



**City of Hamilton**  
**COMMITTEE OF ADJUSTMENT**  
**AGENDA**

**Meeting #:** 21-7  
**Date:** April 22, 2021  
**Time:** 1:00 p.m.  
**Location:** Due to the COVID-19 and the Closure of City Hall (RM)

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

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|  | <b>Pages</b> |
|--|--------------|
| <b>1. PREVIOUSLY TABLED</b>  |              |
| <b>2. RURAL</b>  |              |
| 2.1. 1:15 p.m.FL/A-21:91827 Regional Rd. 97, Flamborough(Ward 13)<br>Agent Julia Mancini<br>Owner M. & T. Howe | 5            |
| 2.2. 1:20 p.m.FL/A-21:931806 8th Con. Rd. W., Flamborough(Ward 13)<br>Owner A. Klaas                           | 17           |
| 2.3. 1:25 p.m.AN/B-21:17766 Book Rd. E., Ancaster(Ward 12)<br>Agent V. Nickel<br>Owner J. Shihadeh             | 27           |
| 2.4. 1:30 p.m.GL/B-21:191640 Trinity Church Rd., Glanbrook(Ward 11)<br>Owner H. Wallace                        | 43           |

- 2.5. 1:35 p.m.FL/A-21:99411 Concession 5 W., Flamborough(Ward 13) 55  
 Agent K. Webster  
 Owner R. Vespa

### 3. URBAN

- 3.1. 1:40 p.m.HM/A-21:92928 Barton St. E., Hamilton(Ward 3) 65  
 Agent Webb Planning  
 Owner 5006994 Ontario Inc.
- 3.2. 1:45 p.m.HM/A-21:89377 Charlton Ave. W., Hamilton(Ward 1) 77  
 Agent K. Soulier  
 Owner N. L. Fuller
- 3.3. 1:50 p.m.HM/B-21:16218 Beach Blvd., Hamilton(Ward 5) 85  
 Agent S. Fraser  
 Owner Z. Zarifa & M. Metias
- 3.4. 2:00 p.m.HM/A-20:234 18 Morden St., Hamilton(Ward 1) 99  
 Agent G. Day  
 Owner K. & D. Wilkinson
- 3.5. 2:05 p.m.HM/A-21:9715 Wexford Ave.N., Hamilton(Ward 4) 107  
 Agent DeFilippis Design  
 Owner K. Gardner
- 3.6. 2:10 p.m.HM/B-21:2041 Beechwood Ave., Hamilton(Ward 3) 117  
 Agent M. Johnston  
 Owner Gateway Solutions
- 3.7. 2:15 p.m. HM/B-21:21,HM/B-21:22&HM/B-21:23 51 Gibson Ave., 131  
 Hamilton(Ward 3)  
 Agent IBI Group c/o J. Marcus  
 Owner 1937858 Ontario Inc.

### 4. SUBURBAN

- 4.1. 2:20 p.m.HM/A-21:9416 Elgar Ave., Hamilton(Ward 8) 173  
Agent R. Horlings  
Owner S. Horlings
- 4.2. 2:25 p.m.SC/B-21:18583 Barton St., Stoney Creek(Ward 8) 183  
Agent G. Gatto  
Owner A. Mariella
- 4.3. 2:30 p.m.HM/A-21:8758 East 24th St., Hamilton(Ward 10) 195  
Agent S. Piper  
Owner G. Palmer
- 4.4. 2:35 p.m.HM/A-21:88146 East 34th St., Hamilton(Ward 7) 207  
Agent E. Agranov  
Owners M. Carlo & M. Dora
- 4.5. 2:40 p.m.HM/A-21:90500 Mohawk Rd. E., Hamilton(Ward 7) 221  
Agent J Kedzierski  
Owner Valor Properties
- 4.6. 2:45 p.m.HM/A-21:96178 East 45th St., Hamilton(Ward 6) 233  
Agent D. Tyrrell  
Owner T. & H. Wyatt
- 4.7. 2:50 p.m.HM/B-20:35&HM/A-20:126386 East 25th St., Hamilton(Ward 7) 241  
Agent S. Fraser  
Owner 2628934 Ontario Inc.
- 4.8. 2:55 p.m.SC/A-21:9822 Hargrove Way, Stoney Creek(Ward 9) 275  
Agent M. Auduong  
Owner Empire Communities
- 4.9. 3:00 p.m.SC/B-21:24244 Federal St., Stoney Creek(Ward 10) 293  
Agent A.J. Clarke & Associates c/o K. Kloibhofer  
Owner M. Muraca

5. **CLOSED**

6. **ADJOURNMENT**





Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5  
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202  
 E-mail: [cofa@hamilton.ca](mailto: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-21:91

**APPLICANTS:** Julia Mancini on behalf of the owner M. & T. Howe

**SUBJECT PROPERTY:** Municipal address **827 Regional Rd. 97, Flamborough**

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

**ZONING:** "S1" (Settlement Residential) district

**PROPOSAL:** To permit the construction of an accessory structure on a residential parcel of land, notwithstanding that:

1. A maximum gross floor area of 104.51 square metres shall be permitted for all buildings accessory to a residential use instead of the requirement that all buildings accessory to a residential use shall not exceed a maximum gross floor area of 97 square metres.
2. A maximum 36% lot coverage of the yard(s) in which the accessory building is located, including areas devoted exclusively to parking, shall be permitted for all buildings accessory to a residential use, instead of the requirement that all buildings accessory to a residential use shall not exceed a maximum 30% lot coverage of the yard(s) in which the accessory building is located.
3. A maximum building height of 7.25 metres shall be permitted and a maximum height of the underside of any fascia eaves shall be 5.13 metres for all buildings accessory to a residential use, instead of the requirement that all buildings accessory to a residential use shall not exceed a maximum building height of 5.0 metres and a maximum height of the underside of any fascia eaves of 3.0 metres.

**NOTE:**

1. A building permit is required for the construction of the proposed building. Be advised that Ontario Building Code regulations may require specific setback and construction types.
2. A revised site plan was provided by the applicant following the initial submission of the application. Please note that revised elevation drawings and floor plans were not provided as part of the supplemental materials. As such, the variance(s) requested regarding the maximum gross floor area, maximum building height, and the maximum height of the underside of the fascia eaves have been written as requested by the applicant.

FL/A-21:91  
Page 2

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

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**DATE:** Thursday, April 22nd, 2021  
**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](http://www.hamilton.ca/committeeofadjustment)  
 for viewing purposes only

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#### **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:

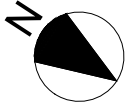
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: April 6th, 2021.

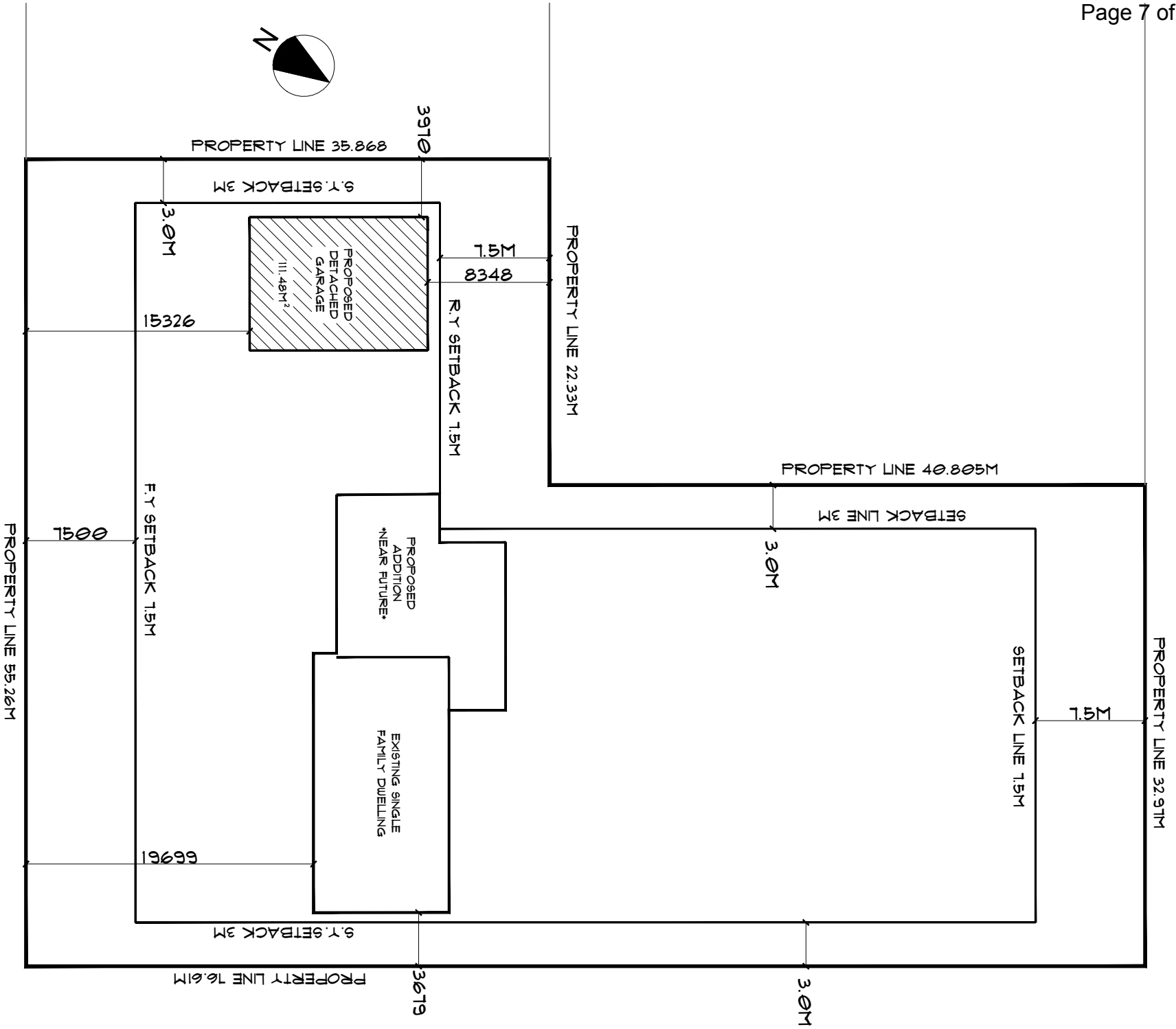
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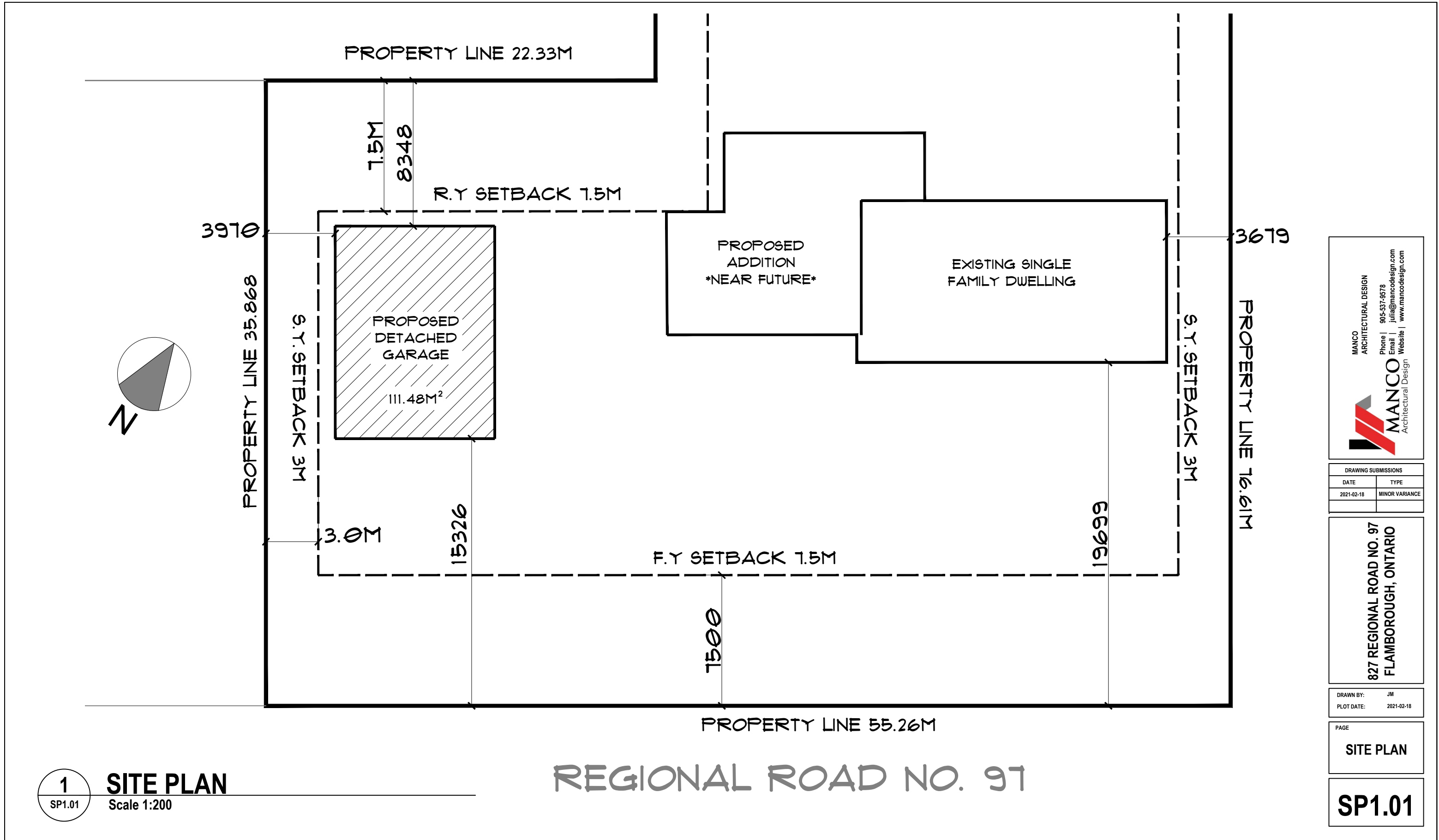
Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

***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.***



REGIONAL ROAD NO. 97





MANCO ARCHITECTURAL DESIGN  
 Phone | 905-537-9578  
 Email | julia@mancodesign.com  
 Website | www.mancodesign.com

| DRAWING SUBMISSIONS |                |
|---------------------|----------------|
| DATE                | TYPE           |
| 2021-02-18          | MINOR VARIANCE |

827 REGIONAL ROAD NO. 97  
 FLAMBOROUGH, ONTARIO

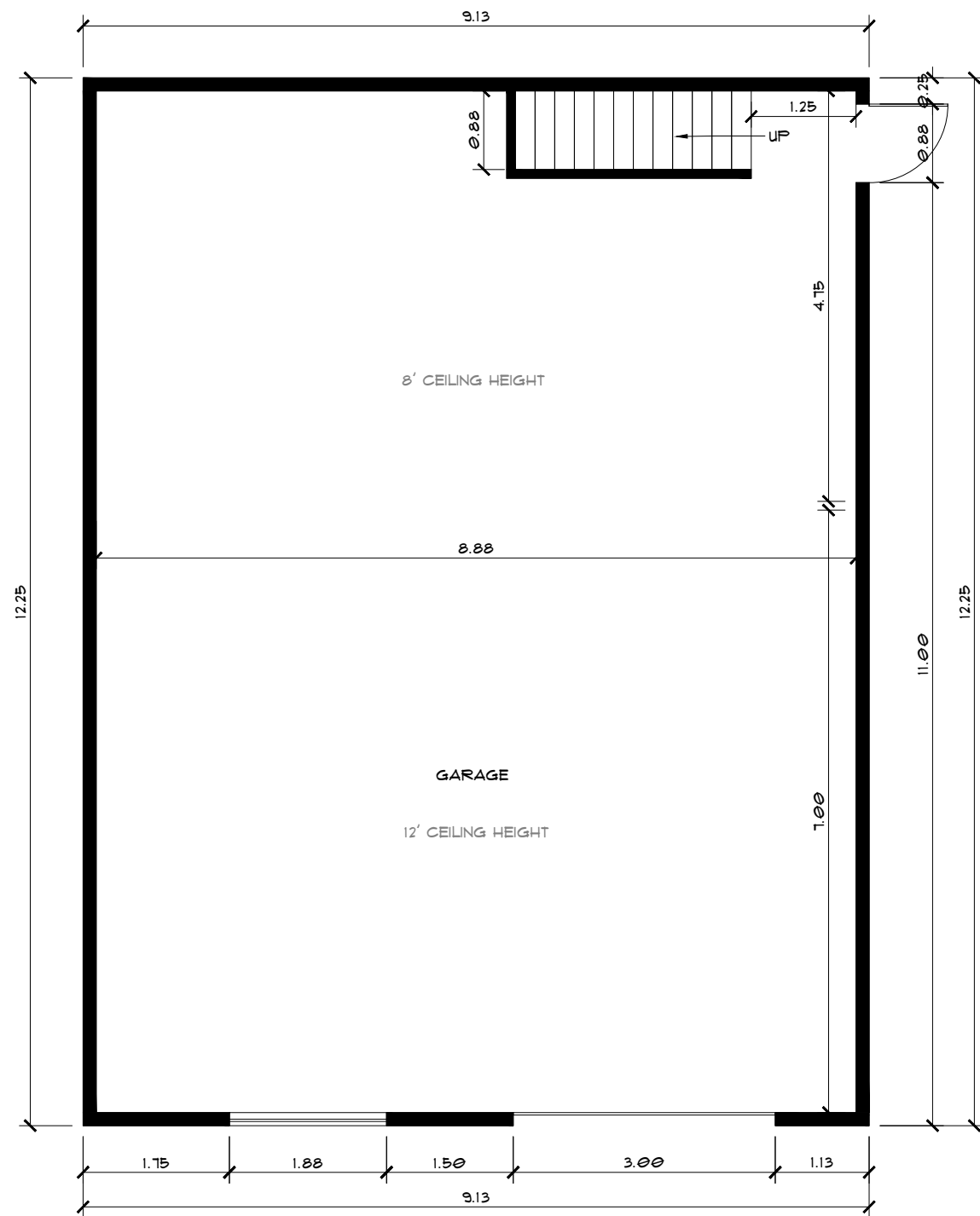
DRAWN BY: JM  
 PLOT DATE: 2021-02-18

PAGE  
 SITE PLAN

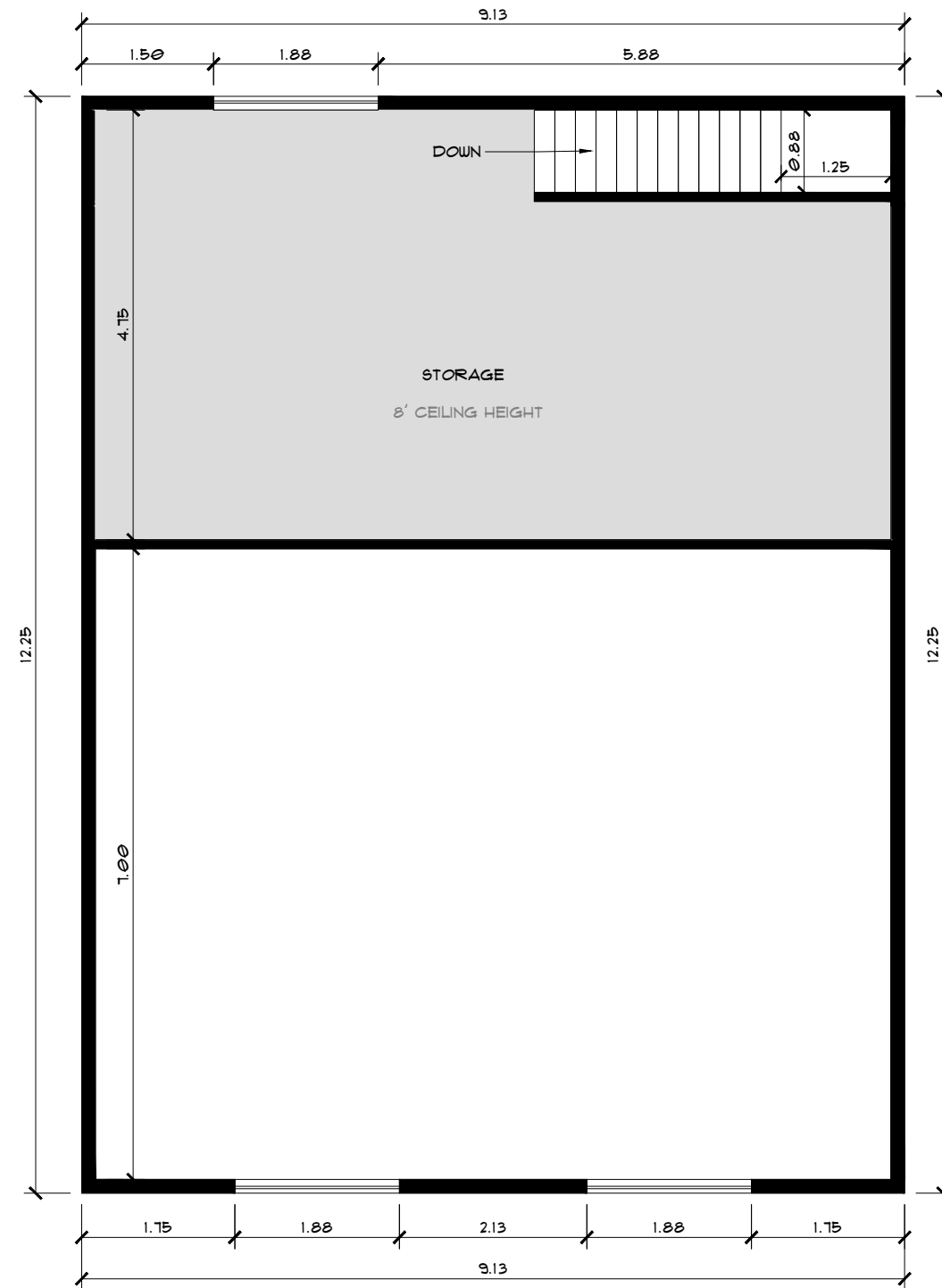
SP1.01

**1** SITE PLAN  
 SP1.01 Scale 1:200





**1** MAIN FLOOR PLAN  
A1.01 Scale 1:75



**2** 2ND FLOOR PLAN (STORAGE)  
A1.01 Scale 1:75

MANCO ARCHITECTURAL DESIGN  
 Phone | 905-537-9578  
 Email | julia@mancodesign.com  
 Website | www.mancodesign.com

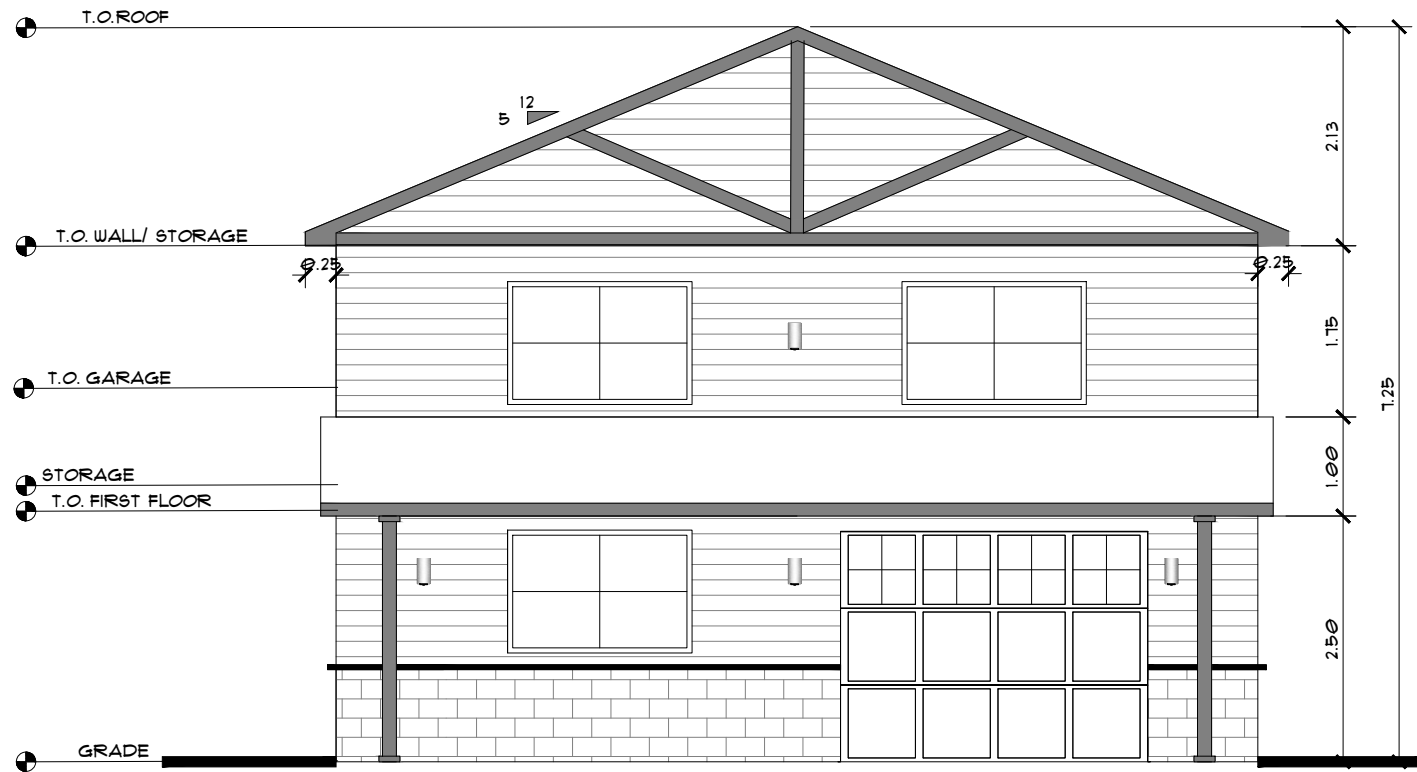
| DRAWING SUBMISSIONS |                |
|---------------------|----------------|
| DATE                | TYPE           |
| 2021-02-18          | MINOR VARIANCE |

827 REGIONAL ROAD NO. 97  
 FLAMBOROUGH, ONTARIO

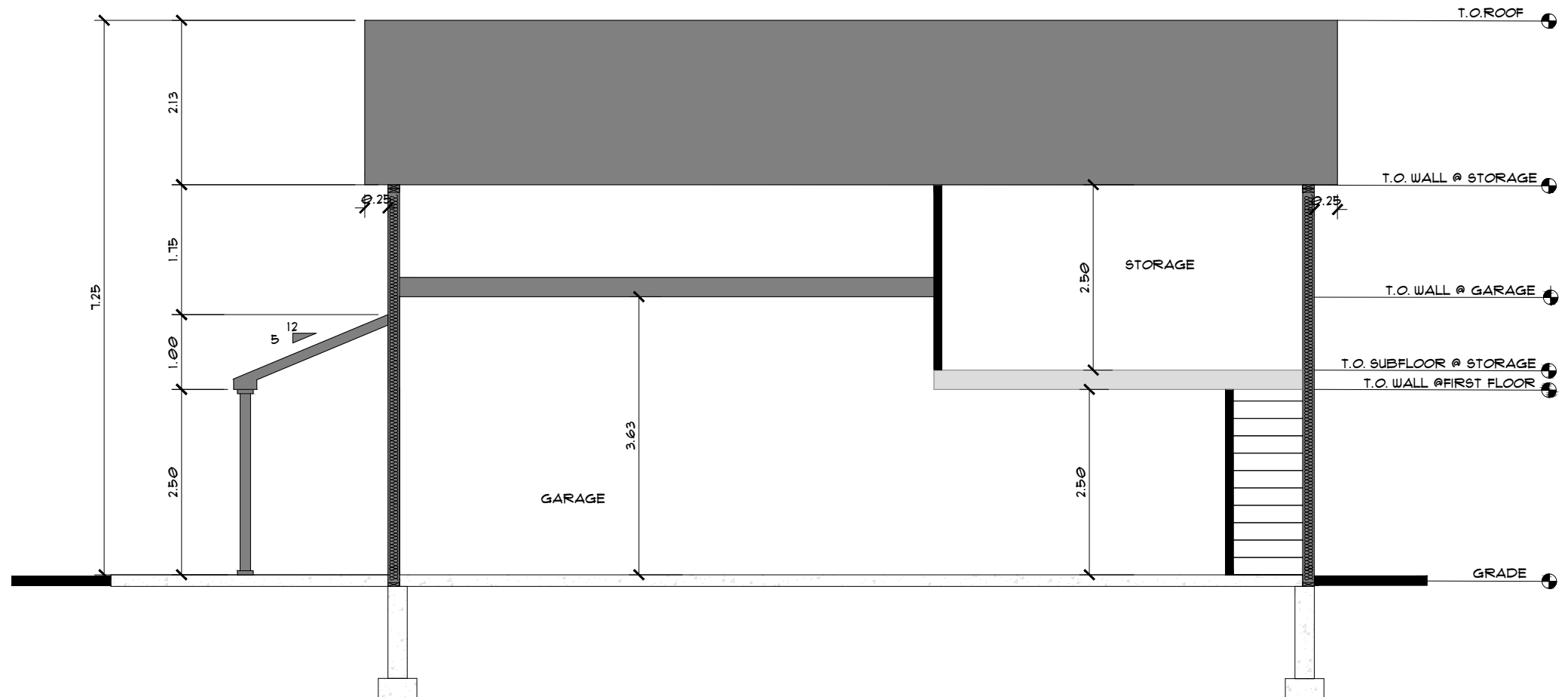
DRAWN BY: JM  
 PLOT DATE: 2021-02-18

PAGE  
**FLOOR PLANS**

**A1.01**



**1 FRONT ELEVATION**  
A1.02 Scale 1:75



**2 BUILDING SECTION**  
A1.02 Scale 1:75

MANCO ARCHITECTURAL DESIGN  
 Phone | 905-537-9578  
 Email | julia@mancodesign.com  
 Website | www.mancodesign.com

**MANCO**  
 Architectural Design

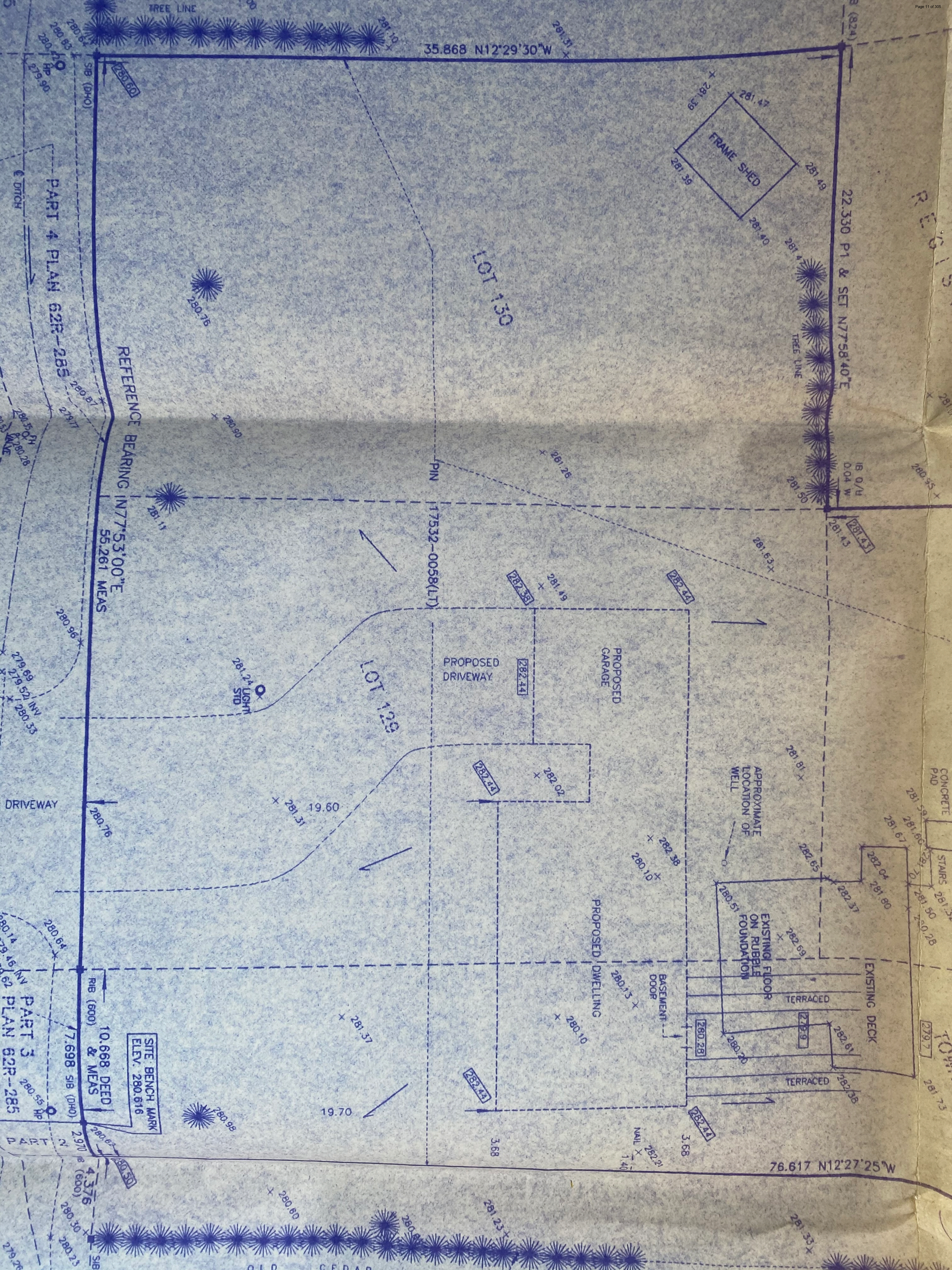
| DRAWING SUBMISSIONS |                |
|---------------------|----------------|
| DATE                | TYPE           |
| 2021-02-18          | MINOR VARIANCE |

827 REGIONAL ROAD NO. 97  
 FLAMBOROUGH, ONTARIO

DRAWN BY: JM  
 PLOT DATE: 2021-02-18

PAGE  
**ELEVATION/  
 SECTION**

**A1.02**



35.868 N12°29'30"W

LOT 130

LOT 129

FRAME SHED

PROPOSED DRIVEWAY

PROPOSED GARAGE

PROPOSED DWELLING

EXISTING FLOOR  
ON RUBBLE  
FOUNDATION

EXISTING DECK

REFERENCE BEARING IN 77°53'00"E  
55.261 MEAS

22.330 P1 & SET N77°58'40"E

PIN 175332-0058(LT)

76.617 N12°27'25"W

SITE BENCH MARK  
ELEV. 280.616

10.668 DEED  
& MEAS

PART 4 PLAN 62R-285

PART 3  
PLAN 62R-285

TREE LINE

TREE LINE

OLD CEDAR

REC'D

CONCRETE PAD

STAIRS

10' x 10'

IB O/A  
0.04 W

281.43

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**APPLICATION FOR A MINOR VARIANCE**

|                             |  |
|-----------------------------|--|
| <b>FOR OFFICE USE ONLY.</b> |  |
| APPLICATION NO. _____       | DATE APPLICATION RECEIVED _____        |
| PAID _____                  | DATE APPLICATION DEEMED COMPLETE _____ |
| SECRETARY'S SIGNATURE _____ |  |

**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, 2                        | NAME                      | ADDRESS    |   |
|-----------------------------|---------------------------|------------|---|
| <b>Registered Owners(s)</b> | Murray Howe<br>Terry Howe | [REDACTED] | Phone: [REDACTED]<br>E-mail: [REDACTED] |
| <b>Applicant(s)*</b>        | Julia Mancini- Manco      | [REDACTED] | Phone: [REDACTED]<br>E-mail: [REDACTED] |
| <b>Agent or Solicitor</b>   |                           |            | Phone: [REDACTED]<br>E-mail: [REDACTED] |

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

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

**Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled**

4. Nature and extent of relief applied for:  
Proposing a 2 storey detached garage at the side yard of a rural property. Proposed height of detached garage is 7.25m and the allowable per zoning by law is 4m. We are asking for 3.29m of extra building height.
5. Why it is not possible to comply with the provisions of the By-law?  
The detached garage will be used for storage/vehicles and the customer needs the extra building height.
6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):  
827 Regional Road 97, Lot 128 and part of lot 7, Concession 9, Township of West Flamborough
7. PREVIOUS USE OF PROPERTY
- Residential  Industrial  Commercial   
Agricultural  Vacant   
Other \_\_\_\_\_
- 8.1 If Industrial or Commercial, specify use \_\_\_\_\_
- 8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?  
Yes  No  Unknown
- 8.3 Has a gas station been located on the subject land or adjacent lands at any time?  
Yes  No  Unknown
- 8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?  
Yes  No  Unknown
- 8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?  
Yes  No  Unknown
- 8.6 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
- 8.7 Have the lands or adjacent lands ever been used as a weapon firing range?  
Yes  No  Unknown
- 8.8 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
- 8.9 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

8.10 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

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

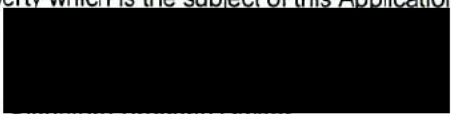
8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes  No

9. 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.

2021-02-17  
Date

  
Signature Property Owner  
MURRAY HOWE  
Print Name of Owner

10. Dimensions of lands affected:

|                 |            |
|-----------------|------------|
| Frontage        | 55.26m     |
| Depth           | 76.61m     |
| Area            | 3,328 SQ.M |
| Width of street | 20.00m     |

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

Existing:  
The existing house is within all setbacks.  
F.Y=19.69m  
S.Y= 3.67m & 8.64m  
R.Y= 47.68m & 7.5m

Proposed  
Detached Garage  
F.Y= 15.32m  
S.Y= 3.97m  
R.Y= 8.34m

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

Existing:  
The existing house is within all setbacks.  
F.Y=19.69m  
S.Y= 3.67m & 8.64m  
R.Y= 47.68m & 7.5m

Proposed:  
Detached Garage  
F.Y= 15.32m  
S.Y= 3.97m  
R.Y= 8.34m

13. Date of acquisition of subject lands:  
\_\_\_\_\_
14. Date of construction of all buildings and structures on subject lands:  
2007
15. Existing uses of the subject property:  
Single Family
16. Existing uses of abutting properties:  
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 no \_\_\_\_\_ Connected \_\_\_\_\_  
Sanitary Sewer no \_\_\_\_\_ Connected \_\_\_\_\_  
Storm Sewers no \_\_\_\_\_
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. Additional Information
24. 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.







Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5  
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202  
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**Minor Variance**

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- Applicant/agent on file, or
- Person likely to be interested in this application

---

**APPLICATION NO.:** FL/A-21:93

**APPLICANTS:** A. Klaas

**SUBJECT PROPERTY:** Municipal address **1806 8<sup>th</sup> Con. Rd. W., Flamborough**

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

**ZONING:** "S1, 53", "P8" & "A1" (Settlement Residential Conservation/Hazard Land - Rural & Agriculture) district

**PROPOSAL:** To permit the creation of 4 lots through land severance application FL/B-19:133 and FL/B-19:134 notwithstanding that;

Lands to be Retained:

A minimum lot area of 15.17 Hectares shall be provided for the lands to be retained instead of the minimum required lot area of 40.4 hectares.

Notes:

This Variance is necessary to facilitate Land severance application FL/B-19: 133 & FL/B-19: 134.

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

---

**DATE:** Thursday, April 22nd, 2021  
**TIME:** 1:20 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)  
 To be streamed at  
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FL/A-21:93  
Page 2

## **MORE INFORMATION**

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DATED: April 6th, 2021.

