION	2014-11-11
9	ISSUED FOR ETE PLAN REVISION	2014-11-11
10	ISSUED FOR ETE PLAN REVISION	2014-11-11
11	ISSUED FOR ETE PLAN REVISION	2014-11-11
12	ISSUED FOR ETE PLAN REVISION	2014-11-11
13	ISSUED FOR ETE PLAN REVISION	2014-11-11
14	ISSUED FOR ETE PLAN REVISION	2014-11-11
15	ISSUED FOR ETE PLAN REVISION	2014-11-11
16	ISSUED FOR ETE PLAN REVISION	2014-11-11
17	ISSUED FOR ETE PLAN REVISION	2014-11-11
18	ISSUED FOR ETE PLAN REVISION	2014-11-11
19	ISSUED FOR ETE PLAN REVISION	2014-11-11
20	ISSUED FOR ETE PLAN REVISION	2014-11-11

Proposed Site Plan
 385 Nebo Road
 HAMILTON, ON

Project Address
 385 Nebo Road
 HAMILTON, ON

PROPOSED SITE PLAN
 Plan No. 164-167
 Issue Date: 2020-01-30
 Drawn by: S.F.
 Checked by: E.F.
 Scale: 1:500

1017

**FOTHERGILL PLANNING & DEVELOPMENT INC.**

62 DAFFODIL CRES. • HAMILTON, ON L9K 1E1 • PHONE: (905) 577-1077 • FAX: (905) 546-0545 • E-MAIL: edf@nas.net

October 7, 2020

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

Dear Ms. Sheffield:

**Re: Applications for Consent for Financing
1280 Rymal Road East and 385 Nebo Road**

Please find enclosed four applications for Consent for the purposes of financing to create 5 parts within a 5.5 hectare parcel of land at the corner of Nebo Road and Rymal Road East. I am assuming that with the approval of each of the four applications, the fifth parcel will be created essentially as a retained parcel. Can you please confirm. The intent of the owner is to retain ownership of the entire site but arrange for financing to be placed on the property on a staged basis as the project unfolds.

I have attached with each application a sketch to illustrate the size and location of each of the five parcels along with a copy of the approved site plan.

I have included a chain of emails between myself, yourself and Emily Coe which took place prior to submitting the applications to confirm that there is no need for a variance to consider the lot to be one parcel of land for the purposes of development.

We look forward to this application being brought forward to the first available meeting of the Committee of Adjustment.

Thank you very much.

Sincerely,
FOTHERGILL PLANNING & DEVELOPMENT INC.



E.J. Fothergill, MCIP, RPP
President

encl.

cc. Mohammed Ghaddar
Hussein Ghaddar
Saad Faraj
Councillor Tom Jackson

S:\WPDOCS\FILES\Ghaddar, Mohammed\Jamila Sheffield Oct 7 2020.wpd



Hamilton

Planning and Economic Development Department
Planning Division

PART 3 OF 4

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)	2531083 ONTARIO INC. c/o HUSSEIN GHADDAR	[REDACTED]	Business [REDACTED] Fax: () E-mail: [REDACTED]
Applicant(s)*			Business () Fax: () E-mail:
Agent or Solicitor	ED FOTHERGILL FOTHERGILL PLANNING & DEVELOPMENT INC.	[REDACTED]	Business [REDACTED] Fax: () E-mail: [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	Lot	Concession	Former Township
HAMILTON	14	1	GLANFORD
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
		62R-20293	1, 2, 3, 5
Municipal Address			Assessment Roll N°.
1280 RYMAL ROAD EAST AND 385 NEBO ROAD			

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: SERVICING

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:

UNKNOWN FINANCIAL INSTITUTIONS

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**: **PART 3 OR 4**

Frontage (m)	Depth (m)	Area (m ² or ha)
56.37	43.52	0.25

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: UNDER CONSTRUCTION

Proposed: SEE APPROVED SITE PLAN

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)
Rymal 256.47 Nebo 170	215	5.09 ha

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
 Agriculture (includes a farm dwelling)
 Other (specify) _____
 Industrial
 Agricultural-Related
 Commercial
 Vacant

Building(s) or Structure(s):

Existing: UNDER CONSTRUCTION

Proposed: SEE ATTACHED PLAN

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) _____

4.3 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) EMPLOYMENT - BUSINESS PARK

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

ALLOWS FOR FINANCING TO IMPLEMENT APPROVED SITE PLAN

5.2 What is the existing zoning of the subject land? M3 AND M4

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? NO

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 checked="" type="checkbox"/>	<u>COMMERCIAL</u>
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 PIPE MANUFACTURING
- 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?
OWNER, PREVIOUS REPORTS
- 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 CLEAN UP OF SITE IS ONGOING

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)

HELPS TO IMPLEMENT APPROVED SITE PLAN

- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

HELPS TO IMPLEMENT APPROVED SITE PLAN

- 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?
NOVEMBER 20, 2016

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 HM/A-19:368 Status APPROVED

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 |

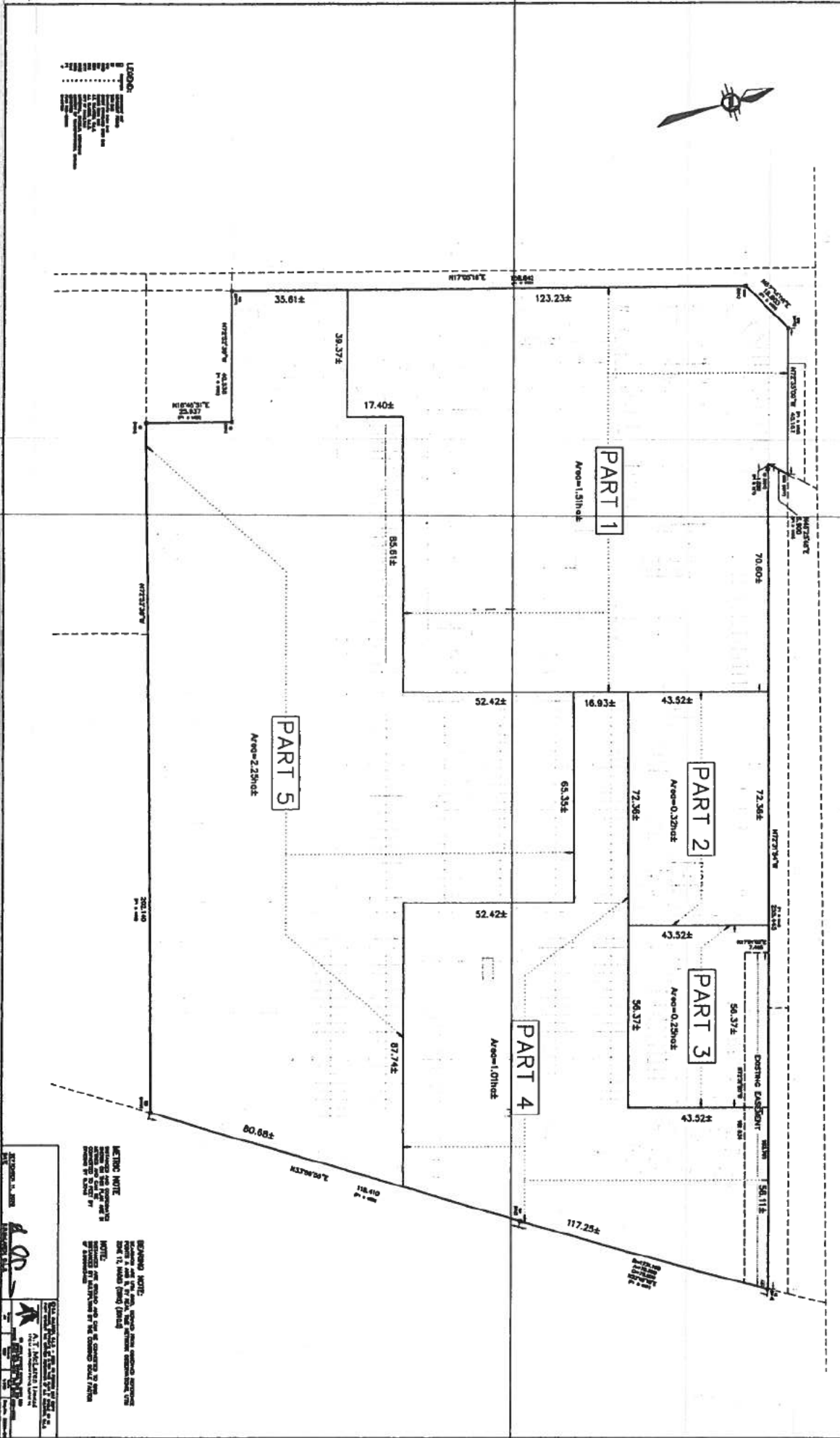
If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm operation.

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

- | | | |
|--|---|-------------------------|
| <input type="checkbox"/> Agricultural Severance or Lot Addition
<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 | } | (Complete Section 10.3) |
|--|---|-------------------------|

SECTION FOR SEPARATE
 OF PART 1
 LOT 14, CONCESSION 1
 CITY OF HAMILTON
 ROAD 1:000 SCALE
 E.M. BRIDGES O.L.B. - 2020

RYMAL ROAD EAST
 (FORMERLY THE NORTH BRANCH RD S3)
 ORIGINAL ROAD - ALLEGEDLY BUILT BY GEORGE W. TOWNSEND - OF RATION AND GARDEN



LEGEND:
 --- DISTINGUISHED
 --- PROPOSED
 --- EXISTING
 --- ADJACENT
 --- ROAD
 --- FENCE
 --- UTILITY

NOTICE:
 THIS PLAN IS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION OR AS EVIDENCE IN COURT.
 THE CITY OF HAMILTON IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS.
 THE CITY OF HAMILTON IS NOT RESPONSIBLE FOR ANY DAMAGES OR LOSSES ARISING FROM THE USE OF THIS PLAN.

A. J. MACLENNAN
 PROFESSIONAL ENGINEER
 LICENSE NO. 12345
 1000 BAY ST. W. TORONTO, ONT. M5H 2R9
 TEL: (416) 593-1234
 FAX: (416) 593-5678
 EMAIL: a.j.maclennan@pe.on.ca

Ed Fothergill

From: Coe, Emily <Emily.Coe@hamilton.ca>
Sent: September 10, 2020 12:10 PM
To: Sheffield, Jamila; 'Ed Fothergill'
Cc: Mohammed Ghaddar; hussein-ghaddar@hotmail.com; 7D ASSOCIATES LTD.; Dan McLaren; Romano, Maria
Subject: RE: Nebo & Rymal - Ghaddar

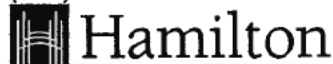
Thanks Jamila,

As long as the parcels are still held in identical ownership, then the consolidated lot development regulation in the Zoning By-law can be used. As such, there is no need for a variance to consider the lot to be one parcel of land for the purposes of development.

If the parcels are held in different ownership, then yes, the variance would be required.

Emily Coe, BA, CPT

Supervisor of Zoning
 Planning and Economic Development
 Building Division, City of Hamilton
 (905) 546-2424 Ext.2575



From: Sheffield, Jamila <Jamila.Sheffield@hamilton.ca>

Sent: September 10, 2020 11:44 AM

To: 'Ed Fothergill' <edf@nas.net>; Coe, Emily <Emily.Coe@hamilton.ca>

Cc: Mohammed Ghaddar <mghammer8@yahoo.ca>; hussein-ghaddar@hotmail.com; 7D ASSOCIATES LTD. <7dassociates@gmail.com>; Dan McLaren <dmclaren@atmclaren.com>; Romano, Maria <Maria.Romano@hamilton.ca>

Subject: RE: Nebo & Rymal - Ghaddar

Good Morning,

The mortgage parcels are kind of a cross between an easement and a long term lease (from my understanding) the mortgage parcels are not able to be sold as legally conveyable lots, but the mortgage interest is (I don't know if I'm explaining this well enough). So, I believe they could be treated as one lot for development purposes, Emily please correct me if this is not correct.

The application for the creation would follow the same process for a consent for a new lot as a consent for mortgage purposes, one severed parcel is created for each application. So, you will need more than 1 application, but likely not 5, depending on how the mortgage parcels are configured.

These can be fairly tricky to wrap your head around, so I would suggest contacting the City's planner for this file, if it is part of an active site plan file. This would give them the opportunity to clarify things before the consent process and ensure everyone is on the same page.

If you need further clarification, just let me know.

Jamila

From: Ed Fothergill <edf@nas.net>
Sent: September 9, 2020 3:59 PM
To: Coe, Emily <Emily.Coe@hamilton.ca>
Cc: Mohammed Ghaddar <mghammer8@yahoo.ca>; hussein-ghaddar@hotmail.com; 7D ASSOCIATES LTD. <7dassociates@gmail.com>; Dan McLaren <dmclaren@atmclaren.com>; Sheffield, Jamila <Jamila.Sheffield@hamilton.ca>; Romano, Maria <Maria.Romano@hamilton.ca>
Subject: RE: Nebo & Rymal - Ghaddar

Dear Emily,

Thank you for your quick reply.

If we pursue a consent for the purposes of financing, technically we are not creating separate properties, but rather simply allowing financing to be put on each of the 5 parcels separately. I am not sure if that makes a difference from a zoning perspective.

I like your option of applying for a variance to consider the entire property as one lot for the purposes of development, as that is essentially what will happen as the development unfolds. That would address a number of matters all at once.

I look forward to comments from Maria and Jamila.

Ed Fothergill
Fothergill Planning & Development Inc.
62 Daffodil Cres., Ancaster, ON L9K 1E1
T: 905-577-1077 E: edf@nas.net

From: Coe, Emily [<mailto:Emily.Coe@hamilton.ca>]
Sent: September 9, 2020 3:22 PM
To: Ed Fothergill; Sheffield, Jamila; Romano, Maria
Cc: Mohammed Ghaddar; hussein-ghaddar@hotmail.com; 7D ASSOCIATES LTD.; Dan McLaren
Subject: RE: Nebo & Rymal - Ghaddar

Hi Ed,

If you are creating separate properties, in separate ownership, each would need to comply with zoning requirements. The other option is to apply for a variance to consider all of the properties to be one for the purposes of development (and then zoning would apply as it would have if it remained one property).

Otherwise if these are just long-term leases (?) then it would remain one parcel.

By way of this email, I will ask Maria to answer your zoning questions, as she is the one who reviewed the site plan file.

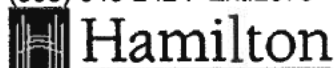
Maria, please see below – could you please assist Ed?

Thank you,

Emily

Emily Coe, BA, CPT

Supervisor of Zoning
 Planning and Economic Development
 Building Division, City of Hamilton
 (905) 546-2424 Ext.2575



Due to concerns related to COVID-19, only the 1st and 2nd floors of City Hall are open to the public. Although the Building Division offices remain closed to the public, the Building Division continues to operate as many of our services can still be accessed, including building permit inspections.

We can receive building permit applications and requests for Zoning Verifications (regular service only) by mail/courier delivery or online. Online building permit applications can be completed at www.hamilton.ca/eplans and Zoning Verifications at <https://zoningverification.hamilton.ca/>. In addition to the drop box outside of City Hall at the rear of the building (for letters and small parcels), items can also be dropped off at the 1st floor of City Hall during business hours of 8:30 AM to 4:30 PM. Please kindly note, the 1st floor is a drop-off/pick-up only and staff are not available to discuss or consult on Building Division-related matters.

Under these unprecedented service delivery constraints, we are doing our best to maintain timeframes for building permit applications, responding information, building inspections, Zoning Verifications, and other requests for information/compliance.

From: Ed Fothergill <edf@nas.net>

Sent: September 9, 2020 3:13 PM

To: Sheffield, Jamila <Jamila.Sheffield@hamilton.ca>; Coe, Emily <Emily.Coe@hamilton.ca>

Cc: Mohammed Ghaddar <mghammer8@yahoo.ca>; hussein-ghaddar@hotmail.com; 7D ASSOCIATES LTD. <7dassociates@gmail.com>; Dan McLaren <dmclaren@atmclaren.com>

Subject: Nebo & Rymal - Ghaddar

Dear Jamila and Emily:

Enclosed is a marked up copy of a site plan drawing for a site at 1280 Rymal Road East and 385 Nebo Road, which was approved under application DA-17-187.

The owner would like to consider submitting an application for consent for five separate parcels as shown on the attached plan for the purposes of financing. I understand that we can submit an application that will not create individual lots, but can be used for financing purposes only such that the owner can place separate financing on each of the 5 parcels. Can this be done with one application, or do we need to submit 5 separate applications with 5 separate fees?

If this is the case, does each parcel have to comply with zoning requirements, including parking?

Through a review of the site plan, it was determined that the stacking spaces for the car wash and detailing use could be considered as required parking. Emily, in terms of providing parking spaces, you will note that each of the buildings and parcels 2 and 3 which are drive through restaurants, provide 12 stacking spaces. Can these stacking spaces be applied to parking requirements of the by-law?

Can you have someone review the attached parking calculation chart I have prepared? It was agreed through the processing of the application that parking requirements for Parcel 1 will be based on the individual uses within that parcel. Parking requirements for the balance of the site will be based on the planned Business Centre at a ratio of 1 space for each 30 sq.m. of gross floor area.



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: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: HM/B-20:67

SUBJECT PROPERTY: 1280 Rymal Rd. E. and 385 Nebo Rd., Hamilton

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): Agent Ed Fothergill
 Owner 2531083 Ontario Inc.

PURPOSE OF APPLICATION: To create a mortgage/charge over a portion of the property to facilitate phased development.

To be heard in conjunction with HM/B-20:64, HM/B-20:65, and HM/B-20:66.

Mortgage/charge area: (Part 4)
 56m[±] x 117m[±] and an area of 1.01 ha[±]

Retained area: (Part 5)
 35m[±] x 240m[±] and an area of 2.25 ha[±]

The Committee of Adjustment will hear this application on:

DATE: Thursday, November 19th , 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.

HM/B-20:67

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: November 3rd, 2020

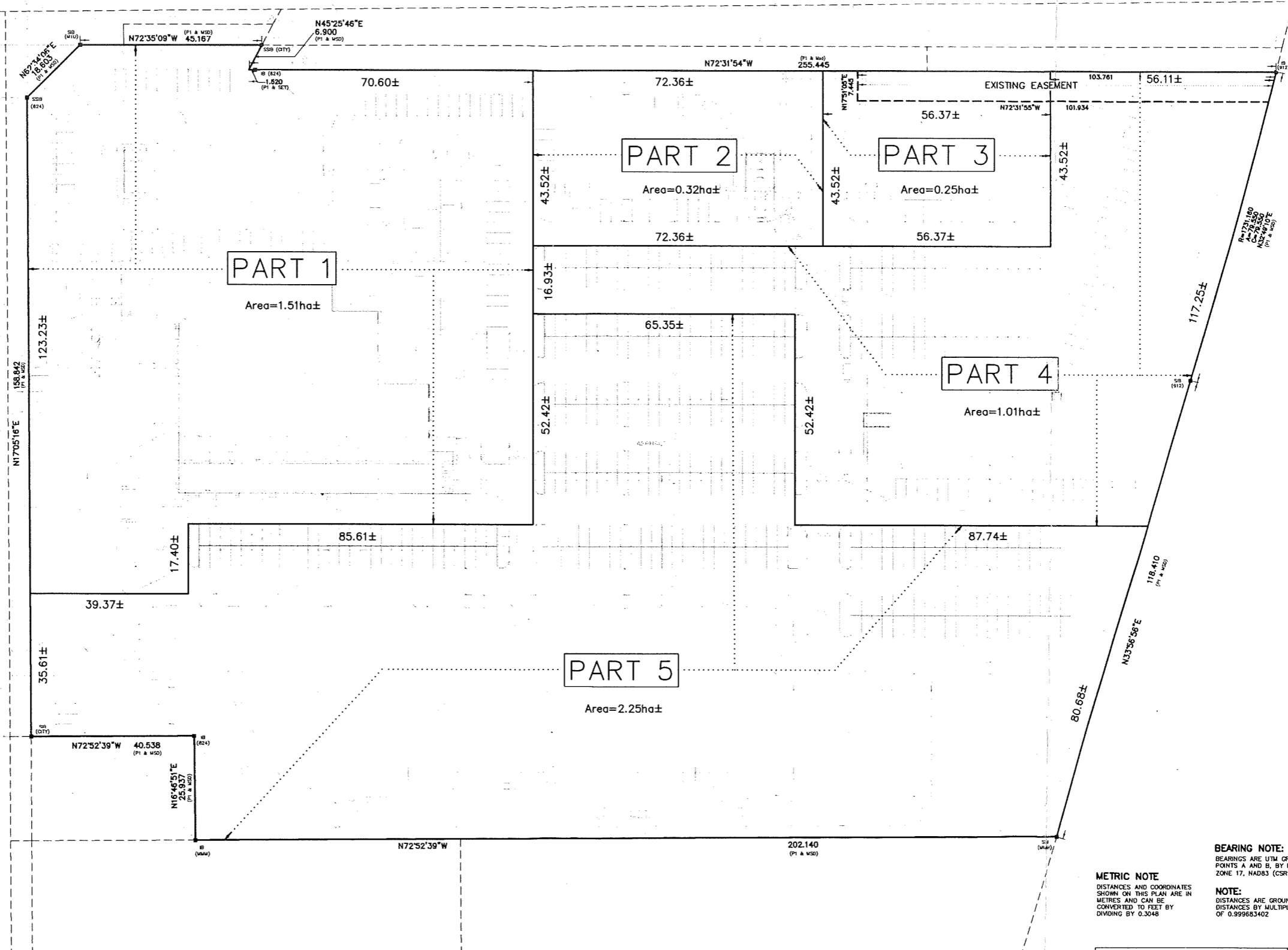
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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.

SKETCH FOR SEVERANCE
 OF PART OF
LOT 14, CONCESSION 1
 GEOGRAPHIC TOWNSHIP OF GLANFORD
 IN THE
CITY OF HAMILTON
 SCALE 1:500 METRIC
 S.D. McLAREN, O.L.S. - 2020

RYMAL ROAD EAST
 (FORMERLY THE KING'S HIGHWAY NO 53)

ORIGINAL ROAD ALLOWANCE BETWEEN GEOGRAPHIC TOWNSHIPS OF BARTON AND GLANFORD



- LEGEND:**
- DEPICTS MONUMENT SET
 - MONUMENT FOUND
 - SB IRON BAR
 - SB STANDARD IRON BAR
 - SSB SHORT STANDARD IRON BAR
 - SB ROUND IRON BAR
 - SB A.T. McLAREN, O.L.S.
 - SB A.J. CLARKE, O.L.S.
 - SB CITY OF HAMILTON
 - SB MARSHALL, MADSEN, MCKENNA
 - SB MINISTRY OF TRANSPORTATION, ONTARIO
 - SB MEASURED
 - SB PLAN 629-20293
 - SB DIAMETER

BEARING NOTE:
 BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

METRIC NOTE:
 DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

NOTE:
 DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999683402

© S.D. McLAREN, O.L.S. - 2020. NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF S.D. McLAREN, O.L.S.

A.T. McLaren Limited
 LEGAL AND ENGINEERING SURVEYS
 66 JOHN STREET SOUTH, SUITE 230
 HAMILTON, ONTARIO, L9M 2S6
 PHONE (905) 527-6556 FAX (905) 527-0032

DATE: SEPTEMBER 11, 2020
 S.D. McLAREN, O.L.S.

Scale: 1:500
 Dwg. No. 35254-00

**FOTHERGILL PLANNING & DEVELOPMENT INC.**

62 DAFFODIL CRES. • HAMILTON, ON L9K 1E1 • PHONE: (905) 577-1077 • FAX: (905) 546-0545 • E-MAIL: edf@nas.net

October 7, 2020

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

Dear Ms. Sheffield:

**Re: Applications for Consent for Financing
1280 Rymal Road East and 385 Nebo Road**

Please find enclosed four applications for Consent for the purposes of financing to create 5 parts within a 5.5 hectare parcel of land at the corner of Nebo Road and Rymal Road East. I am assuming that with the approval of each of the four applications, the fifth parcel will be created essentially as a retained parcel. Can you please confirm. The intent of the owner is to retain ownership of the entire site but arrange for financing to be placed on the property on a staged basis as the project unfolds.

I have attached with each application a sketch to illustrate the size and location of each of the five parcels along with a copy of the approved site plan.

I have included a chain of emails between myself, yourself and Emily Coe which took place prior to submitting the applications to confirm that there is no need for a variance to consider the lot to be one parcel of land for the purposes of development.

We look forward to this application being brought forward to the first available meeting of the Committee of Adjustment.

Thank you very much.

Sincerely,
FOTHERGILL PLANNING & DEVELOPMENT INC.



E.J. Fothergill, MCIP, RPP
President

encl.

cc. Mohammed Ghaddar
Hussein Ghaddar
Saad Faraj
Councillor Tom Jackson

PART 4 OF 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

**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)	2531083 ONTARIO INC. c/o HUSSEIN GHADDAR	[REDACTED]	Business [REDACTED] Fax: () E-mail: [REDACTED]
Applicant(s)*			Business () Fax: () E-mail:
Agent or Solicitor	ED FOTHERGILL FOTHERGILL PLANNING & DEVELOPMENT INC.	[REDACTED]	Business [REDACTED] Fax: () E-mail: [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	Lot	Concession	Former Township
HAMILTON	14	1	GLANFORD
Registered Plan N°.	Lot(s)	Reference Plan N°. 62R-20293	Part(s) 1, 2, 3, 5
Municipal Address 1280 RYMAL ROAD EAST AND 385 NEBO ROAD			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: SERVICING

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:

UNKNOWN FINANCIAL INSTITUTIONS

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: PART 4 OF 4

Frontage (m)	Depth (m)	Area (m ² or ha)
56.11	117.25	1.01

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: UNDER CONSTRUCTION

Proposed: SEE APPROVED SITE PLAN

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)
Rymal 256.73 Nebo 170	215	4.33 ha

Existing Use of Property to be retained:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) _____
- Industrial
 Agricultural-Related
 Commercial
 Vacant

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 checked="" type="checkbox"/>	<u>COMMERCIAL</u>
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 PIPE MANUFACTURING
- 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?
OWNER, PREVIOUS REPORTS
- 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 CLEAN UP OF SITE IS ONGOING

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)

HELPS TO IMPLEMENT APPROVED SITE PLAN

- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

HELPS TO IMPLEMENT APPROVED SITE PLAN

- 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?
 NOVEMBER 20, 2016
-

- 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 HM/A-19:368 Status APPROVED

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 |

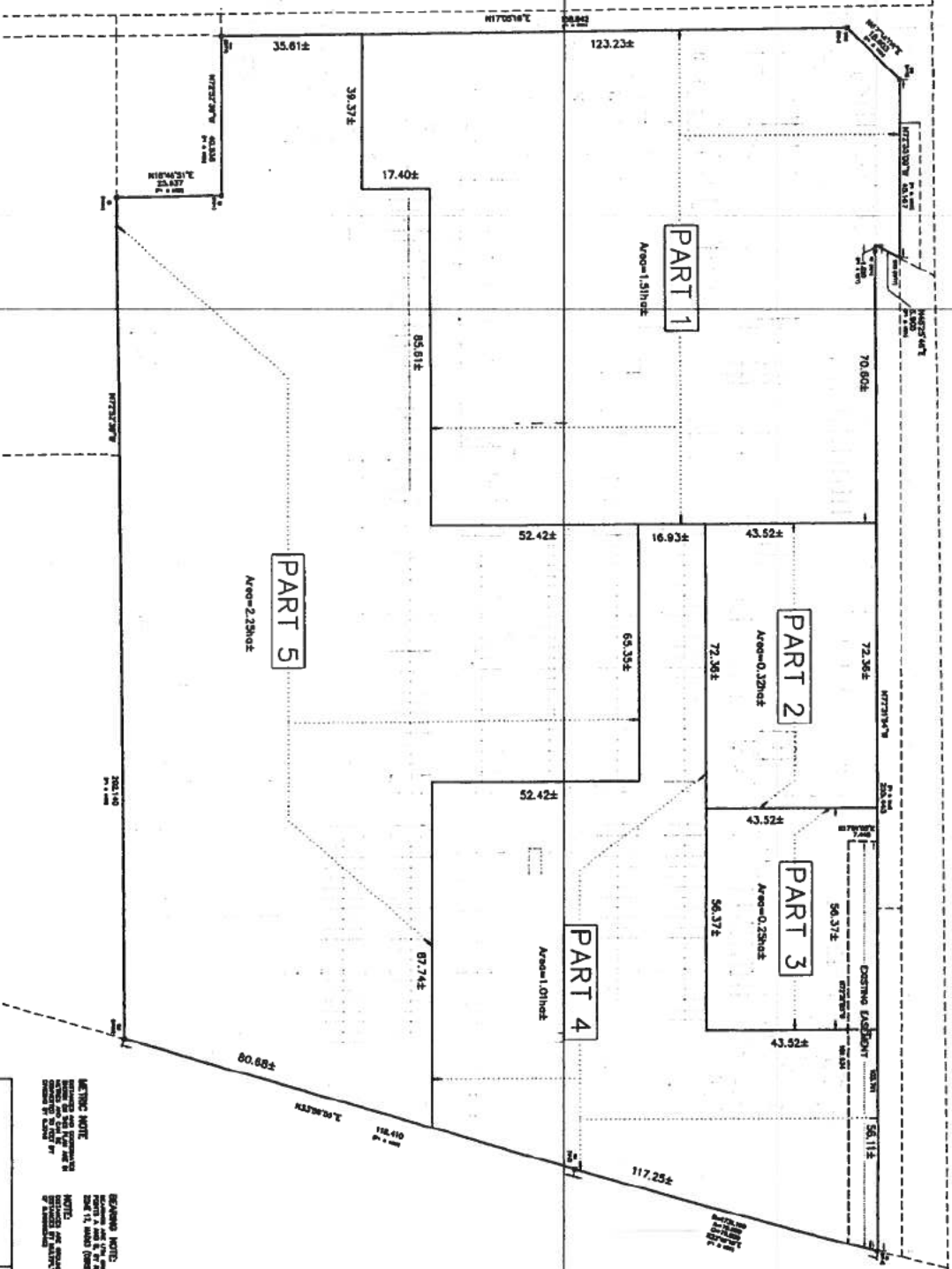
If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm operation.

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

- | | | |
|--|---|-------------------------|
| <input type="checkbox"/> Agricultural Severance or Lot Addition
<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 | } | (Complete Section 10.3) |
|--|---|-------------------------|

SECTION FOR SEWERAGE
 PART 1
 1.000 L.S. CONCESSION 1
 IN THE
 CITY OF HAMPTON
 ROAD - 11000 SERIES
 611 MILLERS AVE - 5000

RYMAL ROAD EAST
 (FORMERLY THE KING'S HIGHWAY NO 33)
 (SECTION - ROAD - ALTERNATE RIVER - ECONOMIC - TOWNSHIP OF HAMTON AND QUARROG)



LEGEND
 ...
 ...
 ...

NOTICE: PART 1
 ...
 ...
 ...

WARNING NOTE:
 ...
 ...
 ...

SECTION 11.000
 611 MILLERS AVE
 HAMPTON, ONT.

APPROVED:
 ...
 ...

Ed Fothergill

From: Coe, Emily <Emily.Coe@hamilton.ca>
Sent: September 10, 2020 12:10 PM
To: Sheffield, Jamila; 'Ed Fothergill'
Cc: Mohammed Ghaddar; hussein-ghaddar@hotmail.com; 7D ASSOCIATES LTD.; Dan McLaren; Romano, Maria
Subject: RE: Nebo & Rymal - Ghaddar

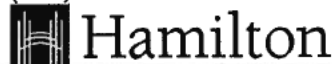
Thanks Jamila,

As long as the parcels are still held in identical ownership, then the consolidated lot development regulation in the Zoning By-law can be used. As such, there is no need for a variance to consider the lot to be one parcel of land for the purposes of development.

If the parcels are held in different ownership, then yes, the variance would be required.

Emily Coe, BA, CPT

Supervisor of Zoning
 Planning and Economic Development
 Building Division, City of Hamilton
 (905) 546-2424 Ext.2575



From: Sheffield, Jamila <Jamila.Sheffield@hamilton.ca>

Sent: September 10, 2020 11:44 AM

To: 'Ed Fothergill' <edf@nas.net>; Coe, Emily <Emily.Coe@hamilton.ca>

Cc: Mohammed Ghaddar <mghammer8@yahoo.ca>; hussein-ghaddar@hotmail.com; 7D ASSOCIATES LTD. <7dassociates@gmail.com>; Dan McLaren <dmclaren@atmclaren.com>; Romano, Maria <Maria.Romano@hamilton.ca>

Subject: RE: Nebo & Rymal - Ghaddar

Good Morning,

The mortgage parcels are kind of a cross between an easement and a long term lease (from my understanding) the mortgage parcels are not able to be sold as legally conveyable lots, but the mortgage interest is (I don't know if I'm explaining this well enough). So, I believe they could be treated as one lot for development purposes, Emily please correct me if this is not correct.

The application for the creation would follow the same process for a consent for a new lot as a consent for mortgage purposes, one severed parcel is created for each application. So, you will need more than 1 application, but likely not 5, depending on how the mortgage parcels are configured.

These can be fairly tricky to wrap your head around, so I would suggest contacting the City's planner for this file, if it is part of an active site plan file. This would give them the opportunity to clarify things before the consent process and ensure everyone is on the same page.

If you need further clarification, just let me know.

Jamila

From: Ed Fothergill <edf@nas.net>
Sent: September 9, 2020 3:59 PM
To: Coe, Emily <Emily.Coe@hamilton.ca>
Cc: Mohammed Ghaddar <mghammer8@yahoo.ca>; hussein-ghaddar@hotmail.com; 7D ASSOCIATES LTD. <7dassociates@gmail.com>; Dan McLaren <dmclaren@atmclaren.com>; Sheffield, Jamila <Jamila.Sheffield@hamilton.ca>; Romano, Maria <Maria.Romano@hamilton.ca>
Subject: RE: Nebo & Rymal - Ghaddar

Dear Emily,

Thank you for your quick reply.

If we pursue a consent for the purposes of financing, technically we are not creating separate properties, but rather simply allowing financing to be put on each of the 5 parcels separately. I am not sure if that makes a difference from a zoning perspective.

I like your option of applying for a variance to consider the entire property as one lot for the purposes of development, as that is essentially what will happen as the development unfolds. That would address a number of matters all at once.

I look forward to comments from Maria and Jamila.

Ed Fothergill
Fothergill Planning & Development Inc.
62 Daffodil Cres., Ancaster, ON L9K 1E1
T: 905-577-1077 E: edf@nas.net

From: Coe, Emily [<mailto:Emily.Coe@hamilton.ca>]
Sent: September 9, 2020 3:22 PM
To: Ed Fothergill; Sheffield, Jamila; Romano, Maria
Cc: Mohammed Ghaddar; hussein-ghaddar@hotmail.com; 7D ASSOCIATES LTD.; Dan McLaren
Subject: RE: Nebo & Rymal - Ghaddar

Hi Ed,

If you are creating separate properties, in separate ownership, each would need to comply with zoning requirements. The other option is to apply for a variance to consider all of the properties to be one for the purposes of development (and then zoning would apply as it would have if it remained one property).

Otherwise if these are just long-term leases (?) then it would remain one parcel.

By way of this email, I will ask Maria to answer your zoning questions, as she is the one who reviewed the site plan file.

Maria, please see below – could you please assist Ed?

Thank you,

Emily

Emily Coe, BA, CPT

Supervisor of Zoning
 Planning and Economic Development
 Building Division, City of Hamilton
 (905) 546-2424 Ext.2575



Due to concerns related to COVID-19, only the 1st and 2nd floors of City Hall are open to the public. Although the Building Division offices remain closed to the public, the Building Division continues to operate as many of our services can still be accessed, including building permit inspections.

We can receive building permit applications and requests for Zoning Verifications (regular service only) by mail/courier delivery or online. Online building permit applications can be completed at www.hamilton.ca/eplans and Zoning Verifications at <https://zoningverification.hamilton.ca/>. In addition to the drop box outside of City Hall at the rear of the building (for letters and small parcels), items can also be dropped off at the 1st floor of City Hall during business hours of 8:30 AM to 4:30 PM. Please kindly note, the 1st floor is a drop-off/pick-up only and staff are not available to discuss or consult on Building Division-related matters.

Under these unprecedented service delivery constraints, we are doing our best to maintain timeframes for building permit applications, responding information, building inspections, Zoning Verifications, and other requests for information/compliance.

From: Ed Fothergill <edf@nas.net>

Sent: September 9, 2020 3:13 PM

To: Sheffield, Jamila <Jamila.Sheffield@hamilton.ca>; Coe, Emily <Emily.Coe@hamilton.ca>

Cc: Mohammed Ghaddar <mghammer8@yahoo.ca>; hussein-ghaddar@hotmail.com; 7D ASSOCIATES LTD. <7dassociates@gmail.com>; Dan McLaren <dmclaren@atmclaren.com>

Subject: Nebo & Rymal - Ghaddar

Dear Jamila and Emily:

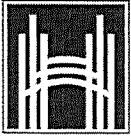
Enclosed is a marked up copy of a site plan drawing for a site at 1280 Rymal Road East and 385 Nebo Road, which was approved under application DA-17-187.

The owner would like to consider submitting an application for consent for five separate parcels as shown on the attached plan for the purposes of financing. I understand that we can submit an application that will not create individual lots, but can be used for financing purposes only such that the owner can place separate financing on each of the 5 parcels. Can this be done with one application, or do we need to submit 5 separate applications with 5 separate fees?

If this is the case, does each parcel have to comply with zoning requirements, including parking?

Through a review of the site plan, it was determined that the stacking spaces for the car wash and detailing use could be considered as required parking. Emily, in terms of providing parking spaces, you will note that each of the buildings and parcels 2 and 3 which are drive through restaurants, provide 12 stacking spaces. Can these stacking spaces be applied to parking requirements of the by-law?

Can you have someone review the attached parking calculation chart I have prepared? It was agreed through the processing of the application that parking requirements for Parcel 1 will be based on the individual uses within that parcel. Parking requirements for the balance of the site will be based on the planned Business Centre at a ratio of 1 space for each 30 sq.m. of gross floor area.



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: 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.: AN/A-20:219

APPLICANTS: Christine Brown on behalf of the owner D. & K. Lenarduzzi

SUBJECT PROPERTY: Municipal address **372 Philip Pl. Ancaster**

ZONING BY-LAW: Zoning By-law 87-57, as Amended by By-law 18:105

ZONING: "ER" (Existing Residential) district

PROPOSAL: To a rear yard addition to the existing single detached dwelling notwithstanding that;

1. A minimum rear yard setback of 6.3 m shall be provided instead of the minimum required 25 percent of the lot depth and no less than 7.5 m (1).

Notes:

(1) A minimum of one metre within the rear yard shall be unobstructed and shall not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.

Variations have been written exactly as requested by the applicant. 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 variations may be required at such time that a formal zoning review is conducted on the proposed development

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

DATE: Thursday, November 19th, 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

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.

ANA-20:219

Page 2

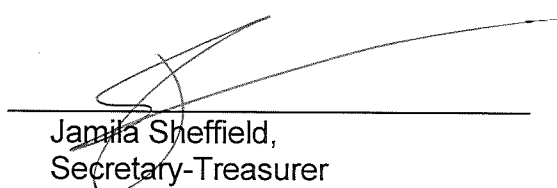
Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

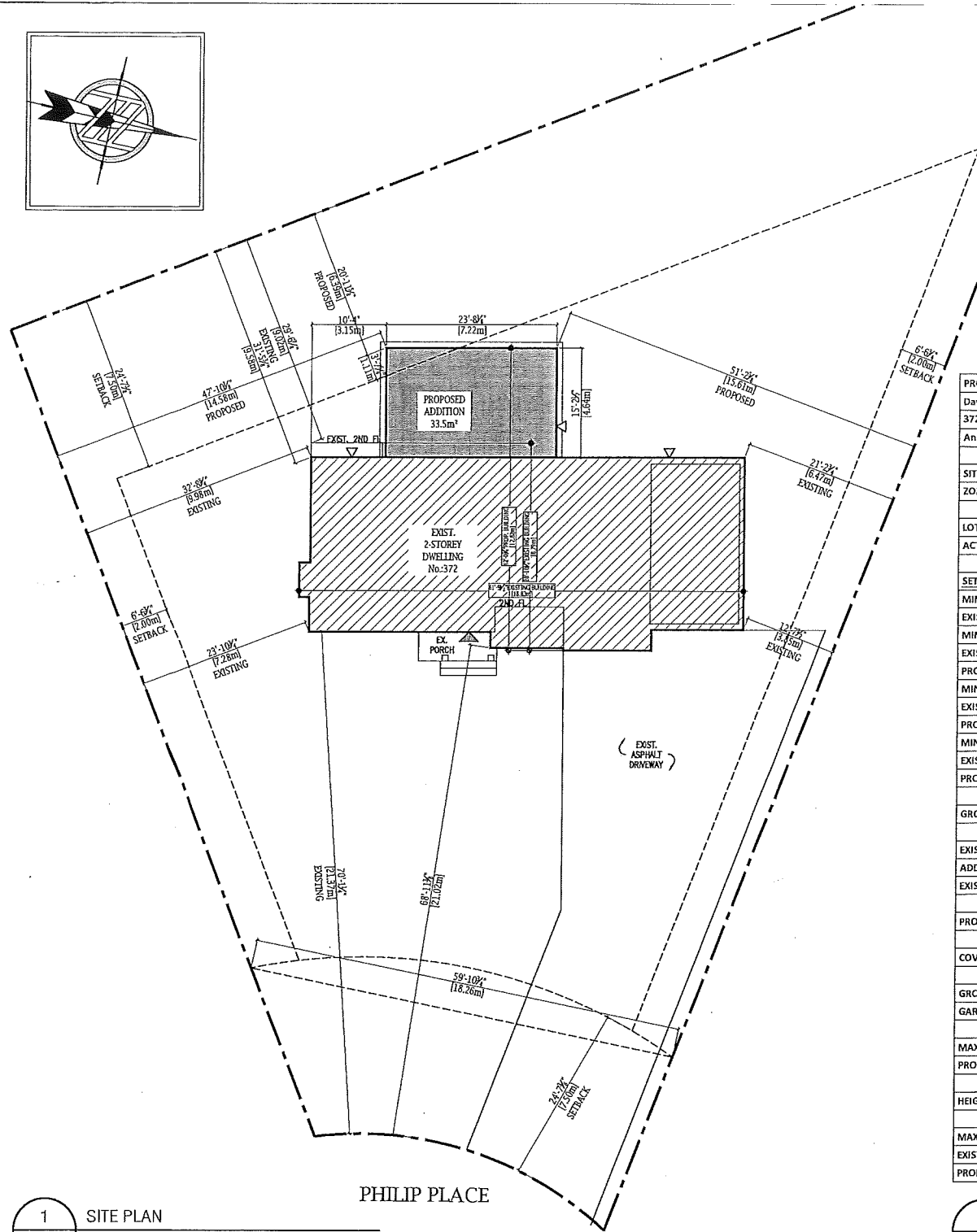
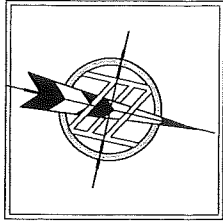
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: November 3rd, 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.



PROJECT ADDRESS/OWNER:	DESIGNER ADDRESS:
David & Kelli Lenarduzzi	Christine Brown, My House Designs
372 Philip Place	444 Upper Gage Avenue
Ancaster, Ontario, L9G 3G8	Hamilton, Ontario, L8V 4H9

SITE STATISTICS:		
ZONING (ANCASTER): 18-105	ER	

LOT INFORMATION:	METRIC	IMPERIAL
ACTUAL LOT AREA:	1304.43	14040.73

SETBACK INFORMATION:		
MINIMUM FRONT YARD SETBACK:	7.50	24.61
EXISTING:	21.50	70.54
MINIMUM REAR YARD SETBACK:	7.50	24.61
EXISTING:	9.59	31.46
PROPOSED TO ADDITION:	*COA*	6.39
MIN. R SIDE YARD SETBACK:	2.00	6.56
EXIST. R SIDE YARD SETBACK:	3.85	12.63
PROP. R SIDE YARD SETBACK:	15.61	51.21
MIN. L SIDE YARD SETBACK:	2.00	6.56
EXIST. L SIDE YARD SETBACK:	7.28	23.88
PROP. L SIDE YARD SETBACK:	14.58	47.83

GROSS FLOOR AREA:	METRIC	IMPERIAL
EXISTING GROUND FLOOR AREA:	111.94	1204.92
ADDITIONAL GROUND FLOOR AREA:	33.45	360.10
EXISTING SECOND FLOOR AREA:	112.14	1207.09

PROPOSED NEW FLOOR AREA:	257.54	2772.11
---------------------------------	--------	---------

COVERAGE CALCULATIONS:		
GROUND FLOOR AREA:	145.40	1565.02
GARAGE AREA:	29.42	316.64

MAXIMUM COVERAGE:	35.00%	456.60	4913.00
PROPOSED COVERAGE:	13.41%	174.88	1881.66

HEIGHT CALCULATIONS		
MAX. ALLOWABLE HEIGHT	9.50	31.17
EXISTING HEIGHT:	8.24	27.03
PROPOSED HEIGHT:	no change	

SITE PLAN LEGEND:	
	PROPERTY LINE
	BUILDING ENVELOPE
	EXISTING TO BE REMOVED
	PROPOSED SOLID HOARDING
	PROPOSED FRAMED HOARDING
	NEW WATER LINE
	NEW SANITARY LINE
	NEW NATURAL GAS LINE
	NEW BURIED HYDRO VAULT
	NEW SUMP LINE TO GRADE
	CONSTRUCTION ACCESS
	EXISTING GRADE
	PROPOSED FINISHED GRADE
	MAIN ENTRY, FRONT DOOR
	SECONDARY ENTRANCE
	EXISTING BUILDING TO REMAIN
	PROPOSED NEW CONSTRUCTION
	PROPOSED NEW DRIVEWAY
	EXISTING TREE TO REMAIN
	EXISTING TREE TO BE REMOVED
	RAIN WATER LEADERS

Drawings must NOT be scaled. Contractor must check and verify all dimensions, specifications and drawings on site and report any discrepancies to the designer prior to proceeding with any of the work.