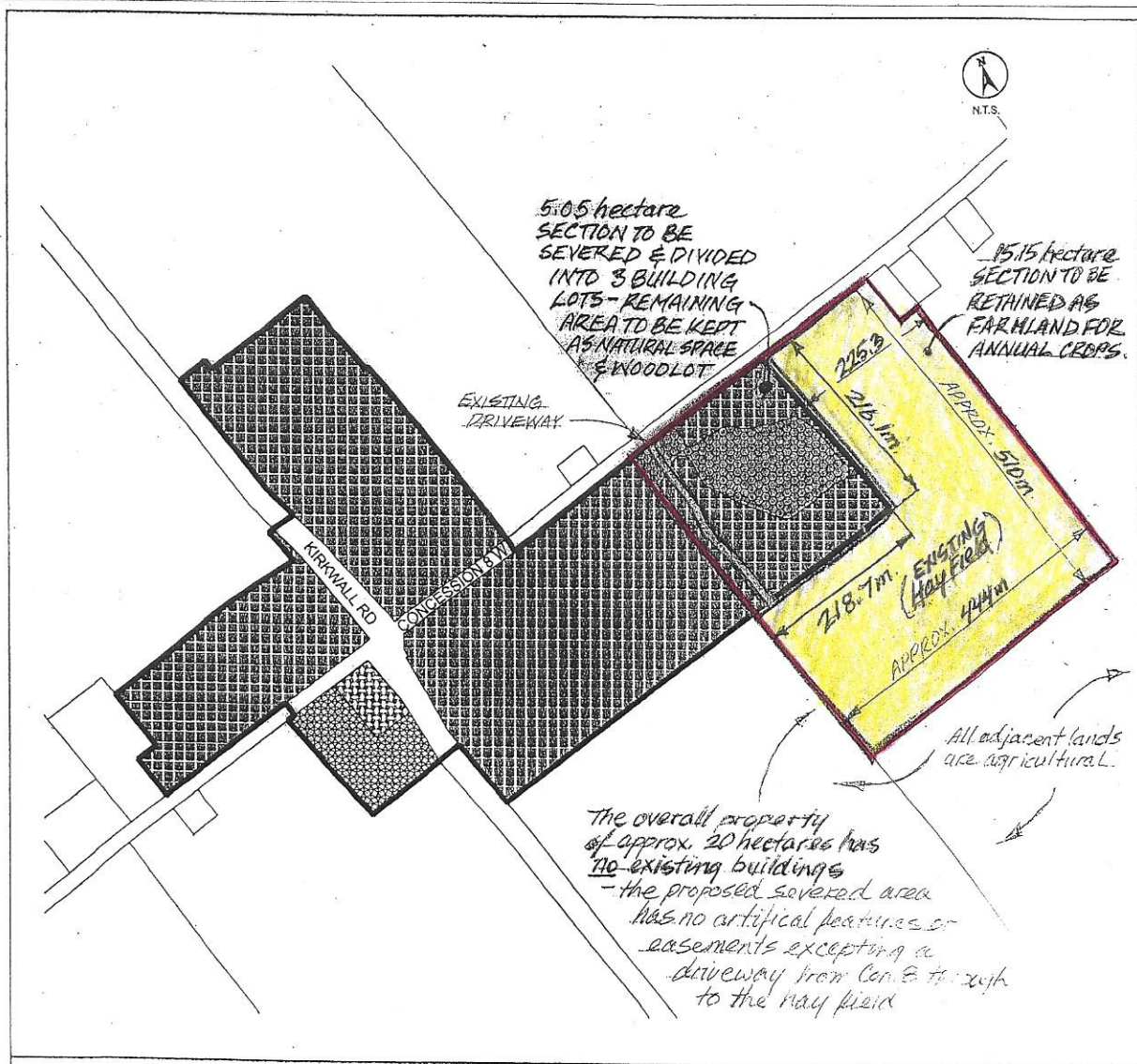
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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

***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.***

Schedule "A"  
Description of Lands

MAP #1 - SITE LAYOUT



Legend

— Settlement Area Boundary

LAND USE DESIGNATIONS

Settlement Residential

Settlement Institutional

Open Space and Parks Designations

General Open Space

Natural Open Space (Hazard Lands)

Volume 2: Map 9  
Kirkwall Rural Settlement Area Plan

Rural Hamilton Official Plan  
Council Adoption: September 27, 2006  
Ministerial Approval: December 24, 2006  
Effective Date: May 3, 2016

1806 Con. 8 West, Etamborough  
— KLAAS FAMILY —  
(CHRISTMAS TREE FARM)  
MARCH 3<sup>RD</sup>/21



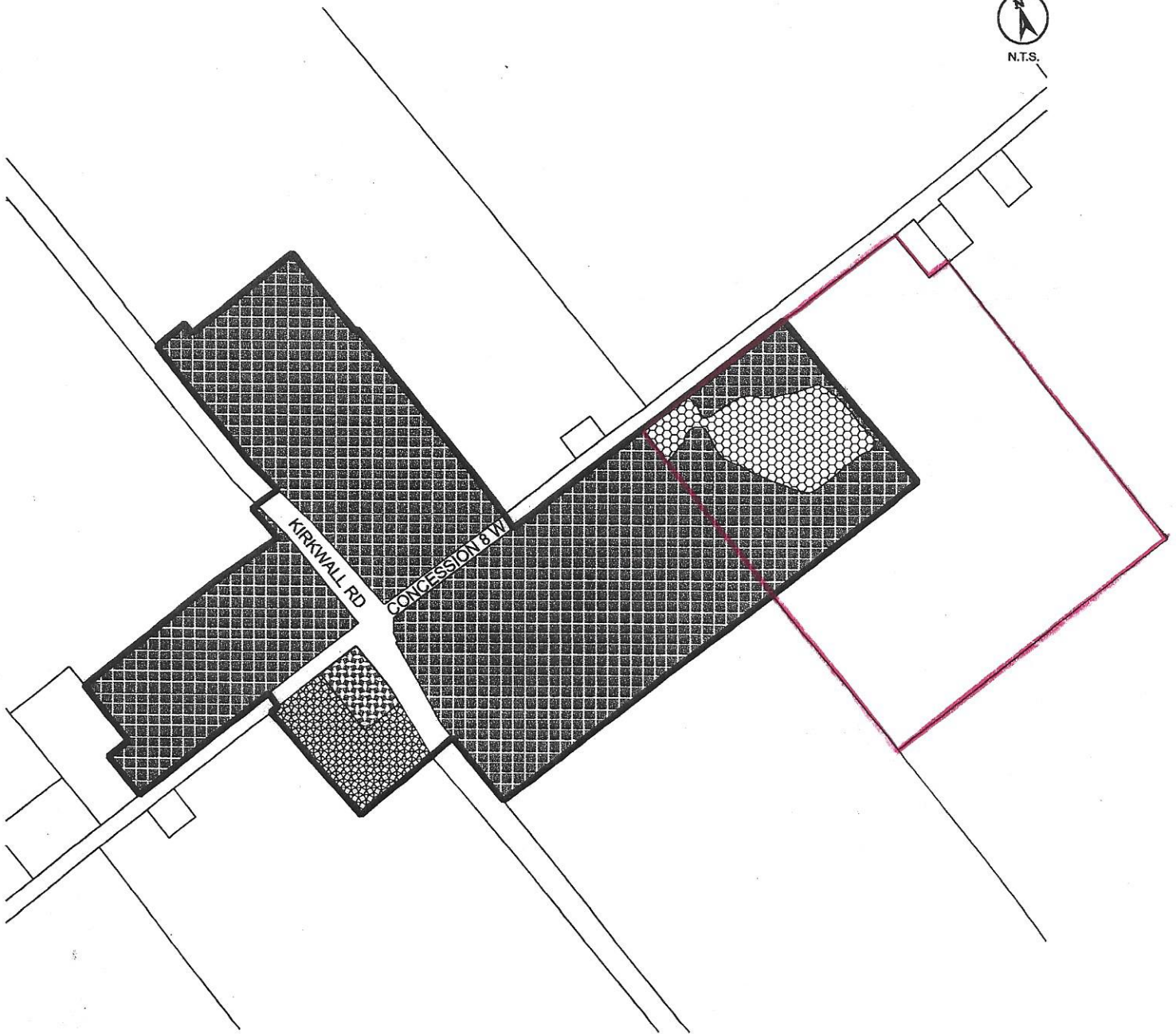
- MINOR VARIANCE APPLIES TO THE APPROXIMATE 37.5 acre section TO BE RETAINED AS FARMLAND (YELLOW COLOUR).

- PREVIOUS USE: FARMING

- FUTURE USE: FARMING

- NO EXISTING BUILDINGS (PAST OR PRESENT)

*Albert Hoag*  
*[Signature]*



**Legend**

— Settlement Area Boundary

**LAND USE DESIGNATIONS**

 Settlement Residential

 Settlement Institutional

**Open Space and Parks Designations**

 General Open Space

 Natural Open Space (Hazard Lands)

**Volume 2: Map 9  
Kirkwall Rural Settlement Area Plan**

**Rural Hamilton Official Plan**

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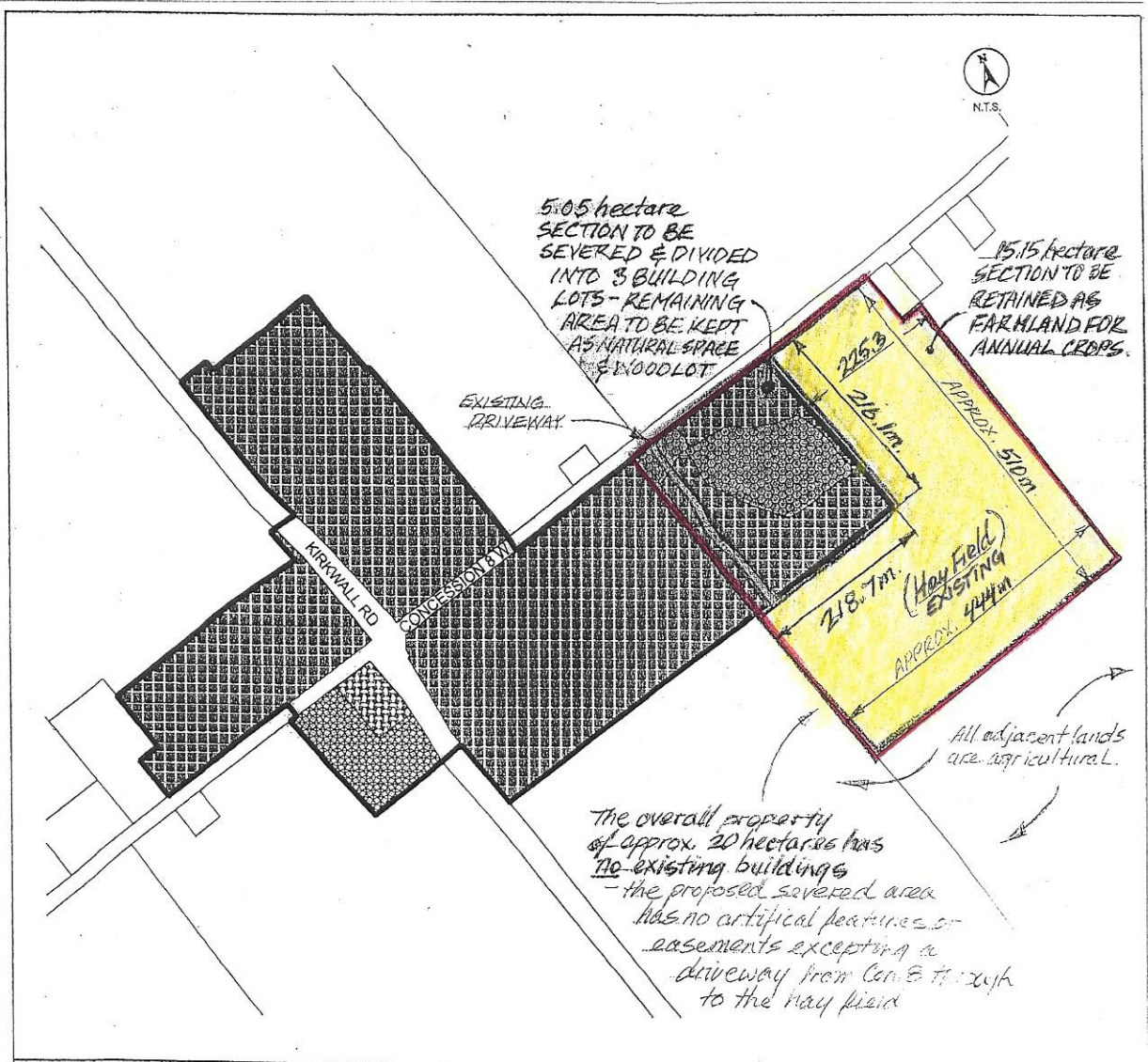
*1806 Con 8 W, FLAM.  
KLAAS FAMILY FARM  
March 3<sup>RD</sup>/21*



Hamilton

Schedule "A"  
Description of Lands

- MAP #1 -



Legend

— Settlement Area Boundary

LAND USE DESIGNATIONS

■ Settlement Residential

■ Settlement Institutional

Open Space and Parks Designations

■ General Open Space

■ Natural Open Space (Hazard Lands)

Volume 2: Map 9  
Kirkwall Rural Settlement Area Plan

Rural Hamilton Official Plan

Council Adoption: September 27, 2006  
Ministerial Approval: December 24, 2006  
Effective Date: May 3, 2018

1806 Con. 8 West, Etobicoke

KLAAS FAMILY  
(CHRISTMAS TREE FARM)

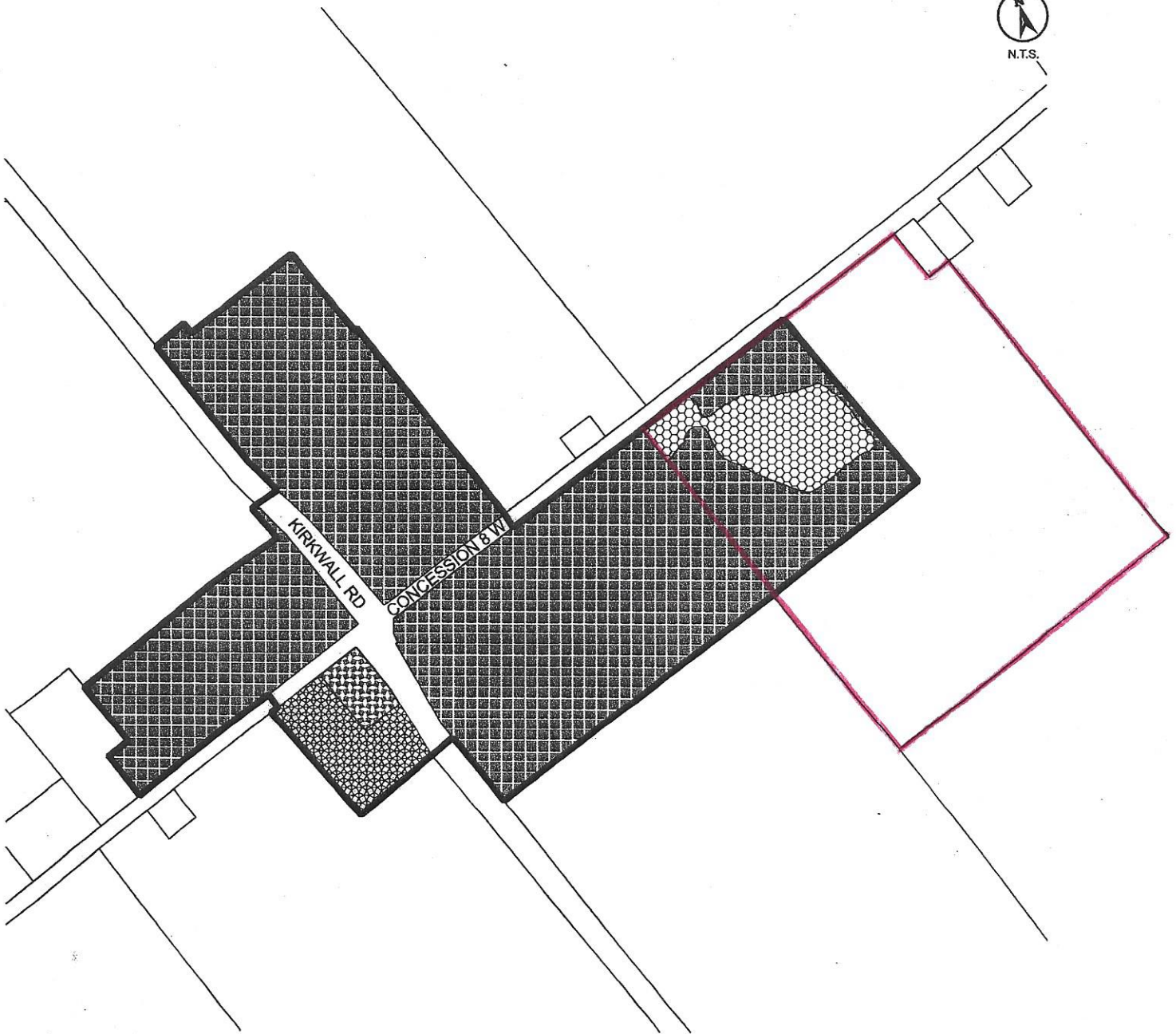
MARCH 3<sup>RD</sup>/21



- MINOR VARIANCE APPLIES TO THE APPROXIMATE 37.5 acre section TO BE RETAINED AS FARMLAND (YELLOW COLOUR).

- PREVIOUS USE: FARMING
- FUTURE USE: FARMING
- NO EXISTING BUILDINGS (PAST OR PRESENT)

*Adrian Huang*  
*Ryan*  
*[Signature]*



**Legend**

— Settlement Area Boundary

**LAND USE DESIGNATIONS**

 Settlement Residential

 Settlement Institutional

**Open Space and Parks Designations**

 General Open Space

 Natural Open Space (Hazard Lands)

**Volume 2: Map 9  
Kirkwall Rural Settlement Area Plan**

**Rural Hamilton Official Plan**

Council Adoption: September 27, 2006

Ministerial Approval: December 24, 2008

Effective Date: May 3, 2016

*1806 Con 8 W. FLAM,  
KLAAS FAMILY FARM  
MARCH 3<sup>RD</sup>/21*



**Hamilton**



Committee of Adjustment  
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
 Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**APPLICATION FOR A MINOR VARIANCE**

**FOR OFFICE USE ONLY.**

APPLICATION NO. \_\_\_\_\_ DATE APPLICATION RECEIVED \_\_\_\_\_

PAID \_\_\_\_\_ DATE APPLICATION DEEMED COMPLETE \_\_\_\_\_

SECRETARY'S SIGNATURE \_\_\_\_\_

**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, 2                 | NAME   | ADDRESS    |                    |
|----------------------|--|------------|--------------------|
| Registered Owners(s) | ACHIM KLAAS<br>AARON KLAAS<br>RYAN KLAAS<br>NATHAN KLAAS | [REDACTED] | Phone: [REDACTED]  |
|                      |  |            | E-mail: [REDACTED] |
| Applicant(s)*        | ACHIM KLAAS  | [REDACTED] | Phone: SAME        |
|                      |  |            | E-mail: "          |
| Agent or Solicitor   | ACHIM KLAAS  | [REDACTED] | Phone: "           |
|                      |  |            | E-mail: "          |

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

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

*[Handwritten signature]*

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

4. Nature and extent of relief applied for:

*The 37.5 acre retained portion of the subject 50 acre farm does not comply with the 40 hectare minimum requirement.*

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

*Because there are 12.5 acres being severed & we would like to maintain the remaining acreage for agricultural purposes.*

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

*1806 CON. 8 W. FLAM.*

7. PREVIOUS USE OF PROPERTY

Residential  Industrial  Commercial

Agricultural  Vacant

Other \_\_\_\_\_

- 8.1 If Industrial or Commercial, specify use \_\_\_\_\_

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

Yes  No  Unknown

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

Yes  No  Unknown

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

Yes  No  Unknown

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

Yes  No  Unknown

- 8.6 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

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

Yes  No  Unknown

- 8.8 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

- 8.9 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



8.10 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

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

*No buildings past or present.  
We have owned the property for almost 50 yrs.  
Family has lived close by since 1957.*

8.12 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

**9. ACKNOWLEDGEMENT CLAUSE**

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

Feb. 26/21  
Date

Achim Klaas  
Signature Property Owner

Ryan Klaas  
RYAN KLAAS

ACHIM KLAAS  
Print Name of Owner

Aaron Klaas  
AARON KLAAS

10. Dimensions of lands affected:

Frontage 225.3 m.  
Depth 510 m.  
Area 37.5 acres  
Width of street \_\_\_\_\_

Nathan Klaas  
NATHAN KLAAS

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

Ø

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:

Ø

13. Date of acquisition of subject lands:  
FAMILY FARM SINCE APPROX. 1978
14. Date of construction of all buildings and structures on subject lands:  
Ø
15. Existing uses of the subject property:  
CHRISTMAS TREE FARM  $\frac{1}{2}$  CASH CROP (Hay or Corn).
16. Existing uses of abutting properties: Farming.
17. Length of time the existing uses of the subject property have continued: More than 50 years
18. Municipal services available: (check the appropriate space or spaces)  
Water Ø Connected Ø  
Sanitary Sewer Ø Connected Ø  
Storm Sewers Ø
19. Present Official Plan/Secondary Plan provisions applying to the land: Farming
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
Ø
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. Additional Information
24. 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.  
There are no existing buildings  
The land is being used as farmland  
— See attached maps/site layouts. —



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5  
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202  
 E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

# NOTICE OF PUBLIC HEARING

## Application for Consent/Land Severance

**APPLICATION NUMBER:** AN/B-21:17

**SUBJECT PROPERTY:** 766 Book Rd. E., Ancaster

**You are receiving this notice because you are either:**

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

**APPLICANT(S):** Agent V. Nickel  
 Owner J. Shihadeh

**PURPOSE OF APPLICATION:** To permit the conveyance of a vacant parcel of land being the land known as 844 Glanaster Rd. and to retain a parcel of land known municipally as 766 Book Rd. E. containing an existing dwelling and accessory structures (to remain). These properties inadvertently merged in title and the owner wishes to recreate the two original lots.

**Severed lands:**  
 687m<sup>±</sup> x 327m<sup>±</sup> and an area of 26.7 ha<sup>±</sup>

**Retained lands:**  
 518m<sup>±</sup> x 560m<sup>±</sup> and an area of 12.4 ha<sup>±</sup>

The Committee of Adjustment will hear this application on:

**DATE:** Thursday, April 22<sup>nd</sup>, 2021

**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](http://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.

AN/B-21:17  
PAGE 2

## MORE INFORMATION

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

- Visit [www.hamilton.ca/committeeofadjustment](http://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](mailto:cofa@hamilton.ca)

DATED: April 6<sup>th</sup>, 2021

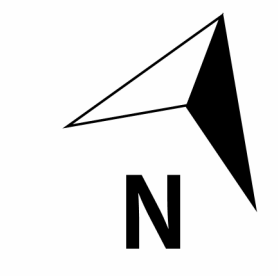
---

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.***




KEY PLAN



SKETCH PLAN  
scale 1:200

**Severance sketch  
for 766 Book Rd E and  
844 Glancaster Road**

ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SUBMISSION FORM  
2053922



THIS PLAN IS NOT VALID  
UNLESS IT IS AN EMBOSSED  
ORIGINAL COPY  
ISSUED BY THE SURVEYOR  
In accordance with  
Regulation 1526, Section 29(3).


**SURVEYOR'S REAL PROPERTY REPORT (PART 2)**  
PART OF LOTS 49 & 50, AND ALL OF LOT 51,  
CONCESSION 5, TOWNSHIP OF ANCASTER AS  
ILLUSTRATED ON THE PLAN.

THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH  
ZONING BY-LAWS.

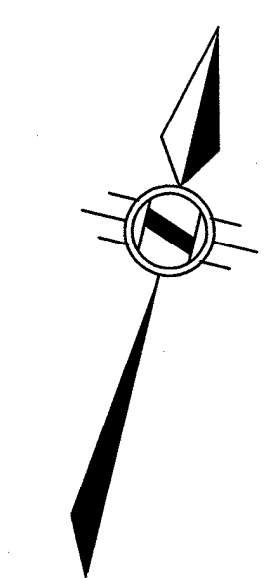
THIS PLAN WAS PREPARED FOR SIMO MARIC AND  
STANA MARIC.

**SURVEYOR'S REAL PROPERTY REPORT**  
PART 1, PLAN OF PART OF  
**LOTS 49, 50**  
AND ALL OF  
**LOT 51**  
CONCESSION 5  
GEOGRAPHIC  
TOWNSHIP OF ANCASTER  
IN THE  
**CITY OF HAMILTON**

SCALE 1:1250 METRIC



**S.D. McLaren, O.L.S. - 2018**



- LEGEND:**
- DENOTES MONUMENT SET
  - MONUMENT FOUND
  - IB IRON BAR
  - SB STANDARD IRON BAR
  - SSB SHORT STANDARD IRON BAR
  - SM STONE MONUMENT
  - PS PLASTIC BAR
  - D1 INSTRUMENT
  - 824 A.T. McLAREN, O.L.S.
  - 717 J. KISWAY, O.L.S.
  - 606 M.E. MARTIN
  - 600 S.W. WOODS
  - OU ORIGIN UNKNOWN
  - Meas MEASURED
  - P1 PLAN BY S.W. WOODS DATED JULY 4, 1989
  - P2 62R-4427
  - FI FIELD NOTES BY A.L. CLARKE, O.L.S. DATED AUGUST 9, 1985

**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 0.9996585

**INTEGRATION DATA**

| POINT ID | NORTHING    | EASTING    |
|----------|-------------|------------|
| ORP A    | 4782622.875 | 586458.950 |
| ORP B    | 4782496.157 | 585503.812 |

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

**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 SURVEY ACT, THE SURVEYORS ACT  
AND THE REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON THE 2ND DAY OF MAY, 2018

MAY 3, 2018

DATE

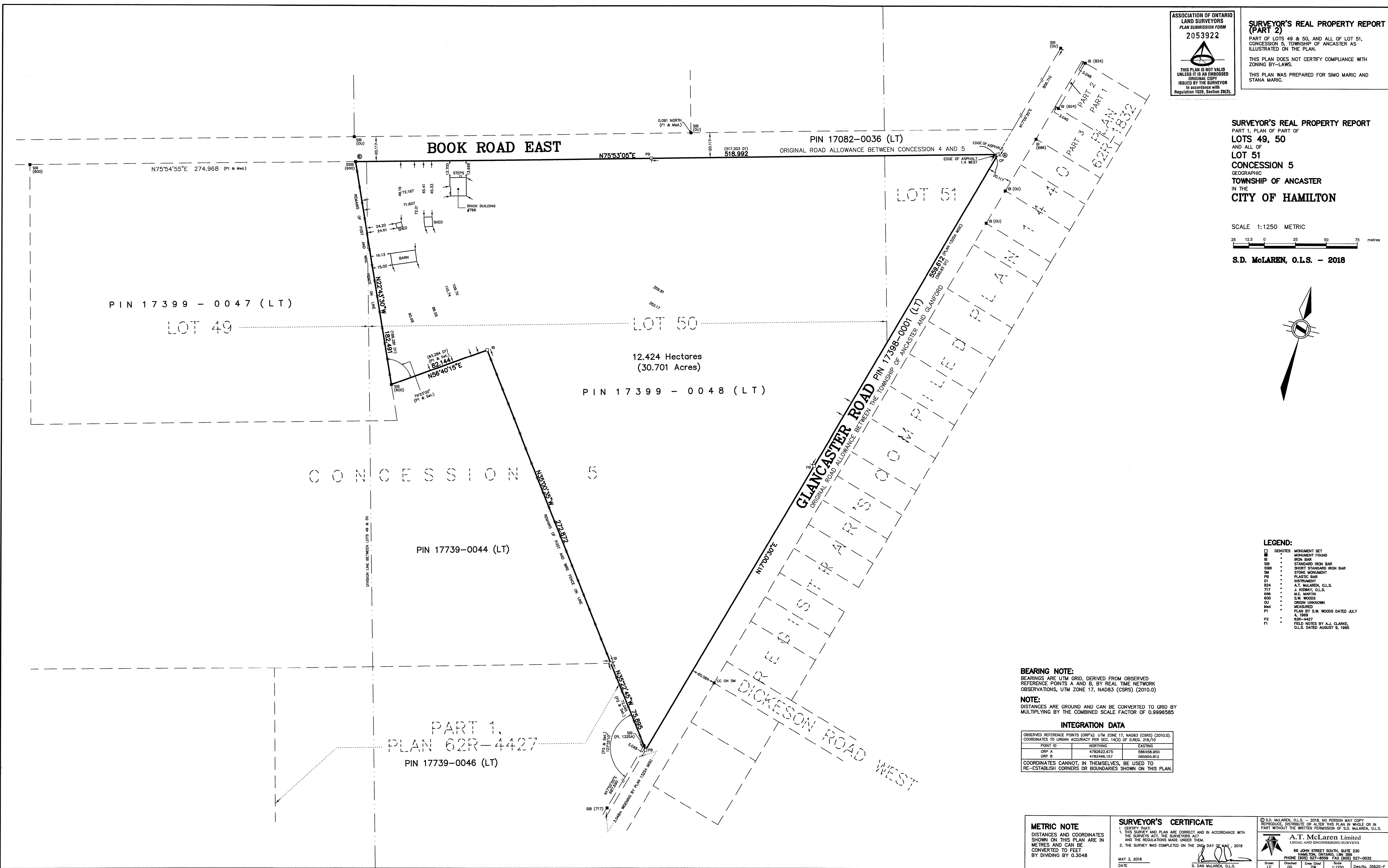
S. DAN McLAREN, O.L.S.

© S.D. McLaren, O.L.S. - 2018. 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

69 JOHN STREET SOUTH, SUITE 230  
HAMILTON, ONTARIO, L8N 2B9  
PHONE (905) 527-2622 FAX (905) 527-0032

|       |         |         |        |          |
|-------|---------|---------|--------|----------|
| Drawn | Checked | Crossed | Scale  | Dwg. No. |
| LC    | DC      | DW      | 1:1250 | 35620-F  |



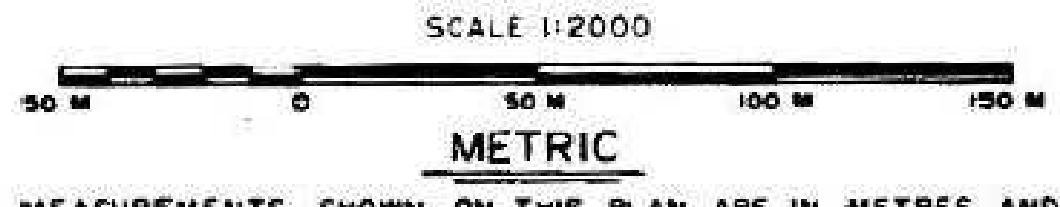
C-3720

RECEIVED AND DEPOSITED AS  
**PLAN 62R-4427**  
 DATE *Sept. 29, 1978*  
*Alan White*  
 LAND REGISTRAR  
 FOR THE REGISTRY DIVISION OF  
 WENTWORTH-NR 62

I REQUIRE THIS PLAN TO BE  
 DEPOSITED UNDER PART III  
 OF THE REGISTRY ACT.  
 DATE *September 26, 1978*  
*Michael J. Taylor*  
 MICHAEL J. TAYLOR

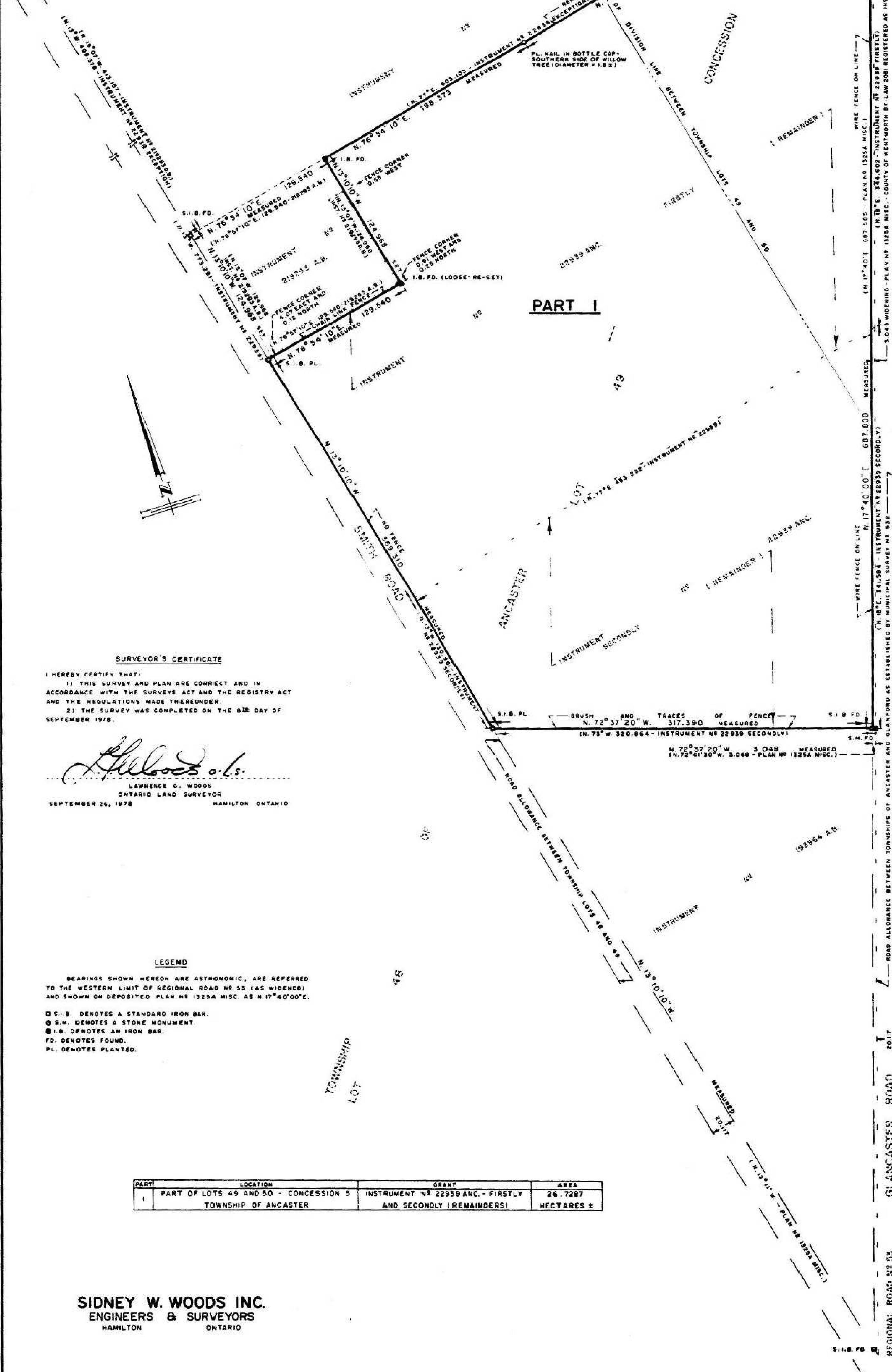
CAUTION:  
 THIS PLAN IS NOT A PLAN OF  
 SUBDIVISION WITHIN THE  
 MEANING OF SECTION 29, 32  
 OR 33 OF THE PLANNING ACT.

REFERENCE PLAN  
 IN THE  
**TOWN OF ANCASTER**  
 REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH



MEASUREMENTS SHOWN ON THIS PLAN ARE IN METRES AND  
 MAY BE CONVERTED TO FEET BY DIVIDING BY 0.3048  
 SIDNEY W. WOODS INC.  
 1978

ROAD ALLOWANCE BETWEEN  
 (N. 77° E. 336.303)  
 NORTHWEST  
 ANGLE OF  
 LOT 48



**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT:  
 1) THIS SURVEY AND PLAN ARE CORRECT AND IN  
 ACCORDANCE WITH THE SURVEYS ACT AND THE REGISTRY ACT  
 AND THE REGULATIONS MADE THEREUNDER.  
 2) THE SURVEY WAS COMPLETED ON THE 26th DAY OF  
 SEPTEMBER 1978.

*L. G. Woods O.L.S.*  
 LAWRENCE G. WOODS  
 ONTARIO LAND SURVEYOR  
 SEPTEMBER 26, 1978 HAMILTON ONTARIO

**LEGEND**

BEARINGS SHOWN HEREON ARE ASTRONOMIC, ARE REFERRED  
 TO THE WESTERN LIMIT OF REGIONAL ROAD NR 53 (AS WIDENED)  
 AND SHOWN ON DEPOSITED PLAN NR 1325A MISC. AS N 17° 40' 00" E.

□ S.I.B. DENOTES A STANDARD IRON BAR.  
 ⊙ S.M. DENOTES A STONE MONUMENT.  
 ⊠ I.B. DENOTES AN IRON BAR.  
 FD. DENOTES FOUND.  
 PL. DENOTES PLANTED.

| PART | LOCATION  | GRANT   | AREA                  |
|------|---|---|-----------------------|
| 1    | PART OF LOTS 49 AND 50 - CONCESSION 5<br>TOWNSHIP OF ANCASTER | INSTRUMENT NR 22939 ANC. - FIRSTLY<br>AND SECONDLY (REMAINDERS) | 26.7287<br>HECTARES ± |

**SIDNEY W. WOODS INC.**  
 ENGINEERS & SURVEYORS  
 HAMILTON ONTARIO

**Committee of Adjustment**City Hall, 5<sup>th</sup> Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

Hamilton

**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    |   |
|-----------------------------|---|------------|---|
| <b>Registered Owners(s)</b> | Jamal Shihadeh<br>c/o JMJ Property Investment Inc | [REDACTED] | <b>E-mail:</b><br>[REDACTED]                                |
| <b>Applicant(s)*</b>        | Valdemer Nickel                                   | [REDACTED] | <b>Phone:</b><br>[REDACTED]<br><b>E-mail:</b><br>[REDACTED] |
| <b>Agent or Solicitor</b>   | Peter R. Welsh                                    | [REDACTED] | <b>E-mail:</b><br>[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<br>Hamilton   | Lot<br>part 1 plan of<br>lot 49,50 & all<br>of 50 | Concession<br>5    | Former Township<br>Ancaster          |
| Registered Plan N°.   | Lot(s)<br>Pt50 & PT 51                            | Reference Plan N°. | Part(s)                              |
| Municipal Address<br>766 Book Rd E (& 844 Glencaster Rd see Scheduling A) |   |                    | Assessment Roll N°.<br>1404205100000 |

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 lotOther:  a charge



- addition to a lot  
 an easement

- 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:

Hazelview Investments

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 <sup>2</sup> or ha) |
|--------------|---------------|-----------------------------|
| 687.8        | 327.913 (max) | 26.7287 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: none

Proposed: none

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)

land division only, no structure or servicing proposed

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 <sup>2</sup> or ha) |
|---------------------|----------------------|-----------------------------|
| 518.992 (Book Rd E) | 559.612 (Glencaster) | 12.424 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
  Industrial
  Commercial  
 Agriculture (includes a farm dwelling)
  Agricultural-Related
  Vacant  
 Other (specify) \_\_\_\_\_

Building(s) or Structure(s):

Existing: Residential dwelling, shed and barn

Proposed: no change

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)

land division only, no new structure/service proposed

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 Area, Airport Employment Growth District

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

Designated Employment Area, Airport Employment Growth District (zoned M11 H37); no change in land use; lots comply to zoning requirements, are appropriate employment scale, compatible and consistent to neighbouring lot/parcel fabric (sizes/area/dimensions/shapes) and facilitates for permitted employment uses for future development. There are no Key Natural Features, Environmentally Significant Areas, Woodlots or Hydrology present on the sites. It is of the opinion the proposal maintains

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? M11 H37

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"/> |   |

|  |                                     |      |
|--|-------------------------------------|------|
| <b>A provincially significant wetland within 120 metres</b>    | <input type="checkbox"/>            |      |
| <b>A flood plain</b>   | <input type="checkbox"/>            |      |
| <b>An industrial or commercial use, and specify the use(s)</b> | <input type="checkbox"/>            |      |
| <b>An active railway line</b>                                  | <input type="checkbox"/>            |      |
| <b>A municipal or federal airport</b>                          | <input checked="" type="checkbox"/> | 400m |

## 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?  
Phase 1 Environmental Site Assessment, 2018
- 
- 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 lot size/shapes are not changed from original lot fabric and are comparable to the existing employment lots in the area. Future development will be located in an existing designated employment area, lot size is of a scale to accommodate employment uses and appropriate for the airport context. It is our opinion the severance satisfies the criteria under Section 53 of the Planning Act.

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

The proposed severance, to return abutting lots back to original pre-merger occur in an urban boundary employment area. It is consistent with PPS (2020) sec 1.3 Employment

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

The proposal is consistent with the vision of the GGH (2020) accommodating forecasted growth and providing future employment opportunities for complete communities within established urban area (including policies in sec 2.2.5) including proximity to the airport

- 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?

744 Book Rd E since May 2018, 844 Glencaster Rd since May 2018

---

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  
 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) | Area (m <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 (m <sup>2</sup> 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 (m <sup>2</sup> 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 (m <sup>2</sup> 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.

Request is technical in nature; abutting lots were inadvertently merged and unintentionally assembled on title due to adjacency and ownership under the same name.

No change in lot shape, size, area, frontage or configurations is proposed.

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

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

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

**13 ACKNOWLEDGEMENT CLAUSE**

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

March 02 2021  
 \_\_\_\_\_  
 Date

\_\_\_\_\_  
 Signature of Owner

**PETER R. WELSH**  
BARRISTER & SOLICITOR



Wednesday, March 03, 2021

Committee of Adjustment  
City of Hamilton  
Planning & Economic Development Department  
Planning Division  
77 James Street North  
Hamilton, Ontario, L8R 2K3

RE: Consent to Sever 766 Book Rd E from 844 Glencaster Rd

Dear Sir/Madam

JMJ Property Investment Inc. ("JMJ"), the Registered owner of 844 Glencaster Road, Hamilton, Ontario has retained this Law Office (and my Colleague, Mr. Shaffi Dar of RealCorp Law Professional Corporation) to assist in the sale of this Property (the "844 Property") to Hazelview Acquisitions Inc., which sale is requiring a Severance from the adjoining property known municipally as 766 Book Road East, Hamilton, (the "766 Property") also owned by JMJ.

We are attaching:

- Parcel Register for 844 Glencaster Road, (PIN 17399-0046) marked as such for reference;
- Last Transfer for 844 Glencaster Road, registered May 14, 2018, in favour of JMJ;
- Good root of title for 844 Glencaster Road by way of a Deed registered to Craig Dwight Smith, October 13, 1978, which also appears to be the immediately preceding Transfer of the Glencaster Property;
- Parcel Register for 766 Book Road East, (PIN 17399-0048) marked as such for reference;
- Last Transfer for 766 Book Road East, registered May 30, 2018 in favour of JMJ, just 16 days after the transfer to JMJ for 844 Glencaster Road;
- Property Index Map

844 Glencaster Road, Hamilton

From what we have determined, the origin of JMJ's Title to this Property was directly from the "Good Root of Title", from Craig Dwight Smith, with no intervening Transfers or severances, sub-divisions or any other impediments, rights-of-way, easements or encumbrances with the exception of the Hamilton Airport Zoning Regulations and the use of the Property, as far as our Client is aware.

At the time of acquisition by JMJ, it did not own or have an interest in any contiguous lands. Note that the PIN # for the 844 property has not merged with the 766 Property, despite 3 years having transpired.



766 Book Road East, Hamilton

Neither I, my office nor Mr. Dar was on this or 844 Property titles at time of either acquisition but understand that 766 Book Road East was acquired by JMJ without any intention of "merger-at-law", or, for that matter, any merger of title at all.

The Transfer to JMJ of this 766 Property was from an entirely different, un-related source (Simo Maric and Stana Maric), which held this 766 Property from April 6, 1995, and again, we understand for Agricultural purposes

Again, note the PIN # for the 766 Property has not merged with the 844 Property, again despite 3 years passage of ample time to have done so, if the properties were to have merged.

"once severed, always severed"

As the parcels are not whole lots within a plan of subdivision, we must therefore request and apply to the Committee of Adjustment for a consent to sever. While we do not have any explanation from the Land Registry Office why "severance" now is required at all, especially given separate PIN Numbers, it was never the intention of JMJ either upon acquisition 3 years ago or now that the 2 Properties were to be or are to be merged, even "at law" or inadvertently. They were purchased as severed and presumably, "once severed, always severed".

Accordingly, we submit that the Properties should be "severed" and treated as "severed" and look to you (and the LRO) for that confirmation to allow the sale of 844 Glencaster to proceed.