ANMA
20:219

3	10.15.20	ISSUED FOR COA
2	09.02.20	ISSUED FOR PRELIM DESIGNS
1	08.24.20	ISSUED FOR AS-BUILTS

REF: DATE: DESCRIPTION:

MY HOUSE DESIGNS RESIDENTIAL DESIGN AND DRAFTING SERVICES	CHRISTINE BROWN Architectural Technologist 905.62.5772 444 UPPER GAGE AVE. HAMILTON, ON L8V 4H9 cbrown@myhouseplans.com

CLIENT:
LENARDUZZI RESIDENCE

ADDRESS: 372 PHILIP PLACE
CITY: ANCASTER, ONTARIO, L9G 3G8
DRAWING TITLE:
SITE PLAN & SITE STATS

Ministry of Municipal Affairs and Housing
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.

BCIN CHRISTINE BROWN	37240
BCIN MY HOUSE DESIGNS	113120

DRAWN: CB	SCALE:
DATE: Oct. 14, 20	AS NOTED
JOB NO.:	SHEET:
20-048	SP1.01 of 4

1 SITE PLAN
SP1.01 1:200

2 SITE STATS
SP1.01 N.T.S.



PHILIP PLACE



Drawings must NOT be scaled. Contractor must check and verify all dimensions, specifications and drawings on site and report any discrepancies to the designer prior to proceeding with any of the work.

AN/A
20:219

3	10.15.20	ISSUED FOR COA
2	06.02.20	ISSUED FOR PRELIM DESIGNS
1	08.24.20	ISSUED FOR AS-BUILTS

REF	DATE	DESCRIPTION
 		
MY HOUSE DESIGNS RESIDENTIAL DESIGN AND DRAFTING SERVICES 905.402.5272 444 UPPER GAGE AVE. HAMILTON, ON L8V 4E9 cbrown@frankly.ca cbrown@my.com		

CLIENT:
LENARDUZZI RESIDENCE

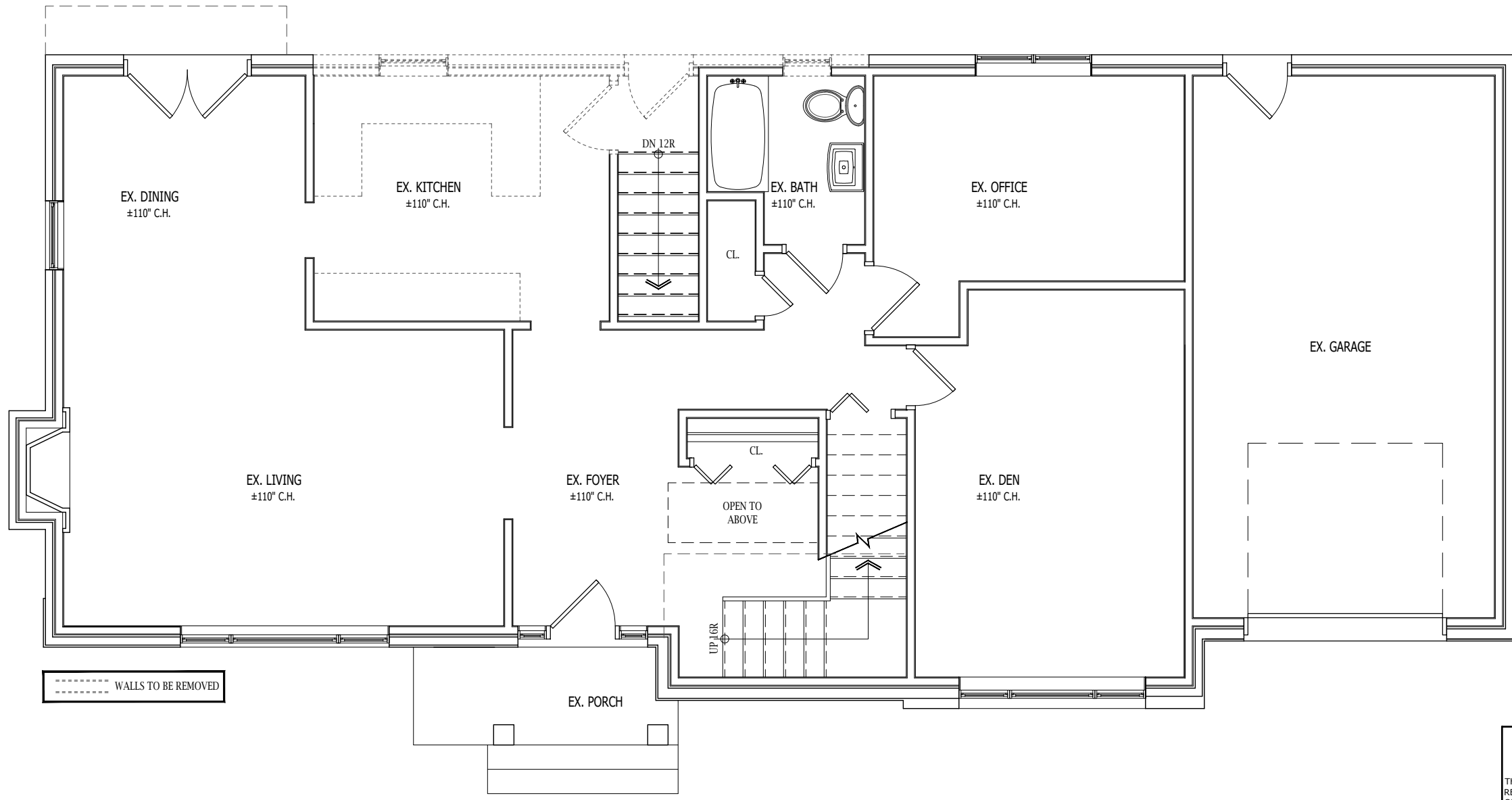
ADDRESS: 372 PHILIP PLACE
CITY: ANCASTER, ONTARIO, L9G 3G8
DRAWING TITLE:
FRONT ELEVATION

Ministry of Municipal Affairs and Housing
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.
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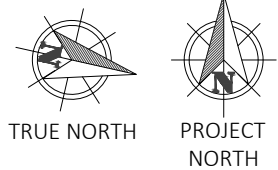
BC# 37240
CHRISTINE BROWN
BC# 113120
MY HOUSE DESIGNS

DRAWN: CB
DATE: Oct. 14, 20
JOB NO.: 20-048
SCALE: AS NOTED
SHEET: A2.01


1 FRONT ELEVATION
A2.01 3/16" = 1'-0"




Drawings must NOT be scaled. Contractor must check and verify all dimensions, specifications and drawings on site and report any discrepancies to the designer prior to proceeding with any of the work.



2	09.02.20	ISSUED FOR PRELIM DESIGNS
1	08.24.20	ISSUED FOR AS-BUILTS
REF.	DATE:	DESCRIPTION:




RESIDENTIAL
DESIGN AND
DRAFTING SERVICES



CHRISTINE BROWN
Architectural Technologist
905.802.5272
444 UPPER GAGE AVE.
HAMILTON, ON L8V 4H9
cbrown@friendlycadmonkey.com

CLIENT:
LENARDUZZI RESIDENCE

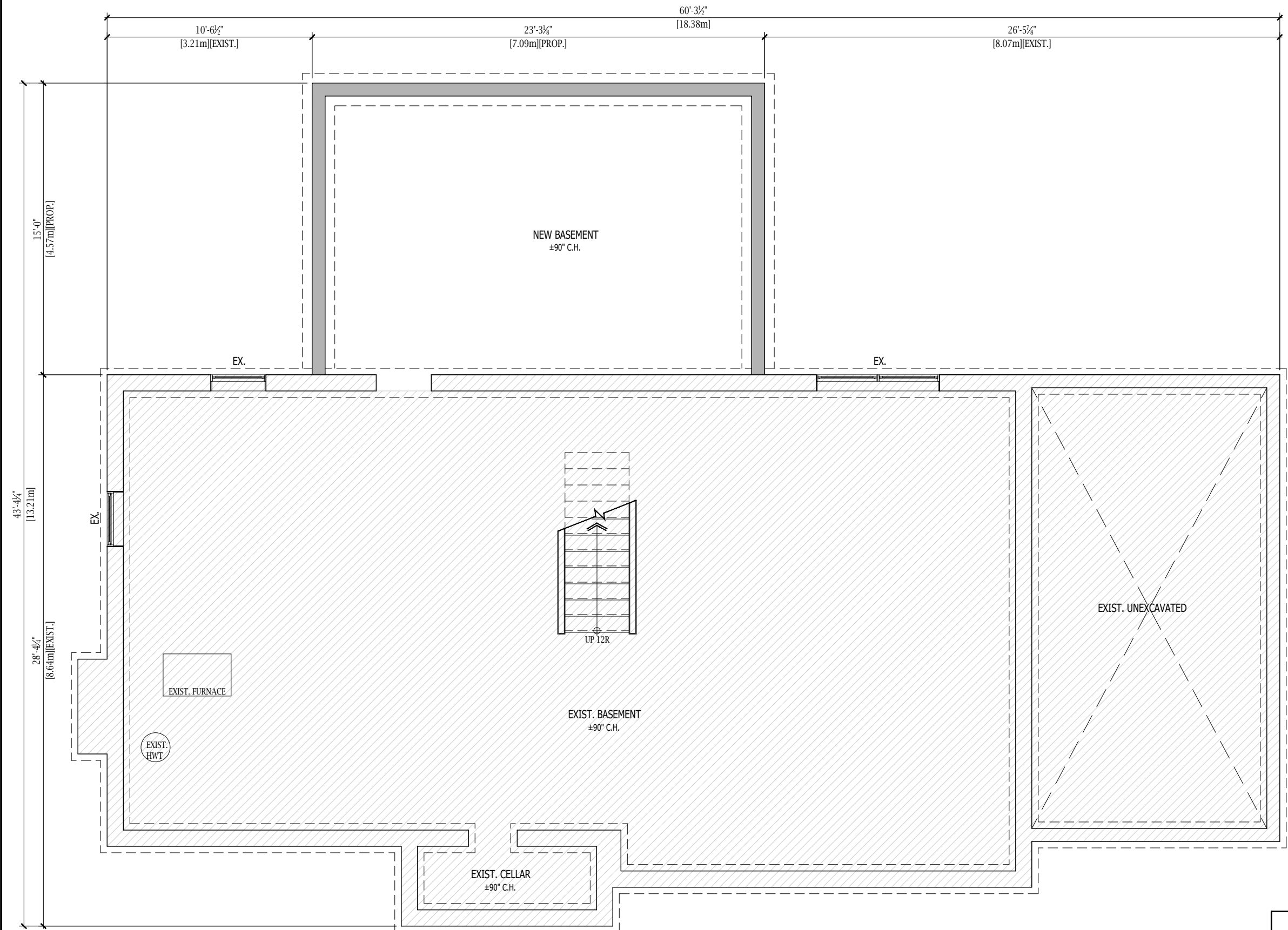
 Ministry of Municipal Affairs and Housing

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.

ADDRESS: 372 PHILIP PLACE
CITY: ANCASTER, ONTARIO, L9G 3G8
DRAWING TITLE:
EXIST./DEMO. MAIN FL. PLAN

CHRISTINE BROWN	BCIN 37240	DRAWN: CB	SCALE: AS NOTED
		DATE: Sep. 27, 20	
MY HOUSE DESIGNS	BCIN 113120	JOB NO.: 20-048	SHEET: A1.01 of 11

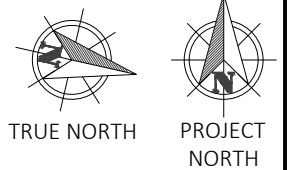
1 EXIST./DEMO MAIN FLOOR PLAN
A1.01 3/16" = 1'-0"



PROPOSED
 EXISTING

1 PROP. BASEMENT PLAN
 A1.02 3/16" = 1'-0"

Drawings must NOT be scaled. Contractor must check and verify all dimensions, specifications and drawings on site and report any discrepancies to the designer prior to proceeding with any of the work.



2	09.02.20	ISSUED FOR PRELIM DESIGNS
1	08.24.20	ISSUED FOR AS-BUILTS
REF.	DATE:	DESCRIPTION:

RESIDENTIAL DESIGN AND DRAFTING SERVICES

CHRISTINE BROWN
 Architectural Technologist
 905.802.5272
 444 UPPER GAGE AVE.
 HAMILTON, ON L8V 4H9
 cbrown@friendlycadmonkey.com

CLIENT:
LENARDUZZI RESIDENCE

ADDRESS: 372 PHILIP PLACE
CITY: ANCASTER, ONTARIO, L9G 3G8

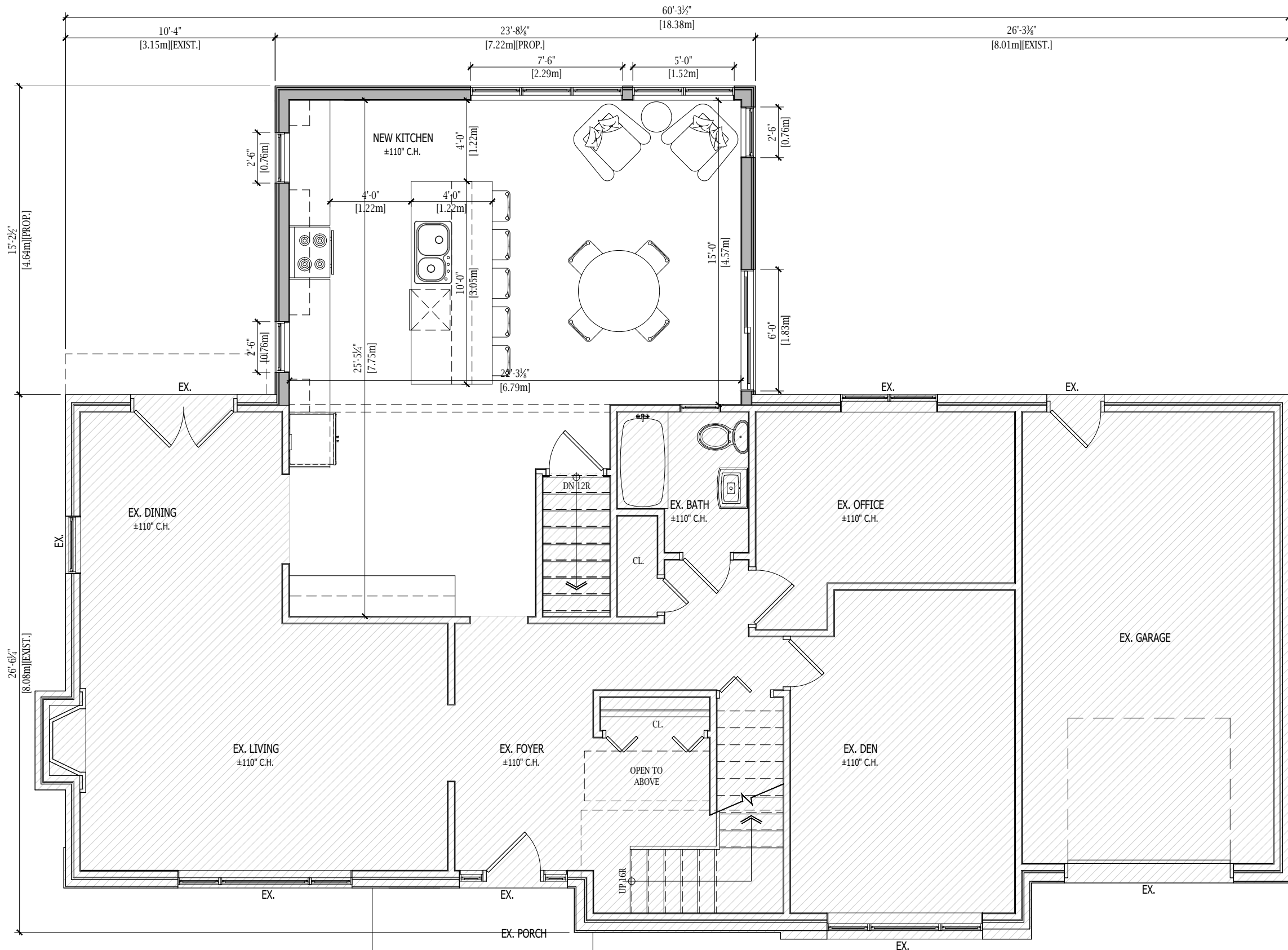
DRAWING TITLE:
PROP. BASEMENT PLAN

Ministry of Municipal Affairs and Housing
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.

DRAWN: CB
 DATE: Sep. 27, 20
 JOB NO.: 20-048

BCIN 37240
 MY HOUSE DESIGNS 113120

SCALE: AS NOTED
 SHEET: A1.02

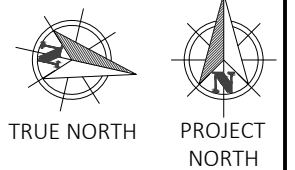


PROPOSED
 EXIST. FLOOR AREA: 1204.92ft² (111.94m²)
 PROPOSED ADDITION: 360.10ft² (33.45m²)


EXISTING
 PROPOSED TOTAL NEW MAIN FLOOR AREA: 1565.02ft² (145.39m²)

1 PROP. MAIN FLOOR PLAN
A1.03 3/16" = 1'-0"


Drawings must NOT be scaled. Contractor must check and verify all dimensions, specifications and drawings on site and report any discrepancies to the designer prior to proceeding with any of the work.



2	09.02.20	ISSUED FOR PRELIM DESIGNS
1	08.24.20	ISSUED FOR AS-BUILTS
REF.	DATE:	DESCRIPTION:



RESIDENTIAL
DESIGN AND
DRAFTING SERVICES



CHRISTINE BROWN
Architectural Technologist
905.802.5272
444 UPPER GAGE AVE.
HAMILTON, ON L8V 4H9
cbrown@friendlycadmonkey.com

CLIENT:
LENARDUZZI RESIDENCE

ADDRESS: 372 PHILIP PLACE
CITY: ANCASTER, ONTARIO, L9G 3G8

DRAWING TITLE:
PROP. MAIN FLOOR PLAN



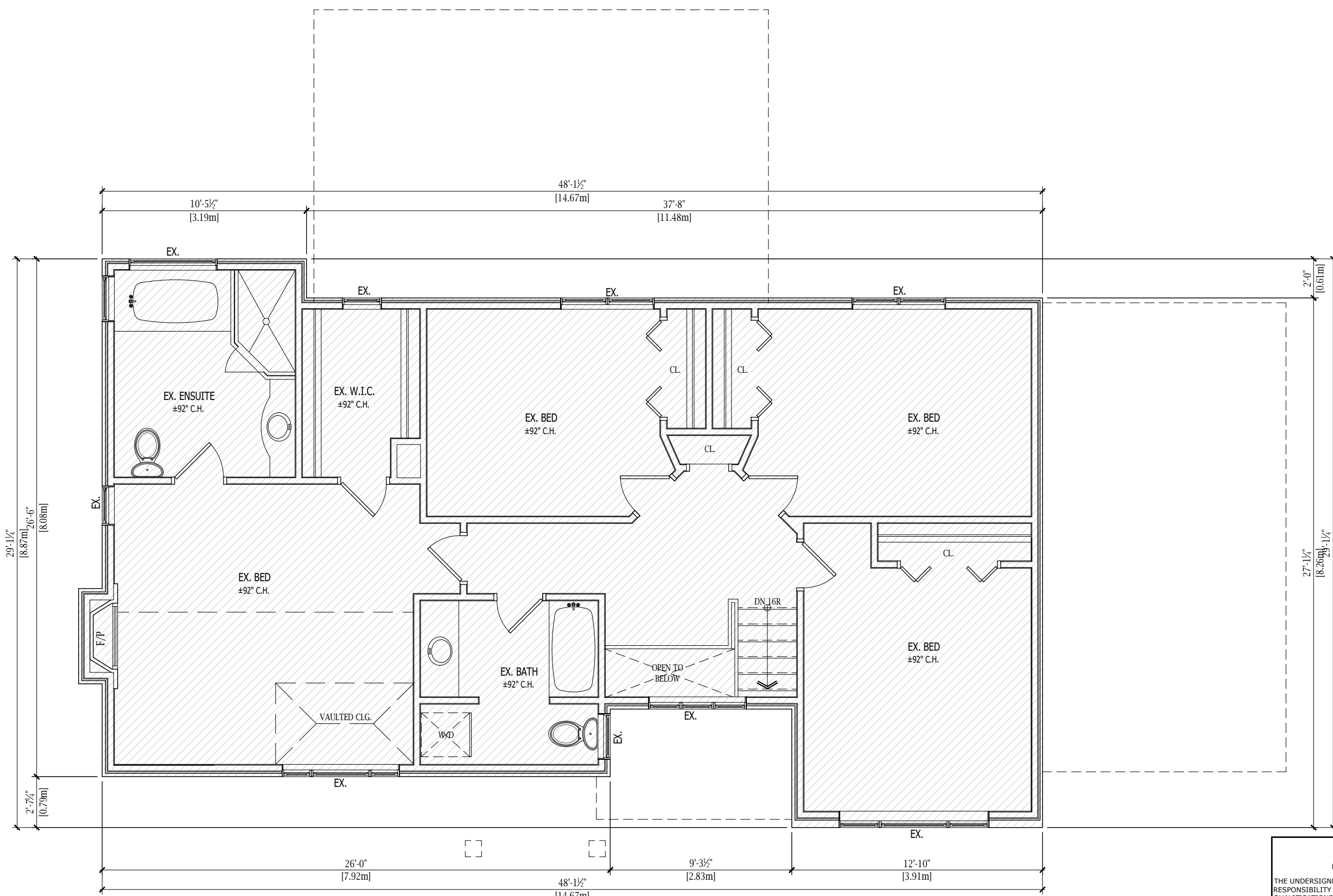
Ministry of Municipal
Affairs and Housing

QUALIFICATION INFORMATION

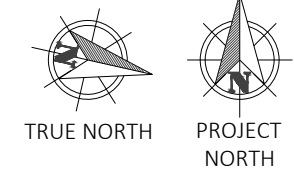
THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONT. BUILDING CODE TO BE A DESIGNER.
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DRAWN: CB	SCALE: AS NOTED
DATE: Sep. 27, 20	SHEET:
JOB NO.: 20-048	A1.03


BCIN 37240
 CHRISTINE BROWN
 BCIN 113120
 MY HOUSE DESIGNS




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2	09.02.20	ISSUED FOR PRELIM DESIGNS
1	08.24.20	ISSUED FOR AS-BUILTS
REF.	DATE	DESCRIPTION




RESIDENTIAL DESIGN AND DRAFTING SERVICES



CHRISTINE BROWN
Architectural Technologist
905.802.5272
444 UPPER GAGE AVE.
HAMILTON, ON L8V 4H9
cbrown@friendlycadmonkey.com

CLIENT:
LENARDUZZI RESIDENCE

 Ministry of Municipal Affairs and Housing

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.


ADDRESS: 372 PHILIP PLACE
CITY: ANCASTER, ONTARIO, L9G 3G8
DRAWING TITLE:
EXIST. 2ND FLOOR PLAN

CHRISTINE BROWN
BCIN 37240

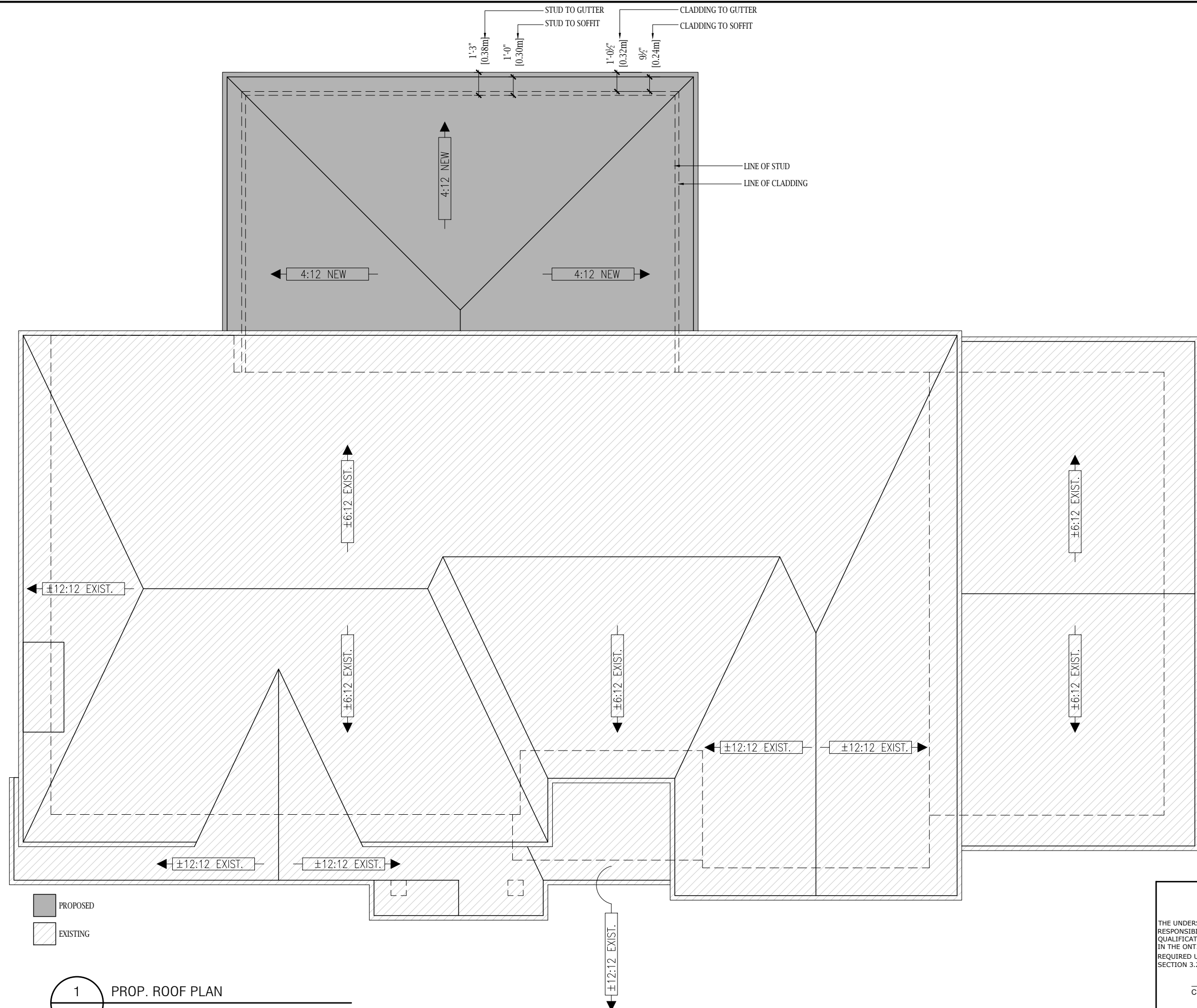
MY HOUSE DESIGNS
BCIN 113120

DRAWN: CB
DATE: Sep. 27, 20
JOB NO.: 20-048

SCALE: AS NOTED
SHEET: A1.04

 EXISTING EXIST. 2nd AREA: 1207.09ft² (112.14m²)

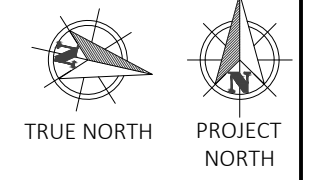
1 EXIST. 2ND FLOOR PLAN
A1.04 3/16" = 1'-0"



PROPOSED
 EXISTING

1 PROP. ROOF PLAN
A1.05 3/16" = 1'-0"

Drawings must NOT be scaled. Contractor must check and verify all dimensions, specifications and drawings on site and report any discrepancies to the designer prior to proceeding with any of the work.



2	09.02.20	ISSUED FOR PRELIM DESIGNS
1	08.24.20	ISSUED FOR AS-BUILTS
REF.	DATE	DESCRIPTION

RESIDENTIAL DESIGN AND DRAFTING SERVICES

CHRISTINE BROWN
Architectural Technologist
905.802.5272
444 UPPER GAGE AVE.
HAMILTON, ON L8V 4H9
cbrown@friendlycadmonkey.com

CLIENT:
LENARDUZZI RESIDENCE

Ministry of Municipal Affairs and Housing
QUALIFICATION INFORMATION
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ADDRESS: 372 PHILIP PLACE
 CITY: ANCASTER, ONTARIO, L9G 3G8
 DRAWING TITLE:
PROP. ROOF PLAN

DRAWN: CB DATE: Sep. 27, 20 JOB NO.: MY HOUSE DESIGNS	BCIN 37240 BCIN 113120	SCALE: AS NOTED SHEET: A1.05
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Drawings must NOT be scaled. Contractor must check and verify all dimensions, specifications and drawings on site and report any discrepancies to the designer prior to proceeding with any of the work.

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DRAFTING SERVICES



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905.802.5272
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cbrown@friendlycadmonkey.com

CLIENT:
LENARDUZZI RESIDENCE

ADDRESS: 372 PHILIP PLACE
CITY: ANCASTER, ONTARIO, L9G 3G8

DRAWING TITLE:
FRONT ELEVATION

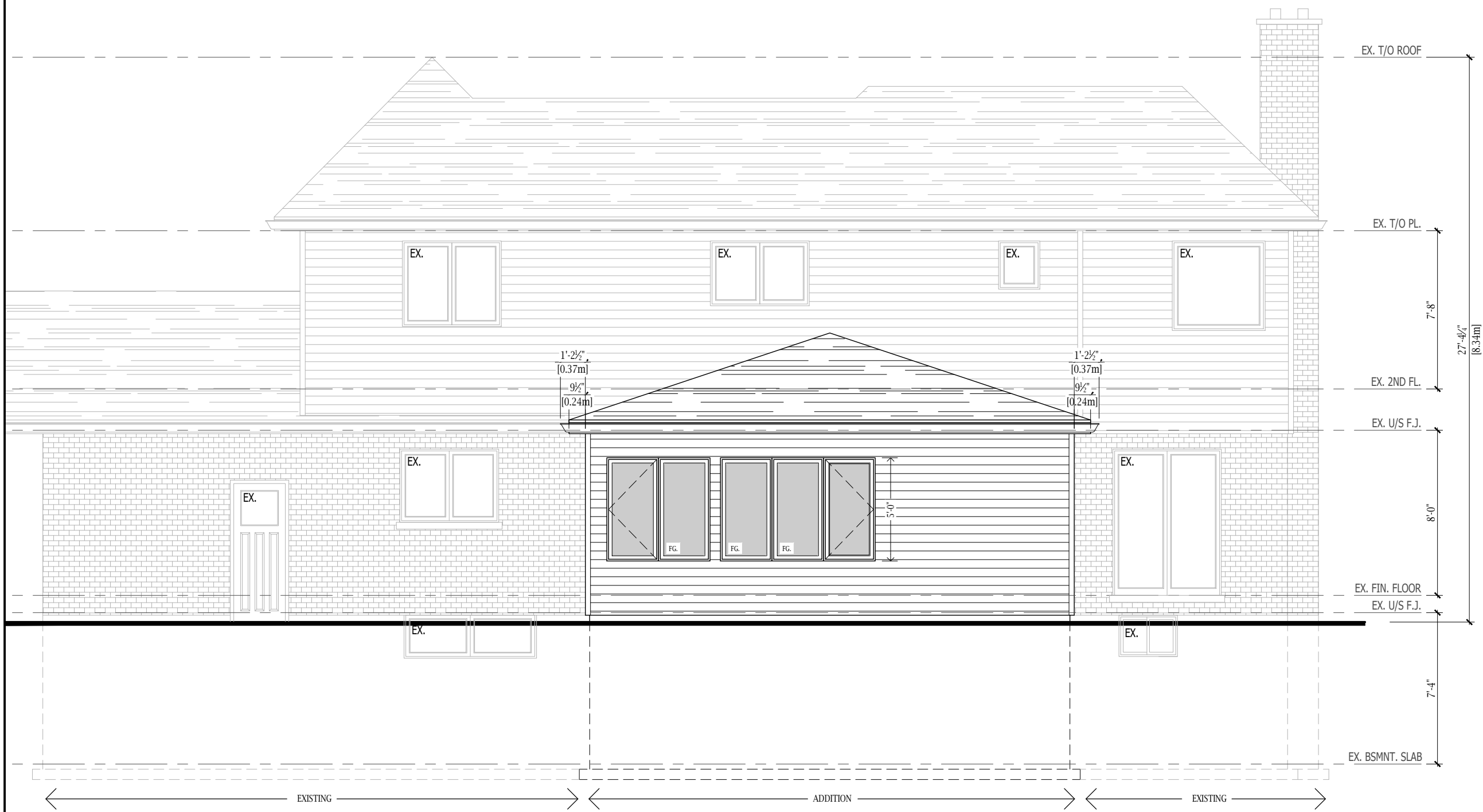
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BCIN 37240
CHRISTINE BROWN

BCIN 113120
MY HOUSE DESIGNS


DRAWN: CB	SCALE: AS NOTED
DATE: Sep. 27, 20	SHEET:
JOB NO.: 20-048	A2.01

1 FRONT ELEVATION
A2.01 3/16" = 1'-0"




Drawings must NOT be scaled. Contractor must check and verify all dimensions, specifications and drawings on site and report any discrepancies to the designer prior to proceeding with any of the work.

2	09.02.20	ISSUED FOR PRELIM DESIGNS
1	08.24.20	ISSUED FOR AS-BUILTS
REF.	DATE	DESCRIPTION



RESIDENTIAL
DESIGN AND
DRAFTING SERVICES



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Architectural Technologist
905.802.5272
444 UPPER GAGE AVE.
HAMILTON, ON L8V 4H9
cbrown@friendlycadmonkey.com

CLIENT:
LENARDUZZI RESIDENCE

ADDRESS: 372 PHILIP PLACE
CITY: ANCASTER, ONTARIO, L9G 3G8

DRAWING TITLE:
REAR ELEVATION

 Ministry of Municipal Affairs and Housing
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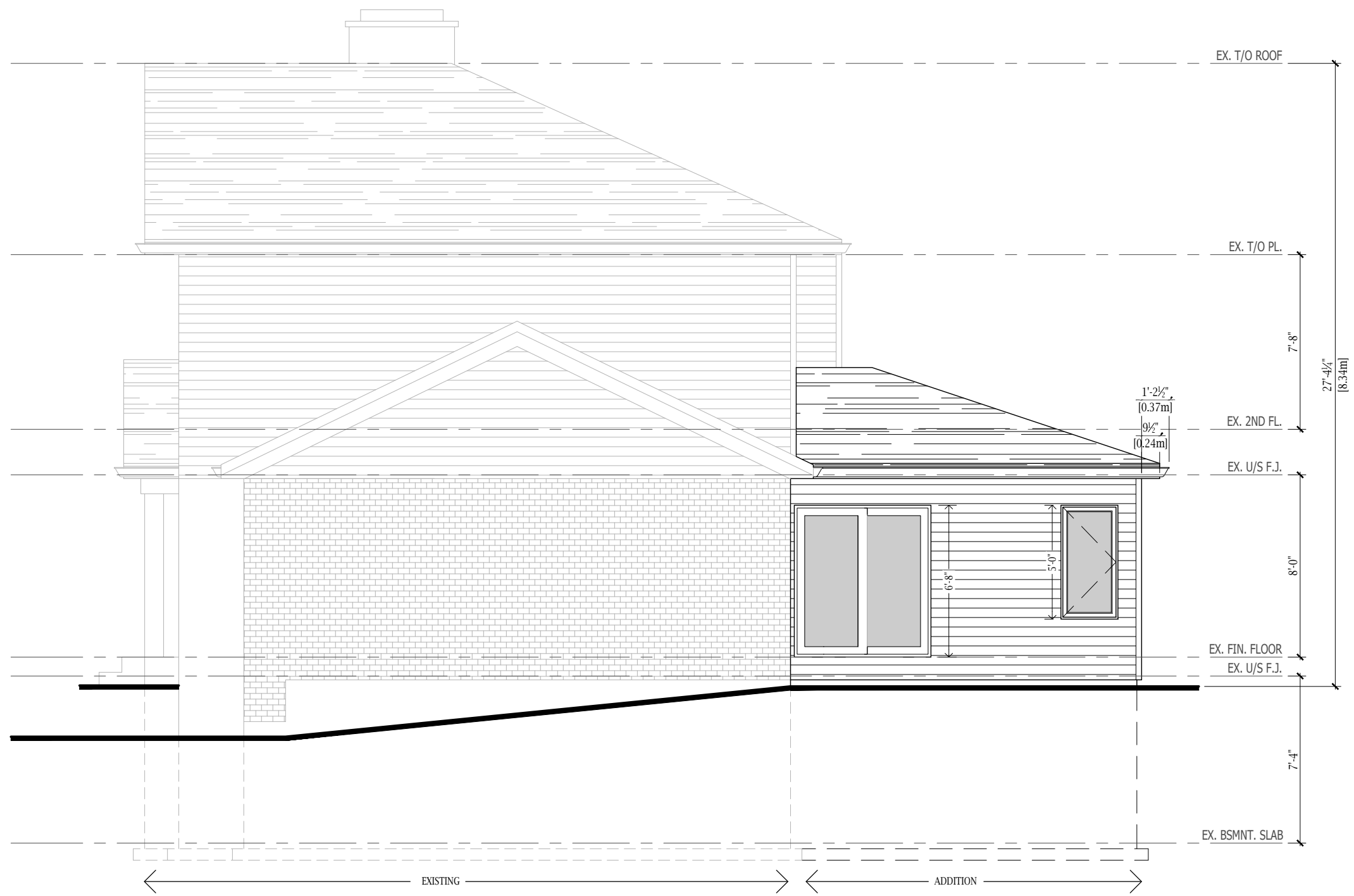
BCIN 37240
CHRISTINE BROWN

BCIN 113120
MY HOUSE DESIGNS

DRAWN: CB
DATE: Sep. 27, 20
JOB NO.: 20-048

SCALE: AS NOTED
SHEET: A2.02

1 REAR ELEVATION
A2.02 3/16" = 1'-0"



1 RIGHT ELEVATION
A2.03 3/16" = 1'-0"

Drawings must NOT be scaled. Contractor must check and verify all dimensions, specifications and drawings on site and report any discrepancies to the designer prior to proceeding with any of the work.

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1	08.24.20	ISSUED FOR AS-BUILTS
REF.	DATE:	DESCRIPTION:

 RESIDENTIAL DESIGN AND DRAFTING SERVICES	 CHRISTINE BROWN Architectural Technologist 905.802.5272 444 UPPER GAGE AVE. HAMILTON, ON L8V 4H9 cbrown@friendlycadmonkey.com
--	--

CLIENT:
LENARDUZZI RESIDENCE

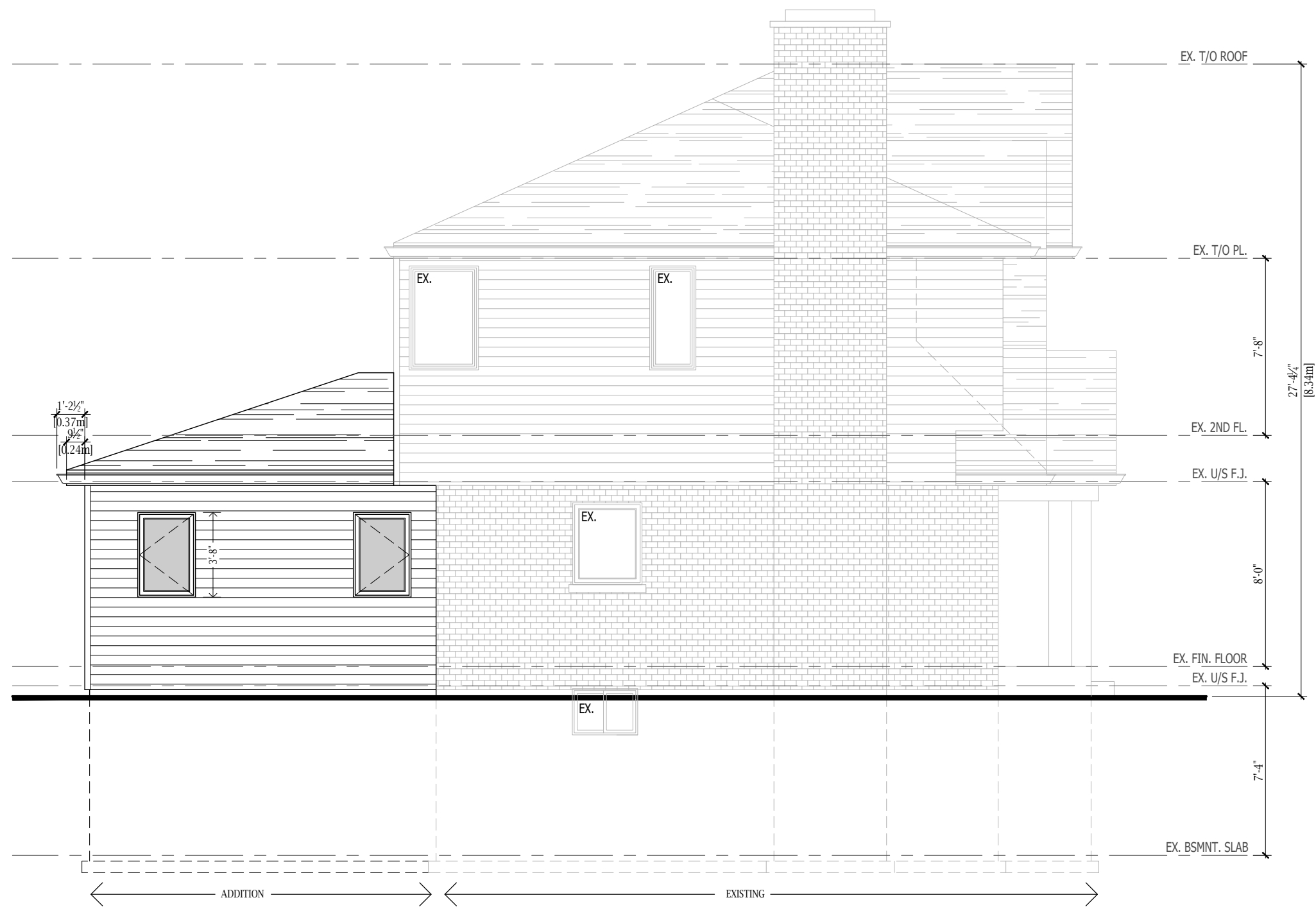
ADDRESS: 372 PHILIP PLACE
CITY: ANCASTER, ONTARIO, L9G 3G8

DRAWING TITLE:
RIGHT ELEVATION

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DRAWN: CB DATE: Sep. 27, 20	SCALE: AS NOTED
JOB NO.: 20-048	SHEET: A2.03


BCIN 37240
 CHRISTINE BROWN
 BCIN 113120
 MY HOUSE DESIGNS




1 LEFT ELEVATION
A2.04 3/16" = 1'-0"

Drawings must NOT be scaled. Contractor must check and verify all dimensions, specifications and drawings on site and report any discrepancies to the designer prior to proceeding with any of the work.

2	09.02.20	ISSUED FOR PRELIM DESIGNS
1	08.24.20	ISSUED FOR AS-BUILTS
REF.	DATE:	DESCRIPTION:



RESIDENTIAL
DESIGN AND
DRAFTING SERVICES



CHRISTINE BROWN
Architectural Technologist
905.802.5272
444 UPPER GAGE AVE.
HAMILTON, ON L8V 4H9
cbrown@friendlycadmonkey.com

CLIENT:
LENARDUZZI RESIDENCE

ADDRESS: 372 PHILIP PLACE
CITY: ANCASTER, ONTARIO, L9G 3G8

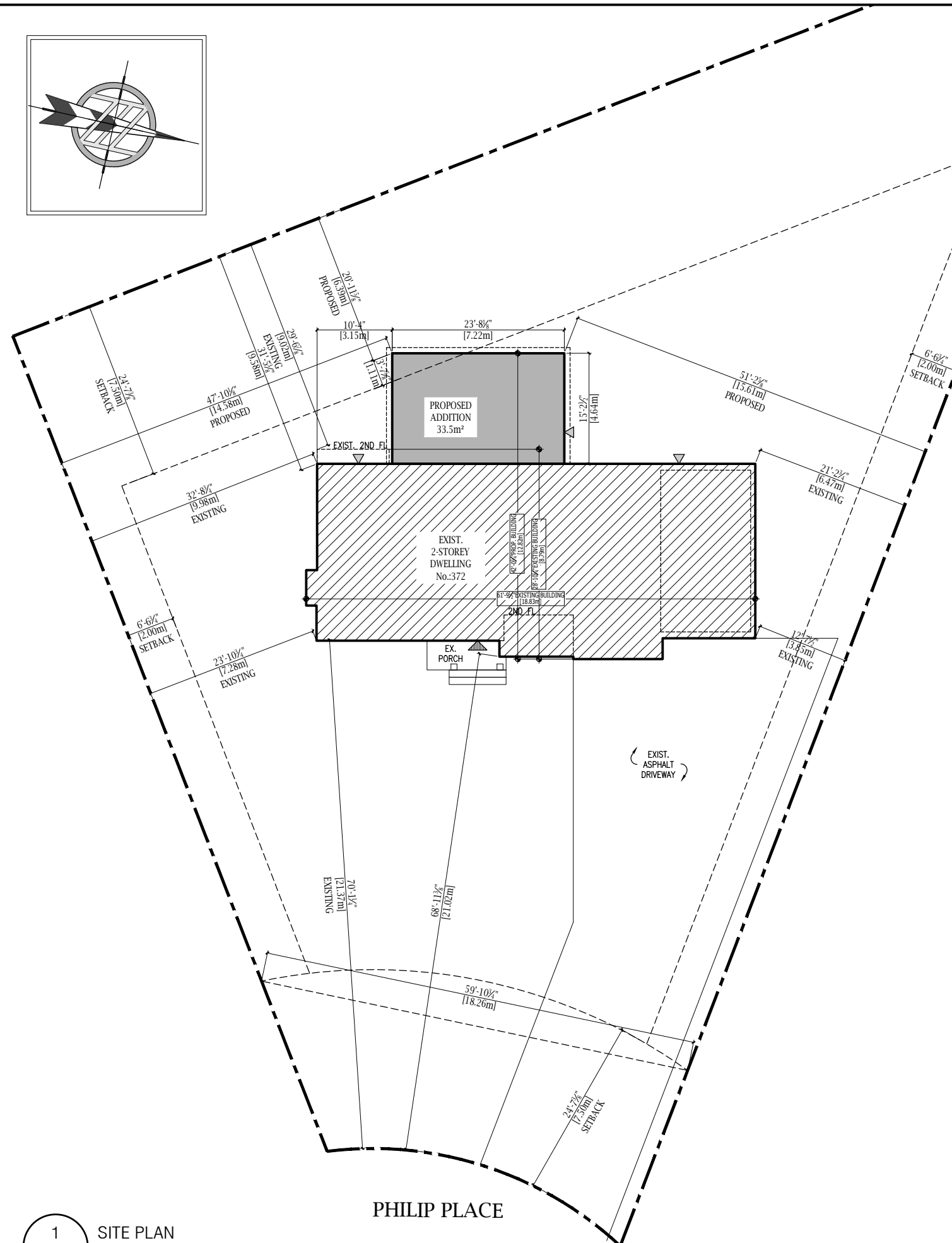
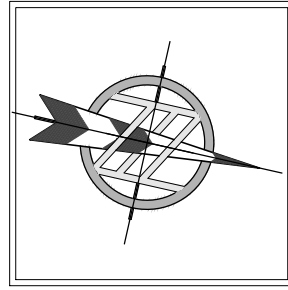
DRAWING TITLE:
LEFT ELEVATION