Thank you



Peter R. Welsh  
Peter R. Welsh Professional Corporation  
Barrister and Solicitor  
Suite 203, 1540 Cornwall Road  
Oakville, Ont.,  
L6J 7W5  
Tel: (905) 337-3121  
Fax: (905) 337-3272  
[www.welshlaw.ca](http://www.welshlaw.ca)





Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5  
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202  
 E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

# NOTICE OF PUBLIC HEARING

## Application for Consent/Land Severance

APPLICATION NUMBER: GL/B-21:19

SUBJECT PROPERTY: 1640 Trinity Church Rd., Glanbrook

You are receiving this notice because you are either:

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

**APPLICANT(S):** Owner H. Wallace

**PURPOSE OF APPLICATION:** To convey a parcel of land containing an existing farm dwelling, being declared surplus as a result of farm consolidation and to retain a parcel of land for agricultural purposes and to become part of the farming operation contained on the non-abutting farm property known as 1511 Nebo Rd.

Re-application of previous severance GL/B-19:35.

**Severed lands:**

81m<sup>±</sup> x 79m<sup>±</sup> and an area of 0.67 ha<sup>±</sup>

**Retained lands:**

382m<sup>±</sup> x 562m<sup>±</sup> and an area of 35.8 ha<sup>±</sup>

The Committee of Adjustment will hear this application on:

**DATE:** Thursday, April 22<sup>nd</sup>, 2021

**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](http://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/B-21: 19  
PAGE 2

## MORE INFORMATION

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

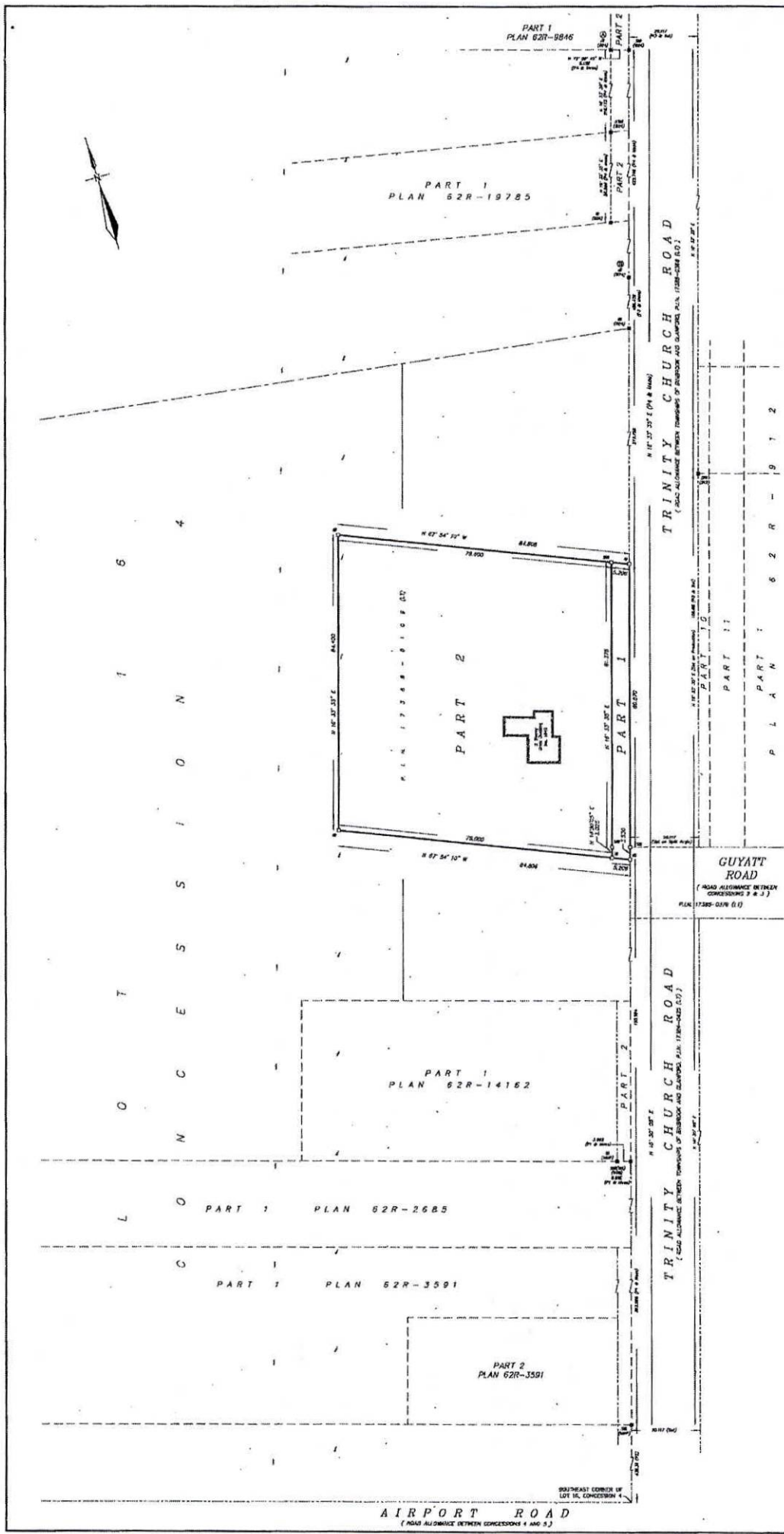
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: April 6<sup>th</sup>, 2021

---

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.***



|  |  |                     |  |
|--|--|---------------------|--|
| I HEREBY CERTIFY THAT THIS PLAN TO BE REGISTERED UNDER THE LAND TITLES ACT |  | PLAN 62R-3591       |  |
| RECEIVED AND DEPOSITED   |  | DATE: Feb. 16, 1921 |  |
| DATE: FEBRUARY 8, 1921   |  | C. S. BROWN         |  |
| BY: [Signature]  |  | C. S. BROWN         |  |
| SURVEYOR FOR THE LAND TITLES OFFICE OF THE REGISTRAR (No. 62)              |  |                     |  |

| PART | LOT            | CONCESSION   | P.L.N.                          | AREA (Ac.) |
|------|----------------|--------------|---------------------------------|------------|
| 1    | PART OF LOT 16 | CONCESSION 4 | PART OF P.L.N. 17385-028 (S. 1) | 13.88      |
| 1    | PART OF LOT 16 | CONCESSION 4 | PART OF P.L.N. 17385-028 (S. 2) | 10.00      |

PARTS 1 & 2: COMPLETE PART OF PLAN 17385-028 (S. 1)

PLAN OF SURVEY OF  
**PART OF LOT 16  
 CONCESSION 4**  
 (CITY OF HAMILTON)  
**CITY OF HAMILTON**

SCALE 1:500

B.A. JACOBS SURVEYING LTD.  
 ONTARIO LAND SURVEYORS

**LEGEND AND NOTES:**

- W DENOTES SURVEY MONUMENT FOUND
- IS DENOTES SURVEY MONUMENT PLANTED
- SB DENOTES STAKEWOOD POST AND
- CB DENOTES SHORT STANDARD IRON BAR
- IP DENOTES IRON PIPE
- CS DENOTES CROWN SADDLEWOOD
- MC DENOTES METAL
- PI DENOTES PLAN 62R-14152
- P2 DENOTES PLAN 62R-19785
- P3 DENOTES PLAN BY A.T. SHAWEN LTD. (ART. 20, 1907)
- P4 DENOTES PLAN 62R-10000
- NS DENOTES S.W. CORNER S.E. 1/4
- NS2 DENOTES S.E. CORNER S.E. 1/4
- NS3 DENOTES S.W. CORNER S.E. 1/4
- NS4 DENOTES S.E. CORNER S.E. 1/4

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

MEASUREMENTS ARE TAKEN FROM UNDESIGNED INTERSECTION POINTS A AND B BY MEANS OF THE NETWORK COORDINATE SYSTEM 17, MODEL (CSRS) (1987) AS SHOWN ON PLAN 62R-3591

DISTANCES AND COORDINATES CAN BE CONVERTED TO CHAIN BY DIVIDING BY THE FOLLOWING SCALE FACTORS OF EQUIVALENTS

DESIGNATED REFERENCE POINTS (CORNER) OF THE ZONE 17, MODEL (CSRS) (1987) COORDINATES TO UNIFORM ACCURACY PER THE IAGG OF DATE 2/16/10 AS SHOWN ON PLAN 62R-3591

| POINT ID | NORTHING   | EASTING    |
|----------|------------|------------|
| A        | 477063.587 | 296270.049 |
| B        | 477078.062 | 296281.594 |

COORDINATES CHANGE IN THEORETICAL USE TO BE DETERMINED BY THE BOUNDARY SHOWN ON THIS PLAN

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT AND THE LAND TITLES ACT AND THE REGULATIONS UNDER THEM.  
 2. THE SURVEY WAS COMPLETED ON FEBRUARY 8, 1921.

FEBRUARY 8, 1921  
 DATE

[Signature]  
 B.A. JACOBS  
 ONTARIO LAND SURVEYOR

B.A. JACOBS SURVEYING LTD.  
 100 JACOBSON STREET EAST, SUITE 100  
 HAMILTON, ONTARIO (CAN. 120)  
 PHONE 505-281-1100 FAX 505-281-1101  
 www.bajacobssurveying.com

208 208 208 208

**AIRPORT ROAD**  
 (ROAD ALLOWANCE BETWEEN CONCESSIONS 4 AND 5)





Hamilton

## Committee of Adjustment

City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**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    |                             |
|-----------------------------|-------------------|------------|-----------------------------|
| <b>Registered Owners(s)</b> | Harvinder Wallace | [REDACTED] | <b>Phone:</b><br>[REDACTED] |
| <b>Applicant(s)*</b>        | Harvinder Wallace | As above   | <b>Phone:</b><br>[REDACTED] |
| <b>Agent or Solicitor</b>   |                   |            | <b>Phone:</b>               |
|                             |                   |            | <b>E-mail:</b>              |

\* 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<br>Glanbrook                  | Lot<br>Pt Lot 16           | Concession<br>Con 4 | Former Township<br>Glanbrook                 |
| Registered Plan N°.<br><b>62R-21619</b>             | Lot(s)<br><b>Pt Lot 16</b> | Reference Plan N°.  | Part(s)                                      |
| Municipal Address<br><b>1640 Trinity Church Rd.</b> |                            |                     | Assessment Roll N°.<br><b>90233053800000</b> |

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 lotOther:  a charge

- addition to a lot
- an easement
- 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:  
Harvinder Wallace

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 <sup>2</sup> or ha) |
|--------------|-----------|-----------------------------|
| 81.375       | 79.6      | .67                         |

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: 2 Storey Brick House

Proposed: No Change

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 <sup>2</sup> or ha) |
|------------------------|-----------|-----------------------------|
| 382.61 w/o severed lot | 562.35    | 35.8                        |

Existing Use of Property to be retained:

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





|  |                          |  |
|--|--------------------------|--|
| <b>A provincially significant wetland within 120 metres</b>    | <input type="checkbox"/> |  |
| <b>A flood plain</b>   | <input type="checkbox"/> |  |
| <b>An industrial or commercial use, and specify the use(s)</b> | <input type="checkbox"/> |  |
| <b>An active railway line</b>                                  | <input type="checkbox"/> |  |
| <b>A municipal or federal airport</b>                          | <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?  
Applicant has owned land for 27 yrs/ Also knew previous owner since 1972
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed. Is the previous use inventory attached?  
 Yes       No

**7 PROVINCIAL POLICY**

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

- b) Is this application consistent with the Provincial Policy Statement (PPS)?  
 Yes       No      (Provide explanation)
- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?  
 Yes       No      (Provide explanation)
- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)  
 Yes       No  
 Green belt

- 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?

24 Years

---

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.

1511 Nebo Rd

**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  
 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) | Area (m <sup>2</sup> 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 <sup>2</sup> 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:

Landlocked Con 4 Between Lot 15 &amp; 16 Glanbrook

(Street) (Municipality) (Postal Code)

## b) Description abutting farm:

|                      |  |
|----------------------|--|
| Frontage (m):<br>682 | Area (m <sup>2</sup> or ha):<br>20.48 Ha |
|----------------------|--|

Existing Land Use(s): A1 Proposed Land Use(s): A1

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

|                         |   |
|-------------------------|---|
| Frontage (m):<br>382.61 | Area (m <sup>2</sup> or ha):<br>35.8 ha |
|-------------------------|---|

Existing Land Use: A1 Proposed Land Use: A1

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

|   |  |
|---|--|
| Frontage (m): (from Section 4.1)<br>80.87 | Area (m <sup>2</sup> or ha): (from Section 4.1)<br>0.67 ha |
|---|--|

Front yard set back: 15 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)<br>382.61 | Area (m <sup>2</sup> or ha): (from Section 4.2)<br>35.8 ha |
|--|--|

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 (m <sup>2</sup> 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 (m <sup>2</sup> 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 (m <sup>2</sup> 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.

Conditions 1, 3, 4, 6, 7 & 8 of Committee of Adjustment re Application #GL/B-19:35 completed. Conditions #2 and #5 in process. Survey for proposed severance is complete and registered Plan 62R-21619, Feb 16, 2021, with a copy attached.

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

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

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

**13 ACKNOWLEDGEMENT CLAUSE**

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5  
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202  
 E-mail: [cofa@hamilton.ca](mailto: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-21:99

**APPLICANTS:** Owner R. Vespa  
 Agent Kevin Webster

**SUBJECT PROPERTY:** Municipal address **411 Concession 5 W., Flamborough**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended by By-Law 15-173

**ZONING:** A2 district (Rural)

**PROPOSAL:** To permit the construction of a new building accessory to a single detached dwelling comprising two floors and a total gross floor area of 223.0 square metres of gross floor area to be used for garage and storage purposes notwithstanding that,

1. Buildings accessory to a single detached dwelling shall be permitted to have a maximum gross floor area of 251 square metres instead of the required maximum gross floor area of 200 square metres square metres;
2. A building accessory to a single detached dwelling shall have a maximum height of 7.8 metres instead of the maximum building height of 6.0 metres.

**NOTES:**

- 1) The variances that are required have been written as requested by the applicant.
- 2) The proposed building has been reviewed as an accessory building to an existing single detached dwelling in the A2 Zone.
- 3) The subject property contains an existing single detached dwelling and an existing accessory building. The existing accessory building comprises 27.87 square metres.
- 4) The Zoning By-law also requires a maximum lot coverage of 5% for all buildings accessory to a single detached dwelling. This requirement is in compliance and is not subject to the minor variance.
- 5) The property is identified in the City of Hamilton Heritage Inventory. For additional information please contact Heritage Planning through the Development Planning Division at 905-546-2424 ext. 1355 or by email at [pd.generalinquiry@hamilton.ca](mailto:pd.generalinquiry@hamilton.ca)

FL/A-21: 99

Page 2

- 6) The subject lands contain an area along the frontage that are under Conservation Management through Conservation Halton. The proposed accessory building however, is outside of this area.

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

---

**DATE:** Thursday, April 22nd, 2021  
**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](http://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](http://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](mailto:cofa@hamilton.ca)

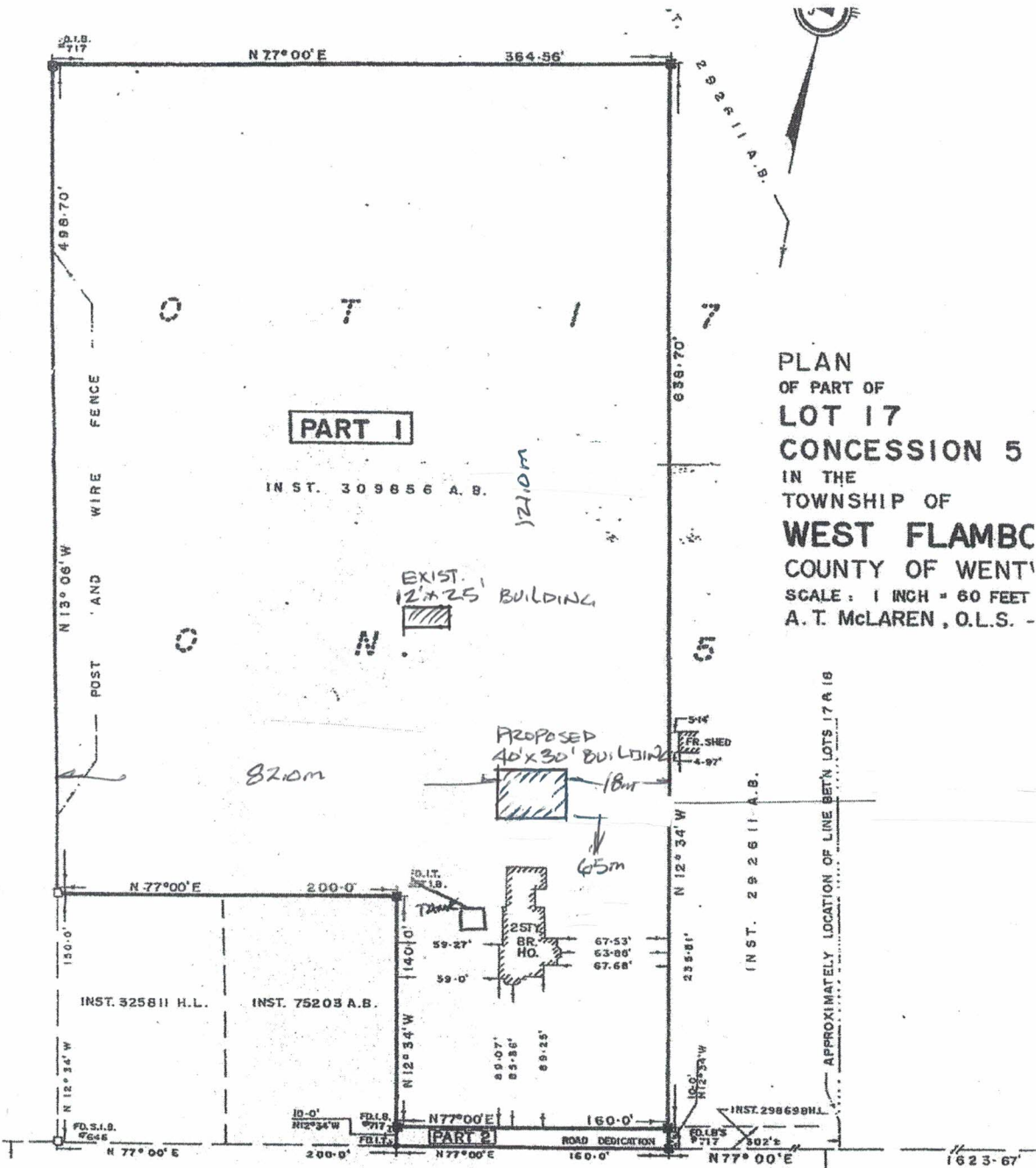
DATED: April 6th, 2021.

---

Jamila Sheffield,  
 Secretary-Treasurer  
 Committee of Adjustment

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





ROAD ALLOWANCE BETWEEN CONCESSIONS 4 & 5

| SCHEDULE |           |      |  |
|----------|-----------|------|--|
| PART     | LOT       | CON. | OWNER  |
| 1        | PT. OF 17 | 5    | ARTHUR D. LOREE<br>JEAN LOREE<br>(JOINT TENANTS) |

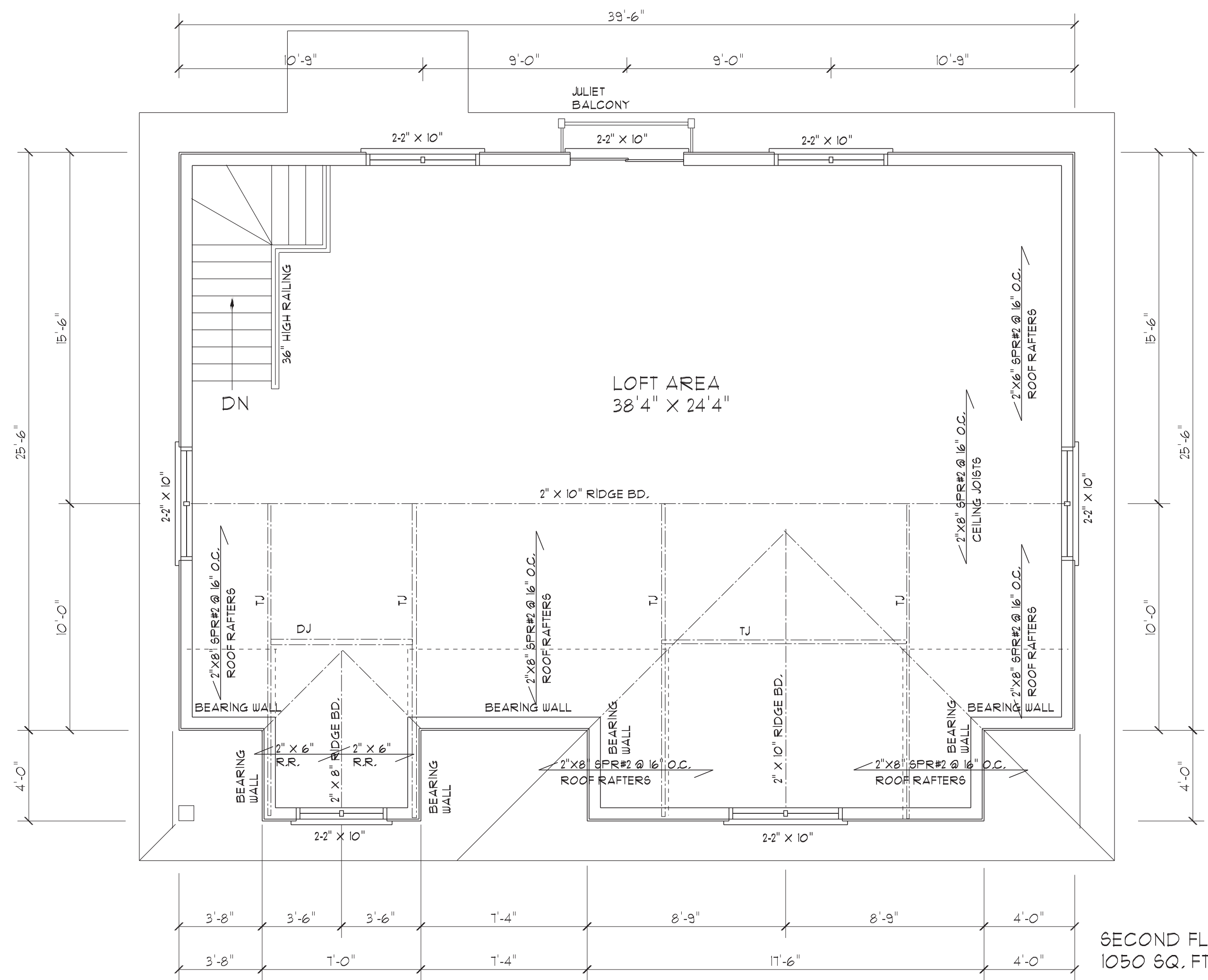
ARE ASTRONOMIC IN NATURE AND REFERRED TO THE SOUTHERLY LIMIT OF LOT 17, CONCESSION 5, AS BEING THE SOUTHERLY LIMIT OF THE SECTION.

**"CAUTION:** This plan is not a plan of subdivision within the meaning of section 29, 32 or 33 of the Survey Act.

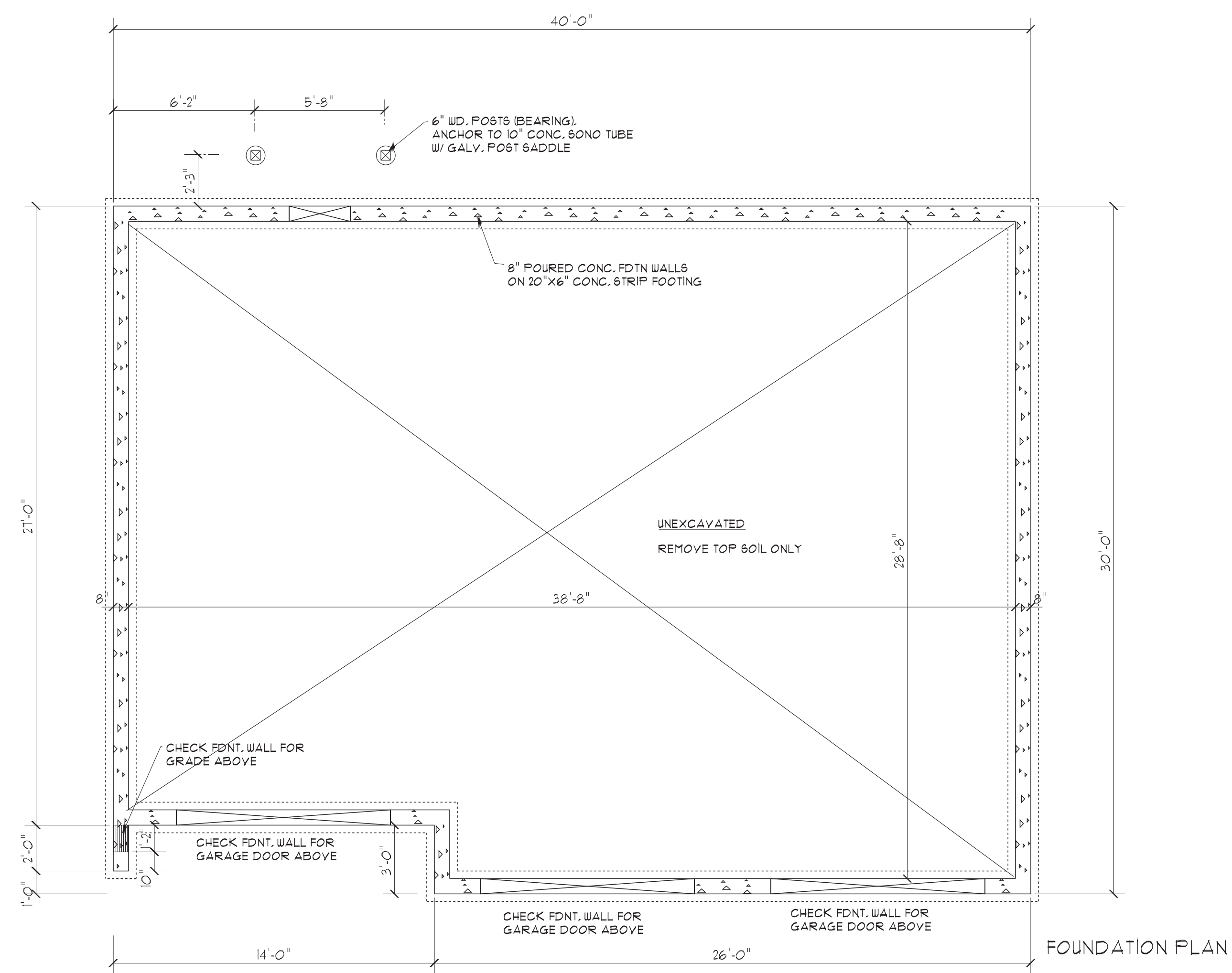
**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT,  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE THEREUNDER,  
2. THE SURVEY WAS COMPLETED ON THE 28th DAY OF SEPT. 1975.

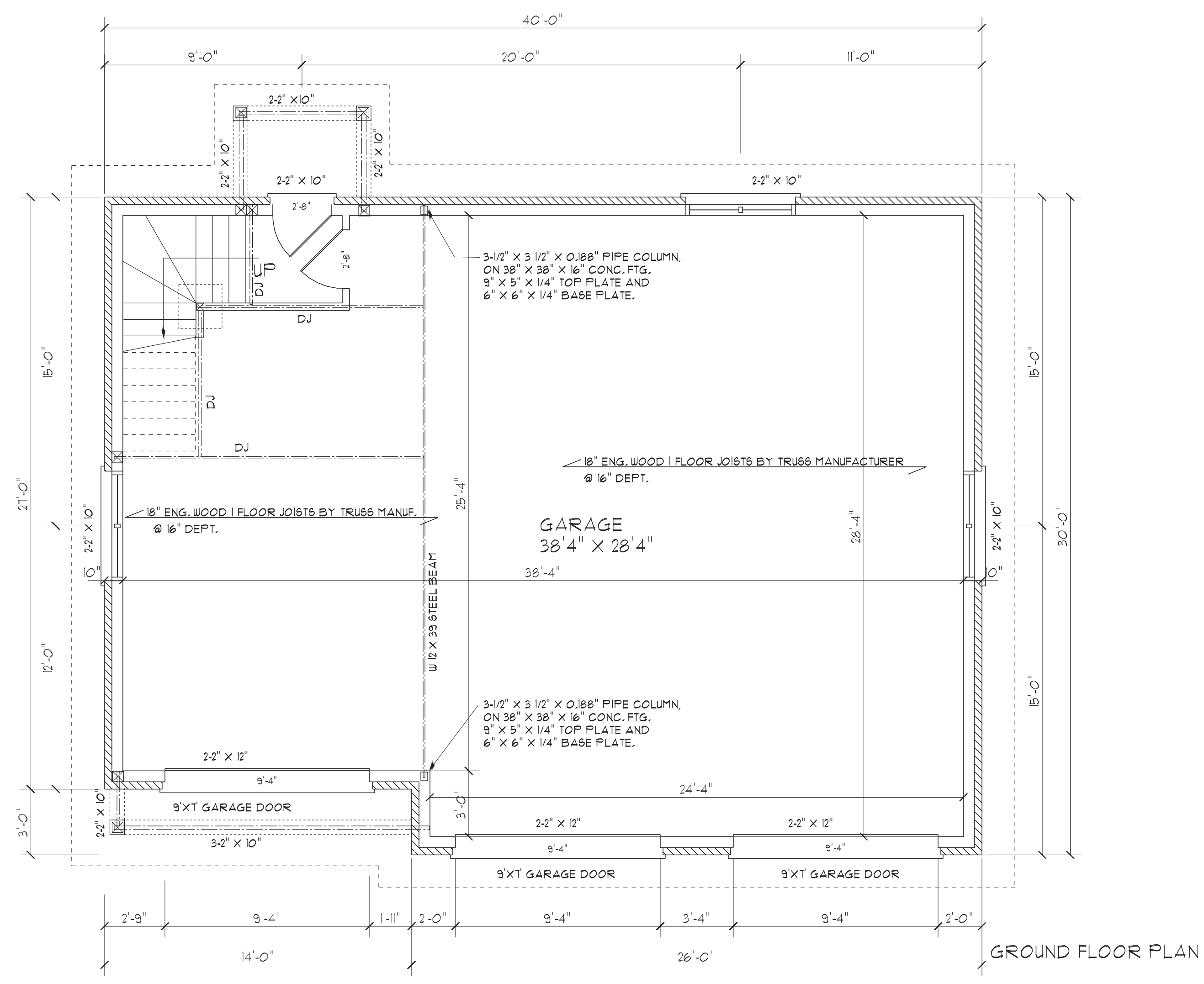
A. T. McLAREN  
ONTARIO



SECOND FLOOR PLAN  
1050 SQ. FT.



FOUNDATION PLAN



GROUND FLOOR PLAN

| NO. | DESCRIPTION        | DATE     | BY |
|-----|--------------------|----------|----|
| I   | ISSUED FOR PRICING | 02/15/21 | KW |

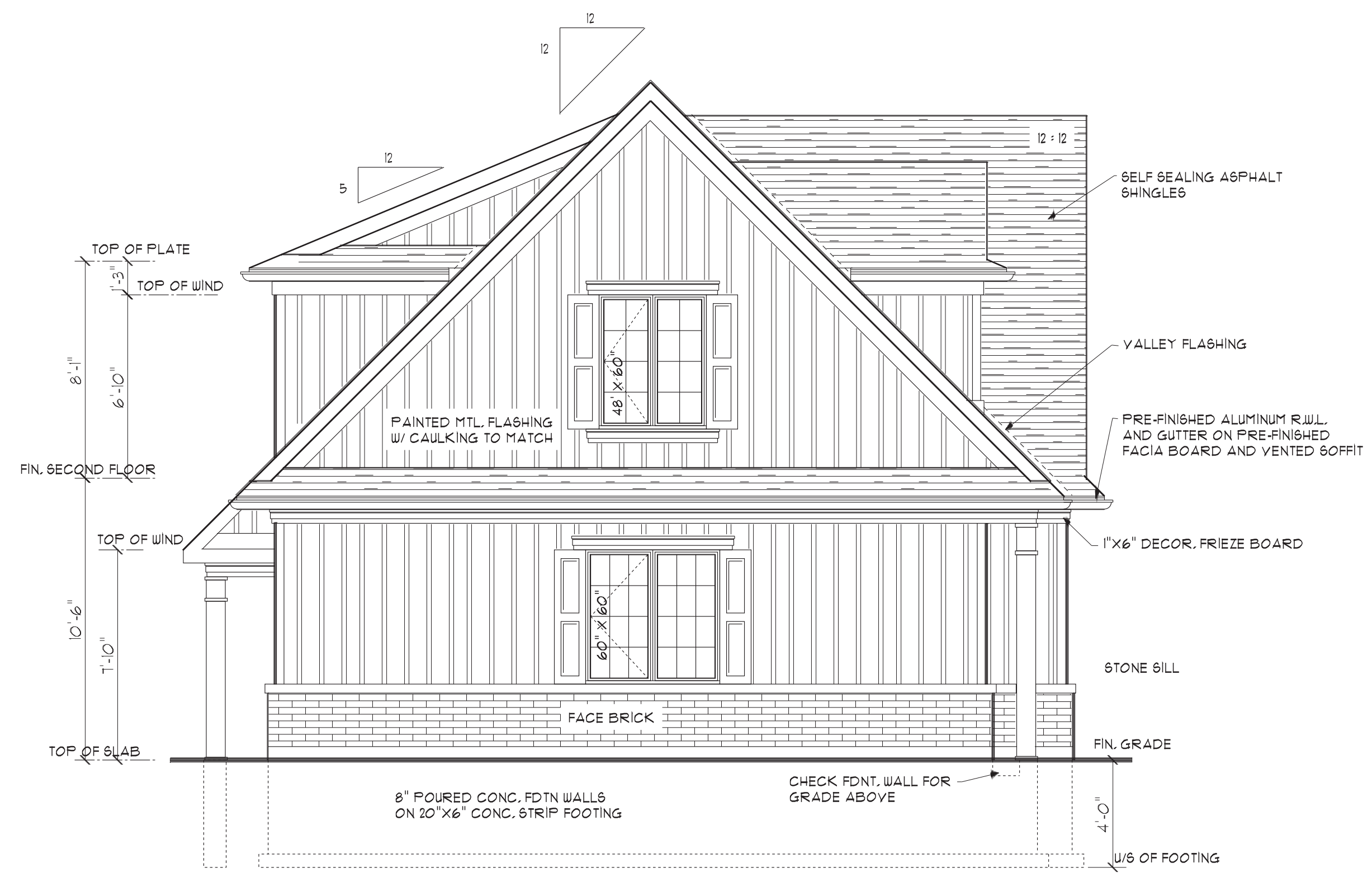
**Kevin Webster Designs Inc.**  
RESIDENTIAL & COMMERCIAL  
DESIGN, DRAFTING & CONSULTING  
68 North Valley Dr., Welland, Ontario L3C 7L6  
(905)639-2009

PROJECT NO.: 202107  
DATE: FEB 2021

BUILDER:  
  
PROJECT NAME:  
VESPA DETACHED GARAGE  
411 5TH CONCESSION WEST  
FLAMBOROUGH, ONT.

MODEL:  
  
DRAWING:  
**PROPOSED FLOOR PLANS**

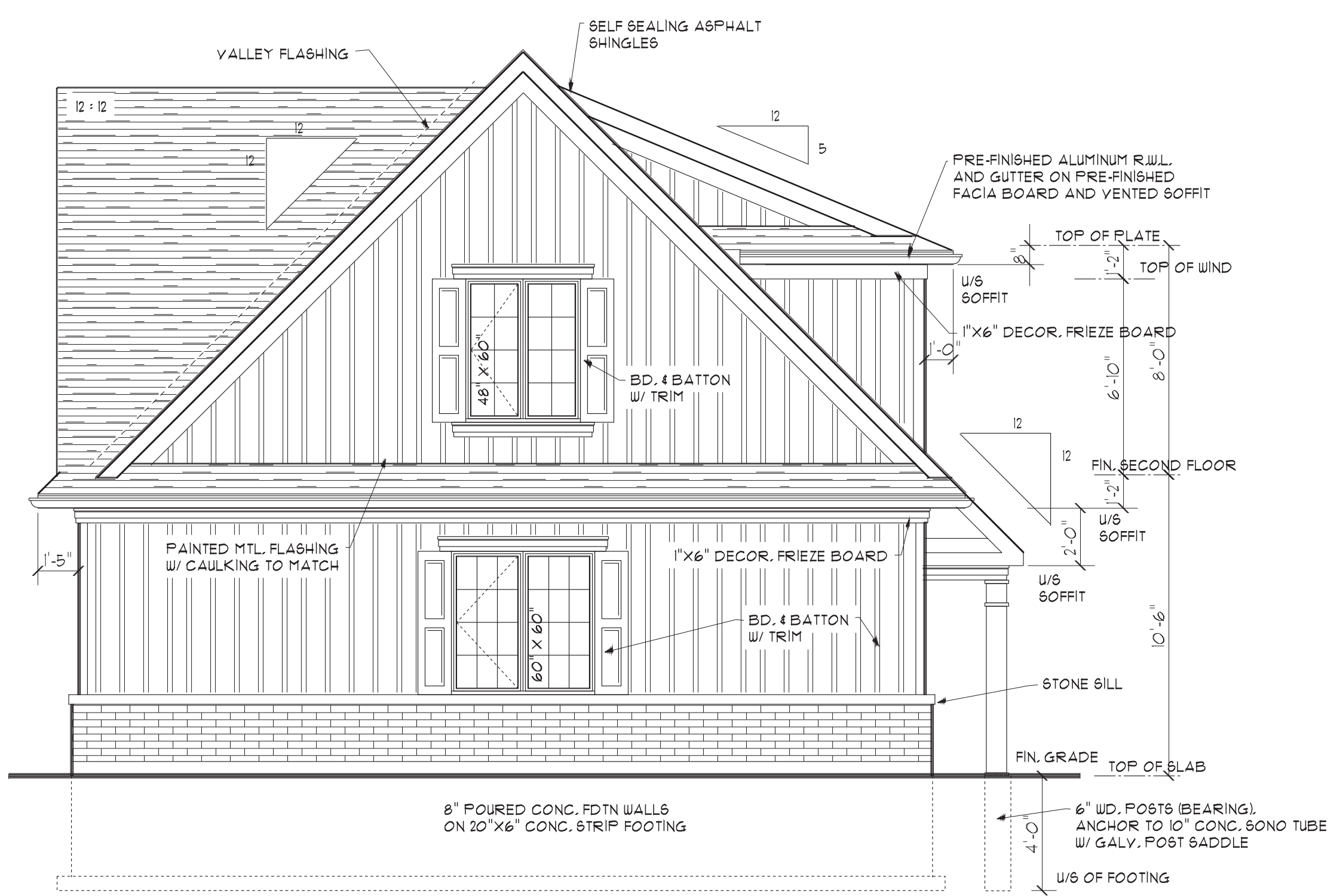
DRAWN BY: K.W.  
CHECKED BY: K.W.  
SCALE: 1/4"=1'-0"  
PAGE: 1



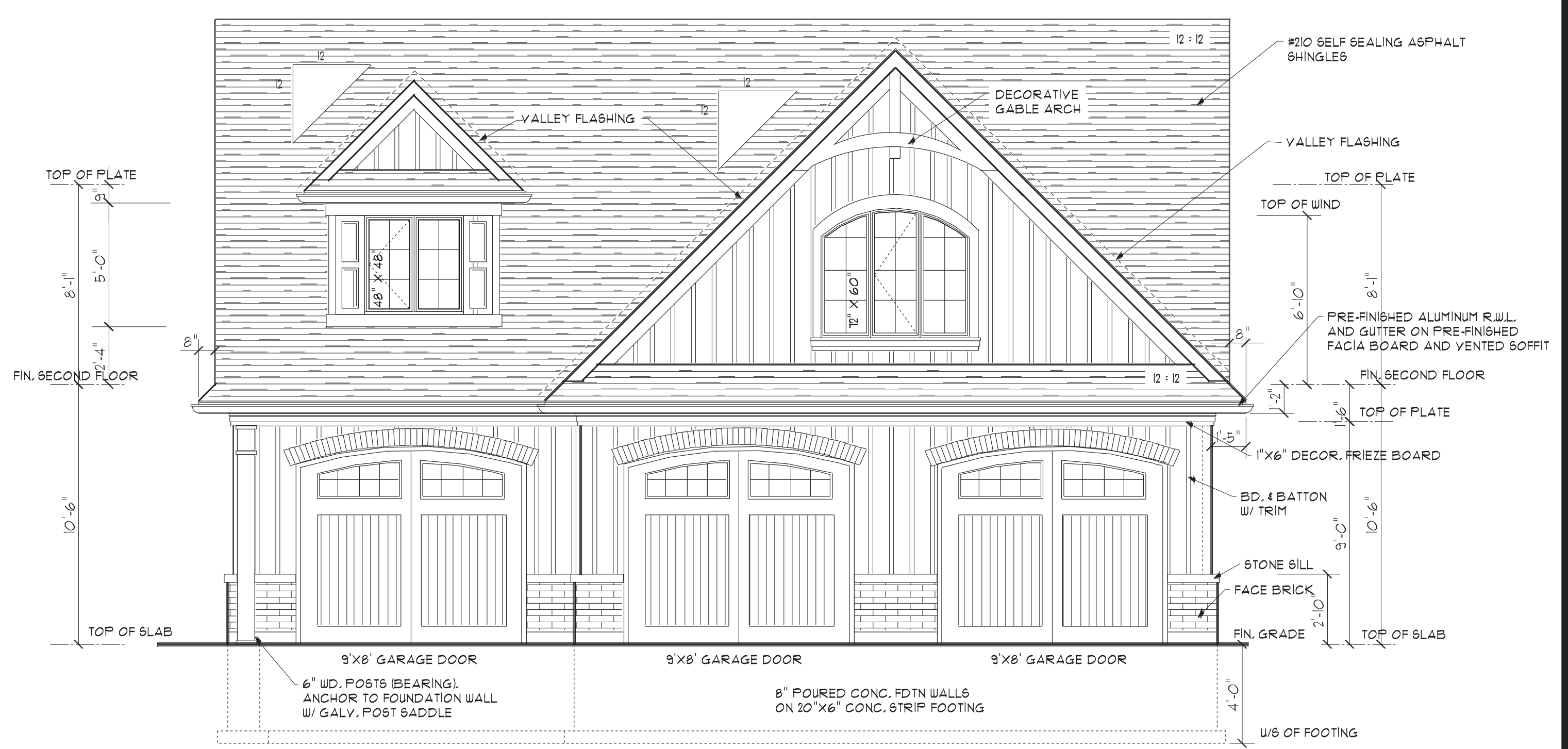
LEFT ELEVATION



REAR ELEVATION



RIGHT ELEVATION



FRONT ELEVATION

| NO. | DESCRIPTION        | DATE     | BY   |
|-----|--------------------|----------|------|
| 1   | ISSUED FOR PRICING | 02/15/21 | K.W. |

REVISIONS

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

**Kevin Webster Designs Inc.**  
RESIDENTIAL & COMMERCIAL  
DESIGN, DRAFTING & CONSULTING

68 North Valley Dr., Welland, Ontario L3C 7L6  
(905)639-2009

|                       |                   |
|-----------------------|-------------------|
| PROJECT NO:<br>202107 | DATE:<br>FEB 2021 |
|-----------------------|-------------------|

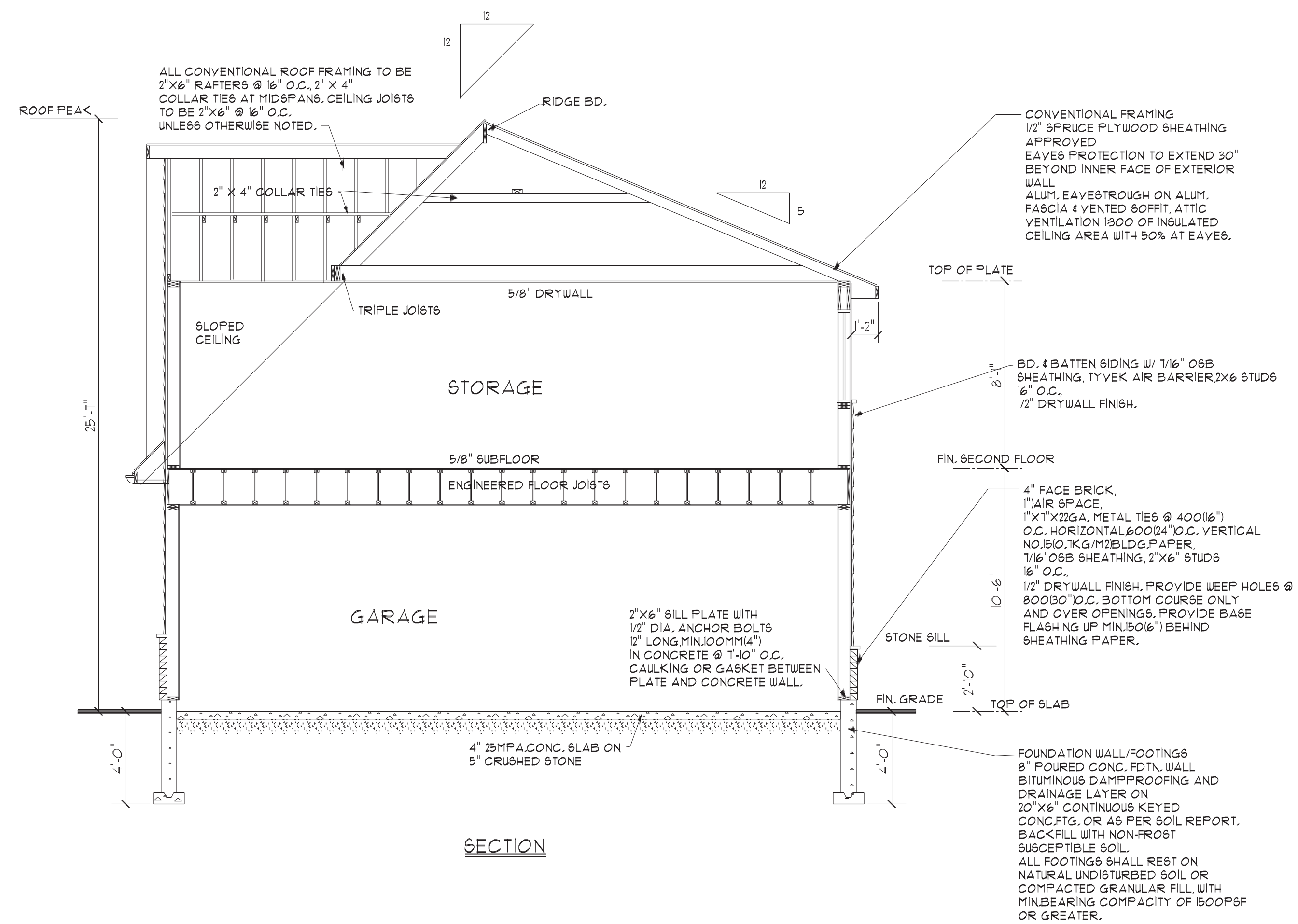
BUILDER:

PROJECT NAME:  
VESPA DETACHED GARAGE  
411 5TH CONCESSION WEST  
FLAMBOROUGH, ONT.