Ministry of Municipal
Affairs and Housing
QUALIFICATION INFORMATION
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BCIN: 37240
CHRISTINE BROWN

BCIN: 113120
MY HOUSE DESIGNS

DRAWN: CB	SCALE: AS NOTED
DATE: Sep. 27, 20	SHEET:
JOB NO.: 20-048	A2.04



PROJECT ADDRESS/OWNER:	DESIGNER ADDRESS:
David & Kelli Lenarduzzi	Christine Brown, My House Designs
372 Philip Place	444 Upper Gage Avenue
Ancaster, Ontario, L9G 3G8	Hamilton, Ontario, L8V 4H9

SITE STATISTICS:		
ZONING (ANCASTER):	18-105	ER

LOT INFORMATION:		METRIC	IMPERIAL
ACTUAL LOT AREA:		1304.43	14040.73

SETBACK INFORMATION:			
MINIMUM FRONT YARD SETBACK:		7.50	24.61
EXISTING:		21.50	70.54
MINIMUM REAR YARD SETBACK:		7.50	24.61
EXISTING:		9.59	31.46
PROPOSED TO ADDITION:	*COA*	6.39	20.96
MIN. R SIDE YARD SETBACK:		2.00	6.56
EXIST. R SIDE YARD SETBACK:		3.85	12.63
PROP. R SIDE YARD SETBACK:		15.61	51.21
MIN. L SIDE YARD SETBACK:		2.00	6.56
EXIST. L SIDE YARD SETBACK:		7.28	23.88
PROP. L SIDE YARD SETBACK:		14.58	47.83

GROSS FLOOR AREA:		
	METRIC	IMPERIAL
EXISTING GROUND FLOOR AREA:	111.94	1204.92
ADDITIONAL GROUND FLOOR AREA:	33.45	360.10
EXISTING SECOND FLOOR AREA:	112.14	1207.09

PROPOSED NEW FLOOR AREA:	257.54	2772.11
---------------------------------	--------	---------

COVERAGE CALCULATIONS:		
	METRIC	IMPERIAL
GROUND FLOOR AREA:	145.40	1565.02
GARAGE AREA:	29.42	316.64

MAXIMUM COVERAGE:	35.00%	456.60	4913.00
PROPOSED COVERAGE:	13.41%	174.88	1881.66

HEIGHT CALCULATIONS		
	METRIC	IMPERIAL
MAX. ALLOWABLE HEIGHT	9.50	31.17
EXISTING HEIGHT:	8.24	27.03
PROPOSED HEIGHT:	no change	

SITE PLAN LEGEND:	
	PROPERTY LINE
	BUILDING ENVELOPE
	EXISTING TO BE REMOVED
	PROPOSED SOLID HOARDING
	PROPOSED FRAMED HOARDING
	NEW WATER LINE
	NEW SANITARY LINE
	NEW NATURAL GAS LINE
	NEW BURIED HYDRO VAULT
	NEW SUMP LINE TO GRADE
	CONSTRUCTION ACCESS
	EXISTING GRADE
	PROPOSED FINISHED GRADE
	MAIN ENTRY, FRONT DOOR
	SECONDARY ENTRANCE
	EXISTING BUILDING TO REMAIN
	PROPOSED NEW CONSTRUCTION
	PROPOSED NEW DRIVEWAY
	EXISTING TREE TO REMAIN
	EXISTING TREE TO BE REMOVED
	RWL RAIN WATER LEADERS

Drawings must NOT be scaled. Contractor must check and verify all dimensions, specifications and drawings on site and report any discrepancies to the designer prior to proceeding with any of the work.

2	09.02.20	ISSUED FOR PRELIM DESIGNS
1	08.24.20	ISSUED FOR AS-BUILTS
REF:	DATE:	DESCRIPTION:

RESIDENTIAL DESIGN AND DRAFTING SERVICES

CHRISTINE BROWN
Architectural Technologist
905.802.5272
444 UPPER GAGE AVE.
HAMILTON, ON L8V 4H9
cbrown@friendlycadmonkey.com

CLIENT:
LENARDUZZI RESIDENCE

ADDRESS: 372 PHILIP PLACE
CITY: ANCASTER, ONTARIO, L9G 3G8
DRAWING TITLE:
SITE PLAN & SITE STATS

QUALIFICATION INFORMATION

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CHRISTINE BROWN	BCIN 37240
MY HOUSE DESIGNS	BCIN 113120

DRAWN: CB	SCALE: AS NOTED
DATE: Sep. 27, 20	SHEET:
JOB NO.: 20-048	SP1.01

1 SITE PLAN
SP1.01 1:200

2 SITE STATS
SP1.01 N.T.S.



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.

1. Name of Owner David & Kelli Lenarduzzi Telephone _____

2. _____

3. Name of Agent Christine Brown Telephone _____

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:

Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:
to permit a rear yard setback of 6.39m instead of the minimum permitted 7.5m

7. Why it is not possible to comply with the provisions of the By-law?
due to the shape of the lot, it compromises the rear yard where the desired
kitchen addition is.

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
372 Philip Place, Ancaster, Ontario, L9H 3G8

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?

This is a long-standing residential neighbourhood. The answers are probably "no"

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


Signature Property Owner

Dave & Kelli Lenarduzzi

Print Name of Owner

10. Dimensions of lands affected:

Frontage _____
 Depth _____
 Area 1300.9s.m.
 Width of street court

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-storeys length: 18.83m width: 8.79m
Ground fl area: 141.4s.m. GFA: 253.5s.m.

Proposed: length: no change width: 12.82m
Ground fl area: 174.8s.m. GFA: 286.94s.m.
height: no change

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: 21.02m Rear: 9.58m
L Side: 7.28m R Side: 3.85m

Proposed: Front: no change Rear: 6.39m
 L Side: no change R Side: no change

13. Date of acquisition of subject lands:

14. Date of construction of all buildings and structures on subject lands:

15. Existing uses of the subject property: Single Family Residential

16. Existing uses of abutting properties: Single Family Residential

17. Length of time the existing uses of the subject property have continued:

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:

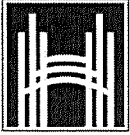
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:

21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 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



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: 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.: AN/A-20:228

APPLICANTS: Green Park Services on behalf of the owner Daniel Zeiter

SUBJECT PROPERTY: Municipal address **489 Ontario St., Ancaster**

ZONING BY-LAW: Zoning By-law 87-57, as Amended

ZONING: "A" (Agricultural) district

PROPOSAL: To permit the construction of an accessory building (private garage) for the existing single detached dwelling, notwithstanding that;

1. The existing dwelling and uses, buildings and structures accessory to the dwelling shall be permitted on the subject property notwithstanding that it is not a lot and whereas no building or structure shall be permitted to be erected or placed except upon a lot.
2. A maximum building height of 7.9m shall be permitted for the proposed accessory building instead of the maximum 4.5m building height permitted.
3. No lot frontage shall be permitted instead of the minimum 30.0m lot frontage required.
4. A maximum lot coverage of 456.0m² shall be permitted instead of the maximum 400.0m² lot coverage permitted for a lot with an area up to 4 hectares.

Notes: This property does not appear to front on a street that has been opened and assumed for public use; as such, cannot be considered a lot as defined. Please note that the most restrictive yard requirements shall be applicable as front, rear and side lot lines cannot be determined.

The submitted elevation plans are illegible; therefore, the applicant shall ensure that the height variance requested is correct and has been measured according to building height as defined. Otherwise, additional variances will be required.

The applicant shall ensure that that minimum required 2.6m x 5.5m parking space size is maintained for parking spaces within the private garage. Otherwise, additional variances shall be required.

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

DATE: Thursday, November 19th, 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

ANA-20:228

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.

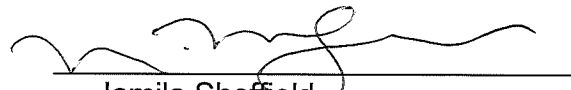
Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

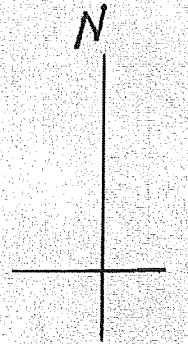
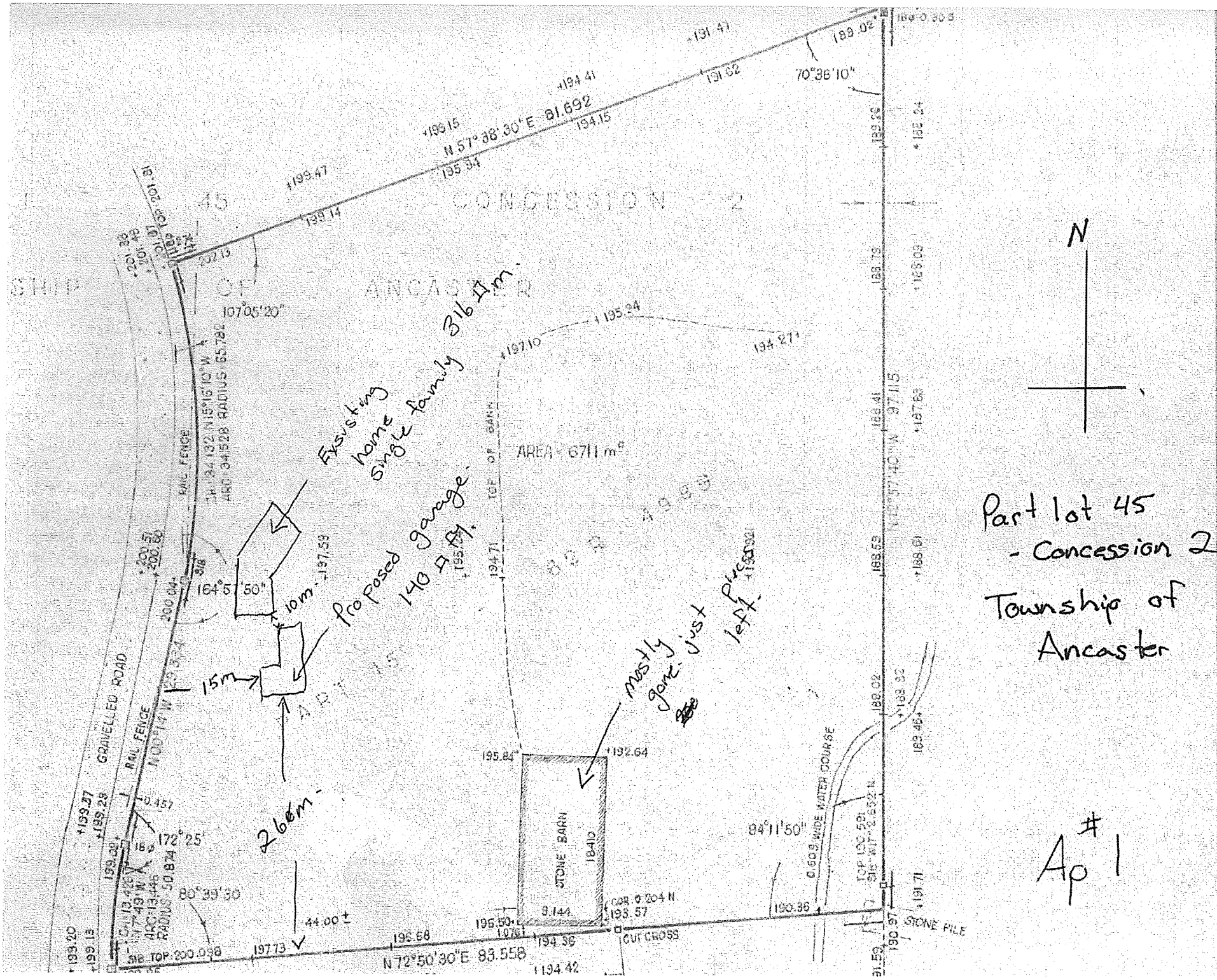
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: November 3rd, 2020.

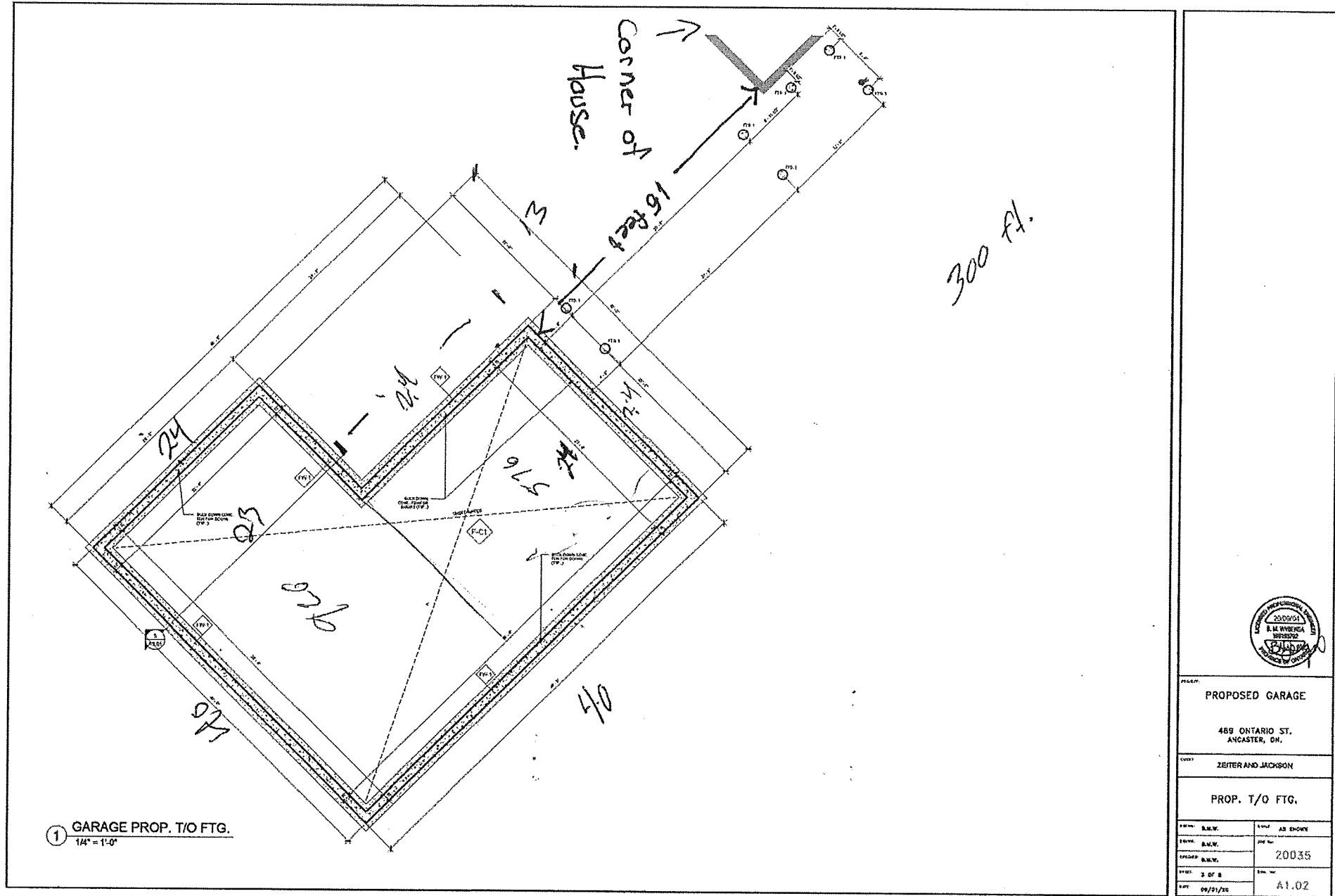


Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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.

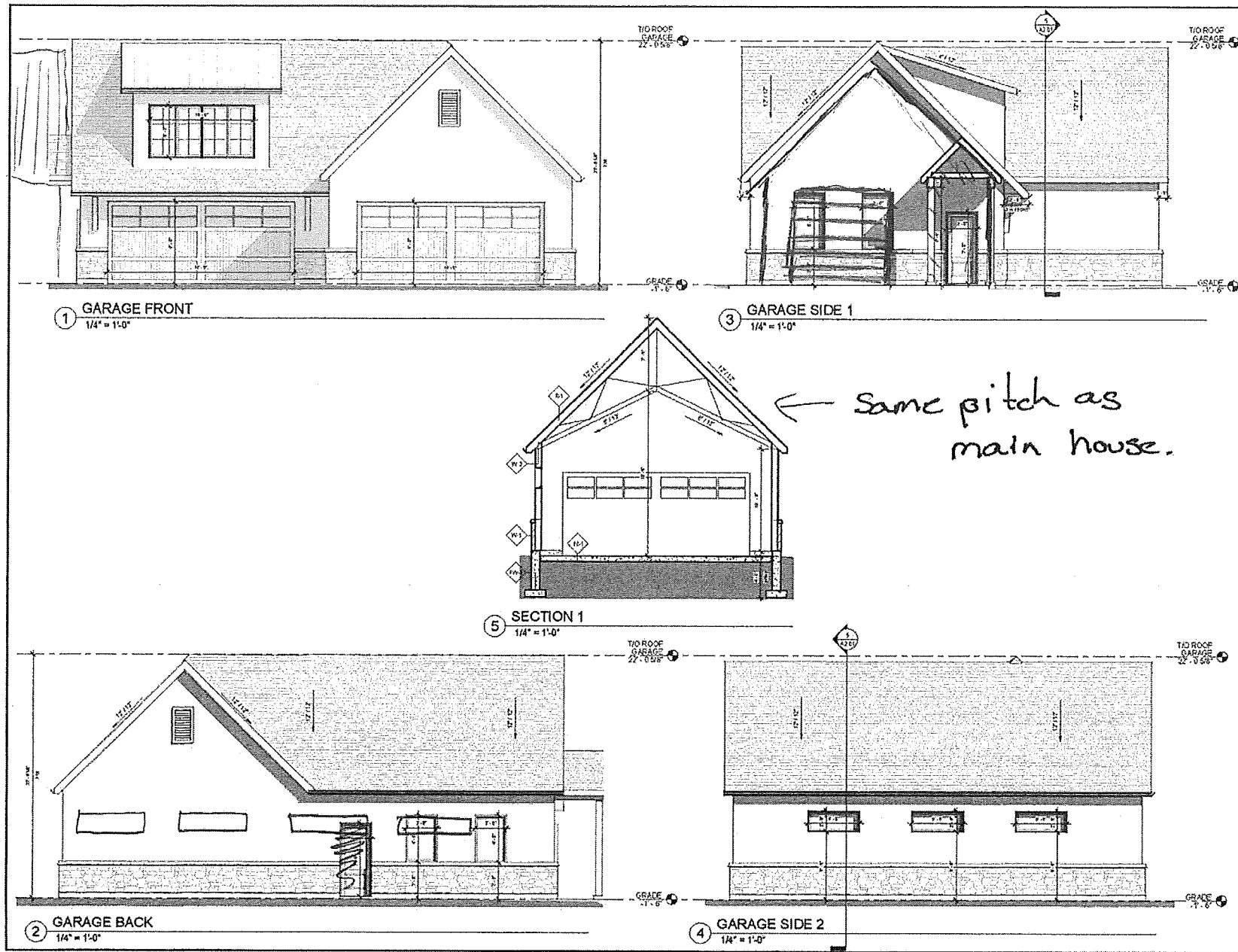


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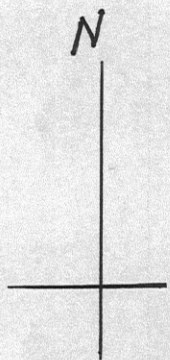
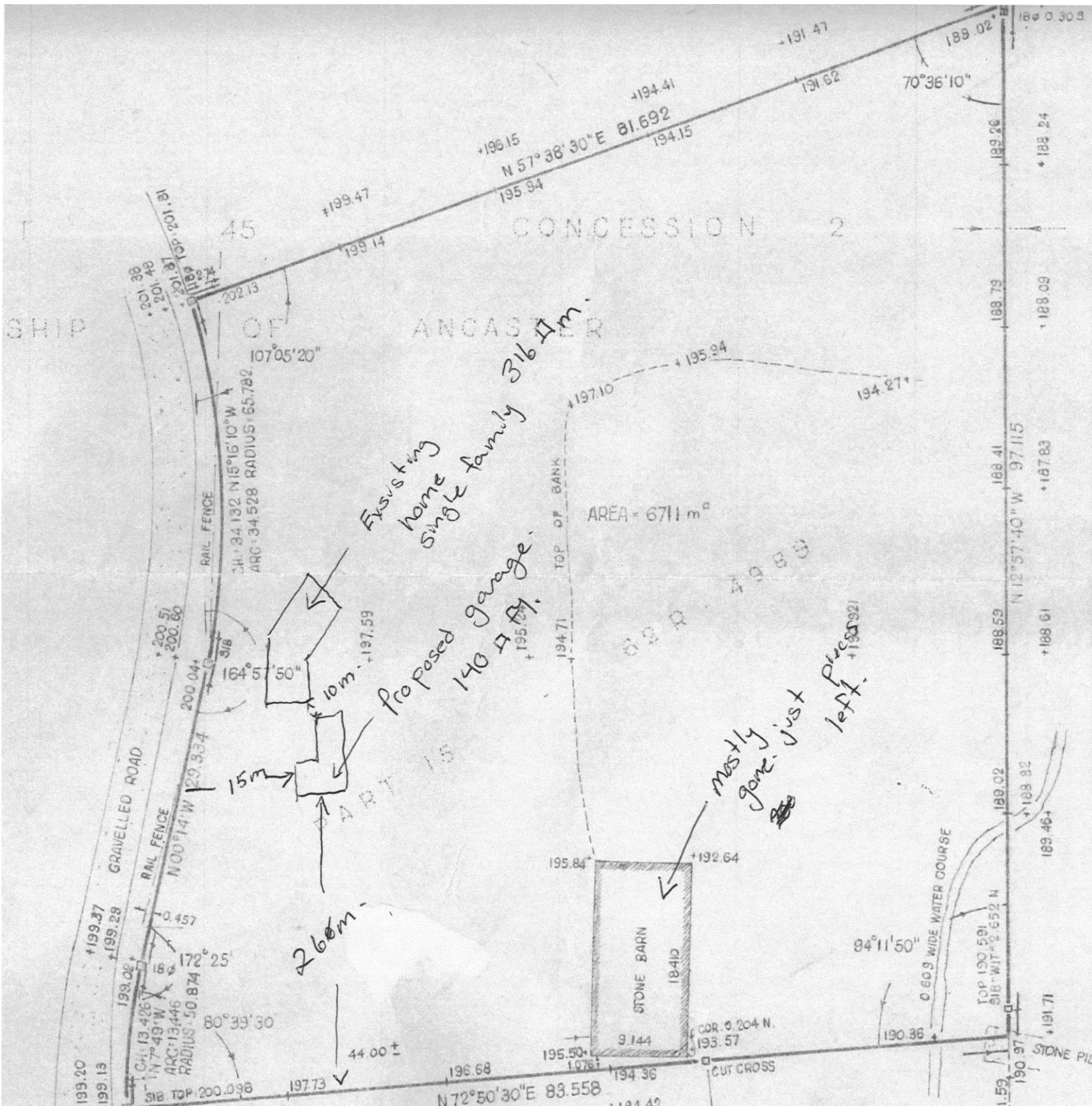


FL/A
20:228

FL/A
2022.08



PROPOSED GARAGE	
489 ONTARIO ST. ANCASTER, ON.	
ZETTER AND JACKSON	
ELEVATIONS / SECTION	
DATE: 08/01/20	SCALE: AS SHOWN
PROJECT: 20035	JOB NO: 20035
DATE: 08/01/20	SCALE: A2.01



Part lot 45
 - Concession 2
 Township of
 Ancaster

 Ap 1

Main single family dwelling. 316 sq m.