MODEL:

DRAWING: **PROPOSED EXTERIOR ELEVATIONS**

|                      |                     |
|----------------------|---------------------|
| DRAWN BY:<br>K.W.    | CHECKED BY:<br>K.W. |
| SCALE:<br>1/4"=1'-0" | PAGE:<br>2          |



SECTION

| NO. | DESCRIPTION        | DATE     | BY |
|-----|--------------------|----------|----|
| 1   | ISSUED FOR PRICING | 02/15/21 | KW |

| REVISIONS |  |
|-----------|--|
|           |  |

**Kevin Webster Designs Inc.**  
**RESIDENTIAL & COMMERCIAL**  
**DESIGN, DRAFTING & CONSULTING**

68 North Valley Dr., Welland, Ontario L3C 7L6  
 (905)639-2009

|             |          |
|-------------|----------|
| PROJECT NO: | DATE:    |
| 202107      | FEB 2021 |

BUILDER:

PROJECT NAME:

VESPA DETACHED GARAGE  
 411 5TH CONCESSION WEST  
 FLAMBOROUGH, ONT.

MODEL:

DRAWING:

**PROPOSED CROSS SECTION**

|           |             |
|-----------|-------------|
| DRAWN BY: | CHECKED BY: |
| K.W.      | K.W.        |

|              |       |
|--------------|-------|
| SCALE:       | PAGE: |
| 1/4" = 1'-0" | 3     |



**Committee of Adjustment**  
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
 Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**APPLICATION FOR A MINOR VARIANCE**

|                             |  |
|-----------------------------|--|
| <b>FOR OFFICE USE ONLY.</b> |  |
| APPLICATION NO. _____       | DATE APPLICATION RECEIVED _____        |
| PAID _____                  | DATE APPLICATION DEEMED COMPLETE _____ |
| SECRETARY'S SIGNATURE _____ |  |

**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, 2                 | NAME          | ADDRESS    |               |
|----------------------|---------------|------------|---------------|
| Registered Owners(s) | Rose Vespa    | [REDACTED] | Phone: _____  |
|                      |               |            | E-mail: _____ |
| Applicant(s)*        | Kevin Webster | [REDACTED] | Phone: _____  |
|                      |               |            | E-mail: _____ |
| Agent or Solicitor   | Kevin Webster | [REDACTED] | Phone: _____  |
|                      |               |            | E-mail: _____ |

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

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:  
 None

**Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled**

4. Nature and extent of relief applied for:  
 Require high of 7.70m instead of max. 6.0m  
 Require ~~200~~ 250 sq. m gross floor area instead of 200 sq. m max.  
*FOR ALL ACCESSORY BUILDINGS*
5. Why it is not possible to comply with the provisions of the By-law?  
 Required size of garage and storage area is larger than what is allowed
6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):  
 Lot 17 Concession 5 in the Township of West Flamborough County of Wentworth
7. PREVIOUS USE OF PROPERTY
- Residential  Industrial  Commercial   
 Agricultural  Vacant   
 Other \_\_\_\_\_
- 8.1 If Industrial or Commercial, specify use \_\_\_\_\_
- 8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?  
 Yes  No  Unknown
- 8.3 Has a gas station been located on the subject land or adjacent lands at any time?  
 Yes  No  Unknown
- 8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?  
 Yes  No  Unknown
- 8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?  
 Yes  No  Unknown
- 8.6 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
- 8.7 Have the lands or adjacent lands ever been used as a weapon firing range?  
 Yes  No  Unknown
- 8.8 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
- 8.9 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

8.10 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

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?  
Common Knowledge


8.12 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

9. ACKNOWLEDGEMENT CLAUSE

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

March 9 2021  
Date

X   
Signature Property Owner

Rose Vespa  
Print Name of Owner

10. Dimensions of lands affected:

Frontage 48.77 m  
Depth 194.68 m  
Area 19 030.05 sq. m  
Width of street 6.0m

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 3000 sq. ft 2 storey dwelling, 65' x 35', 25' high  
Existing 300 sq. ft accessory building, 12' x 25', 12'0" high

Proposed  
Existing dwelling to remain as is  
Existing Accessory Building to remain as is  
Proposed new 2 storey accessory building 40' x 30', 25'-3" high, 1158 sq. ft coverage @ 0.5%

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

EXISTING DWELLING FRONT 25.9m, LEFT 17.98m, RIGHT 19.46  
REAR 148.74m  
EXISTING ACCESSORY BUILDING FRONT 16.0m LEFT 46.0m  
RIGHT 61.0m REAR 106.0m

Proposed:  
PROPOSED ACCESSORY BUILDING: 65.0m FRONT  
82.0m LEFT  
18.0m RIGHT  
121.0m REAR

13. Date of acquisition of subject lands:  
2010
- 
14. Date of construction of all buildings and structures on subject lands:  
1950
- 
15. Existing uses of the subject property:  
Single Family Residential
16. Existing uses of abutting properties:  
Single Family Residential & Agrigultural
17. Length of time the existing uses of the subject property have continued:  
Since built 1950
18. Municipal services available: (check the appropriate space or spaces)  
Water \_\_\_\_\_ Connected n/a  
Sanitary Sewer \_\_\_\_\_ Connected n/a  
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:  
A2
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. Additional Information
24. 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.





Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5  
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202  
 E-mail: [cofa@hamilton.ca](mailto: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-21:92

**APPLICANTS:** Webb Planning on behalf of the owner 5006994 Ontario Inc.

**SUBJECT PROPERTY:** Municipal address **928 Barton St. E., Hamilton**

**ZONING BY-LAW:** Zoning By-law 05-200, as Amended 19-062

**ZONING:** "C5" (Mixed Use Medium Density) district

**PROPOSAL:** To permit a medical clinic within an existing one storey building comprising 473 square metres of gross floor area, notwithstanding that:

1. The required parking for the medical clinic shall consist of thirteen (13) parking spaces instead of the required 29 parking spaces.
2. Angled parking spaces shall be permitted to be located 0 metres from the street line of Barton Street East and Cavell Avenue instead of the minimum required setback of 3.0 metres from a street line and a planting strip shall not be required.
3. Parking spaces which are oriented on a 60 degree angle within the westerly side yard shall require a minimum aisle width of 3.7 metres and parking spaces which are oriented on a 60 degree angle within the rear yard shall require a minimum aisle width of 0 metres instead of the minimum required aisle width of 5.5 metres for one and two way access.
4. Parking spaces which are oriented on a 60 degree angle within the rear yard shall be permitted to have ingress and egress from the abutting municipal laneway instead of on site and egress shall be permitted in a reverse manner into the laneway instead of in a forward motion from a site.
5. No short term bicycle parking spaces shall be required instead of the minimum required 5 short term bicycle parking spaces.

**NOTES:**

1. A medical clinic is permitted in the C5 Zone. However, the last recognized use for the property was a financial establishment.
2. Variances are written exactly as requested by the applicant except that additional variances have been included based on the non-compliance of several parking requirements under Zoning By-law 05-200.

HM/A-21:92

Page 2

3. Certain regulations of the C5 Zone approved under amending By-law 17-240 and certain parking regulations in Zoning By-law 05-200 remain under appeal and are subject to final approval by LPAT. The parking requirements for a medical clinic are however in effect.

4. The existing building is recognized as legally established non-complying in the C5 Zone. Parking variances, however apply because of non-compliance with the Zoning By-law for the proposed medical clinic.

5. The property is a corner lot and the frontage is recognized as Barton Street East and the flankage side is Cavell Avenue.

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

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**DATE:** Thursday, April 22nd, 2021  
**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](http://www.hamilton.ca/committeeofadjustment)  
 for viewing purposes only

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#### 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:

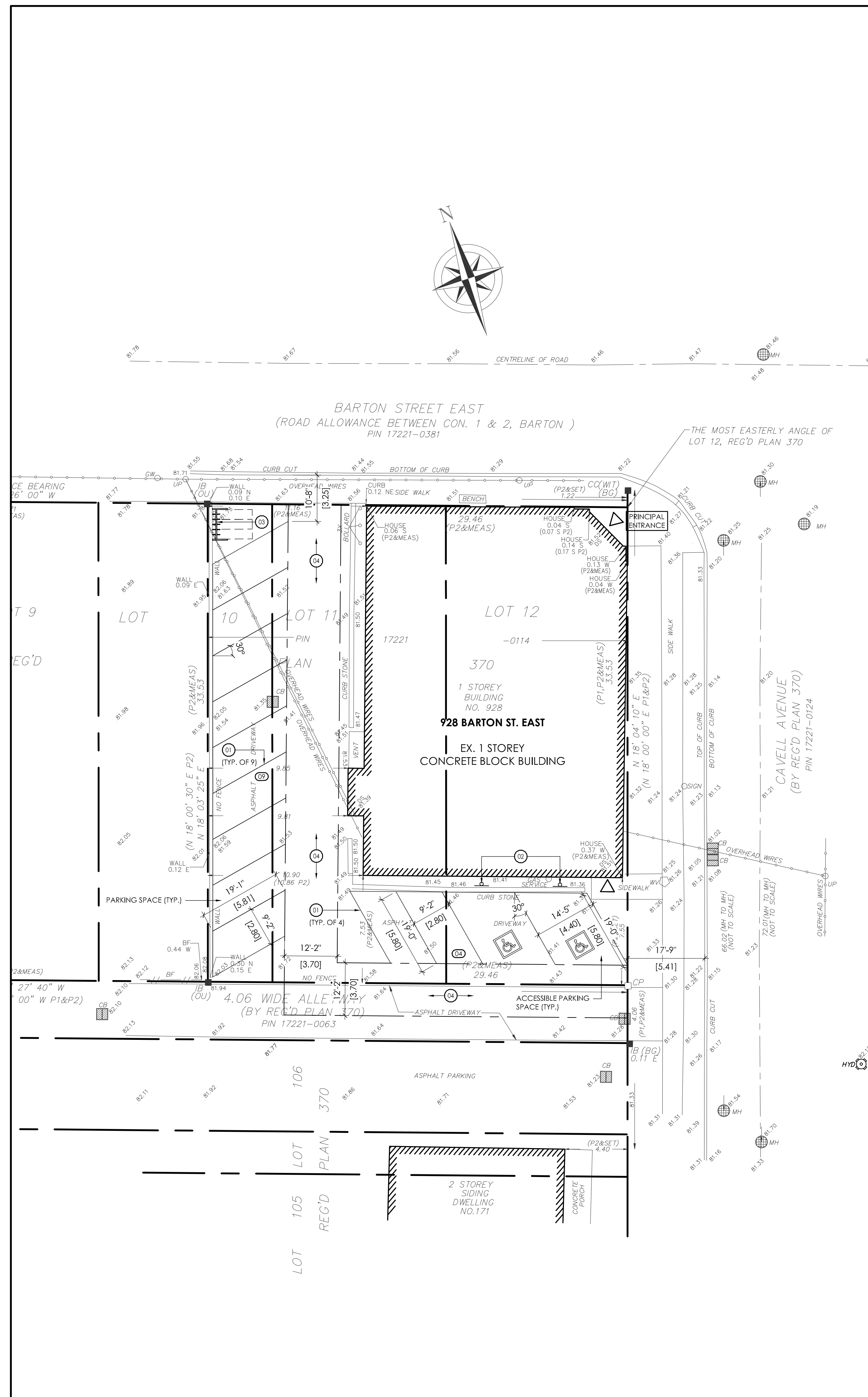
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: April 6th, 2021.

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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.***



**SURVEY INFORMATION**

SURVEY INFORMATION TAKEN FROM SURVEY BY:  
 J. H. GIBBOLSON SURVEYING LIMITED  
 ONTARIO LAND SURVEYOR  
 476 MORDEN ROAD, UNIT 102, OAKVILLE, ONTARIO, L6K 3W4  
 905-338-8210

SURVEY DATED FEBRUARY 26, 2021

PART OF LOT 10 AND  
 ALL OF LOTS 11 AND 12  
 REGISTERED PLAN 370  
 CITY OF HAMILTON

**LEGEND**

|         |   |
|---------|---|
| ---     | PROPERTY LINE   |
| - - - - | DASHED LINES ILLUSTRATE EXISTING ELEMENTS TO BE REMOVED |
| HYD     | DENOTES FIRE HYDRANT                                    |
| CB      | DENOTES CATCH BASIN                                     |
| MH      | DENOTES MAINTENANCE HOLE                                |
| WV      | DENOTES WATER VALVE                                     |
| BOL     | DENOTES BOULARD   |
| UP      | DENOTES UTILITY POLE                                    |
| GW      | DENOTES GUY WIRE  |
| GM      | DENOTES GAS METER                                       |
| PE      | PEDESTRIAN ENTRANCE                                     |
| 10      | No. OF PARKING SPACES                                   |

**CONSTRUCTION NOTES**

- NEW PARKING SPACE - 2.8m x 5.8m, UNLESS OTHERWISE NOTED.
- NEW ACCESSIBLE PARKING SPACE SIGN.
- NEW SHORT TERM BIKE RACK TO MEET REQUIREMENTS OF THE CITY OF HAMILTON ZONING BY-LAW. COLOUR TO BE SILVER OR LIGHT GRAY.
- TYPICAL 3.7m WIDE DRIVE ABLE WIDTH AS PER THE CITY OF HAMILTON ZONING BY-LAW.

**GENERAL NOTE**

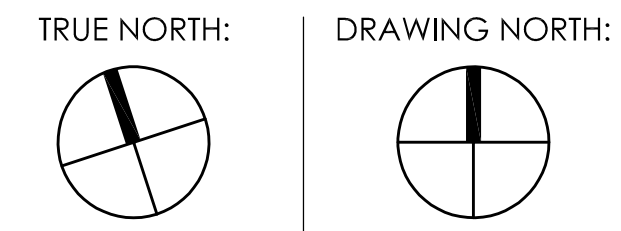
ALL ELEMENTS ILLUSTRATED ON THE SITE PLAN SHALL BE CONSIDERED AS EXISTING TO REMAIN UNLESS OTHERWISE NOTED ON THE DRAWING.

**SITE STATISTICS**

|  |   |  |                               |
|--|---|--|-------------------------------|
| 1.0 OWNER  | DR. LIMA  | ARCHITECT  | VAN GROLL & ASSOCIATES INC.   |
| 2.0 LOCATION                                       | 928 BARTON STREET EAST<br>HAMILTON, ON L8L 3C3                                | 295 ROBINSON ST. SUITE 300<br>OAKVILLE, ON L6J 1G7<br>(905) 339-2811 |                               |
| 3.0 LEGAL DESCRIPTION                              | PART OF LOT 10 AND ALL OF LOTS 11 AND 12 REGISTERED PLAN 370 CITY OF HAMILTON |  |                               |
| 4.0 ZONING INFORMATION                             | ZONING CATEGORY: MIXED USE MEDIUM DENSITY<br>ZONE CODE: S-3                   |  |                               |
| 5.0 EXISTING USE                                   | MEDICAL OFFICE  |  |                               |
| 6.0 LOT AREA                                       | 1988 m <sup>2</sup> / 10,535 SF   |  |                               |
| 7.0 COVERAGE                                       |   | METRIC (m <sup>2</sup> )   | IMPERIAL (ft <sup>2</sup> )   |
| EXISTING BUILDING TO REMAIN                        | 473   | 5,091  |                               |
| TOTAL COVERAGE                                     | 473   | 5,091  |                               |
| 8.0 BUILDING CLASSIFICATION                        | 3,2,2.55. GROUP D, UP TO 2 STOREYS  |  |                               |
| 9.0 BUILDING CONSTRUCTION                          | COMBUSTIBLE AND NON-COMBUSTIBLE PERMITTED                                     |  |                               |
| 10.0 RATING FOR ASSEMBLIES                         |   | HORIZONTAL ASSEMBLIES  | ROOF                          |
| 45min  | # OF COMBUSTIBLE CONSTRUCTION   | SUPPORTING MEMBERS FOR LOADBEARING WALLS, COLUMNS AND ARCHES         | # OF COMBUSTIBLE CONSTRUCTION |
| 11.0 GROSS FLOOR AREAS                             |   | METRIC (m <sup>2</sup> )   | IMPERIAL (ft <sup>2</sup> )   |
| CELLAR - EXISTING TO REMAIN (EXCLUDING MECH)       | 416   | 4,437  |                               |
| GROUND FLOOR - EXISTING TO REMAIN (EXCLUDING MECH) | 468   | 5,040  |                               |
| TOTAL GROSS FLOOR AREA                             | 468   | 5,040  |                               |
| 12.0 PARKING REQUIRED                              | REQUIRED  | PROVIDED   |                               |
| 1.0 FOR EACH 100 m <sup>2</sup> OF G.F.A.          | 29  | 13   |                               |
| TOTAL PARKING                                      | 29  | 13   |                               |
| BARRIER FREE SPACES                                | 2   | 2  |                               |
| 13.0 LOT COVERAGE                                  |   | METRIC (m <sup>2</sup> )   | PERCENTAGE                    |
| BUILDING AREA                                      | 473   | 48%  |                               |

STAMP:

DRAWINGS SHALL NOT BE SCALED.  
 CONTRACTOR SHALL VERIFY ALL DIMENSIONS, SPECIFICATIONS AND DRAWINGS ON SITE AND REPORT ANY DISCREPANCIES TO THE ARCHITECT PRIOR TO PROCEEDING WITH ANY OF THE WORK.



| REF. | DATE     | DESCRIPTION                 |
|------|----------|-----------------------------|
| 01   | 08.03.21 | ISSUED FOR CoFA APPLICATION |

**VGA** ARCHITECTURE

van Groll & Associates Inc.  
 295 Robinson Street, Suite 300  
 Oakville, ON L6J 1G7  
 (905) 339-2811  
 www.vangrollassociates.com

CLIENT:

PROJECT:  
**DR. LIMA  
 MEDICAL CLINIC  
 INTERIOR ALTERATION**

ADDRESS: 928 BARTON STREET, EAST  
 HAMILTON, ON. L8L 3C3

DRAWING TITLE:  
**SITE PLAN AND SITE STATISTICS**

DATE: 2021.03.01 SCALE: AS NOTED

DRAWN: M.G. SHEET NUMBER:  
**20-174-103 A1.1**

JOB NUMBER:

01 SITE PLAN  
 A1.1 SCALE: 1" = 60'-0"



**Committee of Adjustment**

City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**APPLICATION FOR A MINOR VARIANCE**

|                             |  |
|-----------------------------|--|
| <b>FOR OFFICE USE ONLY.</b> |  |
| APPLICATION NO. _____       | DATE APPLICATION RECEIVED _____        |
| PAID _____                  | DATE APPLICATION DEEMED COMPLETE _____ |
| SECRETARY'S SIGNATURE _____ |  |

**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, 2                        | NAME                        | ADDRESS |               |
|-----------------------------|-----------------------------|---------|---------------|
| <b>Registered Owners(s)</b> | 5006994 Ontario Inc.        |         | Phone: _____  |
|                             |                             |         | E-mail: _____ |
| <b>Applicant(s)*</b>        | Black-Hart Construction Inc |         | Phone: _____  |
|                             |                             |         | E-mail: _____ |
| <b>Agent or Solicitor</b>   | WEBB Planning Consultants   |         | Phone: _____  |
|                             |                             |         | E-mail: _____ |

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

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:
- Scotia Wealth Management - Waterloo  
Investment service in Waterloo, Ontario  
Address: 115 King St S suite 210, Waterloo, ON N2J 5A3  
Phone: (519) 743-3387

**Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled**

4. Nature and extent of relief applied for:

Notwithstanding the requirement to provide 29 parking spaces, a maximum of 13 spaces will be provided

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

Adaptive re-use of the existing building for a medical clinic, property has deficient area to accommodate the required number of parking spaces

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

Part of Lot 10 and all of lots 11 & 12, Registered Plan 370  
928 Barton Street East

7. PREVIOUS USE OF PROPERTY

Residential  Industrial  Commercial   
Agricultural  Vacant

Other \_\_\_\_\_

8.1 If Industrial or Commercial, specify use Medical Office (not legal), Credit Union prior to that

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

Yes  No  Unknown

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

Yes  No  Unknown

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

Yes  No  Unknown

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

Yes  No  Unknown

8.6 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

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

Yes  No  Unknown

8.8 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

8.9 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

8.10 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

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

Site inspection, discussion with owner

8.12 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

## 9. 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

Hermenio Lima

\_\_\_\_\_  
Print Name of Owner

10. Dimensions of lands affected:

Frontage 29.46 m

Depth 33.5

Area 988 sq. metres

Width of street 20 metres (Barton 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: \_

Building dimensions of 26m x18.2 m, single storey, ground floor area of 475 sq. metres

Refer to accompanying Plan of Survey for further details

Proposed

No changes to the exterior of the existing building

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

Existing:

FY: 0.0m, Ext SY: 0.0m, Interior SY: 9.8m, RY: 7.5m

Proposed:

No changes to the exterior of the building

13. Date of acquisition of subject lands:  
August 2019
- 
14. Date of construction of all buildings and structures on subject lands:  
Unknown
- 
15. Existing uses of the subject property:  
Single storey building, currently vacant
16. Existing uses of abutting properties:  
Commercial and low density Residential
17. Length of time the existing uses of the subject property have continued:  
In excess of 10 years
18. Municipal services available: (check the appropriate space or spaces)
- |                |            |           |            |
|----------------|------------|-----------|------------|
| Water          | <u>Yes</u> | Connected | <u>Yes</u> |
| Sanitary Sewer | <u>Yes</u> | Connected | <u>Yes</u> |
| Storm Sewers   | <u>Yes</u> |           |            |
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Mixed Use Medium Density
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
C5 Zone, Zoning By-law No. 05-200
21. Has the owner previously applied for relief in respect of the subject property?  
 Yes  No  
 If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?  
 Yes  No
23. Additional Information
24. 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.



March 9, 2021

City of Hamilton  
Planning & Economic Development Department  
Committee of Adjustment  
71 Main Street West  
Hamilton ON L8P 4Y5

Attention: Ms. Jamila Sheffield  
Secretary Treasurer

Dear Ms. Sheffield,

**Re:** Application for Minor Variance  
928 Barton Street East, City of Hamilton

---

WEBB Planning Consultants are retained by the owners of the property located at 928 Barton Street East to provide land use planning services in connection with the proposed adaptive re-use of the existing building for a medical clinic.

The subject property is located in the Crown Point West Neighbourhood of the lower City of Hamilton. The parcel is a corner lot with 29.4 metres of frontage on Barton Street East and 33.5 metres of flankage on Cavell Avenue. The property has an area of 988 square metres.

The property is presently occupied by a vacant single storey building that has historically been in use as a medical clinic and previously a financial institution. The building has a footprint of 473 square metres and sited with zero setbacks from both street lines. On-site parking is presently provided to the side and rear of the building, accessed via an existing driveway connection to Barton Street and an existing municipal laneway at the rear of the property that extends from Cavell Avenue to Avondale Street.

Contextual considerations of the property include the proximity to public transit with a bus stop immediately in front of the property, the availability of on-street parking on Barton Street, and a location within a thriving residential neighbourhood that has the necessary supports to encourage active transportation including walking and cycling.

Consistent with the prior use as a medical clinic, the new owners propose an adaptive re-use of the building for a similar use. However, according to City records the last recognized use does not include a medical clinic in which case the successful processing of a Building Permit is required to permit the change in use. As part of the Building Permit process the City shall be satisfied that the intended use is permitted, and the applicable performance Regulations of the Zoning By-law are met.

Based on our review of the Zoning By-law it is confirmed that the intended use as a medical clinic is a permitted use and the location and configuration of the building is deemed to be



legal non-confirming. However, a medical clinic has a parking ratio of one space per 16.0 square metres of floor area which equates to a requirement of 29 spaces based on the gross floor area of 473 square metres. As only 13 parking spaces can be achieved on the property, a Minor Variance is necessary.

The applicable Planning Policy framework to assess the proposed Variance includes the Urban Hamilton Official Plan and Zoning By-law 05-200. In addition, it is noted that the property is located within the study limits of the Council adopted Barton & Kenilworth Commercial Corridor Study. As required by the Planning Act, any Variance shall be evaluated in the context of the Four Tests of Section 45 (1).

According to the UHOP, the property is designated as Mixed Use Medium Density and Barton Street is identified as an arterial road. The MUM designation is intended to apply to traditional “main street” areas outside of the downtown and promote the continuation of the areas as pedestrian oriented mixed uses areas.

The intent to use the property as a medical clinic conforms with the Permitted uses for the designation, as well as, the intended scale of development – low and mid rise buildings developed as either stand alone or mixed use buildings. The adaptive re-use of the existing building generally complies with the Urban Design objectives for the designation with the building located at the street edge which reinforces the historic pedestrian focus of the street enhanced by the location of the on-site parking to the side and rear of the building.

Policies for parking and loading are provided in Section C.4.0 of the UHOP - Integrated Transportation Network.

With regard to Zoning, the property has been rezoned to the “C5” Zone – Mixed Use Medium Density Zone per Zoning By-law 05-200.

As summarized below, the Variance has been considered in the context of the four tests outlined by Section 45 (1) of the Planning Act and in all respects comply.

**The Variance has been considered in the context of the Official Plan and in our opinion maintains the general purpose and intent.**

The subject lands are designated as Mixed Use Medium Density by the UHOP.

The form and scale of development is permitted by the Policies for the MUM designation and represents an appropriate form and scale of use at a location within the central area of the City, in close proximity to transit and a surrounding neighbourhood having an expansive range of services, entertainment and employment and housing options.

According to the Integrated Transportation Network Policies C.4.5.15 thru C.4.5.18, parking requirements are to be regulated through the Zoning By-law and shall ensure adequate

parking while avoiding excess parking supply that can discourage transit use and active transportation choices.

Parking options and related incentives for transit and active transportation can be improved by the implementation of Transportation Demand Measures (TDM) including the provision of secure bicycle parking and proximity to public transit. The potential negative impacts of parking on the urban environment and, in particular pedestrian activity, can be minimized by the placement of parking to the sides and rear of buildings where feasible.

The location and proposed layout for the property enables parking that is separated from the pedestrian realm by maintaining a location to the side and the rear of the building, minimizing any impacts to the active pedestrian environment of Barton Street. To encourage alternative transportation options, the Site Plan is showing secure and conveniently located bike parking. The property is conveniently located within an established neighbourhood wherein patients and employees will have the benefit of full range of alternative transportation choices, these measures are examples of TDM measures that would support a reduction in on-site parking.

**The Variance has been considered in the context of the Zoning By-law and in our opinion maintains the general purpose and intent.**

The intent of the Zoning By-law is to ensure adequate parking is provided for particular uses based on prescribed ratios. In case of a medical clinic, the ratio is higher compared to retail commercial or personal service type uses. In this example, a total of 13 spaces are being provided, including two spaces that meet the design standards for barrier free parking.

The parking ratios however are not reflective of locational considerations and TDM measures such as proximity to transit, secure bicycle parking, and location within a neighbourhood that supports active transportation with a vibrant and safe pedestrian environment. Further, it is noted that there is on-street metered parking available on Barton Street that will support parking needs for the subject property.

The City recently completed a comprehensive study for the area – The Barton & Kenilworth Commercial Corridors Study. The study acknowledged the historical decline of the vibrancy of the corridors manifested in vacant and neglected properties. The Study was commissioned recognizing the emerging desire to see the corridors revitalized with a vision of buildings and streetscapes that contribute to the positive image of the street and adjacent neighbourhoods.

Parking is identified in the Study as a key consideration and impediment to revitalization in the context of the cost and feasibility of development. The study specifically recommended alternative parking standards for Barton Street that reflect the urban context, market realities and low car ownership levels. The study recommended reductions to parking standards in the range of 50% along Barton Street to reflect the characteristics of the

neighbourhood as an incentive, especially where there is an existing urban built form having limited space for parking.

The proposed parking reduction is therefore consistent with the recommendations of the Barton & Kenilworth Commercial Corridors Study with the resulting benefit of adaptive re-use of an existing building for a use that will contribute to revitalization of the neighbourhood.

### **The Variance is Minor.**

The appropriate test to establish that the Variances are minor is to consider if any adverse or negative impacts arise from the development.

The property has historically been in use for commercial and service uses with a limited parking supply, the current site plan shows the provision of 13 spaces including two barrier free spaces.

The reduced supply of on-site parking is mitigated by the availability of metered parking on Barton Street and additional parking on the adjoining residential streets. Any overflow parking onto the residential streets is not anticipated to have a negative impact based the intended hours of operation of the clinic which are opposite to demand for residential parking which occurs during evenings and weekends.

The Barton Street # 2 Bus Route provides regular bus service in both directions along Barton Street with stops located immediately adjacent to the property.

Based on the availability of additional and immediate parking supply, as well as, a location that is well served by transit with options for alternative transit, no adverse impacts are anticipated.

### **The proposed development is desirable for the appropriate development of the lands.**

It is our opinion that the Variance will provide for the desirable and appropriate development of the lands.

The new owners are seeking an adaptive re-use of an existing building that will contribute to the continued revitalization of Barton Street. The proposed Variance reflects a pre-existing condition wherein the property has limited space for parking relative to the potential floor area that can accommodate a desired medical use that will have a positive contribution to the health and well being of the adjoining neighbourhood. The location of the parking is at the side and rear of the building which minimizes potential impacts to the urban streetscape and pedestrian environment.

Approval of the Variance will enable the adaptive re-use of a highly visible property that will contribute the revitalization of the Barton Street Corridor. The Variance will enable the full

Attn.: Ms. Jamila Sheffield  
Re: Application for MV, 928 Barton Street

March 9, 2021  
Page 5

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utilization of the existing building for a permitted use. The proposal is an example of the type of redevelopment that is encouraged by the Barton & Kenilworth Commercial Corridors Study, facilitating the retention and revitalization of a vacant and neglected building for a use that will have desired community benefits.

In summary, it is our opinion that the Variance required to implement the proposal meets the four tests of the Planning Act and will provide for the appropriate redevelopment of the property.

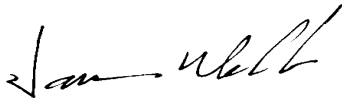
In keeping with the City's requirements for the submission of an Application for Minor Variance, the following materials are enclosed:

- Application for Minor Variance;
- Application Fee of \$3,320.00 payable to the City of Hamilton;
- Preliminary Site Plan, prepared by VGA Architecture.

We trust that you will find the enclosed materials complete and suitable for the purpose of processing this Application for Minor Variance. Please contact our office immediately should you have any questions or require additional information in support of this submission.

Yours truly,

**WEBB Planning Consultants Inc.**



James Webb, MCIP, RPP



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5  
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202  
 E-mail: [cofa@hamilton.ca](mailto: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

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**APPLICATION NO.:** HM/A-21:89

**APPLICANTS:** K. Soulier on behalf of the owner N.L. Fuller

**SUBJECT PROPERTY:** Municipal address **377 Charlton Ave. W., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended 19-307

**ZONING:** "D/S-1787" (Urban Protected Residential - One and Two Family Dwellings and etc.) district

**PROPOSAL:** To permit the construction of a 2.0m (6'6½") x 5.85m (18'0") roofed-over unenclosed one storey front porch at the first storey and a 5.5m (18'0½") x 6.71m (22'0") one storey rear addition onto the existing single family dwelling and to recognize the location of a 6.096m (20'0") x 6.502m (21'4") detached garage under construction notwithstanding that:

1. The roofed-over unenclosed one-storey front porch at the first storey level, including eaves, gutters and stairs, shall be permitted to project entirely into the required front yard and shall be 0.0m from the front lot line and the beam, lintel or crown of an arch on the roofed-over unenclosed one-storey front porch at the first storey level shall be permitted to be no more than 0.4m in depth instead of the requirement that a roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level, including eaves, gutters and stairs, may project into a required front yard (being 6.0m) to a distance of not more than 3.0 metres and every such projecting porch shall be distant at least 1.5 metres from the front lot line and the requirement that the beam, lintel or crown of an arch on the roofed-over unenclosed one-storey front porch at the first storey level shall be no more than 0.3 metres in depth.
2. A minimum westerly side yard width of 0.7m shall be permitted instead of the minimum required side yard width of 0.9m.
3. Eaves and gutters may project not more than 0.4m into the minimum required 0.7m westerly side yard so that the eaves and gutters are as close as 0.3m to the westerly side lot line instead of the requirement that eaves and gutters may project into a required side yard (being 0.7m) not more than one-half of its width (being 0.35m).
4. A minimum easterly side yard width of 0.8m shall be permitted instead of the minimum required side yard width of 0.9m.
5. Eaves and gutters on the detached garage may project not more than 0.45m into the minimum required 0.45m side yard for accessory buildings so that the eaves and gutters

HM/A-21:89

Page 2

are as close as 0.0m to both the easterly and westerly side lot lines instead of the requirement that eaves and gutters may project into a required side yard (being 0.45m) not more than one-half of its width (being 0.225m).

NOTE:

i) No Building or Elevation Plans were submitted with the application.

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

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**DATE:** Thursday, April 22nd, 2021  
**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](http://www.hamilton.ca/committeeofadjustment)  
 for viewing purposes only

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## 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:

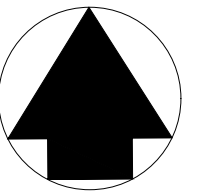
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: April 6th, 2021.

---

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 NORTH

**NOTE:**  
THE CONTRACTOR WILL CHECK AND VERIFY ALL DIMENSIONS AND SITE CONDITIONS ON THE JOB AND REPORT ANY DISCREPANCY TO THE DESIGNER PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. ALL DRAWINGS ARE THE PROPERTY OF THE DESIGNER AND MAY NOT BE COPIED, REPRODUCED OR ALTERED WITHOUT WRITTEN PERMISSION FROM THE DESIGNER. ANY PROPOSED ALTERATIONS TO THE CONSTRUCTION AS SHOWN ON THE DESIGN DRAWINGS, MUST BE VERIFIED BEFORE COMMENCEMENT BY THE DESIGNER.

| REVISIONS |                             |              |
|-----------|-----------------------------|--------------|
| no.       | description                 | date         |
| 1         | ISSUED FOR C of Adj         | FEB 24, 2021 |
| 2         | REVISED AS PER ZONING DEPT. | MAR 22, 2021 |

| BCIN INFORMATION  |             |
|---|-------------|
| 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 2.17.5.1 of the building code  |             |
| NAME  | 25640       |
| ANDREW GRIFFITHS  |             |
| SIGNATURE   | BCIN / BCIN |
| REGISTRATION INFORMATION  |             |
| Required unless design is exempt under 2.17.4.1 of the building code  |             |
| ARCHIMAGE   | 30133       |
| FIRM NAME   | BCIN / BCIN |

**ARCHIMAGE**  
DESIGN & DRAFTING SERVICES INC  
1281 Richmond Rd, Burlington, Ontario  
Ph: 905-331-8453  
info@archimage.ca, www.archimage.ca

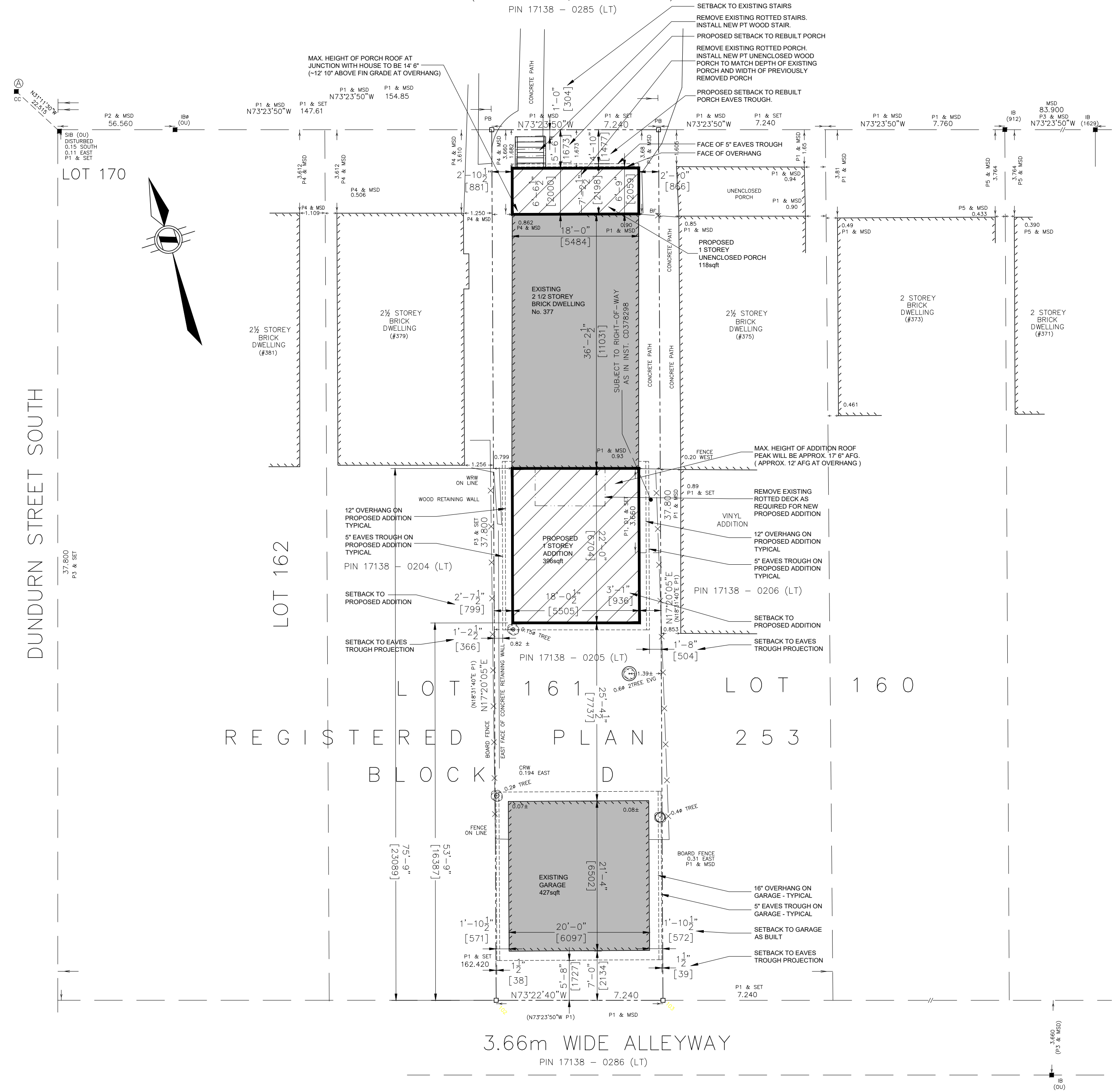
**FOR MINOR VARIANCE APP**

CLIENT/PROJECT:  
REPLACEMENT FRONT PORCH AND PROPOSED NEW ADDITION FOR FULLER RESIDENCE  
377 CHARLTON AVE WEST  
HAMILTON, ONTARIO

DRAWING:  
**SITE PLAN SITE DATA**

|           |              |             |         |
|-----------|--------------|-------------|---------|
| scale:    | 3/32"=1'-0"  | project no. | 21-02-M |
| date:     | FEB 24, 2021 | sheet no.   | A1.0    |
| drawn by: | AWG          | checked by: | AWG     |
|           |              | 1 of 1      |         |

**CHARLTON AVENUE WEST**  
(FORMERLY MAPLE STREET, BY REGISTERED PLAN 253)  
PIN 17138 - 0285 (LT)



THIS SITE PLAN INFORMATION TAKEN FROM SURVEY BY.....  
A.T. MCLAREN LIMITED  
ONTARIO LAND SURVEYOR  
69 JOHN ST S, SUITE 230,  
HAMILTON, ONTARIO, L8N 2B9  
tel. 905 527 8559  
THE SURVEY WAS COMPLETED ON  
FEBRUARY 12, 2020  
SURVEYOR'S REAL PROPERTY REPORT  
LOT 161, BLOCK D  
REGISTERED PLAN No. 253  
CITY OF HAMILTON

**SITE DATA - 377 CHARLTON AVE W**

ZONING D (S - 1787)

LOT AREA ..... 273.69m<sup>2</sup> (2946ft<sup>2</sup>)

EXISTING HOUSE FOOTPRINT ..... 60.66m<sup>2</sup> (653ft<sup>2</sup>)

EXISTING DEMOLISHED PORCH ..... 6.04m<sup>2</sup> (65ft<sup>2</sup>)

NEW PORCH ..... 10.96m<sup>2</sup> (118ft<sup>2</sup>)

REPLACE STAIRS TO PORCH ( NEW AND DEMOLISH ) ..... 1.77m<sup>2</sup> ( 19ft<sup>2</sup> )

EXISTING GARAGE FOOTPRINT ..... 39.67m<sup>2</sup> ( 427ft<sup>2</sup> )

PROPOSED REAR ADDITION ..... 36.79m<sup>2</sup> ( 396ft<sup>2</sup> )

LOT COVERAGE - EXISTING EXCLUDING EX GARAGE ..... 25%

- PROPOSED INCL NEW PORCH & ADDITION ..... 40%

- ALLOWED (WITHIN SETBACKS) ..... 43%

GARAGE WOULD COVER APPROX. 27% OF SIDE YARD AND REAR YARD AREAS WITH NEW ADDITION

EXISTING MAIN BUILDING HEIGHT (2 1/2 STOREYS) ..... ~10.0m (32.81')

**SETBACKS**

FRONT YARD REQUIRED ..... 6.0m (19.69')

FRONT YARD EXISTING TO PORCH ..... 1.673m (5.50')

FRONT YARD PROPOSED TO PORCH ..... 1.673m (5.50')

SIDE YARD REQUIRED (BOTH) ..... 1.2m (3.94')

SIDE YARD EXISTING ..... 0.799m (2.65') & 0.930m (3.05')

SIDE YARD PROPOSED ..... 0.799m (2.65') & 0.930m (3.05')

REAR YARD REQUIRED ..... 7.5m (24.6')

REAR YARD EXISTING ..... 23.09m (75.75')

REAR YARD PROPOSED ..... 16.39m (53.75')

**SITE INFO**

3.66m WIDE ALLEYWAY  
PIN 17138 - 0286 (LT)

**SITE PLAN**



**Committee of Adjustment**  
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
 Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**APPLICATION FOR A MINOR VARIANCE**

|                             |  |
|-----------------------------|--|
| <b>FOR OFFICE USE ONLY.</b> |  |
| APPLICATION NO. _____       | DATE APPLICATION RECEIVED _____        |
| PAID _____                  | DATE APPLICATION DEEMED COMPLETE _____ |
| SECRETARY'S SIGNATURE _____ |  |

**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, 2                 | NAME                                   | ADDRESS    |   |
|----------------------|--|------------|---|
| Registered Owners(s) | Nola Fuller                            | [REDACTED] | Phone: [REDACTED]<br>E-mail: [REDACTED] |
| Applicant(s)*        | Kurtis Soulier - Madikade Construction | [REDACTED] | Phone: [REDACTED]<br>E-mail: [REDACTED] |
| Agent or Solicitor   | Kurtis Soulier - Madikade Construction | [REDACTED] | Phone: [REDACTED]<br>E-mail: [REDACTED] |

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

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

*[Handwritten signature]*

\*



Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

4. Nature and extent of relief applied for:

Side yard setbacks for addition + deck.  
Front yard setback for deck stairs.

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

Addition and deck to be built full width of house which doesn't comply with new rule setbacks.

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

Residential Single Family Dwelling  
377 Charlton Avenue West.  
Site plan project # 21-02-M.

7. PREVIOUS USE OF PROPERTY

Residential  Industrial  Commercial   
Agricultural  Vacant

Other \_\_\_\_\_

- 8.1 If Industrial or Commercial, specify use \_\_\_\_\_

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

Yes  No  Unknown

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

Yes  No  Unknown

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

Yes  No  Unknown

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

Yes  No  Unknown

- 8.6 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

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

Yes  No  Unknown

- 8.8 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

- 8.9 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

8.10 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

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

Site Survey - Site Plan Data.

8.12 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

**9. 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 Feb 19, 2021

Signature Property Owner 

Print Name of Owner Nola Fuller

10. Dimensions of lands affected:

Frontage 7.24 m = 23'5"  
 Depth 75'9"  
 Area 273.69 m<sup>2</sup> = 2946 ft<sup>2</sup>  
 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: House - \* Attached to site plan  
 Garage - due to small space \*  
 Deck - on this sheet.

Proposed:  
 Deck -  
 Addition -

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

Existing: House - \* Attached to site plan  
 Garage - due to small space \*  
 Deck - on this sheet.

Proposed:  
 Deck -  
 Addition -

13. Date of acquisition of subject lands:  
Jan 18, 2017
14. Date of construction of all buildings and structures on subject lands:  
Home = 1911 Garage = 2020
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:
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. Additional Information  
\* Please see site data info on site plan for answers to questions 10, 11, 12.
24. 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.





Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5  
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202  
 E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

# NOTICE OF PUBLIC HEARING

## Application for Consent/Land Severance

APPLICATION NUMBER: HM/B-21:16

SUBJECT PROPERTY: 218 Beach Blvd., 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 S. Fraser  
 Owner Z. Zarifa & M. Metias

**PURPOSE OF APPLICATION:** To permit the conveyance of a vacant parcel of land and to retain a vacant parcel of land. Both parcels are intended for residential purposes.

**Severed lands:**  
 13.8m<sup>±</sup> x 60.4m<sup>±</sup> and an area of 830m<sup>2</sup> per ha<sup>±</sup>

**Retained lands:**  
 13.8m<sup>±</sup> x 56.7m<sup>±</sup> and an area of 812m<sup>2</sup> per ha<sup>±</sup>

The Committee of Adjustment will hear this application on:

**DATE:** Thursday, April 22<sup>nd</sup>, 2021  
**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](http://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-21: 16  
PAGE 2

## MORE INFORMATION

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

- Visit [www.hamilton.ca/committeeofadjustment](http://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](mailto:cofa@hamilton.ca)

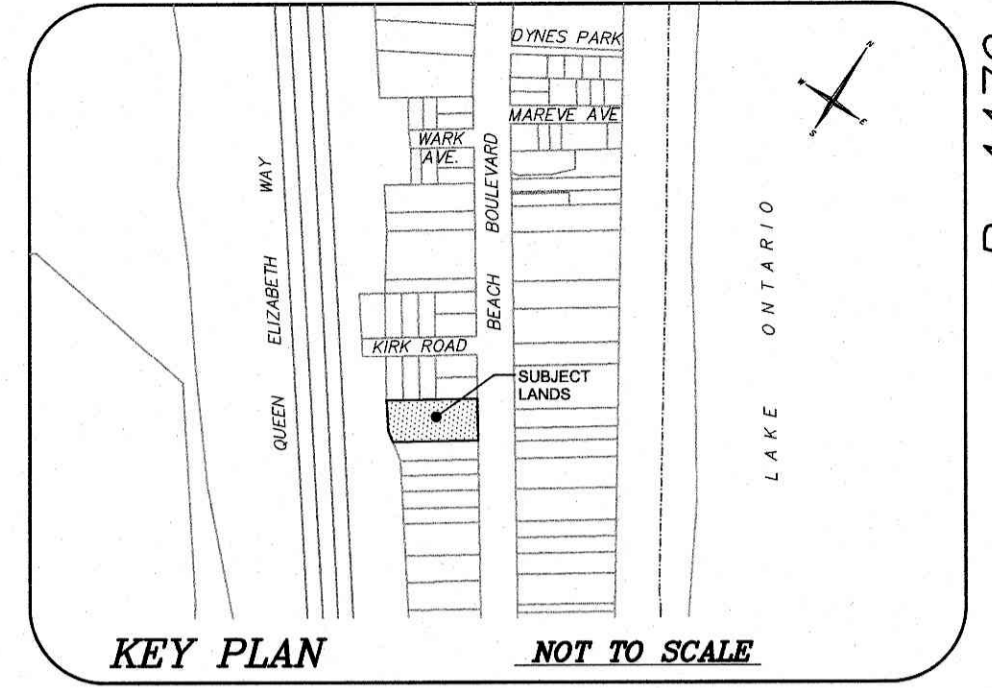
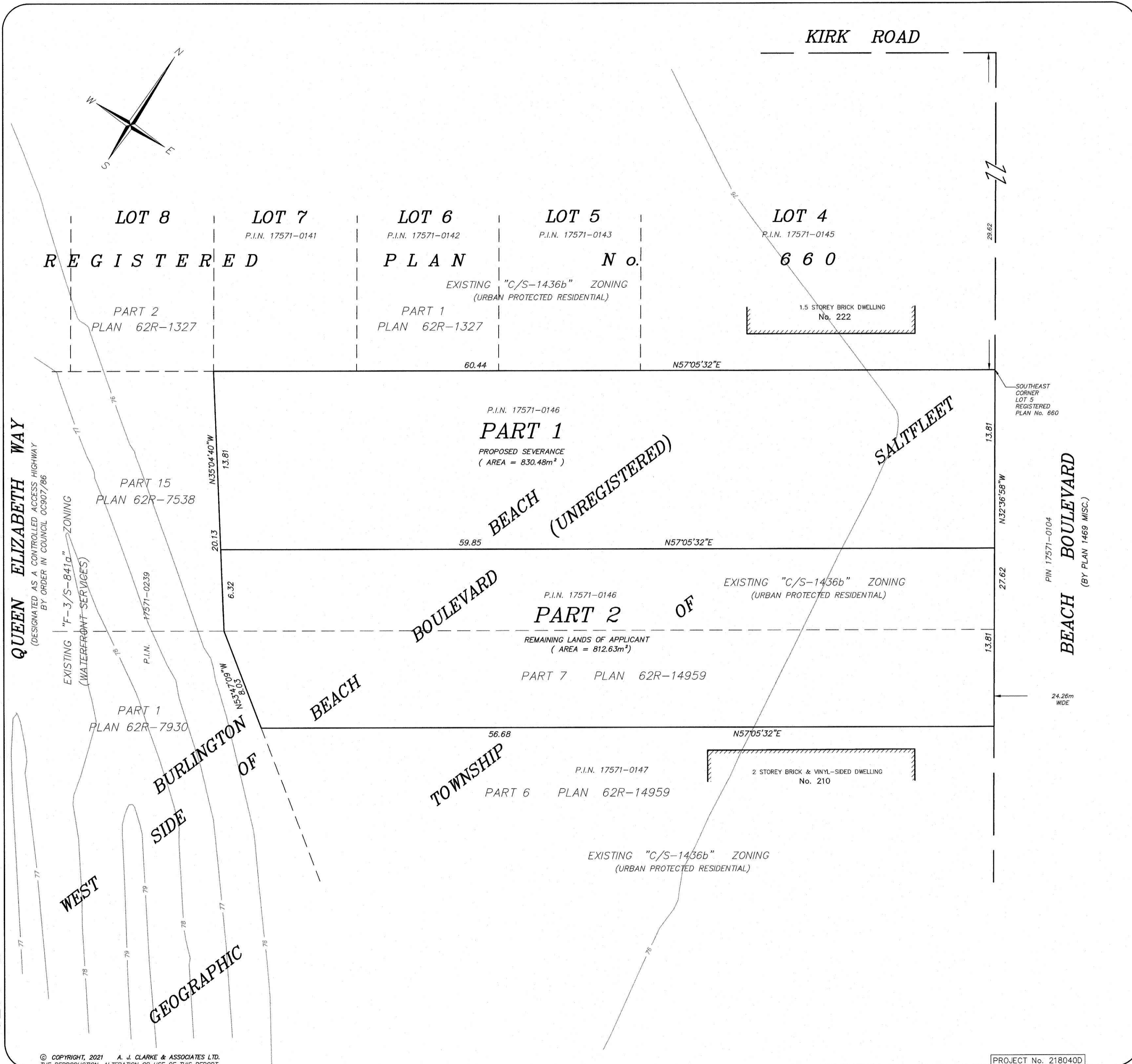
DATED: April 6<sup>th</sup>, 2021

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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.***

R-4479



SKETCH FOR CONSENT TO SEVER  
**218 BEACH BOULEVARD**  
**CITY OF HAMILTON**

SCALE 1:200

THE ABOVE NOTED LANDS ARE PART OF BURLINGTON BEACH WEST SIDE OF BEACH BOULEVARD (UNREGISTERED) IN THE GEOGRAPHIC TOWNSHIP OF SALTFLEET

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

**NOTE:**  
THE BOUNDARIES AND MEASUREMENTS SHOWN ON THIS SKETCH ARE APPROXIMATE AND ARE COMPILED FROM PLANS ON FILE IN OUR OFFICE AND IS NOT BASED ON A FIELD SURVEY.

THIS SKETCH IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY OR CERTIFIED DIGITAL COPY ISSUED BY THE SURVEYOR

THIS SKETCH IS PREPARED TO ACCOMPANY AN APPLICATION TO THE LAND DIVISION COMMITTEE REQUESTING A GRANT OF SEVERANCE AND IS NOT INTENDED FOR REGISTRATION.

**CONSENT SCHEDULE:**

|                                       |                           |
|---------------------------------------|---------------------------|
| PART 1 (PROPOSED SEVERANCE)           | AREA=830.48m <sup>2</sup> |
| PART 2 (REMAINING LANDS OF APPLICANT) | AREA=812.63m <sup>2</sup> |

**CAUTION:**  
THIS IS NOT A PLAN OF SUBDIVISION AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES.

DATE: FEBRUARY 19, 2021

NICHOLAS P. MUTH  
ONTARIO LAND SURVEYOR

**A. J. Clarke and Associates Ltd.**  
SURVEYORS • PLANNERS • ENGINEERS  
25 MAIN STREET WEST, SUITE 300  
HAMILTON, ONTARIO, L8P 1H1  
TEL. 905-528-8761 FAX 905-528-2289  
email: [ajc@ajclarke.com](mailto:ajc@ajclarke.com)

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HubbaT - to 2/UNREG Burlington Beach/218 Beach Blvd (2180400)/CURRENT/W-4479.dwg, Model



Hamilton

**Committee of Adjustment**City Hall, 5<sup>th</sup> Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**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    |                |
|-----------------------------|---|------------|----------------|
| <b>Registered Owners(s)</b> | Daoud Zarifa & Marie Metias;                    | [REDACTED] | <b>Phone:</b>  |
|                             | Hany Bestaorous & Rasha Mikhael                 |            | <b>E-mail:</b> |
| <b>Applicant(s)*</b>        | A.J Clarke & Associates Ltd. c/o Stephen Fraser | [REDACTED] | <b>Phone:</b>  |
|                             |   |            | <b>E-mail:</b> |
| <b>Agent or Solicitor</b>   | Same as Applicant                               |            | <b>Phone:</b>  |
|                             |   |            | <b>E-mail:</b> |

\* 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<br>Hamilton               | Lot    | Concession         | Former Township     |
| Registered Plan N°.                             | Lot(s) | Reference Plan N°. | Part(s)             |
| Municipal Address<br><b>218 Beach Boulevard</b> |        |                    | 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:

N/A

**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 lotOther:  a charge



- addition to a lot
- an easement

- 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:

N/A

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

N/A

**4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION**

4.1 Description of land intended to be **Severed**: Part 1 on attached Plan

| Frontage (m) | Depth (m) | Area (m <sup>2</sup> or ha) |
|--------------|-----------|-----------------------------|
| 13.81        | 60.44     | 830.48                      |

Existing Use of Property to be severed:

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

Proposed Use of Property to be severed:

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

Building(s) or Structure(s):

Existing: vacant

Proposed: Single Detached Dwelling

Type of access: (check appropriate box)

- provincial highway
- municipal road, seasonally maintained
- municipal road, maintained all year
- right of way
- other public road

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
- privately owned and operated individual well
- lake or other water body
- other means (specify)

Type of sewage disposal proposed: (check appropriate box)

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

4.2 Description of land intended to be **Retained**: Part 2 on attached Plan

| Frontage (m) | Depth (m) | Area (m <sup>2</sup> or ha) |
|--------------|-----------|-----------------------------|
| 13.81        | 56.68     | 812.63                      |

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

Building(s) or Structure(s):

Existing: vacant

Proposed: Single Detached Dwelling

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

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

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

**5 CURRENT LAND USE**

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

Rural Hamilton Official Plan designation (if applicable): N/A

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

Severing the land for residential purposes is consistent with the Official Plan designation.

5.2 What is the existing zoning of the subject land? C/S-1436b - Urban Protected Residential Etc.

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"/> |   |

|  |                          |      |
|--|--------------------------|------|
| <b>A provincially significant wetland within 120 metres</b>    | <input type="checkbox"/> |      |
| <b>A flood plain</b>   | <input type="checkbox"/> | 60 m |
| <b>An industrial or commercial use, and specify the use(s)</b> | <input type="checkbox"/> |      |
| <b>An active railway line</b>                                  | <input type="checkbox"/> |      |
| <b>A municipal or federal airport</b>                          | <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?  
Property owner information
- 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

A severance is consistent with the environmental and intensification policies of the Planning Act

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

A severance is consistent with the environmental and intensification policies of the PPS

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

A severance is consistent with the environmental and intensification policies of 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)

N/A

- 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)

N/A

- 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)

N/A

## 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.

N/A

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

N/A

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

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

the transferee and the land use.

N/A

8.4 How long has the applicant owned the subject land?

Since Nov 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.

N/A

**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.

N/A

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 N/A

Status N/A

**10 RURAL APPLICATIONS**

10.1 Rural Hamilton Official Plan Designation(s)

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

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
  - 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) | Area (m <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 (m <sup>2</sup> 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 (m <sup>2</sup> 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 (m <sup>2</sup> 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.

N/A

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

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

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

**13 ACKNOWLEDGEMENT CLAUSE**

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

March 4, 2021  
 \_\_\_\_\_  
 Date

Hany Bestaorous Digitally signed by Hany Bestaorous  
Date: 2021.03.04 09:46:59 -05'00'  
 \_\_\_\_\_  
 Signature of Owner



*A. J. Clarke and Associates Ltd.*  
SURVEYORS • PLANNERS • ENGINEERS

March 8, 2021

The City of Hamilton  
Committee of Adjustment  
Planning and Economic Development Department  
71 Main Street West, 5th Floor  
Hamilton, Ontario  
L8P 4Y5

***Via e-mail***

Attn: Ms. Jamila Sheffield  
Secretary-Treasurer, Committee of Adjustment

**Re: Severance Application  
218 Beach Boulevard, City of Hamilton**

---

Dear Madam,

On behalf of our clients, we are pleased to provide you with the enclosed submission in support of an application for consent to sever for the subject lands. Please find the following enclosed materials:

1. A cheque in the amount of \$2,860.00 made payable to the City of Hamilton, in payment of the requisite application fee;
2. One (1) Electronic copy of a signed and executed application form.
3. One (1) Electronic copy of a Severance Sketch, Prepared by A.J. Clarke and Associates, dated February 19, 2021.

The proposed development consists of a severance application to sever one parcel of land from the existing lot at 218 Beach Boulevard, in the City of Hamilton. The proposed severed and retained parcels are identified as Parts 1 & 2, respectively, on the enclosed severance sketch. Both the retained parcel and the severed parcel remain vacant.

Both the retained and the severed parcels will have a lot frontage of 13.81 metres. The future intent of the proposal is to construct a new single detached dwelling on each parcel of land. The retained lot (Part 2) will have an area of 812.63 square metres, and the severed lot (Part 1) will have an area of 830.48 square metres.

The subject lands are zoned Residential Protected etc. "C/S-1436b" Zone, modified. The proposed lots conform to the minimum lot size and lot frontage requirements of the "C/S-1436b" Zone.

I trust this is satisfactory for your purposes and thank you for your co-operation in this matter.

We look forward to being scheduled to the next available Committee date. Should you have any questions or require additional information, please do not hesitate to contact our office.





Yours very truly,

A handwritten signature in blue ink, appearing to be 'S. Fraser'.

Stephen Fraser, MCIP, RPP  
**A. J. Clarke and Associates Ltd.**

Encl.

Copy: Ramez Mikhael (client)





Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5  
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202  
 E-mail: [cofa@hamilton.ca](mailto: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

---

|                          |   |
|--------------------------|---|
| <b>APPLICATION NO.:</b>  | <b>HM/A-20:234</b>  |
| <b>APPLICANTS:</b>       | Owner K. & D. Wilkinson<br>Agent G. Day   |
| <b>SUBJECT PROPERTY:</b> | Municipal address <b>18 Morden St., Hamilton</b>  |
| <b>ZONING BY-LAW:</b>    | Zoning By-law 6593, as Amended by By-Law 75-135 & 19-307  |
| <b>ZONING:</b>           | "D"/S-1787district (Urban Protected Residential One and Two Family Dwellings)   |
| <b>PROPOSAL:</b>         | To permit the construction of a full 3rd storey addition to the existing single-family dwelling notwithstanding that; <ol style="list-style-type: none"> <li>1. A minimum front yard depth of 1.8 m shall be provided to the proposed new addition instead of the minimum required 6.0 m; and</li> <li>2. A 0.0 m side yard width shall be provided on the easterly side lot line instead of the minimum required side yard width of 2.7 m; and</li> <li>3. A minimum rear yard depth of 4.3 m shall be provided instead of the minimum required rear yard of 10.5 m; and</li> <li>4. Eaves and gutters shall be permitted to encroach the entire width of the south lot line for the proposed new 3rd storey addition instead of the maximum permitted encroachment into a required front yard not more than 1.5 m provided that no such projection shall be closer to a street line than 1.5 m</li> </ol> |

NOTE: The proposed addition does not exceed 8 habitable rooms; therefore, variances for parking have not been triggered.

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

---

**DATE:** Thursday, April 22nd, 2021  
**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](http://www.hamilton.ca/committeeofadjustment)  
 for viewing purposes only

---

HM/A-20: 234

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](http://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](mailto:cofa@hamilton.ca)

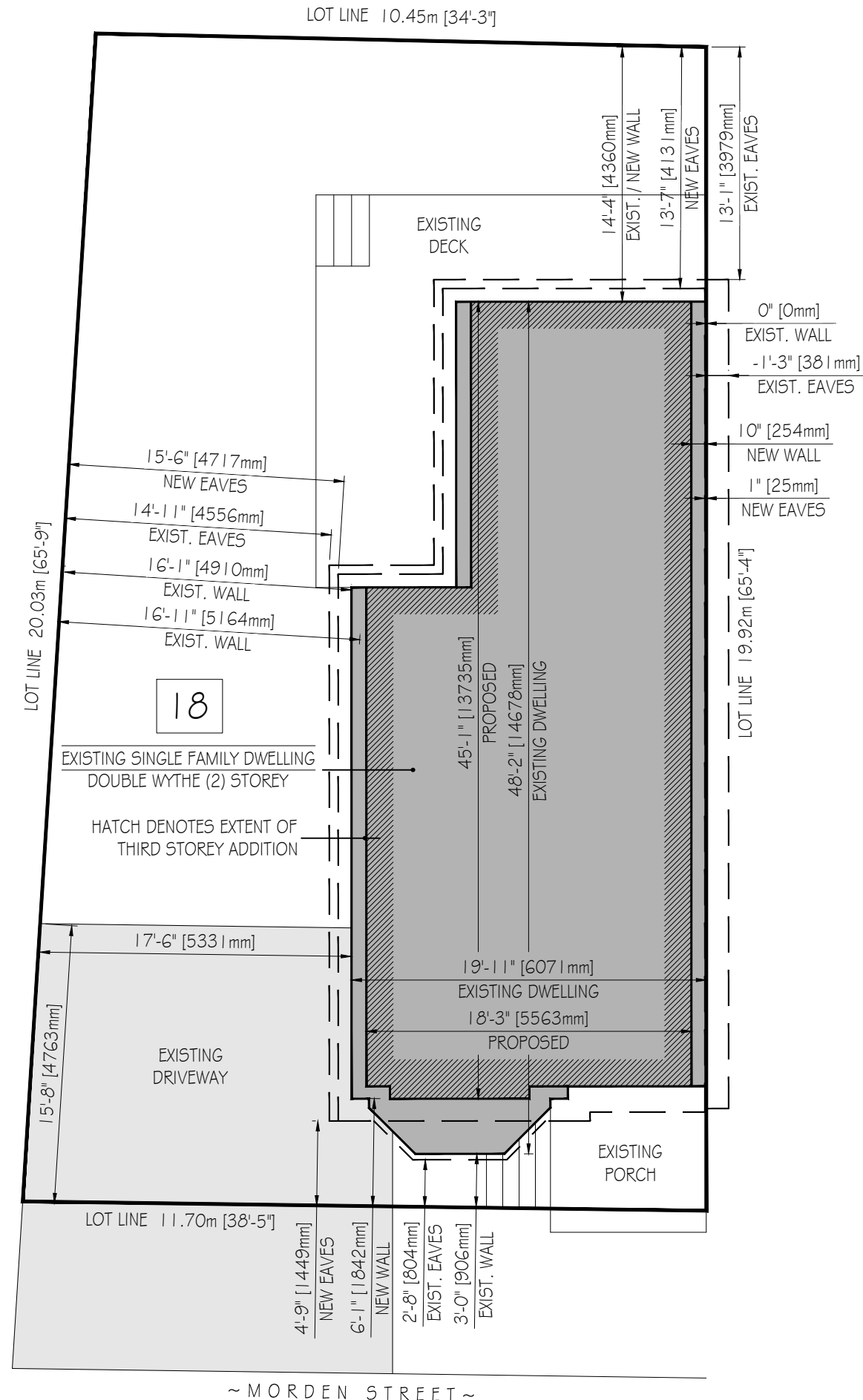
DATED: April 6th, 2021.

---

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 STATISTICS  |                       |                     |                       |                     |
|------------------|-----------------------|---------------------|-----------------------|---------------------|
|                  | EXISTING              |                     | PROPOSED              |                     |
| LOT AREA         | 2379.6ft <sup>2</sup> | 221.1m <sup>2</sup> | -                     | -                   |
| LOT COVERAGE     | 822.6ft <sup>2</sup>  | 76.4m <sup>2</sup>  | 822.6ft <sup>2</sup>  | 76.4m <sup>2</sup>  |
| GROSS FLOOR AREA | 1645.2ft <sup>2</sup> | 152.8m <sup>2</sup> | 2366.1ft <sup>2</sup> | 219.8m <sup>2</sup> |
| DWELLING HEIGHT  | 30'-11"               | 9.42m               | 36'-2"                | 11.02m              |
| SETBACKS         |                       |                     |                       |                     |
| FRONT (SOUTH)    | 3'-0"                 | 0.91m               | 6'-1"                 | 1.84m               |
| REAR (NORTH)     | 14'-4"                | 4.36m               | 14'-4"                | 4.36m               |
| SIDE (EAST)      | 0'-0"                 | 0.0m                | 0'-10"                | 0.25m               |
| SIDE (WEST)      | 16'-1"                | 4.91m               | 16'-11"               | 5.16m               |



TRUE



CONSTRUCTION

# Charles Linsey

& Associates Limited

37 Main Street South,  
PO Box 1479  
Waterdown, On L0R 2H0

Tel: (905) 548-7607  
Info@charleslinsey.com  
www.charleslinsey.com

**THIS DRAWING IS NOT  
TO BE USED AS PART OF A  
BUILDING PERMIT  
APPLICATION**

**THIS DRAWING IS FOR  
DISCUSSION PURPOSES  
ONLY**

| REV. | DESCRIPTION                    | DATE       |
|------|--------------------------------|------------|
| 0    | FOR MINOR VARIANCE APPLICATION | OCT. 13/20 |
|      |                                |            |
|      |                                |            |
|      |                                |            |

client  
**HOME OWNER**

project  
**18 MORDEN STREET  
HAMILTON, ONTARIO**  
PROJECT No. 20-100

title  
**SITE PLAN**

|                      |                       |
|----------------------|-----------------------|
| drawn<br>G.D.        | checked<br>C.M.       |
| date<br>OCTOBER 2020 | scale<br>1/8" = 1'-0" |
| revision number<br>0 | drawing number<br>A1  |

# Charles Linsey

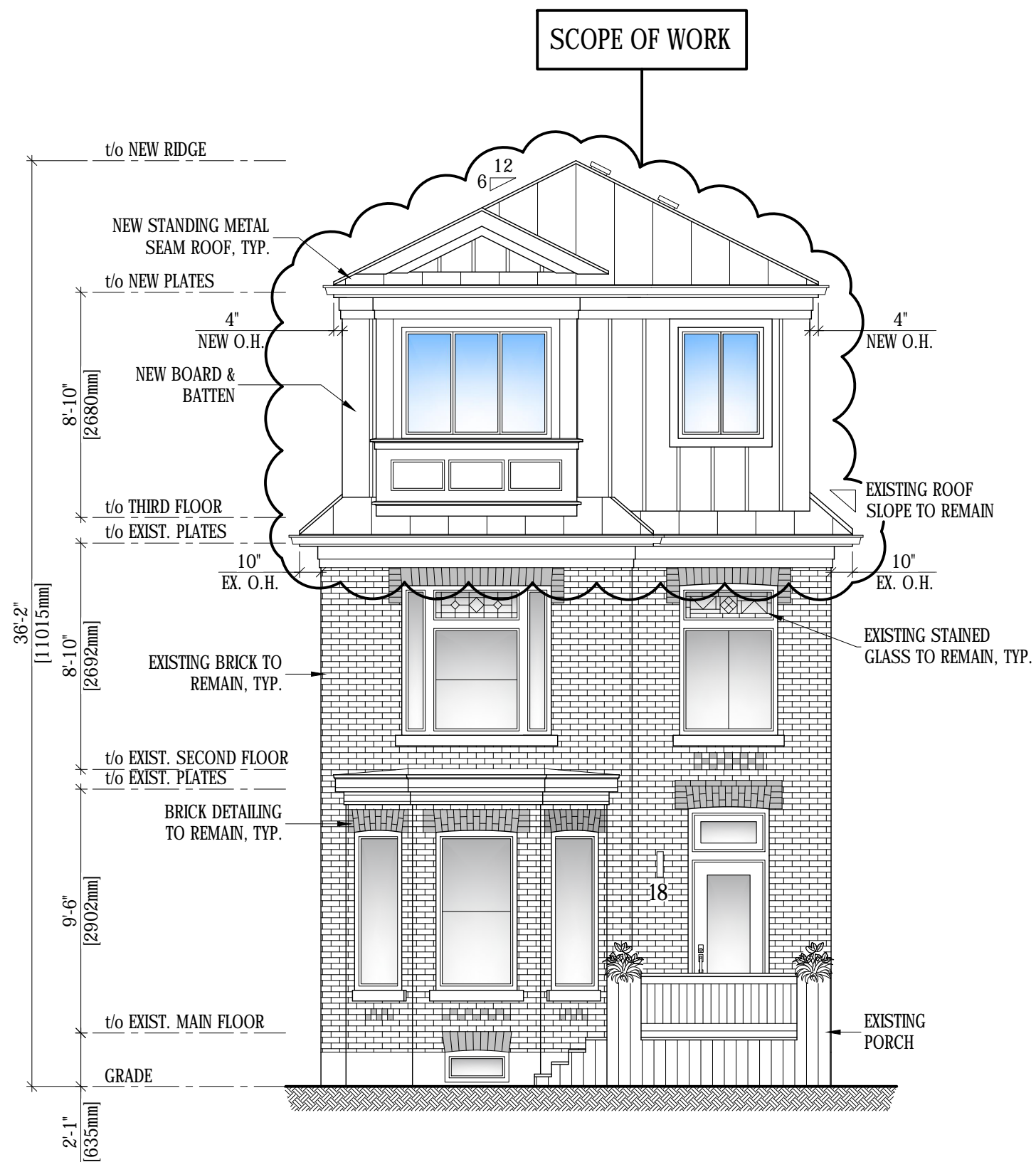
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| REV. | DESCRIPTION                    | DATE       |
|------|--------------------------------|------------|
| 0    | FOR MINOR VARIANCE APPLICATION | OCT. 13/20 |
| 1    | REVISED PER HERITAGE COMMENTS  | FEB. 24/21 |
|      |                                |            |
|      |                                |            |

client  
**HOME OWNER**

project  
**18 MORDEN STREET  
HAMILTON, ONTARIO**  
PROJECT No. 20-100

title  
**FRONT (SOUTH) ELEVATION**

|                 |              |                |               |
|-----------------|--------------|----------------|---------------|
| drawn           | G.D.         | checked        | C.M.          |
| date            | OCTOBER 2020 | scale          | 3/16" = 1'-0" |
| revision number | 1            | drawing number | A2            |

# Charles Linsey

& Associates Limited

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Waterdown, On L0R 2H0

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ONLY**

| REV. | DESCRIPTION                    | DATE       |
|------|--------------------------------|------------|
| 0    | FOR MINOR VARIANCE APPLICATION | OCT. 13/20 |
| 1    | REVISED PER HERITAGE COMMENTS  | FEB. 24/21 |
|      |                                |            |
|      |                                |            |

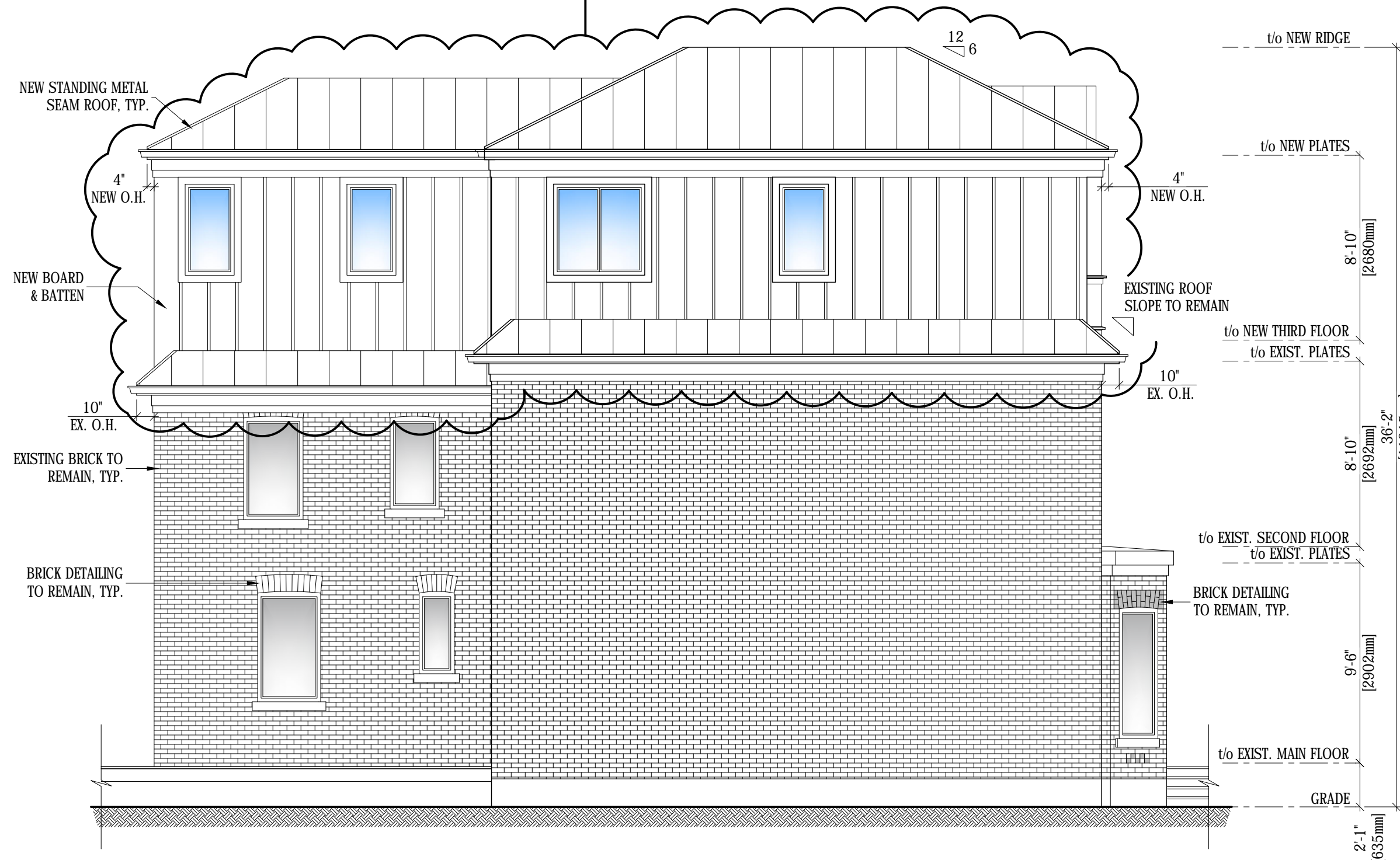
client  
**HOME OWNER**

project  
**18 MORDEN STREET  
HAMILTON, ONTARIO**  
PROJECT No. 20-100

title  
**SIDE (WEST) ELEVATION**

|                 |              |                |               |
|-----------------|--------------|----------------|---------------|
| drawn           | G.D.         | checked        | C.M.          |
| date            | OCTOBER 2020 | scale          | 3/16" = 1'-0" |
| revision number | 1            | drawing number | A3            |

**SCOPE OF WORK**



# Charles Linsey

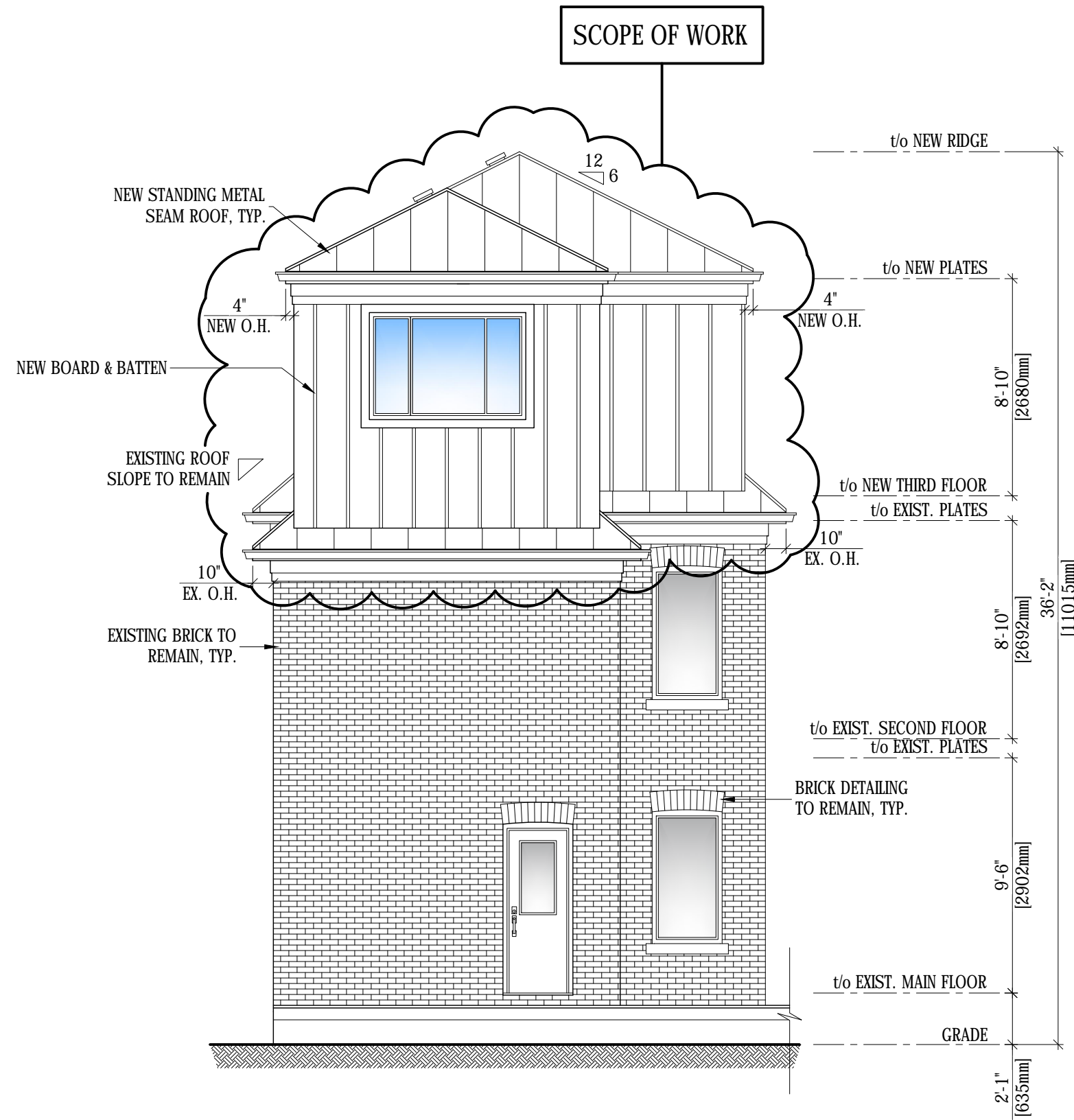
& Associates Limited

37 Main Street South,  
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|------|--------------------------------|------------|
| 0    | FOR MINOR VARIANCE APPLICATION | OCT. 13/20 |
| 1    | REVISED PER HERITAGE COMMENTS  | FEB. 24/21 |
|      |                                |            |
|      |                                |            |

client  
**HOME OWNER**

project  
**18 MORDEN STREET  
HAMILTON, ONTARIO**  
PROJECT No. 20-100

title  
**REAR (NORTH) ELEVATION**

|                 |              |                |               |
|-----------------|--------------|----------------|---------------|
| drawn           | G.D.         | checked        | C.M.          |
| date            | OCTOBER 2020 | scale          | 3/16" = 1'-0" |
| revision number | 1            | drawing number | A4            |