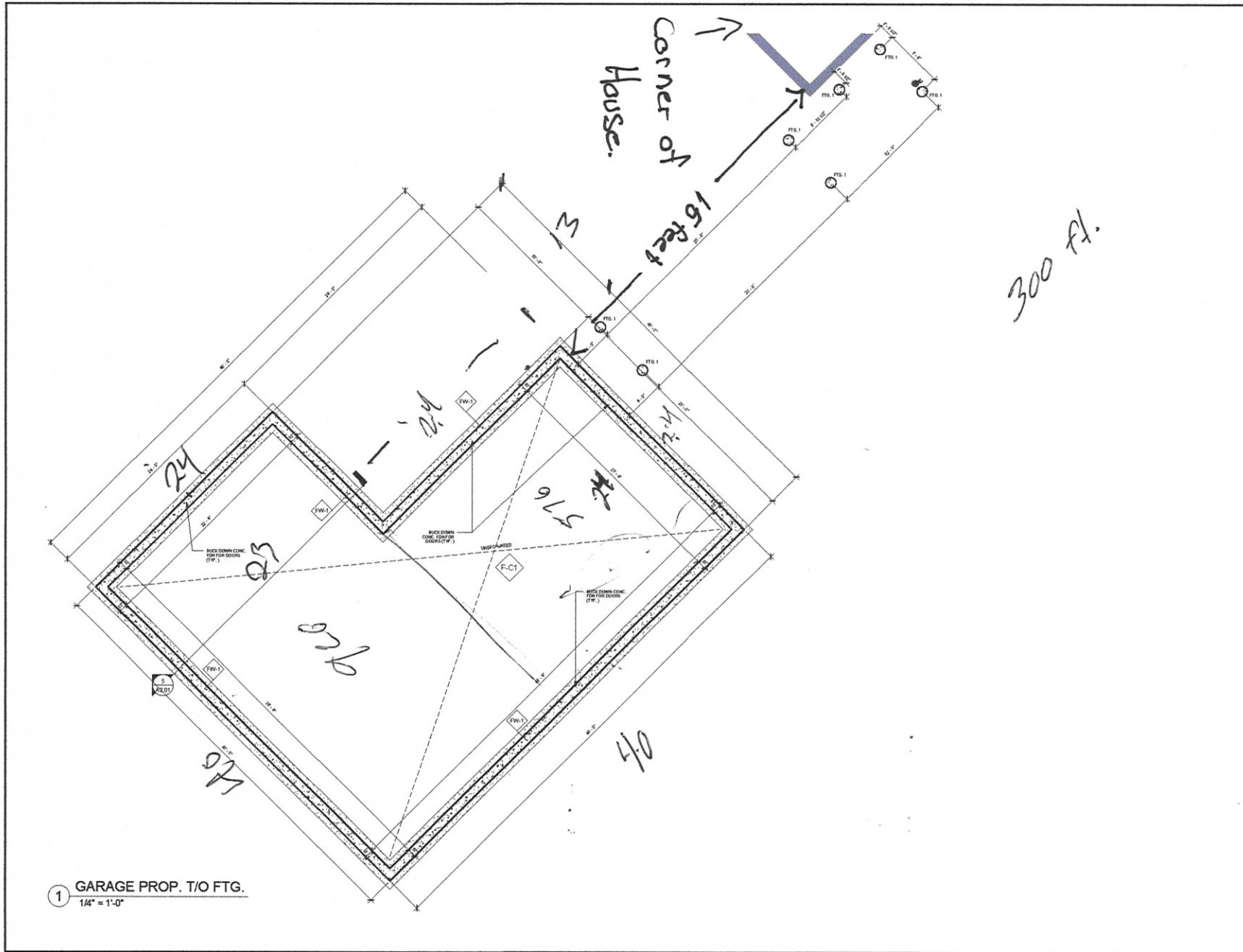


Proposed structure garage 140 m sq

Imagery ©2020 First Base Solutions, Maxar Technologies, Map data ©2020 20 m

http://www.google.com/maps/@43.2337965,-79.9765214,160m/data=!3m1!1e3

AP. 2



1 GARAGE PROP. T/O FTG.
1/4" = 1'-0"



PROJECT:		PROPOSED GARAGE	
		489 ONTARIO ST. ANCASTER, ON.	
CLIENT:		ZEITER AND JACKSON	
		PROP. T/O FTG.	
DRAWN:	S.M.W.	SCALE:	AS SHOWN
DRAWN:	S.M.W.	JOB No:	20035
CHECKED:	S.M.W.	DATE:	09/01/20
SHEET:	3 OF 5	REV. No:	A1.02



GENERAL NOTES

1. CHECK NO CIRCUMSTANCES ARE THESE DRAWINGS TO BE ISSUED.
2. ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE LATEST VERSION OF THE ONTARIO BUILDING CODE (OBC) INCLUDING ALL THE LATEST STANDARD NOTIFICATIONS.
3. ALL DRAWINGS ARE THE PROPERTY OF THE ENGINEER AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT.
4. CONTRACTOR/INSTALLER/FABRICATOR IS REQUIRED TO FIELD MEASURE THE STRUCTURE PRIOR TO FABRICATION. ANY DISCREPANCIES SHALL BE REPORTED TO THE ENGINEER.
5. CONTRACTOR TO CHECK AND VERIFY ALL STRUCTURAL DIMENSIONS BEFORE COMMENCING WORK AND TO REPORT ANY DISCREPANCIES TO THE ENGINEER. FAILURE TO DO SO WILL BE AT OWNERS RISK.
6. PROVIDE ADEQUATE TEMPORARY SHORING AS REQUIRED DURING CONSTRUCTION OF STRUCTURAL WALLS AND COMPONENTS, AND ALL ALL BUILDING DAMAGE SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.
7. PROVIDE LINTELS OVER ALL OPENINGS, INCLUDING THOSE FROM MECHANICAL AND ELECTRICAL.
8. SMOK ALARMS SHALL BE PROVIDED AS PER O.B.C. 9.10.1.2.1. SMOK ALARMS SHALL BE WIRED SO THAT WHEN THE ALARM SOUNDS, ALL ALARMS SOUND AS PER O.B.C. 9.10.1.2.1.
9. WHERE DOWNPOLETS ARE PROVIDED AND NOT CONNECTED TO A RENEW, DOWNPOLETS SHOULD BE PROVIDED TO CARRY CURRENT AWAY FROM THE BUILDING IN A MANNER THAT WILL PREVENT SOIL EROSION AS PER O.B.C. 9.2.1.1.2.2. THE UNPROTECTED ATIC AREA SHALL BE NOT LESS THAN 1/200 OF THE INSULATED CEILING AREA, O.B.C. 9.2.1.1.2.2.

REQUIRED SUBMITTALS

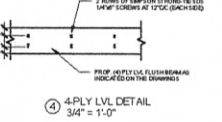
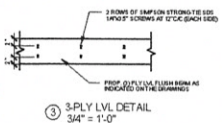
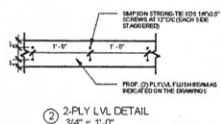
1. THE FOLLOWING SHALL BE SUBMITTED TO THE CONSULTANT FOR REVIEW PRIOR TO FABRICATION:
 - A. DIMENSIONED JOISTS
 - B. PRE-ENGINEERED ROOF TRUSSES
 - C. SINGLE/LAMINAR STEEL
2. THE ABOVE REQUIRED SHOP DRAWINGS SUBMITTED SHALL BEAR THE STAMP OF LICENSED PROFESSIONAL ENGINEER OF ONTARIO.

DESIGN LOADS

1. GROUND SNOW (S _n) / RAIN (R _r)	1.5 / 0.4 kPa
2. WINDWARD ROOF (D _r)	1.8 kPa
3. ROOF DEAD LOAD (D _s)	1.0 kPa
4. WIND LOAD (W)	0.48 kPa
5. GROUND/ROOF (G)	1.0 kPa
6. GROUND/ROOF (G)	1.0 kPa

STRUCTURAL SCHEDULE

WOOD LINTELS	
L1	2 PLY - 2x8
L2	2 PLY - 2x8
BEAMS	
B1	4-PLY 2.8L LVL 1 2 1/4" x 11 7/8", PROVIDE 2 ROWS OF 2x8 SCREWS - SEE DETAIL
B2	3-PLY 2.8L LVL 1 2 1/4" x 11 7/8", PROVIDE 2 ROWS OF 2x8 SCREWS - SEE DETAIL
B3	3-PLY 2.8L LVL 1 2 1/4" x 11 7/8", PROVIDE 2 ROWS OF 2x8 SCREWS - SEE DETAIL
B4	3-PLY 2.8L LVL 1 2 1/4" x 11 7/8", PROVIDE 2 ROWS OF 2x8 SCREWS - SEE DETAIL
RAFTERS / JOISTS	
R1	2x8 RAFTERS @ 16" O.C. w/ 2x4 COLLAR TIES AND 2x6 CL. JOISTS @ 16" O/C
WOOD WALLS & POSTS / COLUMNS	
W1	2 PLY - 2x8
W2	2 PLY - 2x8
W3	2 PLY - 2x8
W4	2x6 POST
W5	2x6 POST
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W100	2x6 POST



FOUNDATION NOTES

1. ALL FOOTINGS TO BEAR ON NATIVE UNDISTURBED SOIL HAVING A SAFE BEARING CAPACITY OF 1277 P.S.F.
2. PROVIDE 4" x 8" MINIMUM OF FROST COVER FOR ALL EXTERIOR FOOTINGS.
3. ALL REINFORCING STEEL TO BE SET AND SHALL CONFORM TO CSA S32.10-100.
4. ALL PILES TO BE POURED INTERNALLY WITH FOUNDATION WALLS.
5. PROVIDE 4" DEEP BRICK CHASE AT ALL EXTERIOR LOAD LOCATIONS.
6. CONTRACTOR TO NOTIFY CITY INSPECTOR PRIOR TO THE PLACEMENT OF CONCRETE FOR ALL BEARING CAPACITY.
7. INSPECTOR OF REINFORCING.

STRUCTURAL STEEL NOTES

1. STRUCTURAL STEEL DESIGN MUST CONFORM TO CSA S16.
2. STRUCTURAL STEEL BEAMS AND COLUMNS SHALL CONFORM TO ASTM A992 U.S.A.
3. STRUCTURAL STEEL CHANNELS, I-BEAM, & ANGLED MUST CONFORM TO CSA S36.10, GRADE 50W U.S.A.
4. ALL STRUCTURAL STEEL PLATE SHALL CONFORM TO CSA S36.10, GRADE 50W U.S.A.
5. WELDED CONNECTIONS SHALL BE MADE OF ASTM A572 GRADE 50 U.S.A.
6. BRIDGE BOLTS SHALL CONFORM TO ASTM A307 U.S.A.
7. ALL WELDING TO CONFORM TO C.W.P. APPROVED PROCEDURES, ALL WELDING TO BE CARRIED OUT BY WELDERS CERTIFIED BY THE C.W.P. EMPLOYED BY A FIRM CERTIFIED IN DIVISION 1 OF 2.
8. ALL STRUCTURAL STEEL EXPOSED TO WEATHER SHALL BE HOT-DIPPED GALVANIZED IN ACCORDANCE WITH CSA S164 U.S.A.
9. TOUCH UP ALL FIELD WELDS BY APPLYING MIN. OF 2 COATS OF ZINC RICH PRIMER.
10. ALL STRUCTURAL STEEL SHALL RECEIVE A MINIMUM OF ONE COAT OF SHOP PRIMER.
11. NO HOT BRIDGE OR CUT OPENING IN STRUCTURAL STEEL WITHOUT THE ENGINEER'S APPROVAL.

MASONRY (VENEER) NOTES

1. MASONRY SHALL CONFORM TO CSA 308.1.
2. MINIMUM BRICK VENEER THICKNESS TO BE 28 mm (1 1/8") U.S.A.
3. THE MINIMUM BRICK LAYING DISTANCE ON MASONRY WALLS SHOULD BE 200 mm (8") U.S.A.
4. MASONRY TIES SHALL CONFORM TO CSA-A510, NOT SUPER GALVANIZED TIES ARE REQUIRED.
5. TIES SHALL BE SPACED AT NO MORE THAN 210mm C/C HORIZONTALLY, AND 610 mm C/C VERTICALLY.
6. TIES CONNECTING TO WOOD STUDS MAY BE FACE ON SIDE MOUNTED.
7. MASONRY WHERE WALLS SHALL HAVE A MINIMUM HEIGHT OF 11m FROM THE TOP OF FOUNDATION. WALLS EXCEEDING THIS HEIGHT MUST BE PROVIDED WITH SUPPORT AT EACH FLOOR HEIGHT (NOT MORE TO EXCEED 3.6m VERTICALLY).

LUMBER NOTES

1. ALL DIMS LUMBER TO BE S.P.F. No. 2 GRADE OR BETTER AND CONFORM TO CSA-0141.
2. ALL UNDIMENSIONED LUMBER JOIST BEAMS TO BE LVL'S (GRADE 2.8L) PER REPLACEMENT WITH A SIMILAR GRADE IS NOT ACCEPTABLE. REFER TO THE SPECIFICATIONS FOR DIMENSIONS.
3. ALL LUMBER EXPOSED TO THE EXTERIOR IS TO BE PRESURIZED TREATED U.S.A.
4. CONNECT 2x4" WOOD PLATE TO TOP OF ALL STEEL BEAMS AS PER THE SPECIAL DETAILS.
5. TRUSS DESIGN TO BE IN ACCORDANCE WITH PART 4 OF THE O.B.C. PROVIDE HOLD DOWN CLIPS AT ALL TRUSSES, WHICH ARE TO BE SECURED.
6. ROOF SHEATHING TO BE 12 mm (1/2") PLYWOOD (DIMENSION) TAG - NAILS W/ 100 NAILS AT 6" C/C ALONG EDGES.
7. FLOOR SHEATHING TO BE 12 mm (1/2") PLYWOOD (DIMENSION) TAG, GAPS AND SKEWEL.
8. WALL SHEATHING TO BE 12 mm (1/2") ORIENTED STRAND BOARD (OSB) (DIMENSION) NAILS W/ 100 NAILS AT 6" C/C ALONG EDGES.
9. PROVIDE SOLID BLOCKING BETWEEN JOISTS BELOW ALL BEARING WALLS WHICH ARE PERPENDICULAR TO THE JOISTS.
10. PROVIDE APPROVED BRACING FOR BEAMS AS PER THE SPECIAL DETAILS.
11. TYPICAL BEARING WALL IS 2x8" x 16" O/C W/ 2x6 JOIST.
12. ALL LUMBER BEAMS ARE TO BE SUPPORTED ON LUMBER POSTS (2x4) WITH EQUAL NUMBER OF LAMINATIONS.
13. ALL BUILT-UP POSTS ARE TO BE CONSTRUCTED CONTINUOUSLY TO THE FOUNDATION WITH SOLID TRANSFER BLOCKING AT EACH FLOOR.
14. WOOD IS NOT TO BEAR DIRECTLY ON CONCRETE/MASONRY, PROVIDE PRESURIZED TREATED, POLY, OR SILT GARBET BETWEEN CONCRETE/MASONRY AND WOOD SILL PLATE.
15. ALL JOISTS SHOULD HAVE A MINIMUM OF 40 mm (1 1/2") OF BEARING U.S.A. BY MANUFACTURER.
16. ALL LUMBER BEAMS SHOULD HAVE A MINIMUM OF 75 mm (3") BEARING.
17. BUILT UP POSTS SHALL BE NAILS THROUGH AT 180 mm (6") O/C STAGGERED U.S.A.
18. PROVIDE TRUSS BUILT-UP LINTELS OVER DOOR AND WINDOW OPENINGS IF NOT INDICATED ON DRAWING.
 - OPENING < 1'-0" = (2-PLY) 2x12"
 - OPENING < 1'-0" = (3-PLY) 2x12"

CONCRETE & REINFORCING NOTES

1. ALL CONCRETE WORK SHALL CONFORM TO THE LATEST REQUIREMENTS OF CSA A31.1, A32.1 & A33.1.
2. REINFORCING SHALL CONFORM TO CSA S416.1, GRADE 400W, F_y 400 MPa & HAVE A MINIMUM LAP OF 180 mm (7") AT JOINTS U.S.A.
3. BUILT UP POSTS SHALL BE NAILS THROUGH AT 180 mm (6") O/C STAGGERED U.S.A.
4. ALL REINFORCING LAP SPICES SHALL CONFORM TO THE LATEST CSA STANDARD A31.1 & ALL BARS SPICES TO BE CLASS "B" SECTION U.S.A.
5. CHECK CONTROL SHOULD BE PLACED ALONG THE CENTRE OF THE LENGTH AND WIDTH OF AREA AND PLACED NO MORE THAN 14" O/C O/C. PROVIDE JOINT FILLER IN CONTROL JOINTS.
6. ALL CONCRETE COVER SHALL CONFORM TO CSA A31.1 AND THE FOLLOWING BELOW U.S.A.
 - A. CONCRETE GART AGAINST EARTH 75 mm (3")
 - B. EXTERIOR BEAMS, SLABS, COLUMNS/PILES AND WALLS: 40 mm (1.5")
 - C. INTERIOR BEAMS & COLUMNS/PILES: 30 mm (1.25")
 - D. INTERIOR SLABS: 20 mm (0.75")
7. CONCRETE PROPERTIES:
 - A. CONCRETE SHALL BE PLACED IN THE APPROPRIATE LOCATION & HAVE THE MIX PROPERTIES AS PER THE TABLE BELOW.
 - B. IF NOT IN THE TABLE ALL CONCRETE SHALL BE A MINIMUM OF 25 MPa AT 4.28 DAY COMPRESSIVE STRENGTH U.S.A.

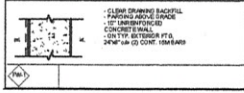
CONCRETE REQUIREMENTS

CSA EXPOSURE CLASS	LOCATION	28 DAY COMP. STRENGTH (MPa)	W/C RATIO	AIR CONTENT (%)	SPLAT (mm)	MAXIMUM AGGREGATE SIZE (mm)
C-1	- EXTERIOR SLAB (REINFORCED) - GRADE BEAM	25	0.40	6-8	80 (1 1/2" - 30)	20
D-2	- EXTERIOR SLAB (UNREINFORCED) - CURBS & DRIVEWAYS	22	0.45	5-6	80 (1 1/2" - 30)	20
F-1	- EXTERIOR UNWATERED CONC. - POLES & CURBS	20	0.50	4-7	80 (1 1/2" - 30)	20
F-2	- EXTERIOR UNWATERED CONC. - EXTERIOR FOR WALLS, COLTS, PILES, TIES	25	0.55	4-7	80 (1 1/2" - 30)	20
N-1	- INTERIOR WALLS, SLAB-IN-GRADE, FOOTINGS	25	0.50	0	80 (1 1/2" - 30)	20
N	- NON-SHINK ESDUT	30			AS PER MANUFACTURER	

CONCRETE MASONRY NOTES

1. MASONRY CONSTRUCTION SHALL CONFORM TO THE FOLLOWING STANDARDS:
 - A. CSA A311: MASONRY CONSTRUCTION FOR BUILDINGS
 - B. CSA A310: CSA STANDARDS FOR CONCRETE MASONRY UNITS
 - C. CSA A319: MORTAR AND GROUT FOR UNIT MASONRY
2. ALL CONCRETE BEAMS SHALL HAVE NET COMPRESSIVE STRENGTH OF 15 MPa.
3. MASONRY WALLS SHALL HAVE TYPE "B" MORTAR.
4. GROUT SHALL BE IN ACCORDANCE WITH THE LATEST NOTICED STANDARDS.
5. PROVIDE THREE COURSES OF FULLY GROUTED MASONRY UNDER BEARING PLATES FOR STEEL BEAMS (U.S.A.).
6. PROVIDE LATERAL RESTRAINT AT THE TOP OF ALL NON LOAD-BEARING PARTITIONS.
7. PROVIDE A SINGLE COURSE BOND BEAR AT THE TOP OF ALL NON LOAD-BEARING WALLS REINFORCED W/ (2) 10M BARS CONTINUOUS.
8. PROVIDE (1) 10V VERTICAL BAR IN EVERY FOURTH CELL IN ALL MASONRY WALLS (U.S.A.).
9. THE MINIMUM BEARING DISTANCE ON MASONRY WALLS ARE:
 - A. OVERALL: 150mm (6")
 - B. BEAMS: 150mm (6")
 - C. LINTELS: 150mm (6")
 - D. CONC. SLABS: 150mm (6")

FOUNDATION WALL TYPE LEGEND



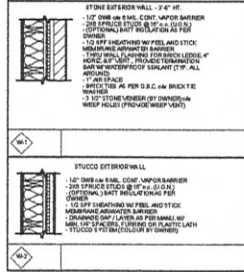
ROOF TYPE LEGEND



FLOOR TYPE LEGEND



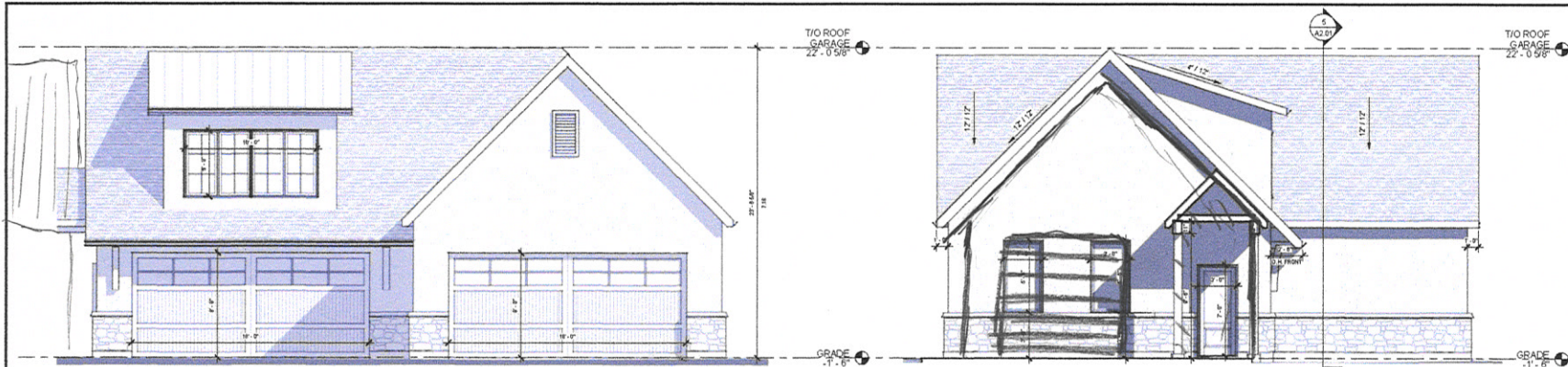
EXTERIOR WALL TYPE LEGEND



ASSEMBLY LEGEND
3/4" = 1'-0"