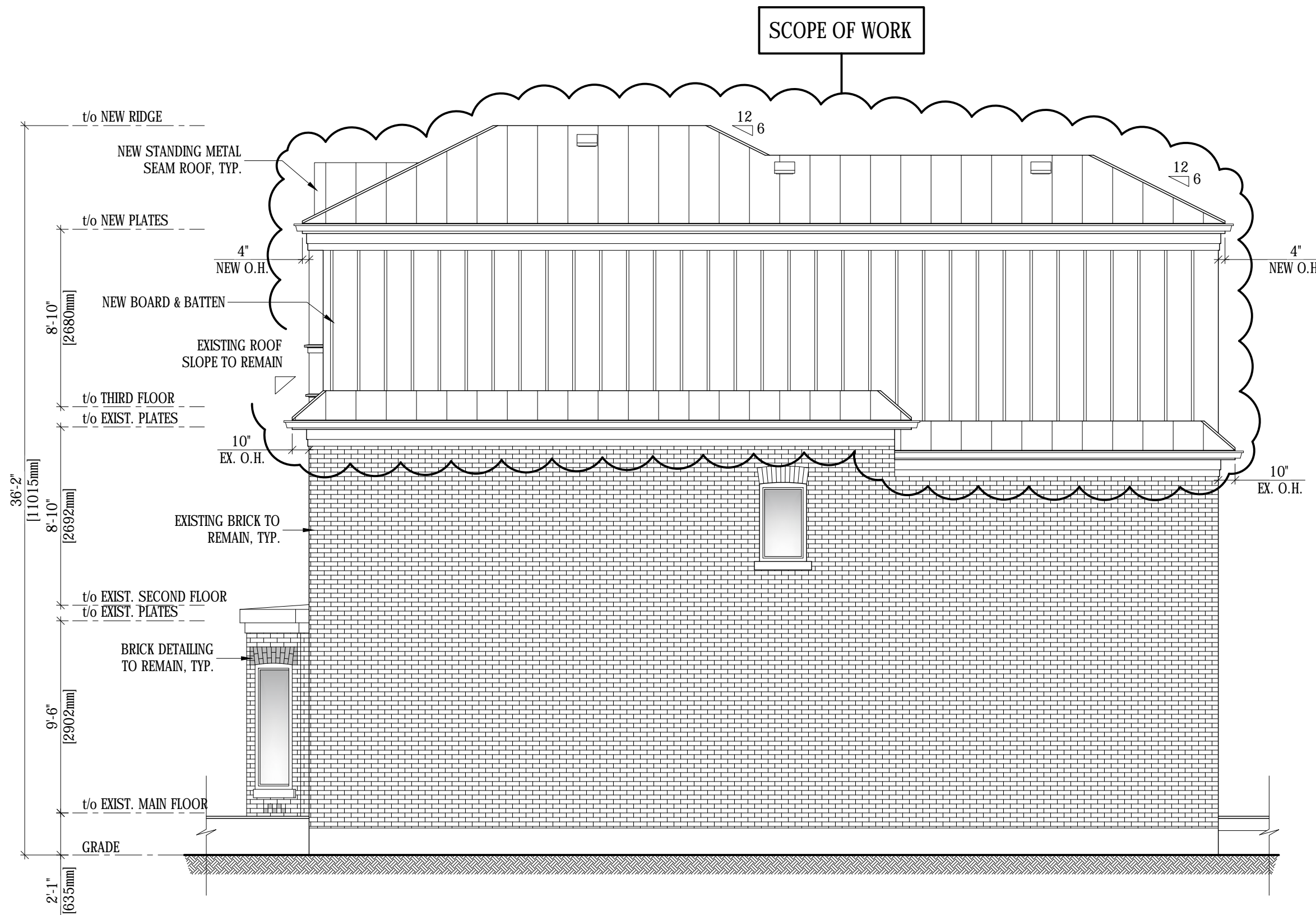
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SCOPE OF WORK



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ONLY**

| REV. | DESCRIPTION                    | DATE       |
|------|--------------------------------|------------|
| 0    | FOR MINOR VARIANCE APPLICATION | OCT. 13/20 |
| 1    | REVISED PER HERITAGE COMMENTS  | FEB. 24/21 |
|      |                                |            |
|      |                                |            |

client  
**HOME OWNER**

project  
**18 MORDEN STREET  
HAMILTON, ONTARIO**  
PROJECT No. 20-100

title  
**SIDE (EAST) ELEVATION**

|                 |              |                |               |
|-----------------|--------------|----------------|---------------|
| drawn           | G.D.         | checked        | C.M.          |
| date            | OCTOBER 2020 | scale          | 3/16" = 1'-0" |
| revision number | 1            | drawing number | A5            |





Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5  
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202  
 E-mail: [cofa@hamilton.ca](mailto: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-21:97

**APPLICANTS:** DeFilippis Design on behalf of the owner K. Gardner

**SUBJECT PROPERTY:** Municipal address **15 Wexford Ave. N., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended 87-173

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

**PROPOSAL:** To permit the conversion of the existing single family dwelling to a two family dwelling, notwithstanding that:

1. A minimum lot area of 253.25 square metres shall be provided, instead of the minimum lot area of 270.0 square metres;
2. The two (2) required parking spaces and the manoeuvring spaces for both of the required parking spaces may be provided off-site instead of the requirement that required parking and manoeuvring spaces shall be provided and maintained only on the lot on which the principle use, building or structure is located;
3. No parking spaces shall be provided instead of the minimum required two (2) parking spaces.
4. No onsite manoeuvring shall be provided for the two (2) required parking spaces instead of the requirement that a manoeuvring space shall be provided and maintained abutting and accessory to each required parking space on the lot and whereas the Zoning By-law only permits off-site manoeuvring for only one parking space;
5. No access driveway shall be provided on site, instead of the requirement that every parking area for a use where there are five or less parking spaces shall have not less than one access driveway having a width of at least 2.8 metres.
6. A roofed-over unenclosed one-storey porch, including eaves and gutter, shall be permitted to project 1.10 metres into the required northerly side yard, instead of the requirement that a roofed-over unenclosed one-storey porch is not permitted to project into a required side yard.
7. A roofed-over unenclosed one-storey porch, including eaves and gutter, shall be permitted to project 4.61 metres into the required front yard, instead of the maximum 3.0 metre projection.
8. An open stairway shall be permitted to project 0.54 metres into the required southerly side yard, instead of the maximum 0.4 metre projection, and shall be permitted to project

.../2

HM/A-21:97  
Page 2

4.61 metres into the required front yard, instead of the requirement that an open stairway is not permitted to project into a required front yard.

**NOTE:**

1. A building permit is required for the conversion of the existing single family dwelling into a two family dwelling. 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, April 22nd, 2021  
**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](http://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:

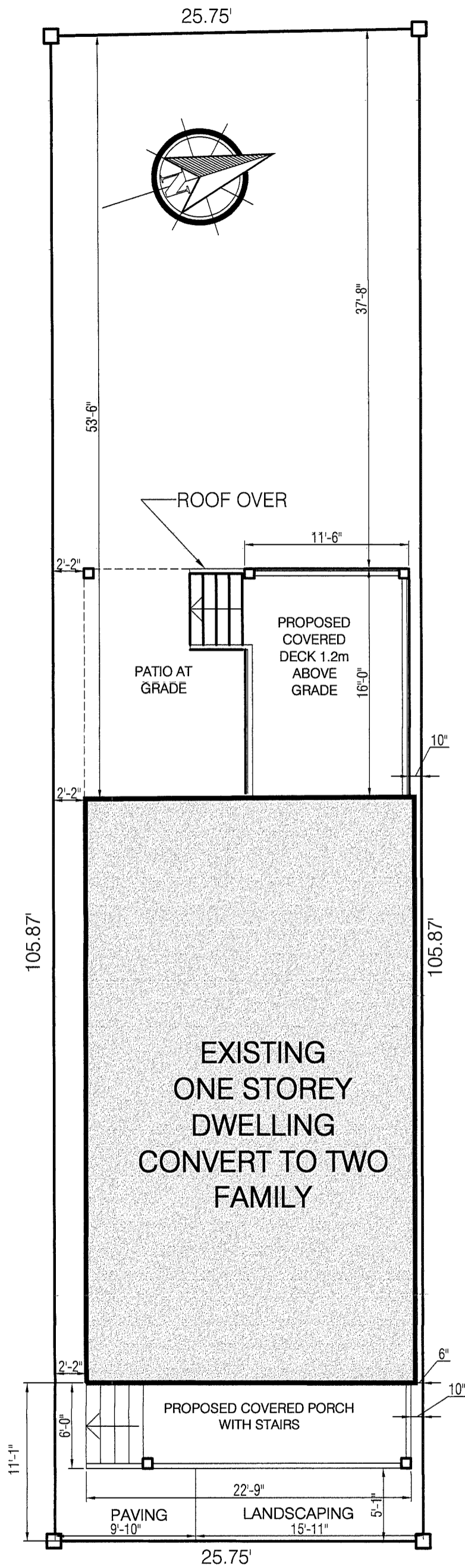
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: April 6th, 2021.

---

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 STATISTIC**

LOT AREA 2,726 sqf (253.25m<sup>2</sup>)  
 EXISTING HOUSE ±943 sqf (87.61m<sup>2</sup>)

**SITE STATISTIC**

LOT AREA 2,726 sqf (253.25m<sup>2</sup>)  
 EXISTING HOUSE ±943 sqf (87.61m<sup>2</sup>)  
 FRONT COVERED PORCH W/STAIRS 137 sqf (12.73m<sup>2</sup>)  
 REAR COVERED DECK W/STAIRS 206 sqf (19.38m<sup>2</sup>)  
 TOTAL COVERAGE: ±1,286 sqf (119.72m<sup>2</sup>)

APT. #1 FIRST FLOOR ±943 sqf (87.61m<sup>2</sup>)  
 APT. #2 LOWER LEVEL ±943 sqf (87.61m<sup>2</sup>)


FRONT YARD AREA 132 sqf (12.26m<sup>2</sup>)  
 LANDSCAPING AREA 82 sqf (7.62m<sup>2</sup>) 62.12%  
 ASPHALT AREA 50 sqf (4.64m<sup>2</sup>) 37.88%

**EXISTING  
 ONE STOREY  
 DWELLING  
 CONVERT TO TWO  
 FAMILY**

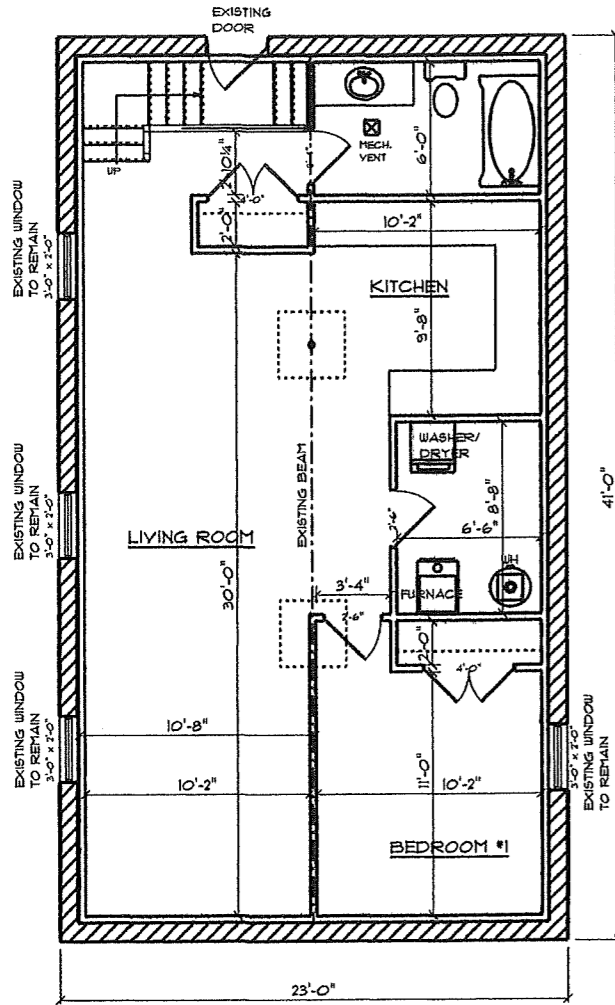
SIDEWALK

**WEXFORD AVE N**

- NOTES:
1. OWNER/CONTRACTOR TO VERIFY AND CHECK ALL DIMENSIONS AND SPECS PRIOR TO AND DURING CONSTRUCTION.
  2. ANY DEVIATIONS, DEFICIENCIES OR DISCREPANCIES FROM THESE DRAWINGS AND SPECS REQUIRES WRITTEN CLARIFICATION AND/OR APPROVAL FROM THE DESIGNER PRIOR TO CONSTRUCTION.

|          |                |   |
|----------|----------------|---|
| 4        |                |  <b>DeFILIPPIS DESIGN</b><br>687 BARTON ST., SUITE 201<br>STONEY CREEK, ONTARIO L8E 5L6<br>(905) 643-2250 FAX (905) 643-1095<br>email: defilippisdesign@bellnet.ca |
| 3        |                |   |
| 2        |                |   |
| 1        |                |   |
| REV.     |                |   |
| JOB NO.  |                | SITE PLAN FOR:  |
| CHKD. BY |                | KAILA GARDENER<br>15 WEXFORD AVE N<br>HAMILTON, ONTARIO   |
| DRN. BY  |                |   |
| DATE:    | FEBRUARY, 2021 | <b>SITE PLAN</b>  |
| SCALE:   | 1/8"=1'-0"     |   |
| DWG NO.  | SP-1           |   |

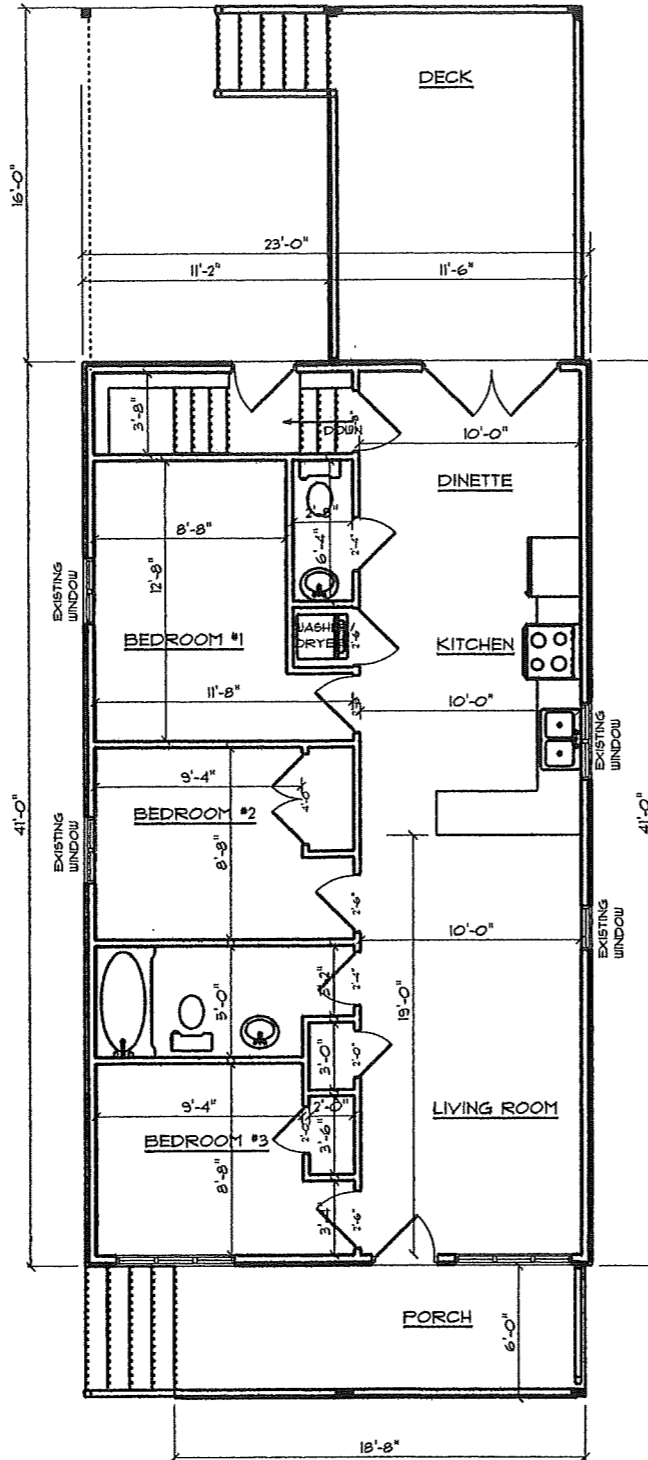
These drawings are the property of DeFILIPPIS DESIGN and are not to be copied, reproduced or used without the express written consent of the designer.



BASEMENT LAYOUT

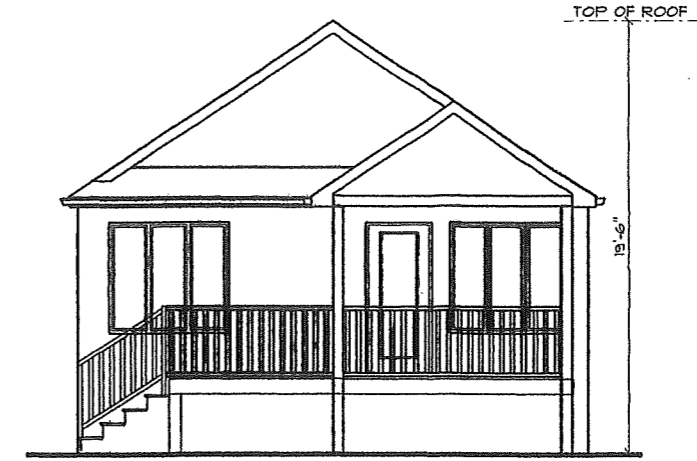
AREA : 943 sq ft

CEILING HEIGHT 7'-4"  
HEIGHT TO BEAM 6'-10"

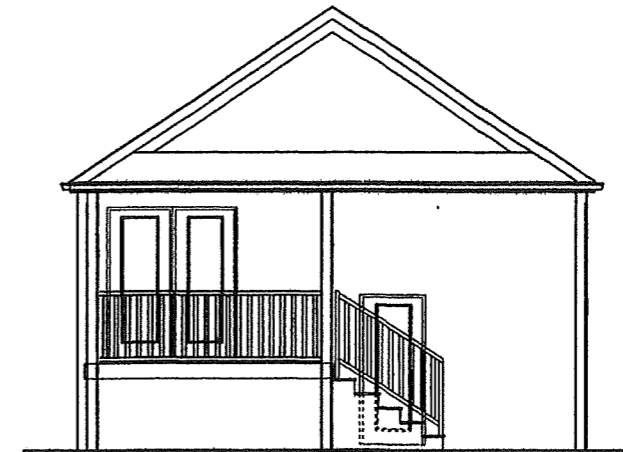


FIRST FLOOR PLAN

AREA : 943 sq ft




FRONT ELEVATION



REAR ELEVATION

DO NOT SCALE DRAWINGS

- NOTE:
1. OWNER/CONTRACTOR TO VERIFY AND CHECK ALL DIMENSIONS AND SPECS PRIOR TO AND DURING CONSTRUCTION.
  2. ANY DEVIATIONS, DEFICIENCIES OR DISCREPANCIES FROM THESE DRAWINGS AND SPECS REQUIRES WRITTEN CLARIFICATION AND/OR APPROVAL FROM THE DESIGNER PRIOR TO CONSTRUCTION.

|  |                                  |           |
|--|----------------------------------|-----------|
|  <b>DeFILIPPIS DESIGN</b><br>687 BARTON ST. E., SUITE 201<br>STONEY CREEK, ONTARIO L8E 5L6<br>(905) 643-2250 FAX (905) 643-1095 |                                  |           |
| <b>KAILA GARDENER</b>  |                                  |           |
| SCALE: 1/4"=1'-0"  | APPROVED BY:                     | DRAWN BY: |
| DATE: FEB. 21'   | 15 WEXFORD AVE NORTH<br>HAMILTON | REVISED:  |
| SH   OF  |                                  |           |



Hamilton

Committee of Adjustment  
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
 Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**APPLICATION FOR A MINOR VARIANCE**

|                             |  |
|-----------------------------|--|
| <b>FOR OFFICE USE ONLY.</b> |  |
| APPLICATION NO. _____       | DATE APPLICATION RECEIVED _____        |
| PAID _____                  | DATE APPLICATION DEEMED COMPLETE _____ |
| SECRETARY'S SIGNATURE _____ |  |

**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, 2                 | NAME               | ADDRESS    |   |
|----------------------|--------------------|------------|---|
| Registered Owners(s) | KALIA GARDNER      | [REDACTED] | Phone: [REDACTED]<br>E-mail: [REDACTED] |
| Applicant(s)*        | DEFLIPPUS DESIGNER | [REDACTED] | Phone: [REDACTED]<br>E-mail: [REDACTED] |
| Agent or Solicitor   | SAME AS APPLICANT  |            | Phone: [REDACTED]<br>E-mail: [REDACTED] |

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

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

N/A

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

4. Nature and extent of relief applied for:

*See Attached Sheet*

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

*LOCATION OF DWELLING ON PROPERTY IS EXISTING AND ALREADY NON-CONFORMING*

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

*15 WEXFORD AVENUE, HAMILTON.*

7. PREVIOUS USE OF PROPERTY

Residential  Industrial  Commercial   
 Agricultural  Vacant

Other \_\_\_\_\_

8.1 If Industrial or Commercial, specify use *NA*

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

Yes  No  Unknown

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

Yes  No  Unknown

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

Yes  No  Unknown

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

Yes  No  Unknown

8.6 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

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

Yes  No  Unknown

8.8 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

8.9 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



8.10 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

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

*SINGLE FAMILY USE IN EXCESS OF 60 years.*

8.12 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

**9. ACKNOWLEDGEMENT CLAUSE**

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

*FEB 15 / 2021*

Date

Signature Property Owner

*KARL GRADNER*

Print Name of Owner

10. Dimensions of lands affected:

Frontage

*25.75 ft (7.85m)*

Depth

*105.8 ft (32.3m)*

Area

*2726 sq ft 253 sq m*

Width of street

*66 ft (20m)*

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

*See Site Plan*

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

Existing:

Proposed:

*See Site Plan*

**VARIANCES REQUESTED FOR 15 WEXFORD AVE. N.,  
HAMILTON**

1. Conversion to a two family dwelling.
2. Lot area of 253 sq.m. when 270 sq.m. is required.
3. Side yards to principal dwelling of north 0.15m and south 0.60m when 1.2m required, with eaves from property lines on both sides projecting 0.15m from building.
4. Front yard setback to principle dwelling of 3.3m when 6.0m is required.
5. Front yard setback to covered front porch of 1.5m and eaves projecting another 0.15m when 3.0m is required.
6. Sideyard setback for rear covered porch (1.2m above grade)of 0.23m(north side) with eaves at 0.10m from property line.
7. No parking spaces when two are required.

13. Date of acquisition of subject lands:  
20 months

14. Date of construction of all buildings and structures on subject lands:  
FALL 2020

15. Existing uses of the subject property:  
SINGLE FAMILY

16. Existing uses of abutting properties:  
SINGLE AND TWO FAMILY

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

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

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

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

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. Additional Information

24. 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.





Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5  
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202  
 E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

# NOTICE OF PUBLIC HEARING

## Application for Consent/Land Severance

APPLICATION NUMBER: HM/B-21:20

SUBJECT PROPERTY: 41 Beechwood Ave., 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 M. Johnston  
 Owner Gateway Solutions

**PURPOSE OF APPLICATION:** To permit the conveyance of a parcel of land known as 41 Beechwood Ave. and to retain a parcel of land known as 43 Beechwood Ave. each containing 1/2 of an existing semi-detached dwelling (to remain). These properties inadvertently merged in title and the owner wishes to recreate the two original lots.

**Severed lands:**  
 6.1m<sup>±</sup> x 3.1m<sup>±</sup> and an area of 190m<sup>2±</sup>

**Retained lands:**  
 6.1m<sup>±</sup> x 30.1m<sup>±</sup> and an area of 183m<sup>2±</sup>

The Committee of Adjustment will hear this application on:

**DATE:** Thursday, April 22<sup>nd</sup>, 2021  
**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](http://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-21: 20  
PAGE 2

## MORE INFORMATION

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

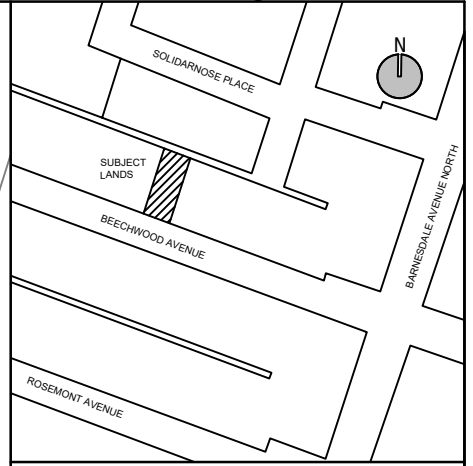
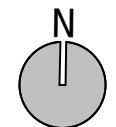
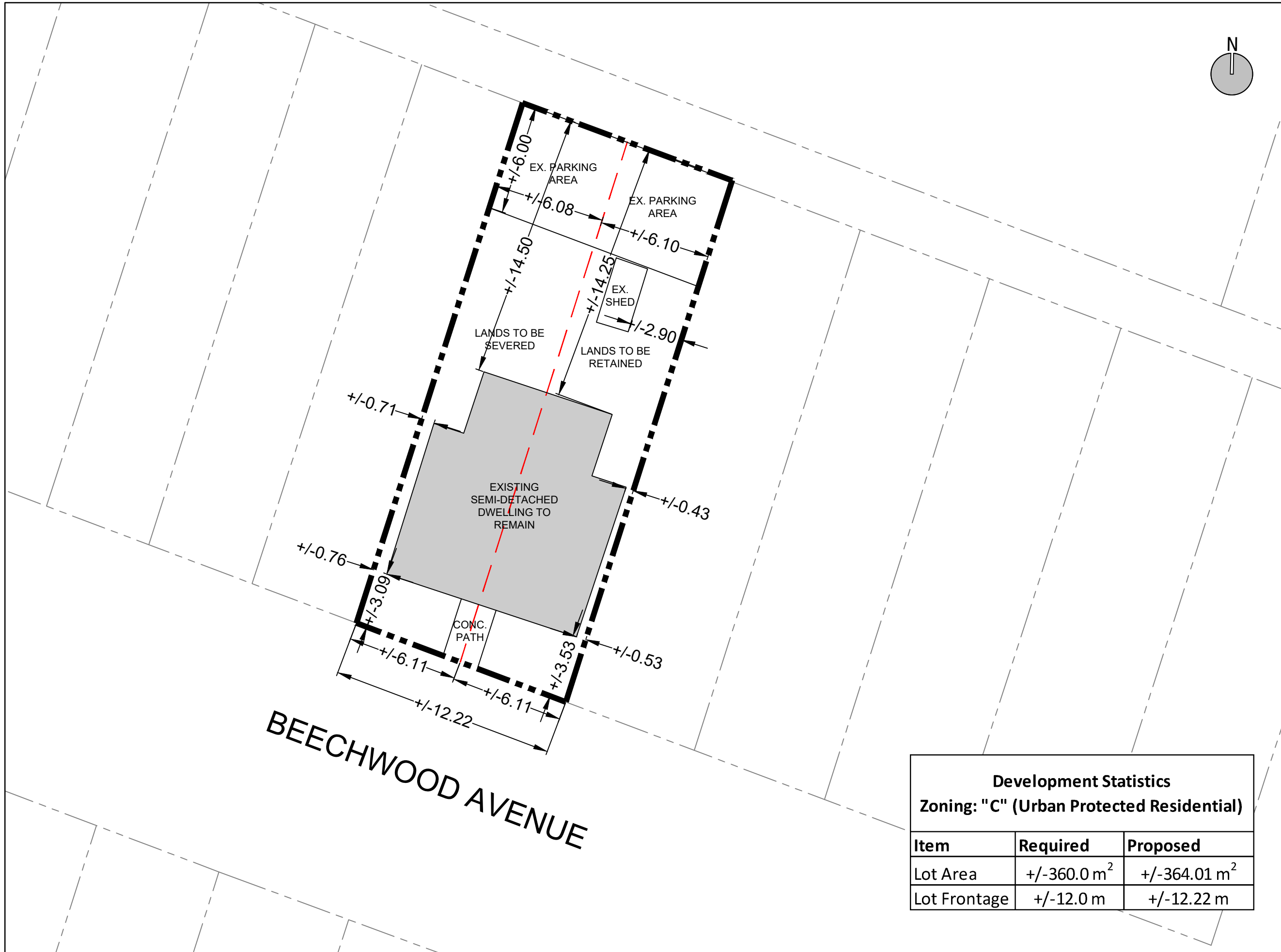
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: April 6<sup>th</sup>, 2021

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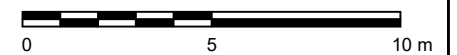
Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

***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.***



KEY MAP - N.T.S.

SCALE: 1:200  
METRES



LEGEND:

- SUBJECT LANDS
- PROPERTY BOUNDARIES
- PROP. SEVERANCE LINE

**NOT FOR CONSTRUCTION**  
ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:  
ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: L. DRENNAN      CHECKED BY: M. JOHNSTON

DRAWN BY: L. DRENNAN      DATE: MARCH 3, 2021



3 STUDEBAKER PLACE, UNIT 1  
HAMILTON, ON L8L 0C8  
905-546-1087 - urbansolutions.info

PROJECT:  
41 & 43 BEECHWOOD AVENUE  
CITY OF HAMILTON

CLIENT:  
GATEWAY SOLUTIONS GROUP INC.

TITLE:  
CONSENT TO SEVER SKETCH

U/S FILE NUMBER: 338-19      SHEET NUMBER: 1

| Development Statistics                    |                         |                          |
|---|-------------------------|--------------------------|
| Zoning: "C" (Urban Protected Residential) |                         |                          |
| Item                                      | Required                | Proposed                 |
| Lot Area                                  | $\pm 360.0 \text{ m}^2$ | $\pm 364.01 \text{ m}^2$ |
| Lot Frontage                              | $\pm 12.0 \text{ m}$    | $\pm 12.22 \text{ m}$    |

BEECHWOOD AVENUE

**Committee of Adjustment**

City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**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 |
|-----------------------------|--|---------|
| <b>Registered Owners(s)</b> | Gateway Solutions Group Inc.<br>c/o Charles Wah                                  |         |
| <b>Applicant(s)*</b>        | Same as owner  |         |
| <b>Agent or Solicitor</b>   | UrbanSolutions Planning & Land Development Consultants Inc.<br>c/o Matt Johnston |         |

\* 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<br>Hamilton             | Lot                       | Concession         | Former Township     |
| Registered Plan N°.<br>375                    | Lot(s)<br>Part of 25 & 26 | Reference Plan N°. | Part(s)             |
| Municipal Address<br>41 & 43 Beechwood Avenue |                           |                    | 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:

N/A

**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

Other:  a charge



- addition to a lot
- an easement
- 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

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

**4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION**

4.1 Description of land intended to be Severed: 41 Beechwood Avenue

| Frontage (m) | Depth (m) | Area (m <sup>2</sup> or ha) |
|--------------|-----------|-----------------------------|
| 6.11 m       | 30.10 m   | 189.99 m <sup>2</sup>       |

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: Semi-Detached dwelling.

Proposed: Semi-Detached dwelling proposed to remain.

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: 43 Beechwood Avenue

| Frontage (m) | Depth (m) | Area (m <sup>2</sup> or ha) |
|--------------|-----------|-----------------------------|
| 6.11 m       | 30.10 m   | 182.99 m <sup>2</sup>       |

Existing Use of Property to be retained:

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

Proposed Use of Property to be retained:

- Residential
  Industrial
  Commercial  
 Agriculture (Includes a farm dwelling)
  Agricultural-Related
  Vacant  
 Other (specify) \_\_\_\_\_

Building(s) or Structure(s):

Existing: Semi-Detached dwelling.  
 Proposed: Semi-Detached 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) N/A

- 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): N/A  
 Urban Hamilton Official Plan designation (if applicable): Neighbourhoods

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

Residential dwellings is permitted in the Neighbourhoods designation. Please refer to cover letter for additional information.

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? "C" (Urban Protected Residential, Etc.) in the Former City of Hamilton Zonign By-law No. 6593.

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"/> | N/A   |
| A land fill  | <input type="checkbox"/> | N/A   |
| A sewage treatment plant or waste stabilization plant                | <input type="checkbox"/> | N/A   |
| A provincially significant wetland                                   | <input type="checkbox"/> | N/A   |

|   |                          |     |
|---|--------------------------|-----|
| A provincially significant wetland within 120 metres    | <input type="checkbox"/> | N/A |
| A flood plain   | <input type="checkbox"/> | N/A |
| An industrial or commercial use, and specify the use(s) | <input type="checkbox"/> | N/A |
| An active railway line                                  | <input type="checkbox"/> | N/A |
| A municipal or federal airport                          | <input type="checkbox"/> | N/A |

**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?  
Consultation with 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. N/A  
 Is the previous use inventory attached?  
 Yes       No

**7 PROVINCIAL POLICY**

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

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

Please refer to cover letter.

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

The Severance is a result of an accidental merge in title and is intended to restore the previously existing lot lines. Please refer to cover letter for additional information.

- 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

N/A

- 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)

N/A

- 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)

N/A

- 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)

N/A

## 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.

N/A

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

N/A

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

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

the transferee and the land use.  
 Subject lands were previously severed and accidently merged on title in July 2017.

8.4 How long has the applicant owned the subject land?  
 March 1, 2021

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.  
 Unknown

**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.  
 N/A

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 N/A Status N/A

**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  
 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) | Area (m <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 (m <sup>2</sup> 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 (m <sup>2</sup> 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 (m <sup>2</sup> 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.

[Please refer to cover letter for additional details](#)

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

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

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

## 13 ACKNOWLEDGEMENT CLAUSE

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

March 9, 2021  
Date

Per: Charles Wely  
Signature of Owner



March 11, 2021

338-19

**Via Email & Delivered**

Jamila Sheffield  
Secretary Treasurer, Committee of Adjustment

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

Dear Ms. Sheffield:

**RE: 41 & 43 Beechwood Avenue, City of Hamilton  
Consent to Sever Application**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultants acting on behalf of Gateway Solutions Group Inc., the registered owner of the lands municipally known as 41 and 43 Beechwood Avenue, in the City of Hamilton (subject lands). On behalf of the owner, UrbanSolutions has prepared the enclosed Consent to Sever to the City of Hamilton.

The subject lands were two separate parcels of land before they came under identical ownership and merged on title. The subject lands unintentionally merged on title in July 2017 such that the ownership became the same for both 41 and 43 Beechwood Avenue. The purpose of the Consent to Sever application is to separate the subject lands in to two (2) separate parcels and restore the original lot line.

The subject lands are designated Neighbourhoods in the Urban Hamilton Official Plan (UHOP) and are located in the (Urban Protected Residential Etc.) "C" District of the former City of Hamilton Zoning By-law No. 6593. The existing semi-detached dwelling is a legally established, non-conforming use in the "C" District. The two parcels have a combined frontage of approximately 12.22 metres (6.11 metres per parcel) and has a depth of 30.10 metres. The total lot area for both parcels is approximately 365.98 square metres (189.99 square metres per parcel). The subject lands contains a semi-detached dwelling which are proposed to remain. There are no new dwelling units proposed, therefore the proposed consent is not considered to be residential intensification. The proposed parcels reflect the general scale and character of the established development pattern and are fully serviced.

The Consent to Sever application is in keeping with Section 53(1) of the *Planning Act*, R.S.O. 1990, as amended, as a plan of subdivision is not necessary for the proper and orderly development of the subject lands. The subject lands have access to full municipal services and can be considered a reasonable subdivision of land without being subject to the provisions of a full Draft Plan of Subdivision. There is no proposed development on the subject lands and the intent is to restore the original lot line.

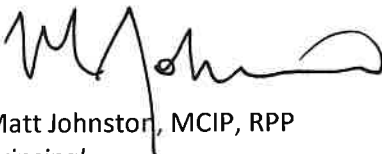


In support of this application, please find enclosed the following:

- One (1) copy of a completed Consent to Sever application form;
- One (1) copy of the Consent to Sever Sketch prepared by UrbanSolutions; and,
- One (1) cheque in the amount of **\$2,860.00** made payable to the City of Hamilton for the Consent to Sever application.

We trust the enclosed is in order; however, please feel free to contact the undersigned with any questions.

Regards,  
**UrbanSolutions**



Matt Johnston, MCIP, RPP  
*Principal*



Laura Drennan, BA  
*Planning Technician*

cc: Mr. Charles Wah, Gateway Solutions Group Inc. (via email)  
Mr. Sergio Manchia, UrbanSolutions Planning & Land Development Consultants Inc. (via email)





Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5  
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202  
 E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

# NOTICE OF PUBLIC HEARING

## Application for Consent/Land Severance

APPLICATION NUMBER: HM/B-21:22

SUBJECT PROPERTY: 51 Gibson Ave., 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 IBI Group c/o J. Marcus  
 Owner 1937858 Ontario Inc.

**PURPOSE OF APPLICATION:** To permit the conveyance of a parcel of land containing a townhouse dwelling (under construction) and to retain a parcel of land containing townhouse dwellings.

To be heard in conjunction with HM/B-21:21 and HM/B-21:23.