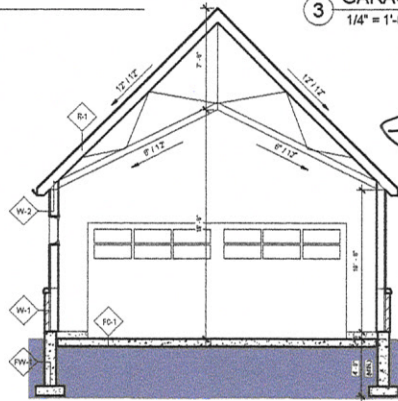


PROPOSED GARAGE	
489 ONTARIO ST. ANCASTER, ON.	
CLIENT: ZEITER AND JACKSON	
PROJECT NOTES	
DESIGN: B.M.W.	DRAWN: AS SHOWN
DRAWN: B.M.W.	JOB NO: 20035
DESIGNED: B.M.W.	DATE: 08/01/20
DRAWN: 1 OF 5	DATE: 08/01/20
DATE: 08/01/20	NO: A0.01



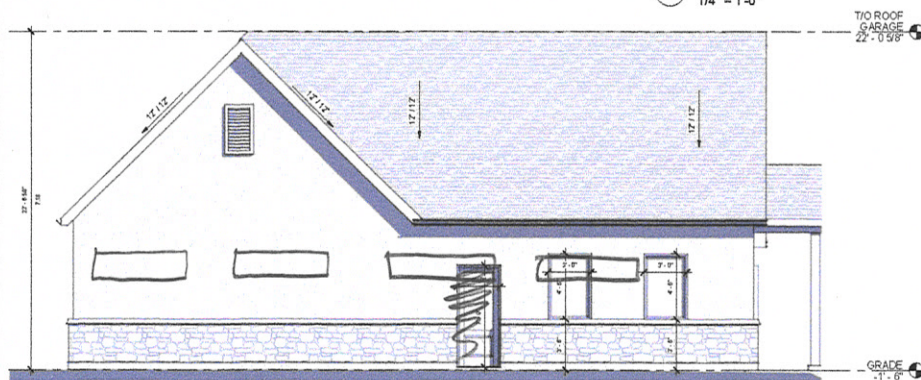
1 GARAGE FRONT
1/4" = 1'-0"

3 GARAGE SIDE 1
1/4" = 1'-0"

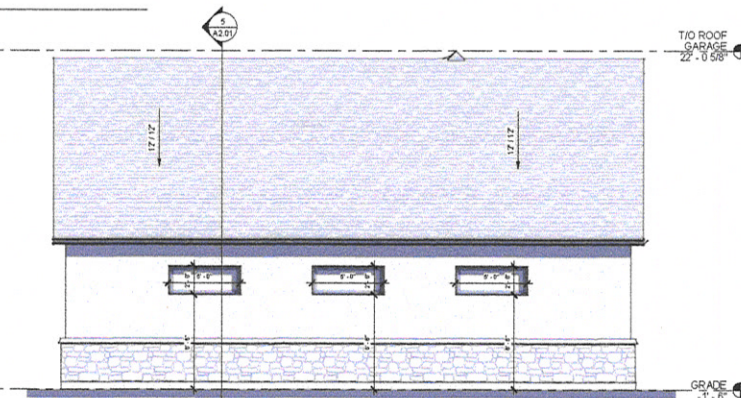


5 SECTION 1
1/4" = 1'-0"

← Same pitch as main house.



2 GARAGE BACK
1/4" = 1'-0"



4 GARAGE SIDE 2
1/4" = 1'-0"



PROJECT:		PROPOSED GARAGE	
CLIENT:		ZEITER AND JACKSON	
ADDRESS:		489 ONTARIO ST. ANGASTER, OH.	
ELEVATIONS / SECTION			
DRAWN:	B.M.W.	SCALE:	AS SHOWN
CHECKED:	B.M.W.	JOB NO.:	20035
DATE:	08/01/20	FIG. NO.:	A2.01



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.

- Name of Owner Daniel Zeiter Telephone No. [REDACTED]
FAX NO. _____ E-mail address. [REDACTED]
- Address [REDACTED]
Postal Code _____
- Name of Agent greenpark services 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:
None Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:

- Height variance to match house roof line.
 - applicability to increase the size to accommodate vehicles

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

- Pitch of roof will not allow height restrictions
 - I have maxed out @ 900 square feet for lot coverage.

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 45 - Concession 2

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?

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.

Date Oct 21/2020


Signature Property Owner

Print Name of Owner

10. Dimensions of lands affected:

Frontage 75m
 Depth 75m
 Area 2acres
 Width of street 6m

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 story, 3401 sq ft, height 9m.
45ft x 75ft.

Proposed: single story, 1300-1400 sq ft. height 7.9.
40x40 with cut out

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

Existing: 15m from N Property line.
26m from S Property line.

Proposed: 15m From West lot line
26m from South lot line.

13. Date of acquisition of subject lands: 2006

14. Date of construction of all buildings and structures on subject lands: 1987 - main house.

15. Existing uses of the subject property: single family dwelling.

16. Existing uses of abutting properties: single family dwellings.

17. Length of time the existing uses of the subject property have continued: 35-50 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:

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land: None.

21. Has the owner previously applied for relief in respect of the subject property?
 Yes No

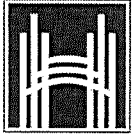
If the answer is yes, describe briefly.

/

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



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: coga@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-20:224

APPLICANTS: Owners H. Strikwerda & W. Siebemga

SUBJECT PROPERTY: Municipal address **119 Glancaster Rd., Glanbrook**

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

ZONING: "ER" (Existing Residential) district

PROPOSAL: To permit the attached garage within the existing single detached dwelling to be converted into living space notwithstanding that;

A minimum southerly side yard of 1.8 m shall be provided instead of the minimum required side yard of 5.4 m on an interior lot where no attached garage or attached carport is provided.

Notes:

Please note that a minimum of 2 parking spaces are required to be provided on site. No details provided; therefore, further variances may be required.

Tandem Parking is permitted for a single detached dwelling.

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

DATE: Thursday, November 19th, 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.

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-20:224

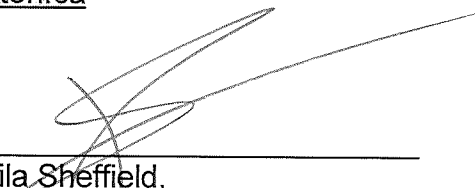
Page 2

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

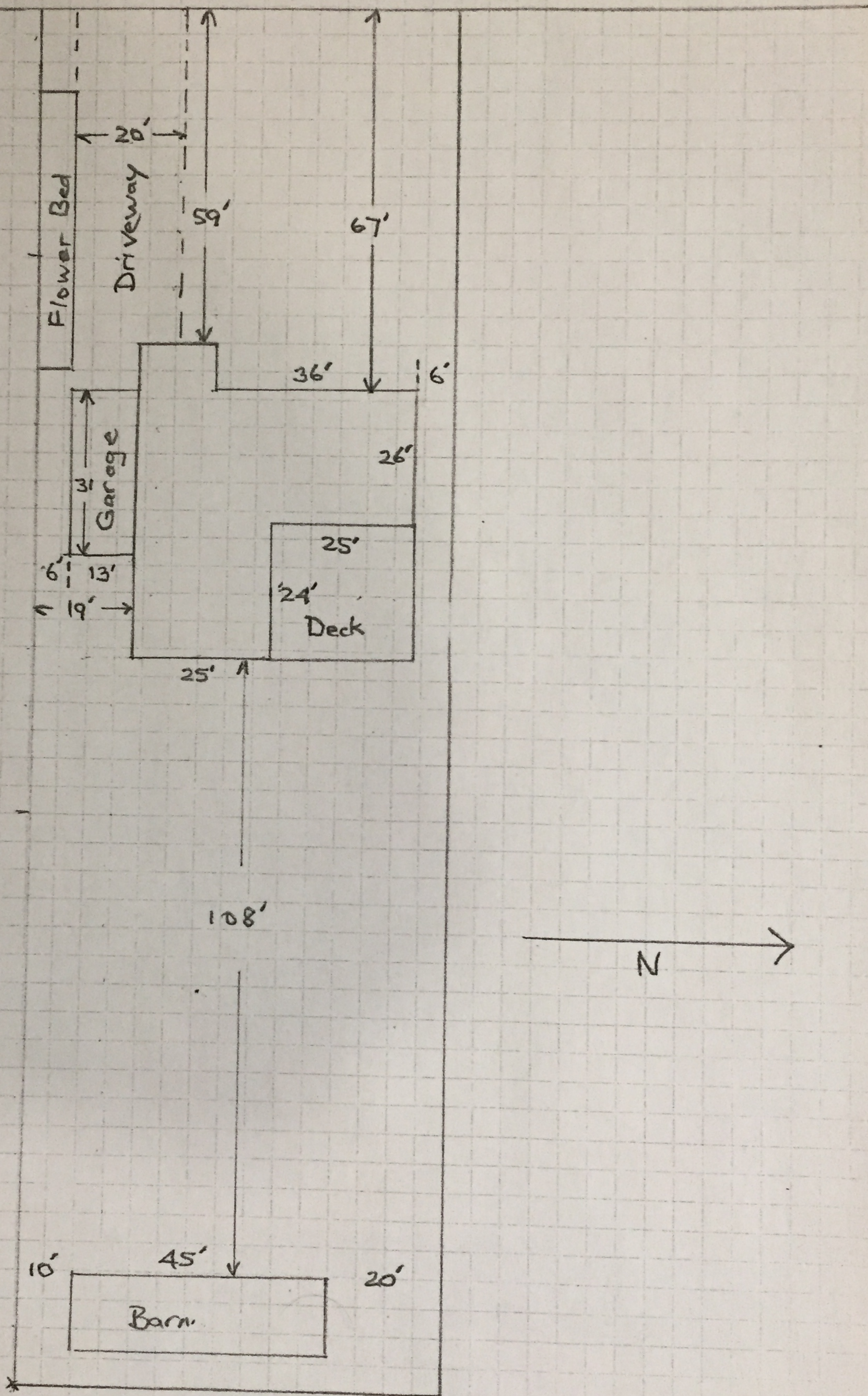
DATED: November 3rd, 2020.



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.

Gloucester Road





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.

- Name of Owner Hans Strikwerda Telephone No. [REDACTED]
Winona Siebenga
FAX NO. _____ E-mail address. _____
- Address [REDACTED]
[REDACTED] Postal Code [REDACTED]
- Name of Agent n/a. 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:
BMO Bank of Montreal
737 Golf Links Rd Postal Code L9K 1L5
Ancaster, ON
Postal Code _____

6. Nature and extent of relief applied for:
To permit a 1.8m side yard width at the south side yard, instead of the minimum required 3.4m where an attached garage/carport is not provided.
7. Why it is not possible to comply with the provisions of the By-law?
Existing attached garage converted into living space. Building location existing.
8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
pt lot 1 Conc. 1 Glanford, as in AB316421 except HL238834 and G18563; Glanbrook (00.09.25M. ADLR) City of Hamilton 119 Glancaster Rd, Glanbrook
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 X

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 X

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.

Date Sept. 30, 2020

Signature Property Owner
Hans Strikwerda
Winona Steberg
Print Name of Owner

10. Dimensions of lands affected:
Frontage 75'
Depth 240'
Area 18,000 #
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: main floor 2308 # (including garage)
lower level 1586 # (excluding crawl-space and cold storage)
Proposed: to convert attached garage
into living quarters

12. Location of all buildings and structures on or proposed for the subject lands;
(Specify distance from side, rear and front lot lines)
Existing: Barn: 40' to the north lot line; 8' to south lot line; and, 6' from east lot line.
House: 6' from north and south lot line, and 53' from road allowance.

Proposed: NO Change To setbacks

13. Date of acquisition of subject lands:

July, 2009

14. Date of construction of all buildings and structures on subject lands:

15. Existing uses of the subject property: Residential, specifically Single Family Dwelling.

16. Existing uses of abutting properties: Residential; electrical transmission.

17. Length of time the existing uses of the subject property have continued:

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:
residential ER

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
ER Zone, Glanbrook Zoning By-law 464

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



October 30, 2020

360-20

Via Email

Ms. Jamila Sheffield
Secretary Treasurer
Committee of Adjustment

City of Hamilton
71 Main St. West, 5th Floor
Hamilton, Ontario
L8P 4Y5

Dear Ms. Sheffield,

**RE: Consent to Sever Application No. SC/B-20:44
28 Sandbeach Drive, Hamilton
Notice of Decision – Conditions**

As you know, UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf of the owners, Gianni and Marcie DeFaveri, for the lands known municipally as 28 Sandbeach Drive.

In the normal fashion, Page 1 of the staff Consolidation Report dated August 27, 2020 for the subject application contained 7 conditions of approval that staff recommended should apply should the Committee grant the severance. None of the 7 conditions required an Archeological Assessment.

Later, the Notice of Decision, also dated August 27, 2020 included 8 conditions with Condition No. 6 requiring the completion of an Archaeological Assessment to the satisfaction of the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) despite that the need for this additional conditions was not raised during the hearing.

Typically, in severances involving a staff recommendation for a condition of approval requiring an Archaeological Assessment, it is UrbanSolutions practice to request the condition be changed to a Note advising the potential of encountering archaeological resources and the need to report any findings to the MHSTCI immediately. In these instances, the Committee of Adjustment often grants this request.

Had Page 1 of the staff Consolidation Report recommended an Archaeological Assessment condition, UrbanSolutions would have requested the condition be changed to a Note as described above.

Accordingly, please accept this letter as UrbanSolutions formal request to have the Committee of Adjustment issue and circulate a new Notice of Decision with Condition No. 6 changed to the following Note:

NOTE:

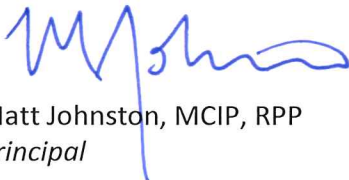
“Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archeological resources are encountered, the proponent may be required to conduct a archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation of resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation by an Ontario-licensed archaeologist, may include monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MHSTCI.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”

We trust that the enclosed is in order, however, please feel free to contact us with any questions.

Regards,

UrbanSolutions



Matt Johnston, MCIP, RPP
Principal



Brandon Petter, MPlan
Planner

cc: Mr. Gianni DeFaveri
Mr. Sergio Manchia, MCIP, RPP, UrbanSolutions



Committee of Adjustment
 Hamilton City Hall
 71 Main Street West, 5th floor
 Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424
 ext. 4221, 3935
 Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENTLAND SEVERANCE

APPLICATION NO. SC/B-20:44
SUBMISSION NO. B-44/20

APPLICATION NUMBER: SC/B-20:44

SUBJECT PROPERTY: 28 Sandbeach Dr., Stoney Creek

APPLICANT(S): Urban Solutions c/o M. Johnston on behalf of the owners G. & M. Defaveri

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land for residential purposes and to retain a parcel of land for residential purposes

Severed lands:

24.20m[±] x 57.81m[±] and an area of 1,399.96m^{2±}

Retained lands:

16.20m[±] x 57.87m[±] and an area of 937.70m^{2±}

**This application was heard in conjunction with
 Minor Variance Application SC/A-20:145**

That the said application, as set out above, **IS APPROVED**, for the following reasons:

1. The proposal does not conflict with the intent of the Urban Hamilton Official Plan.
2. The proposal does not contravene Zoning By-law requirements.
3. The Committee considers the proposal to be in keeping with development in the area.
4. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following condition(s):

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The owner/applicant shall satisfy the requirements of the Public Works Department Operations and Maintenance Division, Forestry & Horticulture Section.
3. The owner shall receive final and binding approval of minor variance application SC/A-20:145 to be heard in conjunction with this application.

SC/B-20:44
PAGE 2

4. The applicant must enter into and register on title of the lands, a Consent Agreement, to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure as required and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches and culverts, relocation of any existing infrastructure (hydro poles, etc.) and any damage to municipal infrastructure during construction (unknown costs at this time).
5. That the owner provided a cash payment to the City for the outstanding servicing costs, adjusted with Canadata index, related to the 0.3m reserve to the satisfaction of the Manager of Engineering Approvals Section.
6. That the proponent shall carry out an archaeological assessment of the entire property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI).
7. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
8. The owner submits to the Committee of Adjustment office an administration fee, of \$20.00 payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.

DATED AT HAMILTON this 27th day of August, 2020.

D. Smith (Acting Chairman)

D. Serwatak

L. Gaddy

B. Charters

M. Switzer

T. Lofchik

M. Smith

N. Mleczo

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS September 3, 2020.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (September 3, 2021) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **September 23rd 2020.**

SC/B-20:44
PAGE 3

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

1. Based on the application being approved and all the conditions being met, the owner / applicant should be made aware that the lands to be conveyed will be assigned the address of 24 Sandbeach Drive (Stoney Creek), and the lands to be retained will be assigned the address of 28 Sandbeach Drive (Stoney Creek).
2. The applicant should be notified that any new driveway or an access entrance, relocation of an existing driveway and/or the access entrance, or required alteration to a driveway design or the access entrance, will require a Residential Access Permit. The applicant is responsible for the application fee of the Access Permit, as well as the installation of any new approach ramp/access and or any modification to any existing approach ramp. Abandoned driveway approach ramps must be restored to curb/sidewalk at the expense of the applicant. Further information and applications are available from the Parking Investigator at Hamilton Municipal Parking System (905-546-2424 x4578 or parking@hamilton.ca).

August 27th, 2020**SC/B-20:44 (28 Sandbeach Dr., Stoney Creek**

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee grant the severance, an approval should be subject to the following condition(s):

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The owner/applicant shall satisfy the requirements of the Public Works Department Operations and Maintenance Division, Forestry & Horticulture Section.
3. The owner shall receive final and binding approval of minor variance application SC/A-20:145 to be heard in conjunction with this application.
4. The applicant must enter into and register on title of the lands, a Consent Agreement, to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure as required and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches and culverts, relocation of any existing infrastructure (hydro poles, etc.) and any damage to municipal infrastructure during construction (unknown costs at this time).
5. That the owner provided a cash payment to the City for the outstanding servicing costs, adjusted with Canadata index, related to the 0.3m reserve to the satisfaction of the Manager of Engineering Approvals Section.
6. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
7. The owner submits to the Committee of Adjustment office an administration fee, of \$20.00 payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.

August 27th, 2020

Notes:

1. Based on the application being approved and all the conditions being met, the owner / applicant should be made aware that the lands to be conveyed will be assigned the address of 24 Sandbeach Drive (Stoney Creek), and the lands to be retained will be assigned the address of 28 Sandbeach Drive (Stoney Creek).
2. The applicant should be notified that any new driveway or an access entrance, relocation of an existing driveway and/or the access entrance, or required alteration to a driveway design or the access entrance, will require a Residential Access Permit. The applicant is responsible for the application fee of the Access Permit, as well as the installation of any new approach ramp/access and or any modification to any existing approach ramp. Abandoned driveway approach ramps must be restored to curb/sidewalk at the expense of the applicant. Further information and applications are available from the Parking Investigator at Hamilton Municipal Parking System (905-546-2424 x4578 or parking@hamilton.ca).

August 27th, 2020

SC/B-20:44 (28 Sandbeach Dr., Stoney Creek)**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Suburban**

The purpose of this application is to permit the conveyance of a parcel of land for residential purposes and to retain a parcel of land for residential purposes

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The Urban Lakeshore Area Secondary Plan designates the subject lands “Low Density Residential 2b” (Volume 2 - Map B.7.3-1). Single detached dwellings are permitted within the designations (Volume 1 - E.3.4.3 and Volume 2 - B.7.3.1.3 (a)). The proposed density is consistent with the permitted density range of 1 to 29 units per hectare (Volume 2 - B.7.3.1.3 (b)).

Former City of Stoney Creek Zoning By-law No. 3692-92

The subject lands are zoned Neighbourhood Development “ND” Zone.

The “ND” Zone does not permit the use of the land for any purpose other than that for which it was used on the date that the Zoning By-law was passed until the land has been rezoned by By-law (Subsection 7.1.1). New single detached dwellings are not permitted, and as such, there are no provisions within the zoning that would apply to the proposed single detached dwellings, such as minimum lot area or frontage, or minimum yards. The purpose of these applications is to permit the construction of a single detached dwelling; however, should the subject consent be approved, the existing zoning would not permit single detached dwellings to be constructed. Accordingly, staff requests that any approvals be conditional upon final and binding approval of a Zoning By-law Amendment.

Archeology

The subject property meets three (3) of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 2) In an area of sandy soil in areas of clay or stone; and,
- 3) Along historic transportation routes.

August 27th, 2020

These criteria defines the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this severance is granted, Staff require that the Committee of Adjustment attach the following condition to the application:

“Condition: That the proponent shall carry out an archaeological assessment of the entire property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI).

Analysis

Staff must have regard for whether the proposed lots conform to the Official Plan and adjacent plans of subdivision when considering severance applications (Planning Act, subsection 51 (24) (c)). Notwithstanding the proposed use and density conforms, Staff is of the opinion that the proposal does not conform to the applicable Residential Intensification policies nor the Lot Creation policies of the UHOP.

The proposed development is defined as Residential Intensification, and as such, must be evaluated based on the criteria of Volume 1-Section B. 2.4.1.4 and B.2.4.2.2. The proposal does not maintain or enhance the existing neighbourhood character or streetscape patterns. The lots on the east side of Sandbeach Drive (Plan of Subdivision 62M-987) provide consistent lot frontages of 18 m (interior lots) and lot areas of 450 sq. m (interior lots). The proposed lots along provide frontages of 16.20 m and 24.20 m and lot areas of 937.70 sq. m and 1,399.96 sq. m. The proposed lots do not conform to the adjacent Plan of Subdivision.

In addition to the criteria established for Residential Intensification in Volume 1-Section B, lot creation in the urban area must be consistent with the UHOP policies of Volume 1-Section F. 1.14.3 Lot Creation – Urban Area. The proposed lots do not reflect the general scale and character of the established development pattern in consideration of the reduced and inconsistent lot frontages and relatively large lot areas. The proposed lots are not in conformity with the Zoning By-law and require submission and approval of Zoning By-law Amendment application to permit any development. The proposed lots do not have frontage on a public road until such time as the reserve block abutting Sandbeach Drive is dedicated as public highway. It is the opinion of staff that the conditions outlined in Section F.1.14.3.1 are not satisfied by the proposed development.