**Severed lands (Part 4):**  
 4.6m<sup>±</sup> x 31.3m<sup>±</sup> and an area of 144m<sup>2±</sup>

**Retained lands (Part 3, 5, 6):**  
 14.8m<sup>±</sup> x 31.2m<sup>±</sup> and an area of 481m<sup>2±</sup>

The Committee of Adjustment will hear this application on:

**DATE:** Thursday, April 22<sup>nd</sup>, 2021  
**TIME:** 2:15 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)

To be streamed at  
[www.hamilton.ca/committeeofadjustment](http://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-21: 22  
PAGE 2

### **MORE INFORMATION**

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

- Visit [www.hamilton.ca/committeeofadjustment](http://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](mailto:cofa@hamilton.ca)

DATED: April 6<sup>th</sup>, 2021

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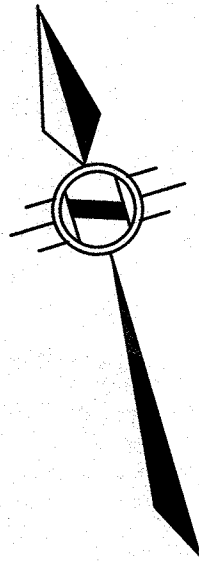
Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

***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.***

**PLAN OF SURVEY**  
OF  
**LOTS 32, 33**  
AND PART OF  
**LOT 34**  
**REGISTERED PLAN 219**  
IN THE  
**CITY OF HAMILTON**

SCALE 1:200 METRIC  
4 2 0 4 8 12 metres

S.D. McLAREN, O.L.S. - 2021



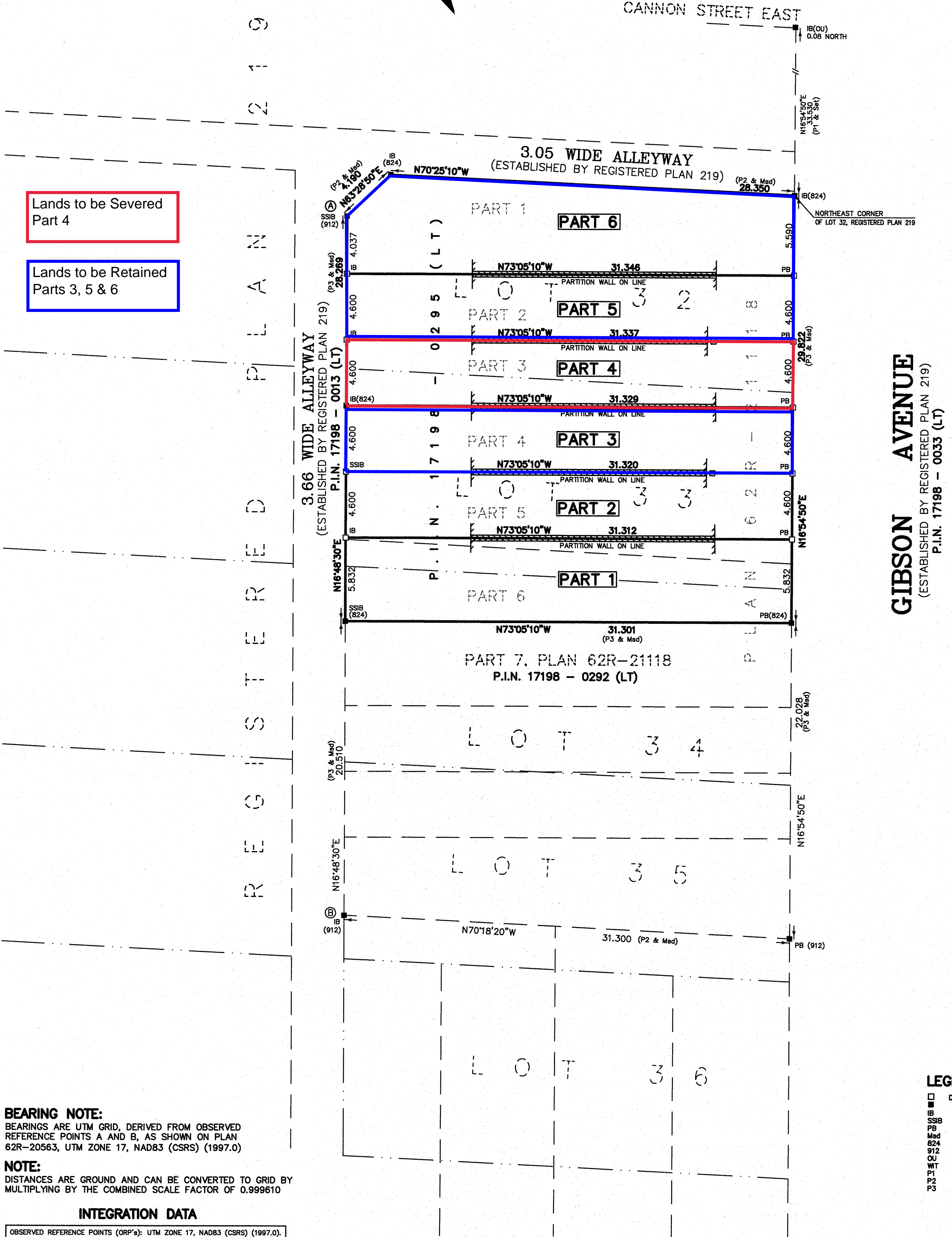
| SCHEDULE |                      |                     |                              |
|----------|----------------------|---------------------|------------------------------|
| PART     | LOT                  | CON/PLAN            | P.I.N.                       |
| 1        | PART OF LOTS 33 & 34 | REGISTERED PLAN 219 | ALL OF PIN 17198 - 0295 (LT) |
| 2        | PART OF LOT 33       |                     |                              |
| 3        | PART OF LOT 33       |                     |                              |
| 4        | PART OF LOTS 32 & 33 |                     |                              |
| 5        | PART OF LOT 32       |                     |                              |
| 6        | PART OF LOT 32       |                     |                              |

**PLAN 62 R-211000**  
RECEIVED AND DEPOSITED  
Date Jan 21/21  
*"A. Sarany"*  
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 JANUARY 20, 2021

*S. Dan McLaren*  
S. DAN McLAREN, O.L.S.



Lands to be Severed  
Part 4

Lands to be Retained  
Parts 3, 5 & 6

**BEARING NOTE:**  
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED  
REFERENCE POINTS A AND B, AS SHOWN ON PLAN  
62R-20563, UTM ZONE 17, NAD83 (CSRS) (1997.0)

**NOTE:**  
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY  
MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999610

**INTEGRATION DATA**

OBSERVED REFERENCE POINTS (ORP's): UTM ZONE 17, NAD83 (CSRS) (1997.0),  
COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O.REG. 216/10

| POINT ID | NORTHING    | EASTING    |
|----------|-------------|------------|
| ORP (A)  | 4789640.747 | 594089.880 |
| ORP (B)  | 4789594.079 | 594075.783 |

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

**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 5TH DAY OF JANUARY, 2021.

JANUARY 20, 2021  
DATE

*S. Dan McLaren*  
S. DAN McLAREN, O.L.S.

**LEGEND:**

- DENOTES MONUMENT SET
- MONUMENT FOUND
- IB IRON BAR
- SSB STANDARD STANDARD IRON BAR
- PB PLASTIC BAR
- Med MEASURED
- 824 A.T. McLAREN, O.L.S.
- 912 A.J. CLARKE, O.L.S.
- OU ORIGIN UNKNOWN
- WT WITNESS
- P1 REGISTERED PLAN 219
- P2 PLAN 62R-20563
- P3 PLAN 62R-21118



**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 KB Checked KM/SDM Crew Chief TV Scale 1:200 Dwg.No. 35761-PLC2

**SURVEYOR'S REAL PROPERTY REPORT**  
PART 1, PLAN OF  
**LOTS 32 & 33**  
AND PART OF  
**LOT 34**  
**REGISTERED PLAN 219**  
IN THE  
**CITY OF HAMILTON**

SCALE 1:150 METRIC



**S.D. McLAREN, O.L.S. - 2021**

ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SUBMISSION FORM  
**2143607**



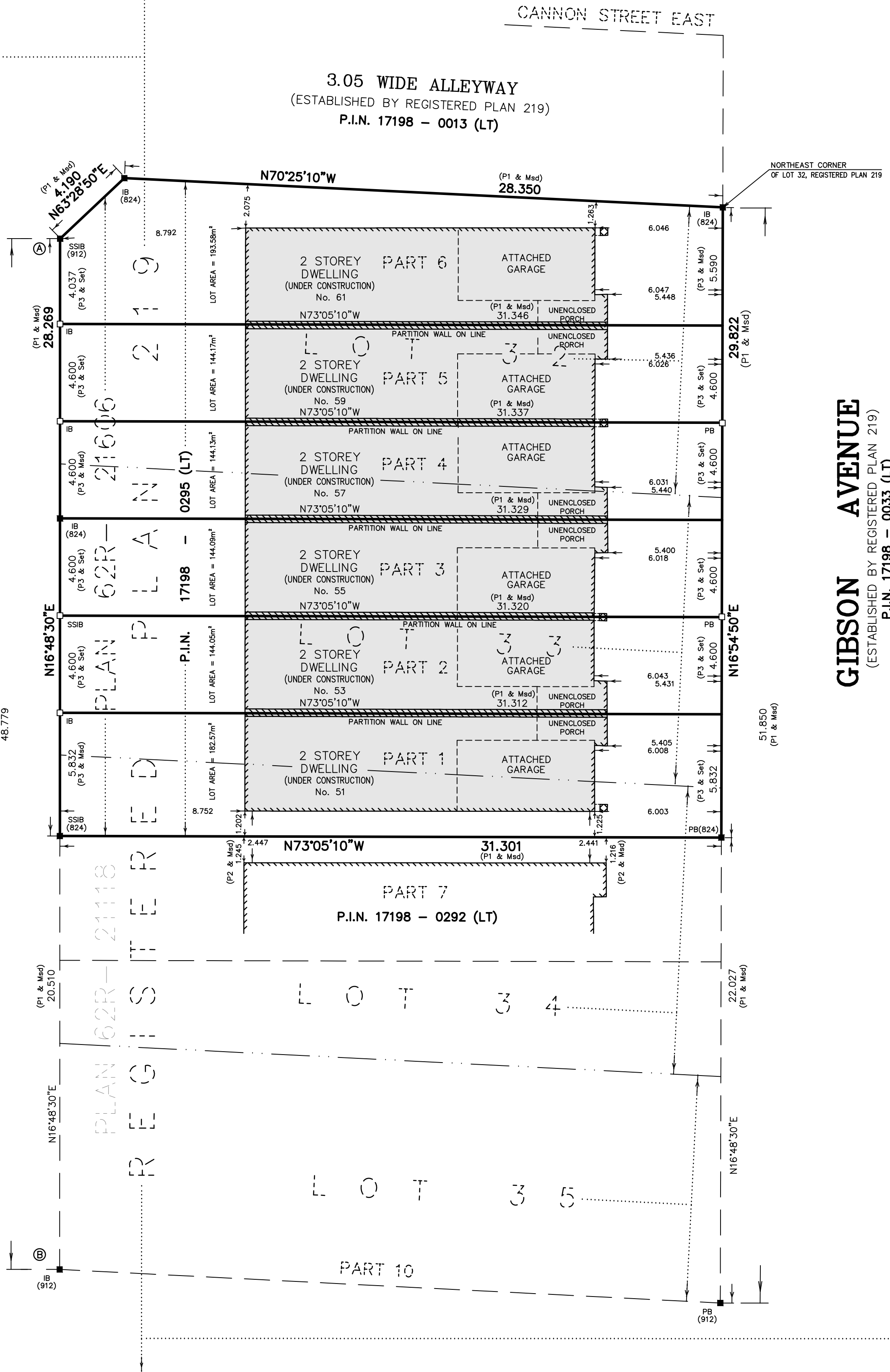
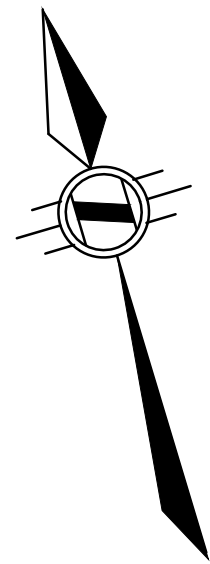
THIS PLAN IS NOT VALID  
UNLESS IT IS AN EMBOSSED  
ORIGINAL COPY  
ISSUED BY THE SURVEYOR  
In accordance with  
Regulation 1026, Section 29(3).

**SURVEYOR'S REAL PROPERTY REPORT**  
**(PART 2)**

ALL OF LOTS 32 & 33 AND PART OF LOT 34,  
REGISTERED PLAN 219, DESIGNATED AS PARTS  
1-6, PLAN 62R-21118 IS NOT SUBJECT TO ANY  
EASEMENTS.

THIS PLAN DOES NOT CERTIFY COMPLIANCE  
WITH ZONING BY-LAWS.

THIS PLAN WAS PREPARED FOR  
1937858 ONTARIO INC.



**3.66 WIDE ALLEYWAY**  
(ESTABLISHED BY REGISTERED PLAN 219)  
**P.I.N. 17198 - 0013 (LT)**

**GIBSON AVENUE**  
(ESTABLISHED BY REGISTERED PLAN 219)  
**P.I.N. 17198 - 0033 (LT)**

**BEARING NOTE:**

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED  
REFERENCE POINTS A AND B, AS SHOWN ON PLAN  
62R-20563, UTM ZONE 17, NAD83 (CSRS) (1997.0)

**NOTE:**

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY  
MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999610

**INTEGRATION DATA**

| POINT ID | NORTHING    | EASTING    |
|----------|-------------|------------|
| ORP (A)  | 4789640.747 | 594089.880 |
| ORP (B)  | 4789594.079 | 594075.783 |

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

**LEGEND:**

- DENOTES MONUMENT SET
- MONUMENT FOUND
- IB IRON BAR
- SSIB STANDARD STANDARD IRON BAR
- PB PLASTIC BAR
- Med MEASURED
- 824 A.T. McLAREN, O.L.S.
- 912 A.J. CLARKE, O.L.S.
- OU ORIGIN UNKNOWN
- WT WITNESS
- P1 PLAN 62R-21118
- P2 PLAN BY A.T. McLAREN LTD. DATED MARCH 13, 2019
- P3 PLAN 62R-21606

**METRIC NOTE**

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

**NOTE:**

A.T.M. CONTROL POINTS 1 & 11 HAVE BEEN  
USED TO RE-ESTABLISH THE BOUNDARIES OF  
PARTS 1-6.

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH  
THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS  
MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON THE 5th DAY OF JANUARY, 2021.

JANUARY 21, 2021.  
DATE

*S. Dan McLaren*  
S. DAN McLAREN, O.L.S.

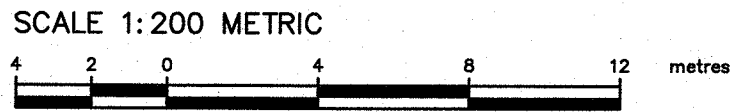
© S.D. McLAREN, O.L.S. - 2021. NO PERSON MAY COPY  
REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN  
PART WITHOUT THE WRITTEN PERMISSION OF S.D. McLAREN, O.L.S.

**A.T. McLaren Limited**  
LEGAL AND ENGINEERING SURVEYS

69 JOHN STREET SOUTH, SUITE 230  
HAMILTON, ONTARIO, L8N 2B9  
PHONE (905) 527-8559 FAX (905) 527-0032

|             |                   |                  |                |                         |
|-------------|-------------------|------------------|----------------|-------------------------|
| Drawn<br>KB | Checked<br>KM/SDM | Crew Chief<br>TV | Scale<br>1:150 | Dwg.No.<br>35761-32-34F |
|-------------|-------------------|------------------|----------------|-------------------------|

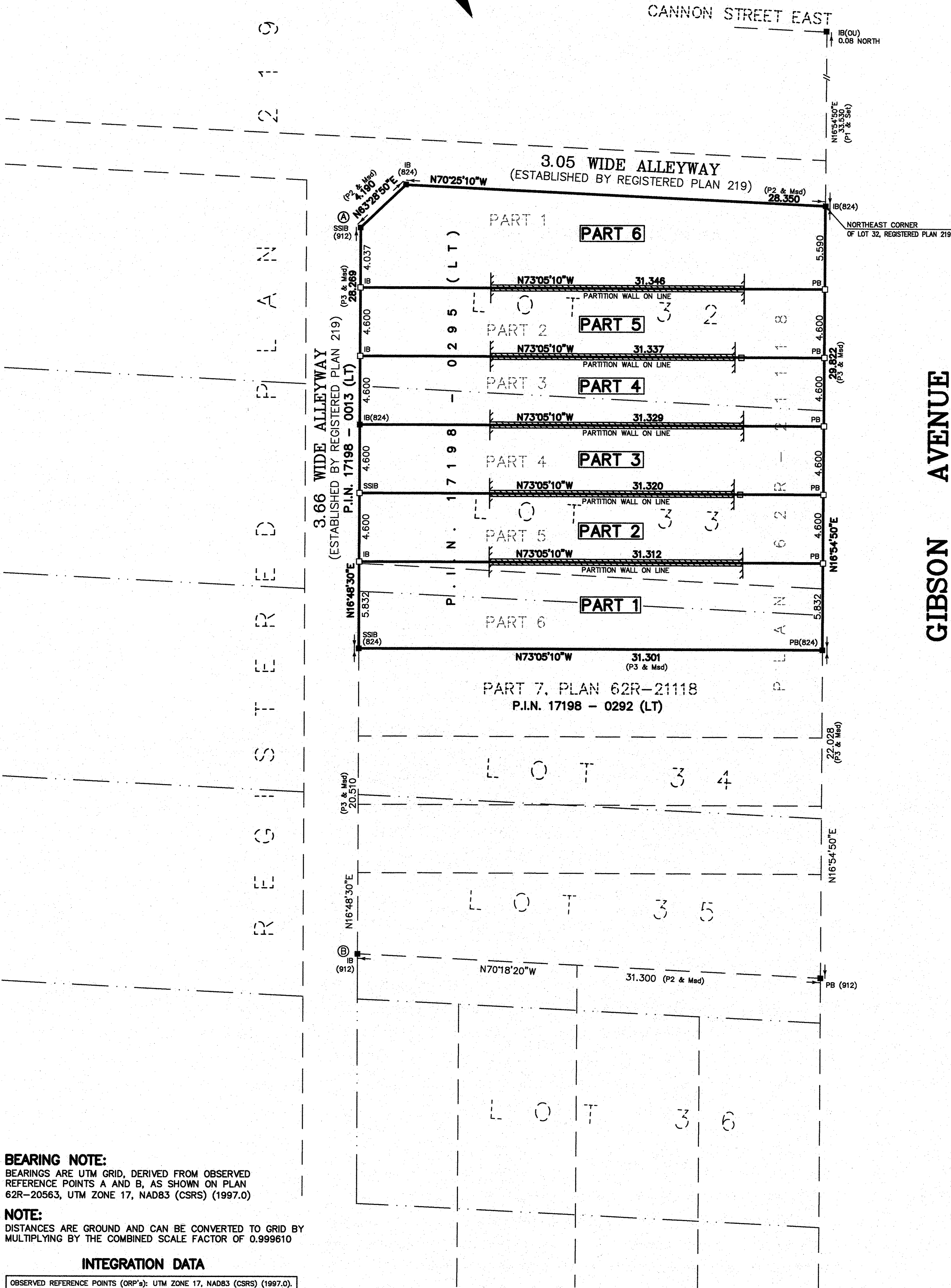
**PLAN OF SURVEY**  
OF  
**LOTS 32, 33**  
AND PART OF  
**LOT 34**  
**REGISTERED PLAN 219**  
IN THE  
**CITY OF HAMILTON**



**S.D. McLAREN, O.L.S. - 2021**

| SCHEDULE |                      |                     |                              |
|----------|----------------------|---------------------|------------------------------|
| PART     | LOT                  | CON/PLAN            | P.I.N.                       |
| 1        | PART OF LOTS 33 & 34 | REGISTERED PLAN 219 | ALL OF PIN 17198 - 0295 (LT) |
| 2        | PART OF LOT 33       |                     |                              |
| 3        | PART OF LOT 33       |                     |                              |
| 4        | PART OF LOTS 32 & 33 |                     |                              |
| 5        | PART OF LOT 32       |                     |                              |
| 6        | PART OF LOT 32       |                     |                              |

**PLAN 62 R-211000**  
RECEIVED AND DEPOSITED  
Date Jan 21/21  
*"A. Sarany"*  
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 JANUARY 20, 2021  
*[Signature]*  
S. DAN McLAREN, O.L.S.



**BEARING NOTE:**  
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, AS SHOWN ON PLAN 62R-20563, UTM ZONE 17, NAD83 (CSRS) (1997.0)

**NOTE:**  
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**INTEGRATION DATA**

OBSERVED REFERENCE POINTS (ORP's): UTM ZONE 17, NAD83 (CSRS) (1997.0), COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O.REG. 216/10

| POINT ID | NORTHING    | EASTING    |
|----------|-------------|------------|
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| ORP (B)  | 4789594.079 | 594075.783 |

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**METRIC NOTE**  
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**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 5TH DAY OF JANUARY, 2021.  
JANUARY 20, 2021  
DATE  
*[Signature]*  
S. DAN McLAREN, O.L.S.

- LEGEND:**
- DENOTES MONUMENT SET
  - MONUMENT FOUND
  - IB IRON BAR
  - SSB STANDARD STANDARD IRON BAR
  - PB PLASTIC BAR
  - Med MEASURED
  - 824 A.T. McLAREN, O.L.S.
  - 912 A.J. CLARKE, O.L.S.
  - OU ORIGIN UNKNOWN
  - WT WITNESS
  - P1 REGISTERED PLAN 219
  - P2 PLAN 62R-20563
  - P3 PLAN 62R-21118

**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 KB Checked KM/SDM Crew Chief TV Scale 1:200 Dwg.No. 35761-PLC2

**Committee of Adjustment**

City Hall, 5<sup>th</sup> Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5



Hamilton

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**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 |
|-----------------------------|------|---------|
| <b>Registered Owners(s)</b> |      |         |
| <b>Applicant(s)*</b>        |      |         |
| <b>Agent or Solicitor</b>   |      |         |

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

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

**2 LOCATION OF SUBJECT LAND** Complete the applicable lines

|                       |        |                    |                     |
|-----------------------|--------|--------------------|---------------------|
| 2.1 Area Municipality | Lot    | Concession         | Former Township     |
| Registered Plan N°.   | Lot(s) | Reference Plan N°. | Part(s)             |
| Municipal Address     |        |                    | Assessment Roll N°. |

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

Yes  No

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

---

**3 PURPOSE OF THE APPLICATION**

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

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

creation of a new lot

Other:  a charge



- addition to a lot
- an easement

- 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:

---

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

Existing Use of Property to be severed:

- Residential
- Industrial
- Commercial
- Agriculture (includes a farm dwelling)
- Agricultural-Related
- Vacant
- 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: \_\_\_\_\_

Proposed: \_\_\_\_\_

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) \_\_\_\_\_

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

| Frontage (m) | Depth (m) | Area (m <sup>2</sup> or ha) |
|--------------|-----------|-----------------------------|
|--------------|-----------|-----------------------------|

Existing Use of Property to be retained:

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

Proposed Use of Property to be retained:

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

Building(s) or Structure(s):

Existing: \_\_\_\_\_

Proposed: \_\_\_\_\_

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

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

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

**5 CURRENT LAND USE**

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

Rural Hamilton Official Plan designation (if applicable): \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable): \_\_\_\_\_

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

5.2 What is the existing zoning of the subject land?

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

5.3 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

| Use or Feature  | On the Subject Land      | Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance) |
|---|--------------------------|---|
| <b>An agricultural operation, including livestock facility or stockyard</b> | <input type="checkbox"/> |   |
| <b>A land fill</b>  | <input type="checkbox"/> |   |
| <b>A sewage treatment plant or waste stabilization plant</b>                | <input type="checkbox"/> |   |
| <b>A provincially significant wetland</b>                                   | <input type="checkbox"/> |   |

|  |                          |  |
|--|--------------------------|--|
| <b>A provincially significant wetland within 120 metres</b>    | <input type="checkbox"/> |  |
| <b>A flood plain</b>   | <input type="checkbox"/> |  |
| <b>An industrial or commercial use, and specify the use(s)</b> | <input type="checkbox"/> |  |
| <b>An active railway line</b>                                  | <input type="checkbox"/> |  |
| <b>A municipal or federal airport</b>                          | <input type="checkbox"/> |  |

**6 PREVIOUS USE OF PROPERTY**

- Residential                       Industrial                       Commercial  
 Agriculture                       Vacant                       Other (specify)

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

**7 PROVINCIAL POLICY**

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

- b) Is this application consistent with the Provincial Policy Statement (PPS)?  
 Yes                       No                      (Provide explanation)
  
- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?  
 Yes                       No                      (Provide explanation)
  
- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)  
 Yes                       No
  
- e) Are the subject lands subject to the Niagara Escarpment Plan?  
 Yes                       No  
  
 If yes, is the proposal in conformity with the Niagara Escarpment Plan?  
 Yes                       No  
 (Provide Explanation)
  
- f) Are the subject lands subject to the Parkway Belt West Plan?  
 Yes                       No  
  
 If yes, is the proposal in conformity with the Parkway Belt West Plan?  
 Yes                       No                      (Provide Explanation)
  
- g) Are the subject lands subject to the Greenbelt Plan?  
 Yes                       No  
  
 If yes, does this application conform with the Greenbelt Plan?  
 Yes                       No                      (Provide Explanation)

**8 HISTORY OF THE SUBJECT LAND**

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

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

---

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

---

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

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

the transferee and the land use.

---

8.4 How long has the applicant owned the subject land?

---

8.5 Does the applicant own any other land in the City?  Yes  No  
 If YES, describe the lands in "11 - Other Information" or attach a separate page.

**9 OTHER APPLICATIONS**

9.1 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval?  Yes  No  Unknown

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

---

9.2 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?  Yes  No  Unknown

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

File number \_\_\_\_\_ Status \_\_\_\_\_

**10 RURAL APPLICATIONS**

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

- |  |                                     |   |
|--|-------------------------------------|---|
| <input type="checkbox"/> Agricultural                          | <input type="checkbox"/> Rural      | <input type="checkbox"/> Specialty Crop |
| <input type="checkbox"/> Mineral Aggregate Resource Extraction | <input type="checkbox"/> Open Space | <input type="checkbox"/> Utilities      |
| <input type="checkbox"/> Rural Settlement Area (specify) _____ | _____                               | _____                                   |
|  | Settlement Area                     | Designation                             |

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm operation.

---

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

- |   |   |                         |
|---|---|-------------------------|
| <input type="checkbox"/> Agricultural Severance or Lot Addition                                 | } | (Complete Section 10.3) |
| <input type="checkbox"/> Agricultural Related Severance or Lot Addition                         |   |                         |
| <input type="checkbox"/> Rural Resource-based Commercial Severance or Lot Addition              |   |                         |
| <input type="checkbox"/> Rural Institutional Severance or Lot Addition                          |   |                         |
| <input type="checkbox"/> Rural Settlement Area Severance or Lot Addition                        |   |                         |
| <input type="checkbox"/> Surplus Farm Dwelling Severance from an Abutting Farm Consolidation    |   | (Complete Section 10.4) |
| <input type="checkbox"/> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 (m <sup>2</sup> 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 (m <sup>2</sup> 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 (m <sup>2</sup> 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.

Development is site plan approved and this severance application will implement desired tenure of the development.

## 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 road or a right of way;
- (h) the location and nature of any easement affecting the subject land.

## 13 ACKNOWLEDGEMENT CLAUSE

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

Date

10/3/2021

Signature of Owner





**IBI GROUP**  
200 East Wing – 360 James Street North  
Hamilton ON L8L 1H5 Canada  
tel 905 546 1010 fax 905 546 1011  
[ibigroup.com](http://ibigroup.com)

March 12, 2021

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:

**51-61 GIBSON AVENUE, HAMILTON  
CONSENT APPLICATIONS**

On behalf of our client, 1937858 Ontario Inc., we are pleased to submit three (3) Consent to Sever applications for the above noted property. The applications seek to create a total of six (6) new townhouse lots and will implement the tenure for a townhouse development that was approved under Site Plan file #DA-17-189. In support of the applications please find enclosed the following information:

- One digital (1) copy of each of the completed Severance application forms;
- One digital (1) copy of each Severance sketch;
- One digital (1) copy of the deposited Reference Plan and as-built survey plan;
- One digital (1) copy of the Article of Incorporation for 1937858 Ontario Inc.; and,
- One (1) cheque in the amount of \$8,580.00 made payable to the City of Hamilton.

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: 1937858 Ontario Inc.





Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5  
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202  
 E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

# NOTICE OF PUBLIC HEARING

## Application for Consent/Land Severance

APPLICATION NUMBER: HM/B-21:23

SUBJECT PROPERTY: 51 Gibson Ave., 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 IBI Group c/o J. Marcus  
 Owner 1937858 Ontario Inc.

**PURPOSE OF APPLICATION:** To permit the conveyance of a parcel of land containing a townhouse dwelling (under construction) and to retain a parcel of land containing townhouse dwellings.

To be heard in conjunction with HM/B-21:21 and HM/B-21:22.

**Severed lands (Part 6):**  
 5.6m<sup>±</sup> x 31.4m<sup>±</sup> and an area of 193m<sup>2±</sup>

**Retained lands (Part 5):**  
 4.6m<sup>±</sup> x 31.3m<sup>±</sup> and an area of 144m<sup>2±</sup>

The Committee of Adjustment will hear this application on:

**DATE:** Thursday, April 22<sup>nd</sup>, 2021  
**TIME:** 2:15 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)

To be streamed at  
[www.hamilton.ca/committeeofadjustment](http://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-21:23  
PAGE 2

## MORE INFORMATION

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

- Visit [www.hamilton.ca/committeeofadjustment](http://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](mailto:cofa@hamilton.ca)

DATED: April 6<sup>th</sup>, 2021

---

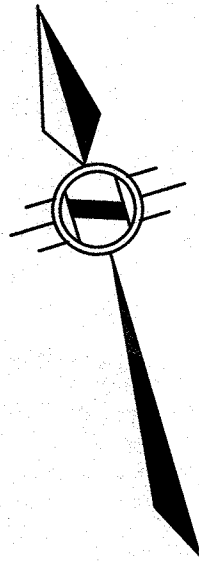
Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

***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.***

**PLAN OF SURVEY**  
OF  
**LOTS 32, 33**  
AND PART OF  
**LOT 34**  
**REGISTERED PLAN 219**  
IN THE  
**CITY OF HAMILTON**

SCALE 1:200 METRIC  
4 2 0 4 8 12 metres

S.D. McLAREN, O.L.S. - 2021



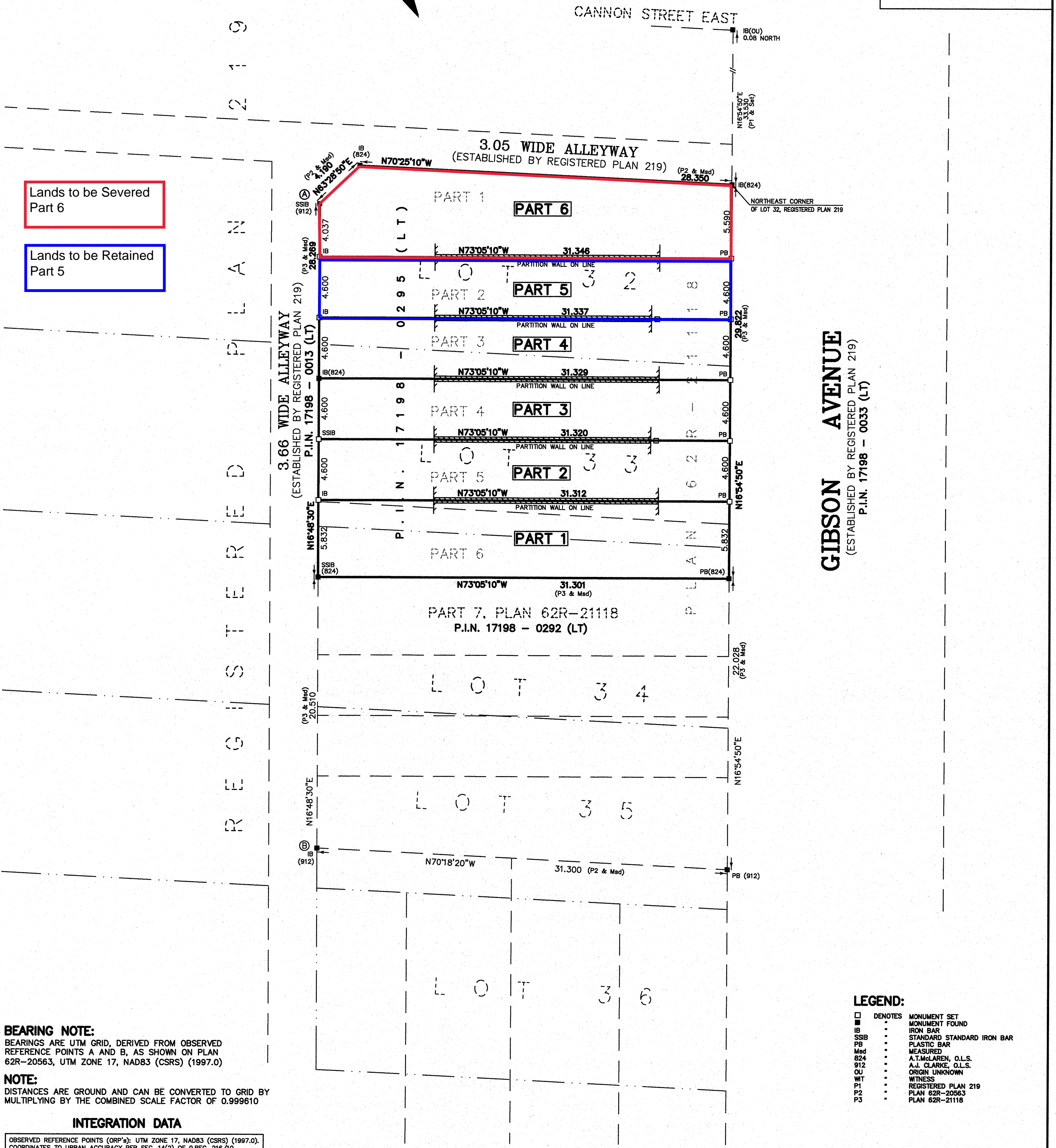
| SCHEDULE |                      |                     |                              |
|----------|----------------------|---------------------|------------------------------|
| PART     | LOT                  | CON/PLAN            | P.I.N.                       |
| 1        | PART OF LOTS 33 & 34 | REGISTERED PLAN 219 | ALL OF PIN 17198 - 0295 (LT) |
| 2        | PART OF LOT 33       |                     |                              |
| 3        | PART OF LOT 33       |                     |                              |
| 4        | PART OF LOTS 32 & 33 |                     |                              |
| 5        | PART OF LOT 32       |                     |                              |
| 6        | PART OF LOT 32       |                     |                              |

**PLAN 62 R-211000**  
RECEIVED AND DEPOSITED  
Date Jan 21/21  
*"A. Sarany"*  
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 JANUARY 20, 2021

*S. Dan McLaren*  
S. DAN McLAREN, O.L.S.



Lands to be Severed  
Part 6

Lands to be Retained  
Part 5

**BEARING NOTE:**  
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED  
REFERENCE POINTS A AND B, AS SHOWN ON PLAN  
62R-20563, UTM ZONE 17, NAD83 (CSRS) (1997.0)

**NOTE:**  
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY  
MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999610

**INTEGRATION DATA**

OBSERVED REFERENCE POINTS (ORP's): UTM ZONE 17, NAD83 (CSRS) (1997.0),  
COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O.REG. 216/10

| POINT ID | NORTHING    | EASTING    |
|----------|-------------|------------|
| ORP (A)  | 4789640.747 | 594089.880 |
| ORP (B)  | 4789594.079 | 594075.783 |

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

**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 5TH DAY OF JANUARY, 2021.

JANUARY 20, 2021  
DATE

*S. Dan McLaren*  
S. DAN McLAREN, O.L.S.

**LEGEND:**

- DENOTES MONUMENT SET
- MONUMENT FOUND
- IB IRON BAR
- SSIB STANDARD STANDARD IRON BAR
- PB PLASTIC BAR
- Med MEASURED
- 824 A.T. McLAREN, O.L.S.
- 912 A.J. CLARKE, O.L.S.
- OU ORIGIN UNKNOWN
- WT WITNESS
- P1 REGISTERED PLAN 219
- P2 PLAN 62R-20563
- P3 PLAN 62R-21118



**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 KB Checked KM/SDM Crew Chief TV Scale 1:200 Dwg.No. 35761-PLC2

**SURVEYOR'S REAL PROPERTY REPORT**  
 PART 1, PLAN OF  
**LOTS 32 & 33**  
 AND PART OF  
**LOT 34**  
**REGISTERED PLAN 219**  
 IN THE  
**CITY OF HAMILTON**

SCALE 1:150 METRIC



**S.D. McLAREN, O.L.S. - 2021**

ASSOCIATION OF ONTARIO  
 LAND SURVEYORS  
 PLAN SUBMISSION FORM  
**2143607**



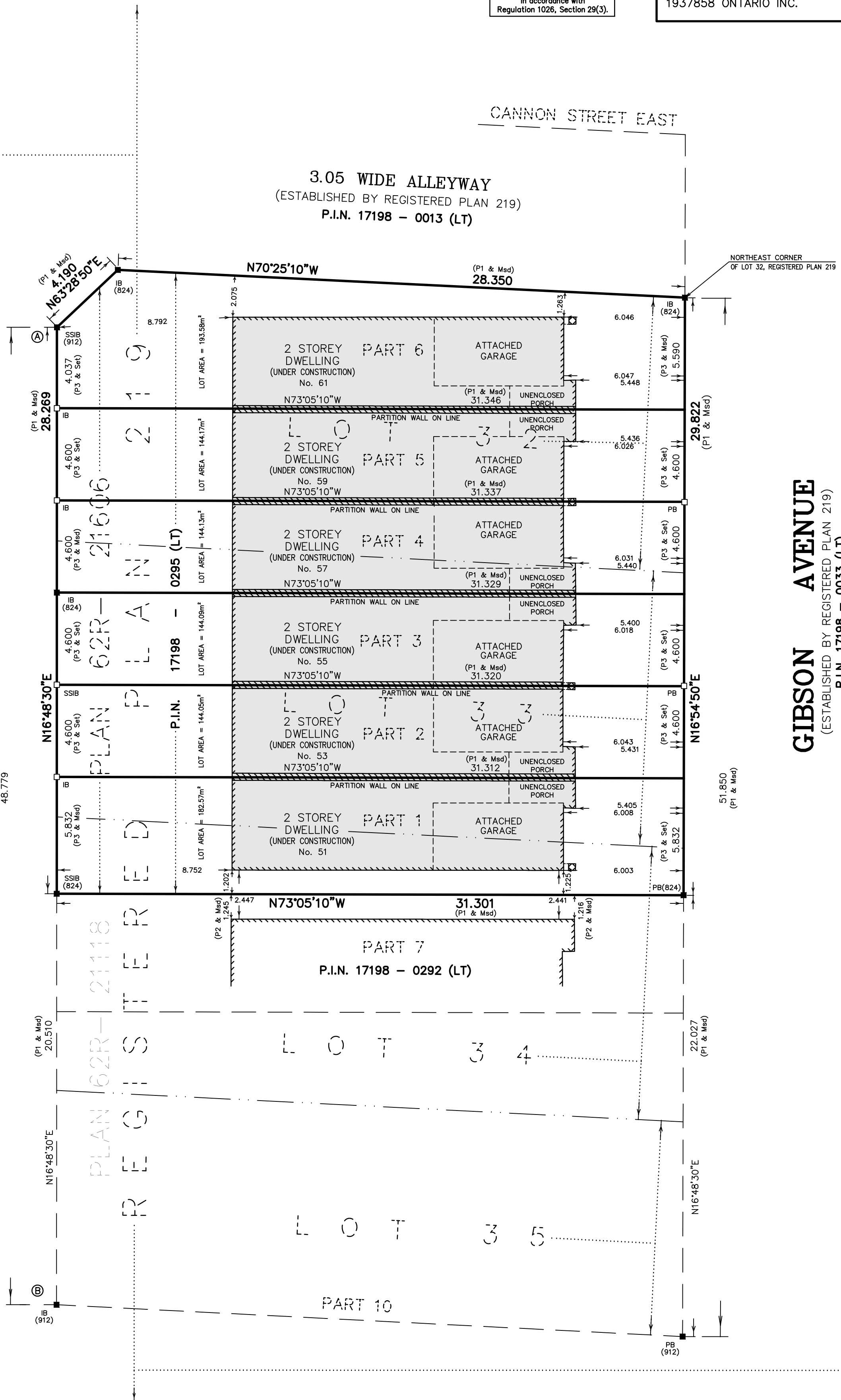
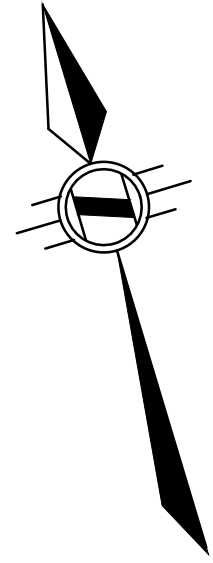
THIS PLAN IS NOT VALID  
 UNLESS IT IS AN EMBOSSED  
 ORIGINAL COPY  
 ISSUED BY THE SURVEYOR  
 In accordance with  
 Regulation 1026, Section 29(3).

**SURVEYOR'S REAL PROPERTY REPORT**  
**(PART 2)**

ALL OF LOTS 32 & 33 AND PART OF LOT 34,  
 REGISTERED PLAN 219, DESIGNATED AS PARTS  
 1-6, PLAN 62R-21118 IS NOT SUBJECT TO ANY  
 EASEMENTS.

THIS PLAN DOES NOT CERTIFY COMPLIANCE  
 WITH ZONING BY-LAWS.

THIS PLAN WAS PREPARED FOR  
 1937858 ONTARIO INC.



**3.66 WIDE ALLEYWAY**  
 (ESTABLISHED BY REGISTERED PLAN 219)  
**P.I.N. 17198 - 0013 (LT)**

**GIBSON AVENUE**  
 (ESTABLISHED BY REGISTERED PLAN 219)  
**P.I.N. 17198 - 0033 (LT)**

**BEARING NOTE:**

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED  
 REFERENCE POINTS A AND B, AS SHOWN ON PLAN  
 62R-20563, UTM ZONE 17, NAD83 (CSRS) (1997.0)

**NOTE:**

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY  
 MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999610

**INTEGRATION DATA**

OBSERVED REFERENCE POINTS (ORP's): UTM ZONE 17, NAD83 (CSRS) (1997.0),  
 COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O.REG. 216/10

| POINT ID | NORTHING    | EASTING    |
|----------|-------------|------------|
| ORP (A)  | 4789640.747 | 594089.880 |
| ORP (B)  | 4789594.079 | 594075.783 |

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

**LEGEND:**

- DENOTES MONUMENT SET
- MONUMENT FOUND
- IB IRON BAR
- SSIB STANDARD STANDARD IRON BAR
- PB PLASTIC BAR
- Med MEASURED
- 824 A.T. McLAREN, O.L.S.
- 912 A.J. CLARKE, O.L.S.
- OU ORIGIN UNKNOWN
- WT WITNESS
- P1 PLAN 62R-21118
- P2 PLAN BY A.T. McLAREN LTD. DATED MARCH 13, 2019
- P3 PLAN 62R-21606

**METRIC NOTE**

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

**NOTE:**

A.T.M. CONTROL POINTS 1 & 11 HAVE BEEN  
 USED TO RE-ESTABLISH THE BOUNDARIES OF  
 PARTS 1-6.

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH  
 THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS  
 MADE UNDER THEM.  
 2. THE SURVEY WAS COMPLETED ON THE 5th DAY OF JANUARY, 2021.

JANUARY 21, 2021.  
 DATE

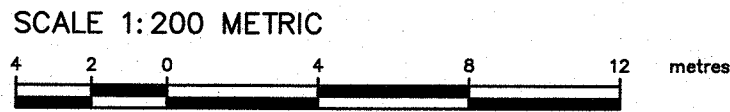
*S. Dan McLaren*  
 S. DAN McLAREN, O.L.S.