In the opinion of staff, the lots should be rezoned prior to approval of any development applications under the Planning Act. Through the Zoning By-law Amendment process,

August 27th, 2020

the proposed lot frontages and lot areas would be comprehensively reviewed to determine whether they represent good planning. Further, the Zoning By-law Amendment process would allow opportunity to apply provisions to control permitted uses and required yards, maximum building height, and maximum lot coverage. Should these applications be approved prior to final and binding approval of a Zoning By-law Amendment, the lot frontages and lot areas would be established thereby circumventing the planning process.

Recommendation:

Having regard for the matters under subsection 51(24) of the Planning Act, staff is not satisfied that the proposed consents conform to the Official Plan or the adjacent plan of subdivision. Staff recommends that the requested consents be denied.

Should the Committee approve the applications, staff requests that approval be subject to the conditions outlined below.

CONDITIONS: (If Approved)

1. That the proponent shall carry out an archaeological assessment of the entire property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI).
2. That final and binding approval of a Zoning By-law Amendment application be received.
3. That the reserve block abutting Sandbeach Drive, being Part of Block 193, 62M-987, be dedicated by By-law as public highway, and that the By-law be registered.

NOTE:

1. The applicant should be notified that any new driveway or an access entrance, relocation of an existing driveway and/or the access entrance, or required alteration to a driveway design or the access entrance, will require a Residential Access Permit. The applicant is responsible for the application fee of the Access Permit, as well as the installation of any new approach ramp/access and or any modification to any existing approach ramp. Abandoned driveway approach ramps must be restored to curb/sidewalk at the expense of the applicant. Further information and applications are available from the Parking Investigator at Hamilton Municipal

August 27th, 2020

Parking System (905-546-2424 x4578 or parking@hamilton.ca).

Building Division:

1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
2. Final and binding approval of SC/A-20:145 is required to facilitate this application.
3. Demolition permits 20-156925 and 20-156914 have been issued and closed for the existing single detached dwelling and accessory building on the subject lands, as shown of GISNet mapping system.

CONDITIONS:

1. The owner shall receive final and binding approval of minor variance application SC/A-20:145 to be heard in conjunction with this application.

Growth Management:

Note: Based on the application being approved and all the conditions being met, the owner / applicant should be made aware that the lands to be conveyed will be assigned the address of 24 Sandbeach Drive (Stoney Creek), and the lands to be retained will be assigned the address of 28 Sandbeach Drive (Stoney Creek).

Development Engineering:**Information:**

There is an existing 0.3m reserve along Sandbeach Drive adjacent to the subject lands that must be lifted prior to development of the subject lands. Therefore, as a condition of approval the owner is required to provide a cash payment to the City for their share of the outstanding servicing costs for installation of Sandbeach Drive.

Recommendations:

1. The applicant must enter into and register on title of the lands, a Consent Agreement, to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure as required and securities for items that may include: lot grading (\$10,000.00

August 27th, 2020

grading security), driveway approaches and culverts, relocation of any existing infrastructure (hydro poles, etc.) and any damage to municipal infrastructure during construction (unknown costs at this time).

2. That the owner provided a cash payment to the City for the outstanding servicing costs, adjusted with Canadata index, related to the 0.3m reserve to the satisfaction of the Manager of Engineering Approvals Section.

Transportation Planning & Parking Division (Traffic):

Transportation Planning have no objections to the land severance application.

See attached for additional comments.



Shannon Clarke, Urban Forest Health Technician
 City Centre, 77 James Street North, Suite 400
 Hamilton, ON L8R 2K3
 Phone (905) 546-2424 Ext. 4219, Fax (905) 546-4473
 Email – Shannon.Clarke@hamilton.ca

Hamilton

Forestry & Horticulture Section
 Environmental Services Division
 Public Works Department

Date: August 18, 2020

To: Jamila Sheffield, Committee of Adjustments Secretary/Treasurer
 Development Planning Heritage and Design
 City Hall – 71 Main St. W. – 5th Floor

From: Shannon Clarke, Urban Forest Health Technician

Subject: 28 Sandbeach Drive, Stoney Creek
 File: SC/B-20:44

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, August 27th, 2020, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

An assessment of the information provided shows that there are potential conflicts with publicly owned trees. Where existing municipal trees are impacted by development work, are within proximity of the development work or access/egress to the development work, a Tree Management Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician.

Where ownership of trees in proximity to the boundary between public and private land is un-certain, the subject trees must be surveyed by the applicant to confirm ownership. Ownership is as per By-law 15-125. Ownership must be clearly identified on the Tree Management Plan as either municipal or private.

A **Permit** to injure or remove municipal trees is a requirement of this application. Therefore, a **Tree Management Plan** must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.

Conditions of the Forestry and Horticulture Section will be cleared only after receipt of all applicable fees and payments.

No Landscape plan required

TREE MANAGEMENT

Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades & Residential Improvements.

The Forestry & Horticulture Section requires that a **Tree Management Plan** be prepared by a **Registered Landscape Architect**. All trees within this proposed development area must be surveyed, identified and accurately plotted on the plan to determine ownership, including intensions regarding retention or removal.

It is compulsory that all proposed surface treatment changes within individual tree driplines as well as property lines, building footprints, driveways, utility construction corridors and temporary access roads be accurately depicted on the submission.

The Tree Inventory Analysis Table on the Tree Management Plan shall not be considered complete without the following data and recommended action for each tree.

- ❖ Species by Botanical and common name
- ❖ Diameter at breast height in centimeters or millimeters
- ❖ Ownership {> 50% @ ground level = ownership}
- ❖ Biological health
- ❖ Structural condition
- ❖ Proposed grade changes within individual driplines {compulsory}
- ❖ Proposed utility construction within individual driplines {compulsory}
- ❖ Proposed removals or relocations
- ❖ Proposed trees to be protected

If it is determined and verified that existing trees can remain, a Tree Protection Zone Detail with notes showing Tree Preservation Techniques shall be included on the submission as per the **Public Tree Preservation and Sustainability Policy**.

The determination of ownership of all trees is the responsibility of the applicant and any civil issues which may exist or arise between property owners with respect to trees, must be resolved by the applicant. The ownership of each individual tree inventoried must be clearly stated as municipal or private.

All Healthy trees on municipal property which are found to be in conflict with this proposed development and do not meet our criteria for removal are subject to a replacement fee as outlined in the **Public Tree Preservation and Sustainability Policy** in conjunction with **By-Law 15-125**.

A \$273.26 plus HST permit fee, payable to the City of Hamilton is required prior to the permit issuance.

A permit will be issued upon approval of the Tree Management Plan and applicable fees.

LANDSCAPE PLAN

No new Landscape Strips are shown on the submission and none are requested by the forestry & Horticulture Section.

SUMMARY

- There are municipal tree assets on site; therefore a Tree Management Plan is required.
- No Landscape plan required
- **A permit will be issued upon approval of the Tree Management Plan and applicable fees.**

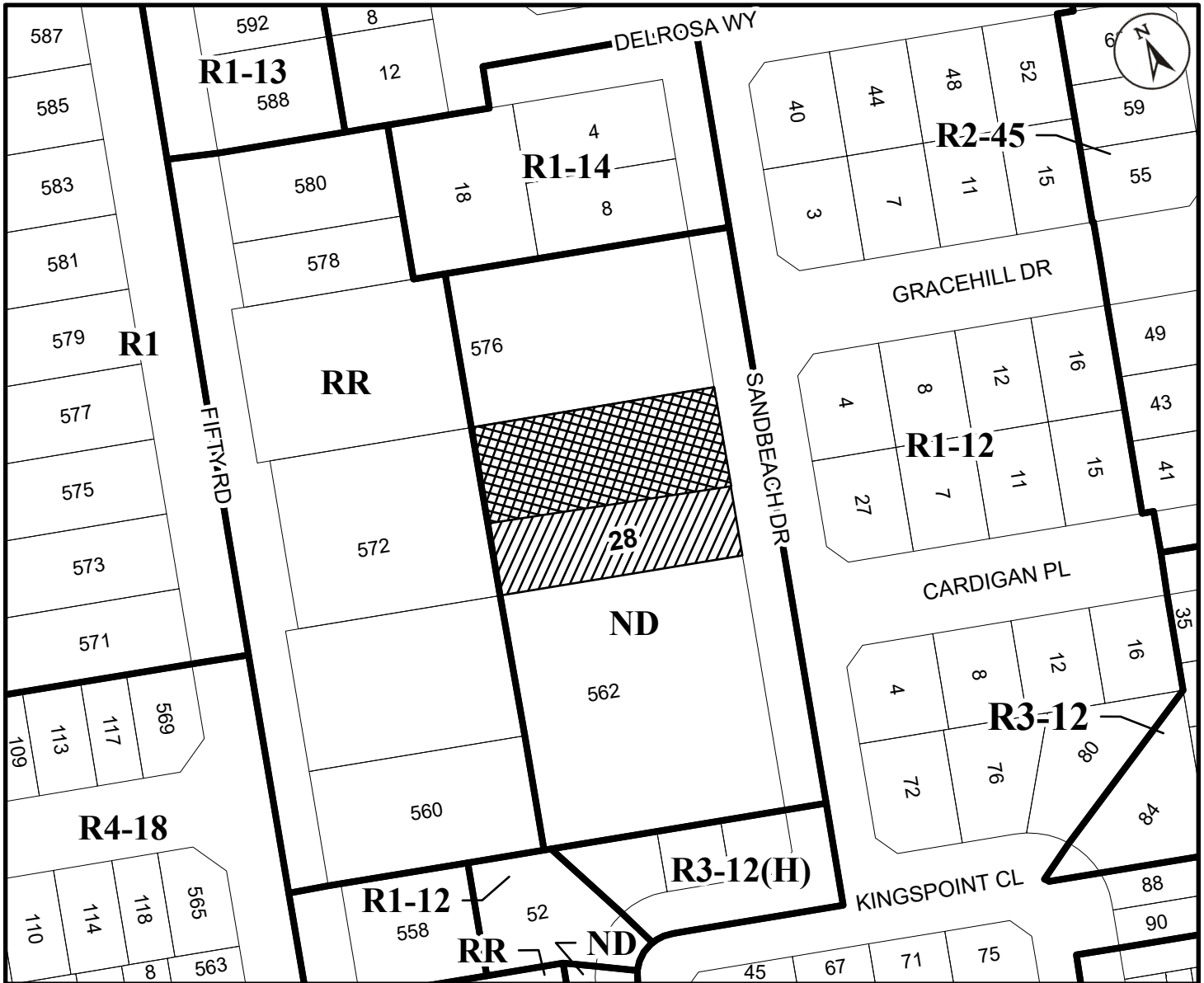
We encourage you to forward a complete copy of our comments to the applicant and should you or the Applicant require clarification or technical assistance, please do not hesitate to contact me at (905) 546-2424 Ext. 4219.

Regards,

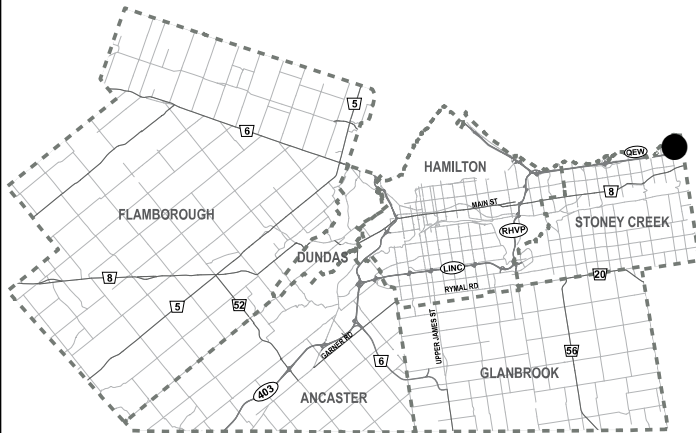
A handwritten signature in black ink, appearing to read "Shannon Clarke". The signature is written in a cursive, flowing style.

Shannon Clarke
Urban Forest Health Technician

HST # 22828-000100



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

28 Sandbeach Drive, Stoney Creek (Ward 10)



Lands to be Retained



Lands to be Severed

File Name/Number:

SC/B-20:44

Date:

August 18, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

August 27th, 2020

SC/A-20:145 (28 Sandbeach Dr., Stoney Creek)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

1. That the proponent shall carry out an archaeological assessment of the entire property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI).
2. That final and binding approval of a Zoning By-law Amendment application be received.
3. That the reserve block abutting Sandbeach Drive, being Part of Block 193, 62M-987, be dedicated by By-law as public highway, and that the By-law be registered.

NOTE:

1. The applicant should be notified that any new driveway or an access entrance, relocation of an existing driveway and/or the access entrance or required alteration to a driveway design or the access entrance, will require a Residential Access Permit. The applicant is responsible for the application fee of the Access Permit, as well as the installation of any new approach ramp/access and or any modification to any existing approach ramp. Abandoned driveway approach ramps must be restored to curb/sidewalk at the expense of the applicant. Further information and applications are available from the Parking Investigator at Hamilton Municipal Parking System (905-546-2424 x4578 or parking@hamilton.ca).

August 27th, 2020

SC/A-20:145 (28 Sandbeach Dr., Stoney Creek)**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Suburban**

The purpose of this application is to permit the creation of two (2) new lots and the construction of a new single detached dwelling on each lot.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The Urban Lakeshore Area Secondary Plan designates the subject lands “Low Density Residential 2b” (Volume 2 - Map B.7.3-1). Single detached dwellings are permitted within the designations (Volume 1 - E.3.4.3 and Volume 2 - B.7.3.1.3 (a)). The proposed density is consistent with the permitted density range of 1 to 29 units per hectare (Volume 2 - B.7.3.1.3 (b)).

Former City of Stoney Creek Zoning By-law No. 3692-92

The subject lands are zoned Neighbourhood Development “ND” Zone.

The “ND” Zone does not permit the use of the land for any purpose other than that for which it was used on the date that the Zoning By-law was passed until the land has been rezoned by By-law (Subsection 7.1.1). New single detached dwellings are not permitted, and as such, there are no provisions within the zoning that would apply to the proposed single detached dwellings, such as minimum lot area or frontage, or minimum yards. The purpose of these applications is to permit the construction of a single detached dwelling; however, should the associated consent (SC/B-20:44) be approved, the existing zoning would not permit single detached dwellings to be constructed. Accordingly, staff requests that any approvals be conditional upon final and binding approval of a Zoning By-law Amendment.

Variance 1

The applicant is seeking a variance for the creation of two new lots and the construction of a new single detached dwelling on each lot to be permitted whereas any building, structure or land in a ND zone is only permitted to be used for the purpose for which it was used on the date of the passing of the By-law (December 8, 1992) until such land has been rezoned by a By-law, which has been approved in accordance with Subsection 34 of The Planning Act, R.S.O., 1990, c.P.13.

Staff note that new single detached dwelling are not permitted within the Neighbourhood Development “ND” Zone. Therefore, the variance is not minor in nature and is not

August 27th, 2020

desirable for the appropriate development of the lands, staff are not in support of this variance.

Variance 2

The applicant is seeking a variance for the construction of a new single detached dwelling to be permitted to be constructed on both the lands to be conveyed and the lands to be retained whereas Permitted Uses for Each Lot only allows single detached dwellings and uses, buildings or structures accessory thereto which existed on the date of the passing of the By-law (December 8, 1992).

Staff note that new single detached dwellings are not permitted within the Neighbourhood Development “ND” Zone. Therefore, the variance is not minor in nature and is not desirable for the appropriate development of the lands, staff are not in support of this variance.

Variance 3

The applicant is seeking a variance for regulations of Section 5.4.3 to apply to a new single detached dwelling whereas the regulations of Section 5.4.3 are only permitted to be applied to any additions or reconstruction of a single detached dwelling existing on the dated of the passing of the by-law (December 8, 1992).

Staff note that new single detached dwellings are not permitted within the Neighbourhood Development “ND” Zone. Therefore, the variance is not minor in nature and is not desirable for the appropriate development of the lands, staff are not in support of this variance.

Archeology

The subject property meets three (3) of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 2) In an area of sandy soil in areas of clay or stone; and,
- 3) Along historic transportation routes.

These criteria defines the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this severance is granted, Staff require that the Committee of Adjustment attach the following condition to the application:

August 27th, 2020

“Condition: That the proponent shall carry out an archaeological assessment of the entire property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI).

Recommendation:

Having regard for the matters under subsection 51(24) of the Planning Act, staff is satisfied that the proposed variances conform to the Official Plan but do not conform to the intent of the Zoning By-law and are not minor in nature. Staff recommends that the requested variances be **denied**.

Should the Committee approve the applications, staff requests that approval be subject to the conditions outlined below.

CONDITIONS: (If Approved)

1. That the proponent shall carry out an archaeological assessment of the entire property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI).
2. That final and binding approval of a Zoning By-law Amendment application be received.
3. That the reserve block abutting Sandbeach Drive, being Part of Block 193, 62M-987, be dedicated by By-law as public highway, and that the By-law be registered.

NOTE:

2. The applicant should be notified that any new driveway or an access entrance, relocation of an existing driveway and/or the access entrance, or required alteration to a driveway design or the access entrance, will require a Residential Access Permit. The applicant is responsible for the application fee of the Access Permit, as well as the installation of any new approach ramp/access and or any modification to any existing approach ramp. Abandoned driveway approach ramps must be restored to curb/sidewalk at the expense of the applicant. Further information and

August 27th, 2020

applications are available from the Parking Investigator at Hamilton Municipal Parking System (905-546-2424 x4578 or parking@hamilton.ca).

Building Division:

1. These variances are necessary to facilitate Land Severance application SC/B-20:44 to be heard in conjunction with this application.
2. Further variances will be required if the proposed lots are not serviced by sanitary sewers and municipal water.
3. Details regarding the proposed dwellings have not been provided to determine zoning compliance.
4. Construction of the proposed single detached dwellings are subject to the issuance of a building permit from the Building Division. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Development Engineering:

No Comment

See attached for additional comments.

August 24, 2020

City of Hamilton
Planning and Economic Development Department
71 Main St W
Hamilton, Ontario
L8P 4Y5

Attention: Morgan Evans

File# 28 Sandbeach Dr

Re: SC/A:20-145

In response to your correspondence dated August 11, 2020, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in accordance to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)

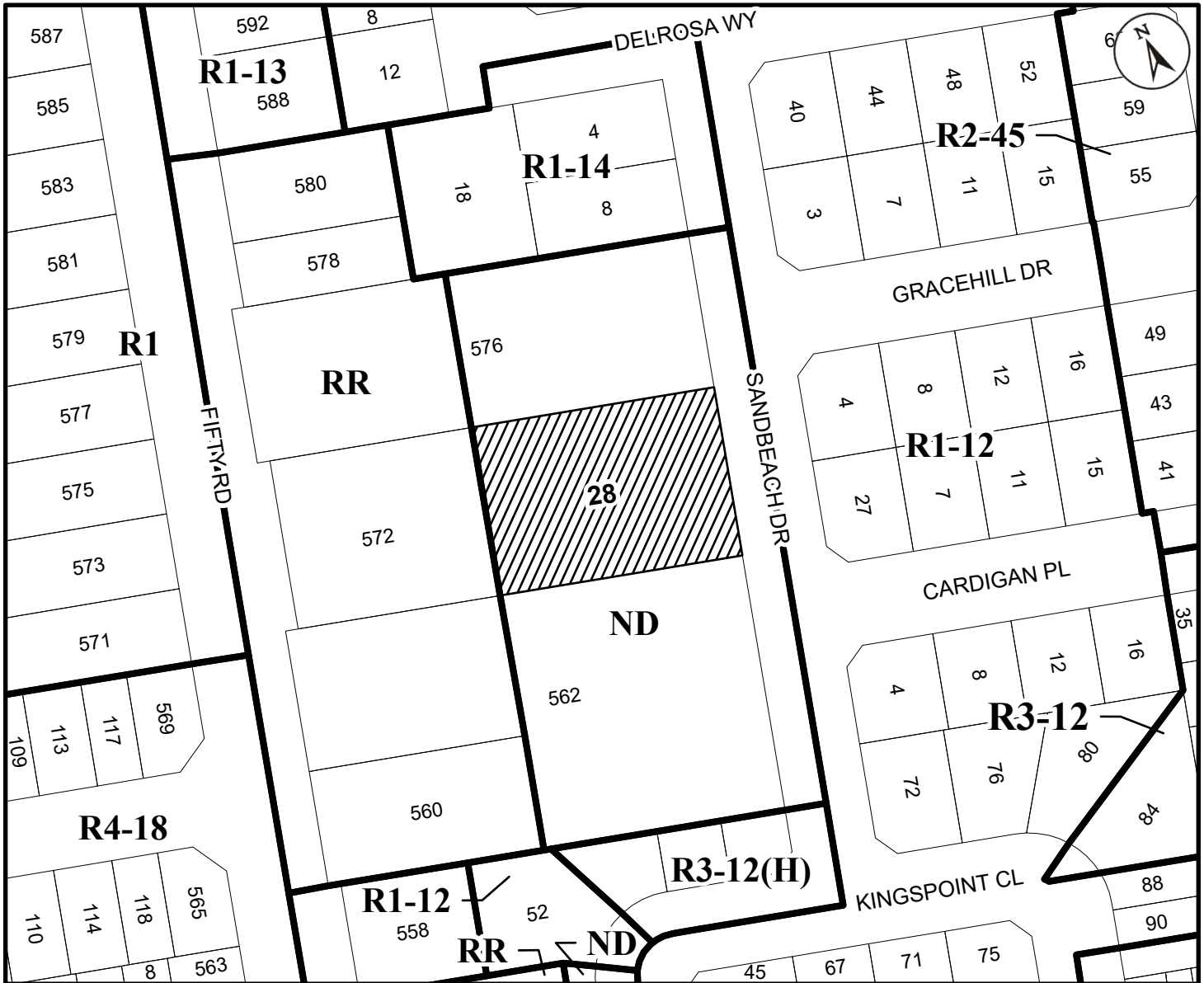
- Electrical Safety Code Rule 75-312
- Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
- CAN/CSA-C22.3 No. 1-15, Overhead System
- C22.3 No. 7-15 Underground Systems

We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-522-6611 ext: 4729 in our Engineering Design Department.

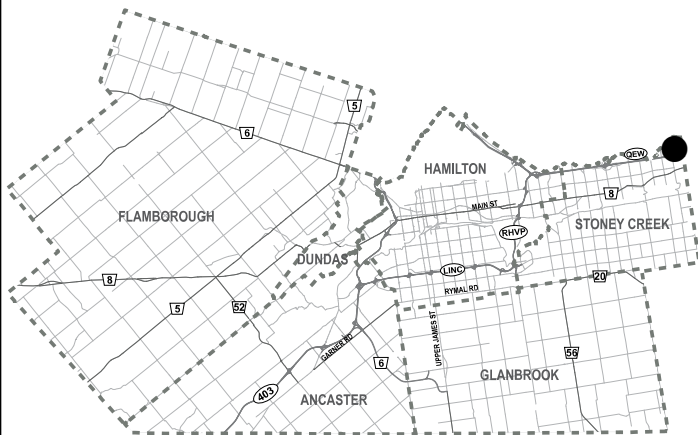
Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



28 Sandbeach Drive, Stoney Creek (Ward 10)

File Name/Number:
SC/A-20:145

Date:
August 17, 2020

Technician:
VS

Map Not To Scale

Appendix "A"



Hamilton