© S.D. McLAREN, O.L.S. - 2021. 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  
 69 JOHN STREET SOUTH, SUITE 230  
 HAMILTON, ONTARIO, L8N 2B9  
 PHONE (905) 527-8559 FAX (905) 527-0032

|             |                   |                  |                |                         |
|-------------|-------------------|------------------|----------------|-------------------------|
| Drawn<br>KB | Checked<br>KM/SDM | Crew Chief<br>TV | Scale<br>1:150 | Dwg.No.<br>35761-32-34F |
|-------------|-------------------|------------------|----------------|-------------------------|

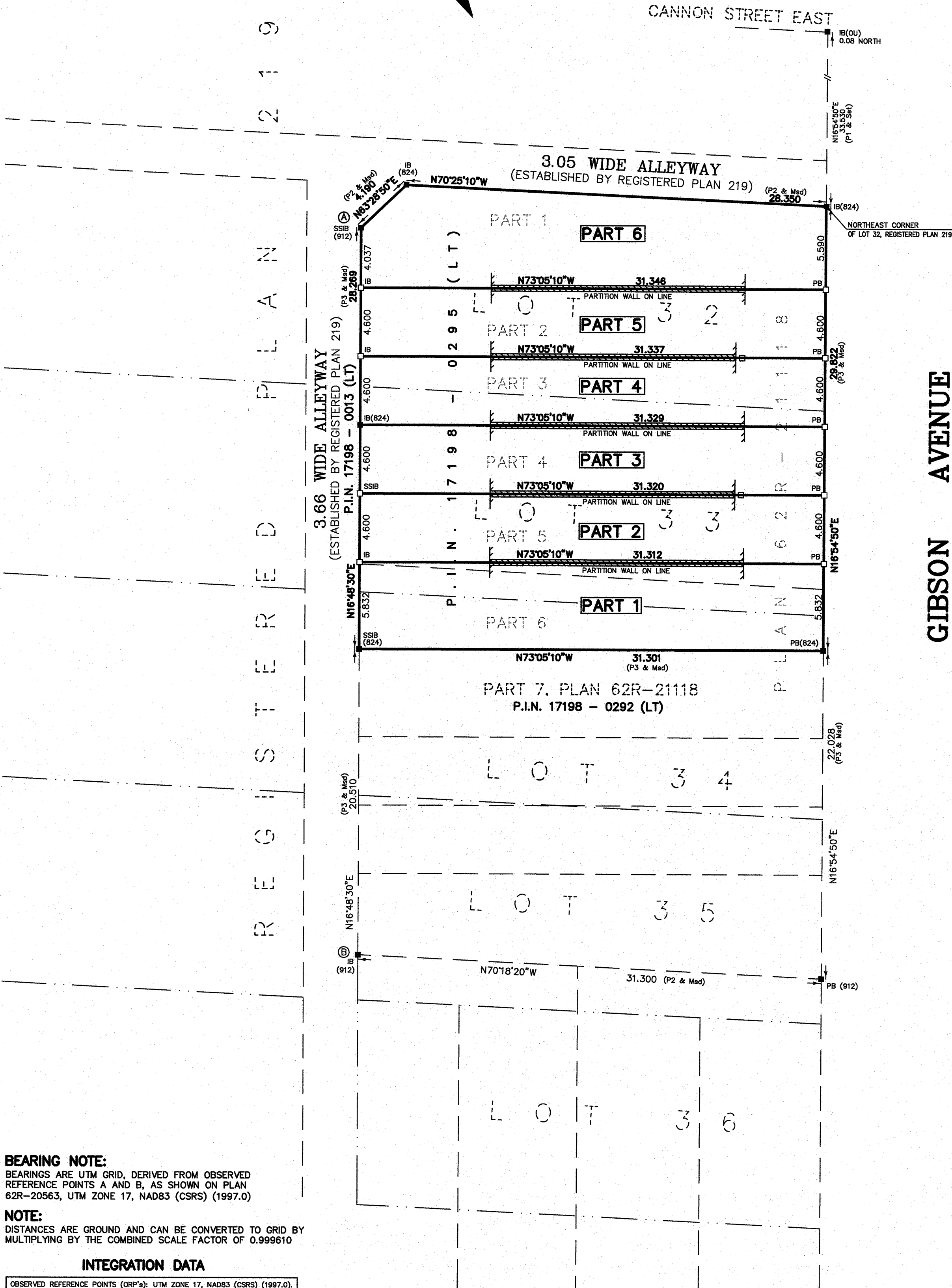
**PLAN OF SURVEY**  
OF  
**LOTS 32, 33**  
AND PART OF  
**LOT 34**  
**REGISTERED PLAN 219**  
IN THE  
**CITY OF HAMILTON**



**S.D. McLAREN, O.L.S. - 2021**

| SCHEDULE |                      |                     |                              |
|----------|----------------------|---------------------|------------------------------|
| PART     | LOT                  | CON/PLAN            | P.I.N.                       |
| 1        | PART OF LOTS 33 & 34 | REGISTERED PLAN 219 | ALL OF PIN 17198 - 0295 (LT) |
| 2        | PART OF LOT 33       |                     |                              |
| 3        | PART OF LOT 33       |                     |                              |
| 4        | PART OF LOTS 32 & 33 |                     |                              |
| 5        | PART OF LOT 32       |                     |                              |
| 6        | PART OF LOT 32       |                     |                              |

**PLAN 62 R-211000**  
RECEIVED AND DEPOSITED  
Date Jan 21/21  
*"A. Sarany"*  
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 JANUARY 20, 2021  
*[Signature]*  
S. DAN McLAREN, O.L.S.



**BEARING NOTE:**  
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, AS SHOWN ON PLAN 62R-20563, UTM ZONE 17, NAD83 (CSRS) (1997.0)

**NOTE:**  
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999610

**INTEGRATION DATA**

OBSERVED REFERENCE POINTS (ORP's): UTM ZONE 17, NAD83 (CSRS) (1997.0), COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O.REG. 216/10

| POINT ID | NORTHING    | EASTING    |
|----------|-------------|------------|
| ORP (A)  | 4789640.747 | 594089.880 |
| ORP (B)  | 4789594.079 | 594075.783 |

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

**METRIC NOTE**

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

**LEGEND:**

- DENOTES MONUMENT SET
- MONUMENT FOUND
- IB IRON BAR
- SSIB STANDARD STANDARD IRON BAR
- PB PLASTIC BAR
- Med MEASURED
- 824 A.T. McLAREN, O.L.S.
- 912 A.J. CLARKE, O.L.S.
- OU ORIGIN UNKNOWN
- WT WITNESS
- P1 REGISTERED PLAN 219
- P2 PLAN 62R-20563
- P3 PLAN 62R-21118

**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 5TH DAY OF JANUARY, 2021.

JANUARY 20, 2021  
DATE

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



**A.T. McLaren Limited**  
LEGAL AND ENGINEERING SURVEYS

69 JOHN STREET SOUTH, SUITE 230  
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PHONE (905) 527-8559 FAX (905) 527-0032

Drawn KB Checked KM/SDM Crew Chief TV Scale 1:200 Dwg.No. 35761-PLC2

**Committee of Adjustment**

City Hall, 5<sup>th</sup> Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5



Hamilton

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**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 |
|-----------------------------|------|---------|
| <b>Registered Owners(s)</b> |      |         |
| <b>Applicant(s)*</b>        |      |         |
| <b>Agent or Solicitor</b>   |      |         |

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

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

**2 LOCATION OF SUBJECT LAND** Complete the applicable lines

|                       |        |                    |                     |
|-----------------------|--------|--------------------|---------------------|
| 2.1 Area Municipality | Lot    | Concession         | Former Township     |
| Registered Plan N°.   | Lot(s) | Reference Plan N°. | Part(s)             |
| Municipal Address     |        |                    | Assessment Roll N°. |

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

Yes  No

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

---

**3 PURPOSE OF THE APPLICATION**

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

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

creation of a new lot

Other:  a charge

- addition to a lot
- an easement

- 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:

---

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 <sup>2</sup> or 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: \_\_\_\_\_

Proposed: \_\_\_\_\_

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 <sup>2</sup> or 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:

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

Building(s) or Structure(s):

Existing: \_\_\_\_\_

Proposed: \_\_\_\_\_

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

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

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

**5 CURRENT LAND USE**

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

Rural Hamilton Official Plan designation (if applicable): \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable): \_\_\_\_\_

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

5.2 What is the existing zoning of the subject land?

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

5.3 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

| Use or Feature  | On the Subject Land      | Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance) |
|---|--------------------------|---|
| <b>An agricultural operation, including livestock facility or stockyard</b> | <input type="checkbox"/> |   |
| <b>A land fill</b>  | <input type="checkbox"/> |   |
| <b>A sewage treatment plant or waste stabilization plant</b>                | <input type="checkbox"/> |   |
| <b>A provincially significant wetland</b>                                   | <input type="checkbox"/> |   |



|  |                          |  |
|--|--------------------------|--|
| <b>A provincially significant wetland within 120 metres</b>    | <input type="checkbox"/> |  |
| <b>A flood plain</b>   | <input type="checkbox"/> |  |
| <b>An industrial or commercial use, and specify the use(s)</b> | <input type="checkbox"/> |  |
| <b>An active railway line</b>                                  | <input type="checkbox"/> |  |
| <b>A municipal or federal airport</b>                          | <input type="checkbox"/> |  |

## 6 PREVIOUS USE OF PROPERTY

- Residential                       Industrial                       Commercial  
 Agriculture                       Vacant                       Other (specify)

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

## 7 PROVINCIAL POLICY

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

- b) Is this application consistent with the Provincial Policy Statement (PPS)?  
 Yes                       No                      (Provide explanation)
  
- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?  
 Yes                       No                      (Provide explanation)
  
- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)  
 Yes                       No
  
- e) Are the subject lands subject to the Niagara Escarpment Plan?  
 Yes                       No  
  
 If yes, is the proposal in conformity with the Niagara Escarpment Plan?  
 Yes                       No  
 (Provide Explanation)
  
- f) Are the subject lands subject to the Parkway Belt West Plan?  
 Yes                       No  
  
 If yes, is the proposal in conformity with the Parkway Belt West Plan?  
 Yes                       No                      (Provide Explanation)
  
- g) Are the subject lands subject to the Greenbelt Plan?  
 Yes                       No  
  
 If yes, does this application conform with the Greenbelt Plan?  
 Yes                       No                      (Provide Explanation)

**8 HISTORY OF THE SUBJECT LAND**

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

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

---

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

---

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

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

the transferee and the land use.

---

8.4 How long has the applicant owned the subject land?

---

8.5 Does the applicant own any other land in the City?  Yes  No  
 If YES, describe the lands in "11 - Other Information" or attach a separate page.

**9 OTHER APPLICATIONS**

9.1 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval?  Yes  No  Unknown

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

---

9.2 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?  Yes  No  Unknown

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

File number \_\_\_\_\_ Status \_\_\_\_\_

**10 RURAL APPLICATIONS**

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

- |  |                                     |   |
|--|-------------------------------------|---|
| <input type="checkbox"/> Agricultural                          | <input type="checkbox"/> Rural      | <input type="checkbox"/> Specialty Crop |
| <input type="checkbox"/> Mineral Aggregate Resource Extraction | <input type="checkbox"/> Open Space | <input type="checkbox"/> Utilities      |
| <input type="checkbox"/> Rural Settlement Area (specify) _____ | _____                               | _____                                   |
|  | Settlement Area                     | Designation                             |

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm operation.

---

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

- |   |   |                         |
|---|---|-------------------------|
| <input type="checkbox"/> Agricultural Severance or Lot Addition                                 | } | (Complete Section 10.3) |
| <input type="checkbox"/> Agricultural Related Severance or Lot Addition                         |   |                         |
| <input type="checkbox"/> Rural Resource-based Commercial Severance or Lot Addition              |   |                         |
| <input type="checkbox"/> Rural Institutional Severance or Lot Addition                          |   |                         |
| <input type="checkbox"/> Rural Settlement Area Severance or Lot Addition                        |   |                         |
| <input type="checkbox"/> Surplus Farm Dwelling Severance from an Abutting Farm Consolidation    |   | (Complete Section 10.4) |
| <input type="checkbox"/> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 (m <sup>2</sup> 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 (m <sup>2</sup> 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 (m <sup>2</sup> 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.

Development is site plan approved and this severance application will implement desired tenure of the development.

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

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

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

## 13 ACKNOWLEDGEMENT CLAUSE

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

Date

10/3/2021

Signature of Owner





**IBI GROUP**  
200 East Wing – 360 James Street North  
Hamilton ON L8L 1H5 Canada  
tel 905 546 1010 fax 905 546 1011  
[ibigroup.com](http://ibigroup.com)

March 12, 2021

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:

**51-61 GIBSON AVENUE, HAMILTON  
CONSENT APPLICATIONS**

On behalf of our client, 1937858 Ontario Inc., we are pleased to submit three (3) Consent to Sever applications for the above noted property. The applications seek to create a total of six (6) new townhouse lots and will implement the tenure for a townhouse development that was approved under Site Plan file #DA-17-189. In support of the applications please find enclosed the following information:

- One digital (1) copy of each of the completed Severance application forms;
- One digital (1) copy of each Severance sketch;
- One digital (1) copy of the deposited Reference Plan and as-built survey plan;
- One digital (1) copy of the Article of Incorporation for 1937858 Ontario Inc.; and,
- One (1) cheque in the amount of \$8,580.00 made payable to the City of Hamilton.

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: 1937858 Ontario Inc.



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5  
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202  
 E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

# NOTICE OF PUBLIC HEARING

## Application for Consent/Land Severance

APPLICATION NUMBER: HM/B-21:21

SUBJECT PROPERTY: 51 Gibson Ave., 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 IBI Group c/o J. Marcus  
 Owner 1937858 Ontario Inc.

**PURPOSE OF APPLICATION:** To permit the conveyance of a parcel of land containing a townhouse dwelling (under construction) and to retain a parcel of land containing townhouse dwellings.

To be heard in conjunction with HM/B-21:22 and HM/B-21:23.

**Severed lands (Part 2):**  
 4.6m<sup>±</sup> x 31.3m<sup>±</sup> and an area of 144m<sup>2±</sup>

**Retained lands (Part 1, 3, 4, 5, 6):**  
 24m<sup>±</sup> x 31.2m<sup>±</sup> and an area of 808m<sup>2±</sup>

The Committee of Adjustment will hear this application on:

**DATE:** Thursday, April 22<sup>nd</sup>, 2021  
**TIME:** 2:15 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)

To be streamed at  
[www.hamilton.ca/committeeofadjustment](http://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-21: 21  
PAGE 2

## MORE INFORMATION

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

- Visit [www.hamilton.ca/committeeofadjustment](http://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](mailto:cofa@hamilton.ca)

DATED: April 6<sup>th</sup>, 2021

---

Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

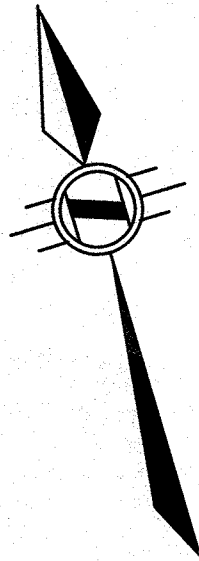
***Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions,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



**PLAN OF SURVEY**  
OF  
**LOTS 32, 33**  
AND PART OF  
**LOT 34**  
**REGISTERED PLAN 219**  
IN THE  
**CITY OF HAMILTON**

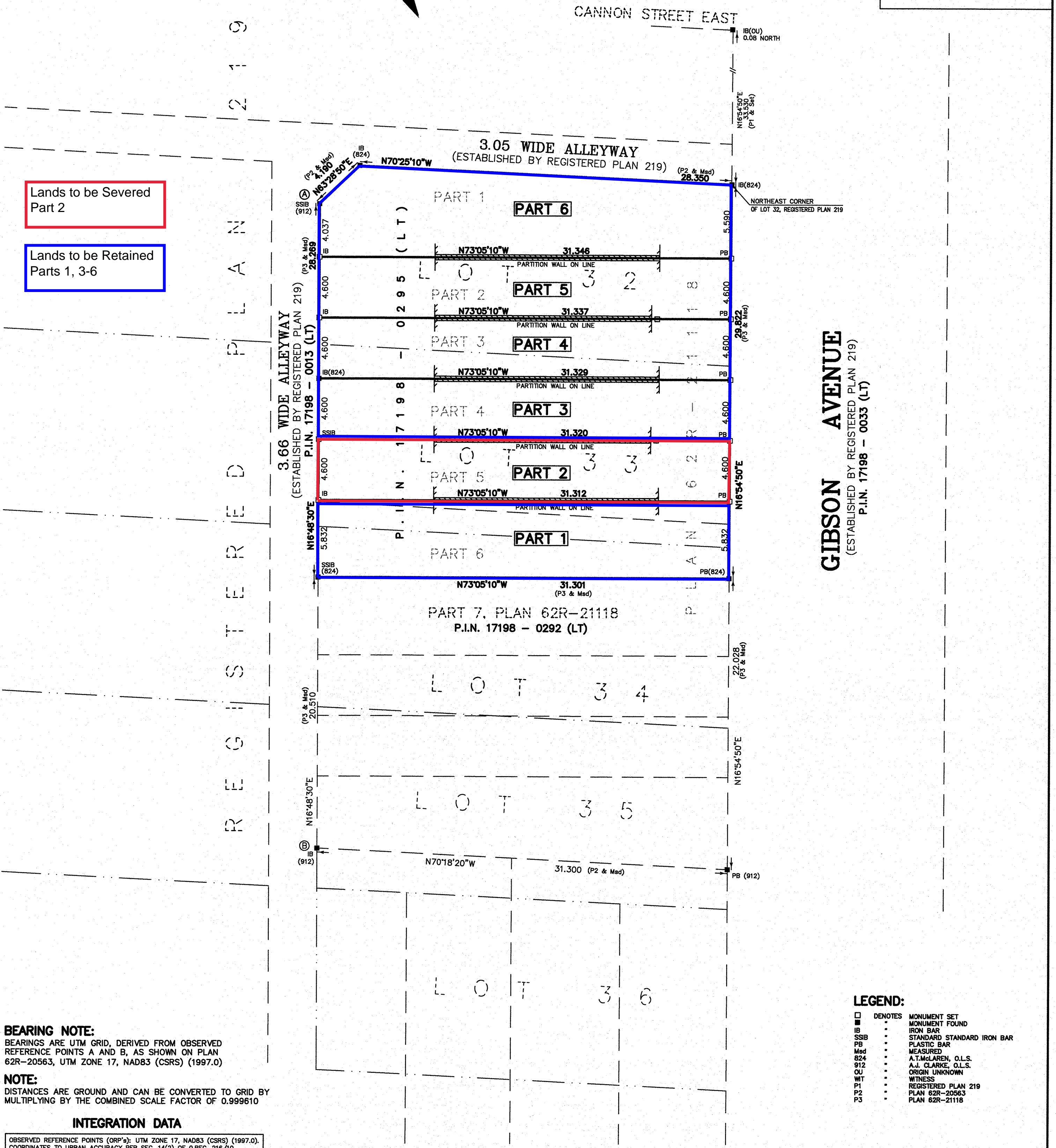
SCALE 1:200 METRIC  
4 2 0 4 8 12 metres

S.D. McLAREN, O.L.S. - 2021



| SCHEDULE |                      |                     |                              |
|----------|----------------------|---------------------|------------------------------|
| PART     | LOT                  | CON/PLAN            | P.I.N.                       |
| 1        | PART OF LOTS 33 & 34 | REGISTERED PLAN 219 | ALL OF PIN 17198 - 0295 (LT) |
| 2        | PART OF LOT 33       |                     |                              |
| 3        | PART OF LOT 33       |                     |                              |
| 4        | PART OF LOTS 32 & 33 |                     |                              |
| 5        | PART OF LOT 32       |                     |                              |
| 6        | PART OF LOT 32       |                     |                              |

**PLAN 62 R-211000**  
RECEIVED AND DEPOSITED  
Date Jan 21/21  
*"A. Sarany"*  
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 JANUARY 20, 2021  
*[Signature]*  
S. DAN McLAREN, O.L.S.



Lands to be Severed  
Part 2

Lands to be Retained  
Parts 1, 3-6

**BEARING NOTE:**  
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, AS SHOWN ON PLAN 62R-20563, UTM ZONE 17, NAD83 (CSRS) (1997.0)

**NOTE:**  
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999610

**INTEGRATION DATA**

OBSERVED REFERENCE POINTS (ORP's): UTM ZONE 17, NAD83 (CSRS) (1997.0), COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O.REG. 216/10

| POINT ID | NORTHING    | EASTING    |
|----------|-------------|------------|
| ORP (A)  | 4789640.747 | 594089.880 |
| ORP (B)  | 4789594.079 | 594075.783 |

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

**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 5TH DAY OF JANUARY, 2021.  
JANUARY 20, 2021  
DATE  
S. DAN McLAREN, O.L.S.

**LEGEND:**

- DENOTES MONUMENT SET
- MONUMENT FOUND
- IB IRON BAR
- SSB STANDARD STANDARD IRON BAR
- PB PLASTIC BAR
- Med MEASURED
- 824 A.T. McLAREN, O.L.S.
- 912 A.J. CLARKE, O.L.S.
- OU ORIGIN UNKNOWN
- WT WITNESS
- P1 REGISTERED PLAN 219
- P2 PLAN 62R-20563
- P3 PLAN 62R-21118

**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 KB Checked KM/SDM Crew Chief TV Scale 1:200 Dwg.No. 35761-PLC2

**SURVEYOR'S REAL PROPERTY REPORT**  
 PART 1, PLAN OF  
**LOTS 32 & 33**  
 AND PART OF  
**LOT 34**  
**REGISTERED PLAN 219**  
 IN THE  
**CITY OF HAMILTON**



**S.D. McLAREN, O.L.S. - 2021**

ASSOCIATION OF ONTARIO  
 LAND SURVEYORS  
 PLAN SUBMISSION FORM  
**2143607**

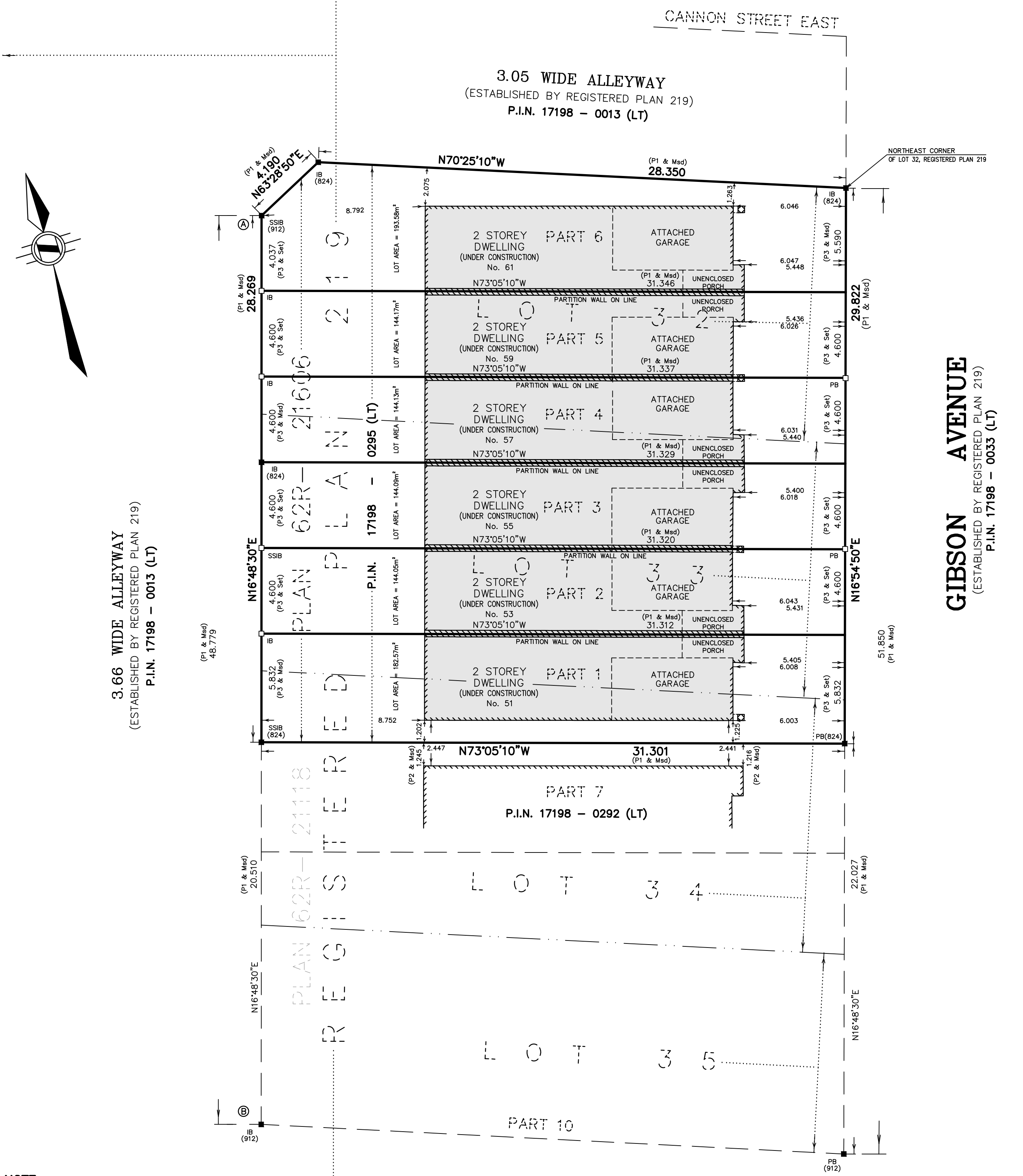
THIS PLAN IS NOT VALID  
 UNLESS IT IS AN EMBOSSED  
 ORIGINAL COPY  
 ISSUED BY THE SURVEYOR  
 In accordance with  
 Regulation 1026, Section 29(3).

**SURVEYOR'S REAL PROPERTY REPORT**  
**(PART 2)**

ALL OF LOTS 32 & 33 AND PART OF LOT 34,  
 REGISTERED PLAN 219, DESIGNATED AS PARTS  
 1-6, PLAN 62R-21118 IS NOT SUBJECT TO ANY  
 EASEMENTS.

THIS PLAN DOES NOT CERTIFY COMPLIANCE  
 WITH ZONING BY-LAWS.

THIS PLAN WAS PREPARED FOR  
 1937858 ONTARIO INC.



**BEARING NOTE:**  
 BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED  
 REFERENCE POINTS A AND B, AS SHOWN ON PLAN  
 62R-20563, UTM ZONE 17, NAD83 (CSRS) (1997.0)

**NOTE:**  
 DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY  
 MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999610

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

**NOTE:**  
 A.T.M. CONTROL POINTS 1 & 11 HAVE BEEN  
 USED TO RE-ESTABLISH THE BOUNDARIES OF  
 PARTS 1-6.

**INTEGRATION DATA**

OBSERVED REFERENCE POINTS (ORP's): UTM ZONE 17, NAD83 (CSRS) (1997.0),  
 COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O.REG. 216/10

| POINT ID | NORTHING    | EASTING    |
|----------|-------------|------------|
| ORP (A)  | 4789640.747 | 594089.880 |
| ORP (B)  | 4789594.079 | 594075.783 |

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

- LEGEND:**
- DENOTES MONUMENT SET
  - MONUMENT FOUND
  - IB IRON BAR
  - SSIB STANDARD STANDARD IRON BAR
  - PB PLASTIC BAR
  - Med MEASURED
  - 824 A.T.McLAREN, O.L.S.
  - 912 A.J. CLARKE, O.L.S.
  - OU ORIGIN UNKNOWN
  - WT WITNESS
  - P1 PLAN 62R-21118
  - P2 PLAN BY A.T.McLAREN LTD. DATED MARCH 13, 2019
  - P3 PLAN 62R-21606

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH  
 THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS  
 MADE UNDER THEM.  
 2. THE SURVEY WAS COMPLETED ON THE 5th DAY OF JANUARY, 2021.

JANUARY 21, 2021.  
 DATE

*S. Dan McLaren, O.L.S.*  
 S. DAN McLAREN, O.L.S.

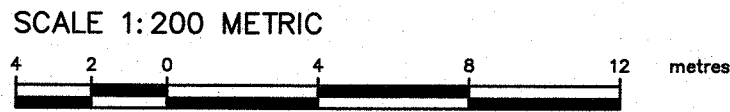
© S.D. McLAREN, O.L.S. - 2021. NO PERSON MAY COPY  
 REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN  
 PART WITHOUT THE WRITTEN PERMISSION OF S.D. McLAREN, O.L.S.

**A.T. McLaren Limited**  
 LEGAL AND ENGINEERING SURVEYS

69 JOHN STREET SOUTH, SUITE 230  
 HAMILTON, ONTARIO, L8N 2B9  
 PHONE (905) 527-8559 FAX (905) 527-0032

|             |                   |                  |                |                         |
|-------------|-------------------|------------------|----------------|-------------------------|
| Drawn<br>KB | Checked<br>KM/SDM | Crew Chief<br>TV | Scale<br>1:150 | Dwg.No.<br>35761-32-34F |
|-------------|-------------------|------------------|----------------|-------------------------|

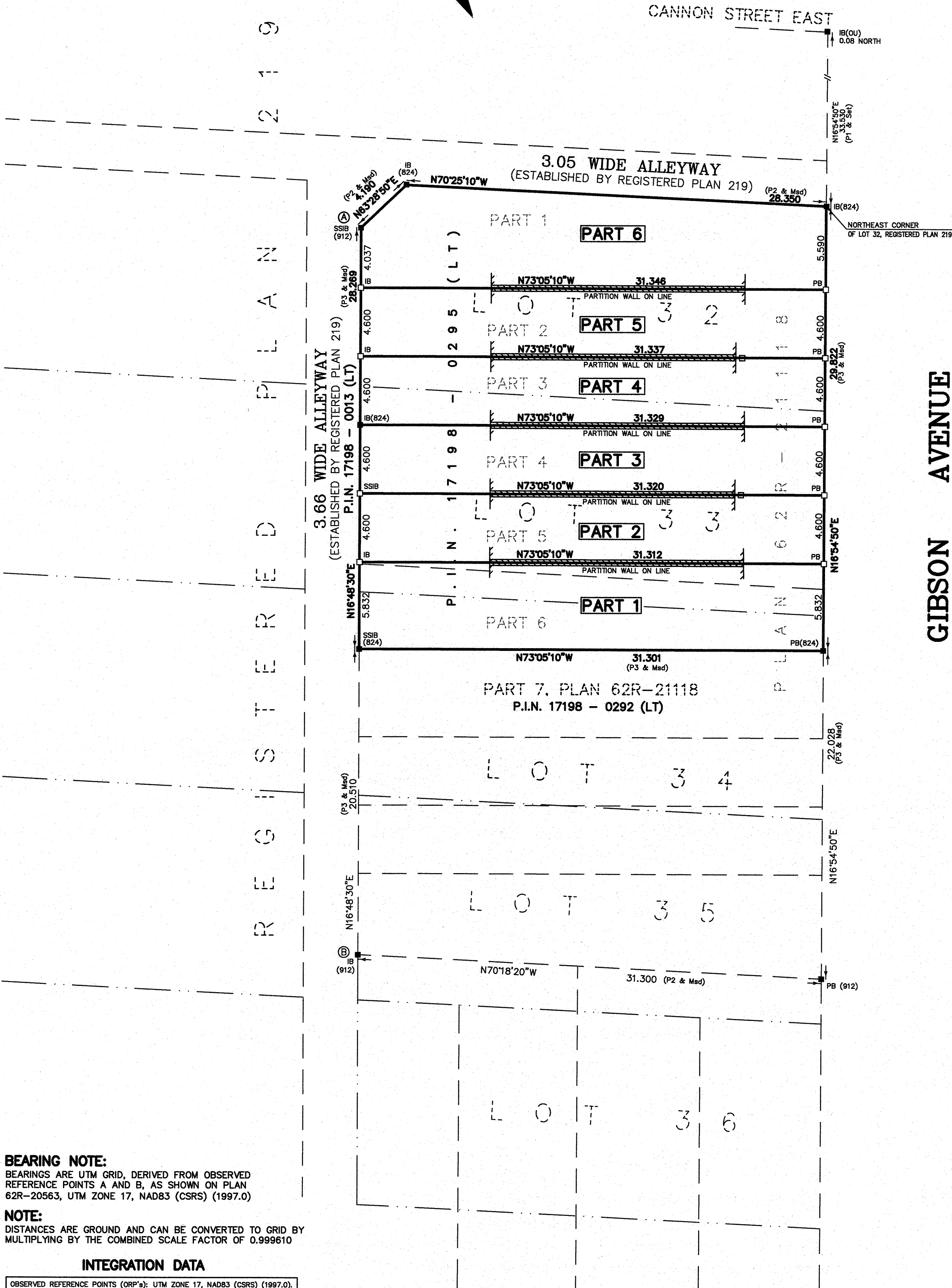
**PLAN OF SURVEY**  
OF  
**LOTS 32, 33**  
AND PART OF  
**LOT 34**  
**REGISTERED PLAN 219**  
IN THE  
**CITY OF HAMILTON**



**S.D. McLAREN, O.L.S. - 2021**

| SCHEDULE |                      |                     |                              |
|----------|----------------------|---------------------|------------------------------|
| PART     | LOT                  | CON/PLAN            | P.I.N.                       |
| 1        | PART OF LOTS 33 & 34 | REGISTERED PLAN 219 | ALL OF PIN 17198 - 0295 (LT) |
| 2        | PART OF LOT 33       |                     |                              |
| 3        | PART OF LOT 33       |                     |                              |
| 4        | PART OF LOTS 32 & 33 |                     |                              |
| 5        | PART OF LOT 32       |                     |                              |
| 6        | PART OF LOT 32       |                     |                              |

**PLAN 62 R-211000**  
RECEIVED AND DEPOSITED  
Date Jan 21/21  
*"A. Sarany"*  
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 JANUARY 20, 2021  
*[Signature]*  
S. DAN McLAREN, O.L.S.



**BEARING NOTE:**  
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**NOTE:**  
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**INTEGRATION DATA**

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| POINT ID | NORTHING    | EASTING    |
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**SURVEYOR'S CERTIFICATE**  
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JANUARY 20, 2021  
DATE  
*[Signature]*  
S. DAN McLAREN, O.L.S.

- LEGEND:**
- DENOTES MONUMENT SET
  - MONUMENT FOUND
  - IB IRON BAR
  - SSIB STANDARD STANDARD IRON BAR
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  - OU ORIGIN UNKNOWN
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  - P3 PLAN 62R-21118

**A.T. McLaren Limited**  
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69 JOHN STREET SOUTH, SUITE 230  
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PHONE (905) 527-8559 FAX (905) 527-0032  
Drawn KB Checked KM/SDM Crew Chief TV Scale 1:200 Dwg.No. 35761-PLC2



Hamilton

**Committee of Adjustment**City Hall, 5<sup>th</sup> Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**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 |
|-----------------------------|------|---------|
| <b>Registered Owners(s)</b> |      |         |
| <b>Applicant(s)*</b>        |      |         |
| <b>Agent or Solicitor</b>   |      |         |

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

1.3 All correspondence should be sent to  Owner  Applicant  Agent/Solicitor**2 LOCATION OF SUBJECT LAND** Complete the applicable lines

|                       |        |                    |                     |
|-----------------------|--------|--------------------|---------------------|
| 2.1 Area Municipality | Lot    | Concession         | Former Township     |
| Registered Plan N°.   | Lot(s) | Reference Plan N°. | Part(s)             |
| Municipal Address     |        |                    | Assessment Roll N°. |

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

 Yes  No

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

\_\_\_\_\_

**3 PURPOSE OF THE APPLICATION**

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

a) Urban Area Transfer (do not complete Section 10): creation of a new lotOther:  a charge

- addition to a lot
- an easement

- 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:

---

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

Existing Use of Property to be severed:

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

Proposed Use of Property to be severed:

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

Building(s) or Structure(s):

Existing: \_\_\_\_\_

Proposed: \_\_\_\_\_

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

Existing Use of Property to be retained:

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

Proposed Use of Property to be retained:

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

Building(s) or Structure(s):

Existing: \_\_\_\_\_

Proposed: \_\_\_\_\_

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

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

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

**5 CURRENT LAND USE**

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

Rural Hamilton Official Plan designation (if applicable): \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable): \_\_\_\_\_

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

5.2 What is the existing zoning of the subject land?

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

5.3 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

| Use or Feature  | On the Subject Land      | Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance) |
|---|--------------------------|---|
| <b>An agricultural operation, including livestock facility or stockyard</b> | <input type="checkbox"/> |   |
| <b>A land fill</b>  | <input type="checkbox"/> |   |
| <b>A sewage treatment plant or waste stabilization plant</b>                | <input type="checkbox"/> |   |
| <b>A provincially significant wetland</b>                                   | <input type="checkbox"/> |   |

|  |                          |  |
|--|--------------------------|--|
| <b>A provincially significant wetland within 120 metres</b>    | <input type="checkbox"/> |  |
| <b>A flood plain</b>   | <input type="checkbox"/> |  |
| <b>An industrial or commercial use, and specify the use(s)</b> | <input type="checkbox"/> |  |
| <b>An active railway line</b>                                  | <input type="checkbox"/> |  |
| <b>A municipal or federal airport</b>                          | <input type="checkbox"/> |  |

## 6 PREVIOUS USE OF PROPERTY

- Residential                       Industrial                       Commercial  
 Agriculture                       Vacant                       Other (specify)

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

## 7 PROVINCIAL POLICY

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

- b) Is this application consistent with the Provincial Policy Statement (PPS)?  
 Yes                       No                      (Provide explanation)
  
- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?  
 Yes                       No                      (Provide explanation)
  
- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)  
 Yes                       No
  
- e) Are the subject lands subject to the Niagara Escarpment Plan?  
 Yes                       No  
  
 If yes, is the proposal in conformity with the Niagara Escarpment Plan?  
 Yes                       No  
 (Provide Explanation)
  
- f) Are the subject lands subject to the Parkway Belt West Plan?  
 Yes                       No  
  
 If yes, is the proposal in conformity with the Parkway Belt West Plan?  
 Yes                       No                      (Provide Explanation)
  
- g) Are the subject lands subject to the Greenbelt Plan?  
 Yes                       No  
  
 If yes, does this application conform with the Greenbelt Plan?  
 Yes                       No                      (Provide Explanation)

**8 HISTORY OF THE SUBJECT LAND**

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

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

---

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

---

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

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



the transferee and the land use.

---

8.4 How long has the applicant owned the subject land?

---

8.5 Does the applicant own any other land in the City?  Yes  No  
 If YES, describe the lands in "11 - Other Information" or attach a separate page.

**9 OTHER APPLICATIONS**

9.1 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval?  Yes  No  Unknown

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

---

9.2 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?  Yes  No  Unknown

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

File number \_\_\_\_\_ Status \_\_\_\_\_

**10 RURAL APPLICATIONS**

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

- |  |                                     |   |
|--|-------------------------------------|---|
| <input type="checkbox"/> Agricultural                          | <input type="checkbox"/> Rural      | <input type="checkbox"/> Specialty Crop |
| <input type="checkbox"/> Mineral Aggregate Resource Extraction | <input type="checkbox"/> Open Space | <input type="checkbox"/> Utilities      |
| <input type="checkbox"/> Rural Settlement Area (specify) _____ | _____                               | _____                                   |
|  | Settlement Area                     | Designation                             |

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm operation.

---

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

- |   |   |                         |
|---|---|-------------------------|
| <input type="checkbox"/> Agricultural Severance or Lot Addition                                 | } | (Complete Section 10.3) |
| <input type="checkbox"/> Agricultural Related Severance or Lot Addition                         |   |                         |
| <input type="checkbox"/> Rural Resource-based Commercial Severance or Lot Addition              |   |                         |
| <input type="checkbox"/> Rural Institutional Severance or Lot Addition                          |   |                         |
| <input type="checkbox"/> Rural Settlement Area Severance or Lot Addition                        |   |                         |
| <input type="checkbox"/> Surplus Farm Dwelling Severance from an Abutting Farm Consolidation    |   | (Complete Section 10.4) |
| <input type="checkbox"/> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 (m <sup>2</sup> 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 (m <sup>2</sup> 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:



**IBI GROUP**  
200 East Wing – 360 James Street North  
Hamilton ON L8L 1H5 Canada  
tel 905 546 1010 fax 905 546 1011  
[ibigroup.com](http://ibigroup.com)

March 12, 2021

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:

**51-61 GIBSON AVENUE, HAMILTON  
CONSENT APPLICATIONS**

On behalf of our client, 1937858 Ontario Inc., we are pleased to submit three (3) Consent to Sever applications for the above noted property. The applications seek to create a total of six (6) new townhouse lots and will implement the tenure for a townhouse development that was approved under Site Plan file #DA-17-189. In support of the applications please find enclosed the following information:

- One digital (1) copy of each of the completed Severance application forms;
- One digital (1) copy of each Severance sketch;
- One digital (1) copy of the deposited Reference Plan and as-built survey plan;
- One digital (1) copy of the Article of Incorporation for 1937858 Ontario Inc.; and,
- One (1) cheque in the amount of \$8,580.00 made payable to the City of Hamilton.

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: 1937858 Ontario Inc.





Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5  
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202  
 E-mail: [cofa@hamilton.ca](mailto: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-21:94

**APPLICANTS:** R. Horlings on behalf of the owner S. Horlings

**SUBJECT PROPERTY:** Municipal address **16 Elgar Ave., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended

**ZONING:** "C/s-1788" (Urban Protected Residential) district

**PROPOSAL:** To permit the construction of a new 26.0m<sup>2</sup> accessory building in the side yard of the existing single family dwelling notwithstanding that:

1. A southerly side yard width of 0.6m shall be provided for the proposed accessory building instead of the minimum required side yard width of 1.2m.
2. Eaves and gutters associated with the accessory building shall be permitted to project a maximum of 0.59m into the required side yard (therefore being 0.1m from the side lot line), instead of the maximum permitted projection of 0.3m.
3. A parking space size of 2.7m x 5.6m shall be provided instead of the minimum required parking space of 2.7m x 6.0m.

**NOTES:**

- i. Please be advised that a maximum building height of 4.0m is permitted for accessory buildings.

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

---

**DATE:** Thursday, April 22nd, 2021  
**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](http://www.hamilton.ca/committeeofadjustment)  
 for viewing purposes only

---

**PUBLIC INPUT**

**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

HM/A-21:94

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](http://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](mailto:cofa@hamilton.ca)

DATED: April 6th, 2021.

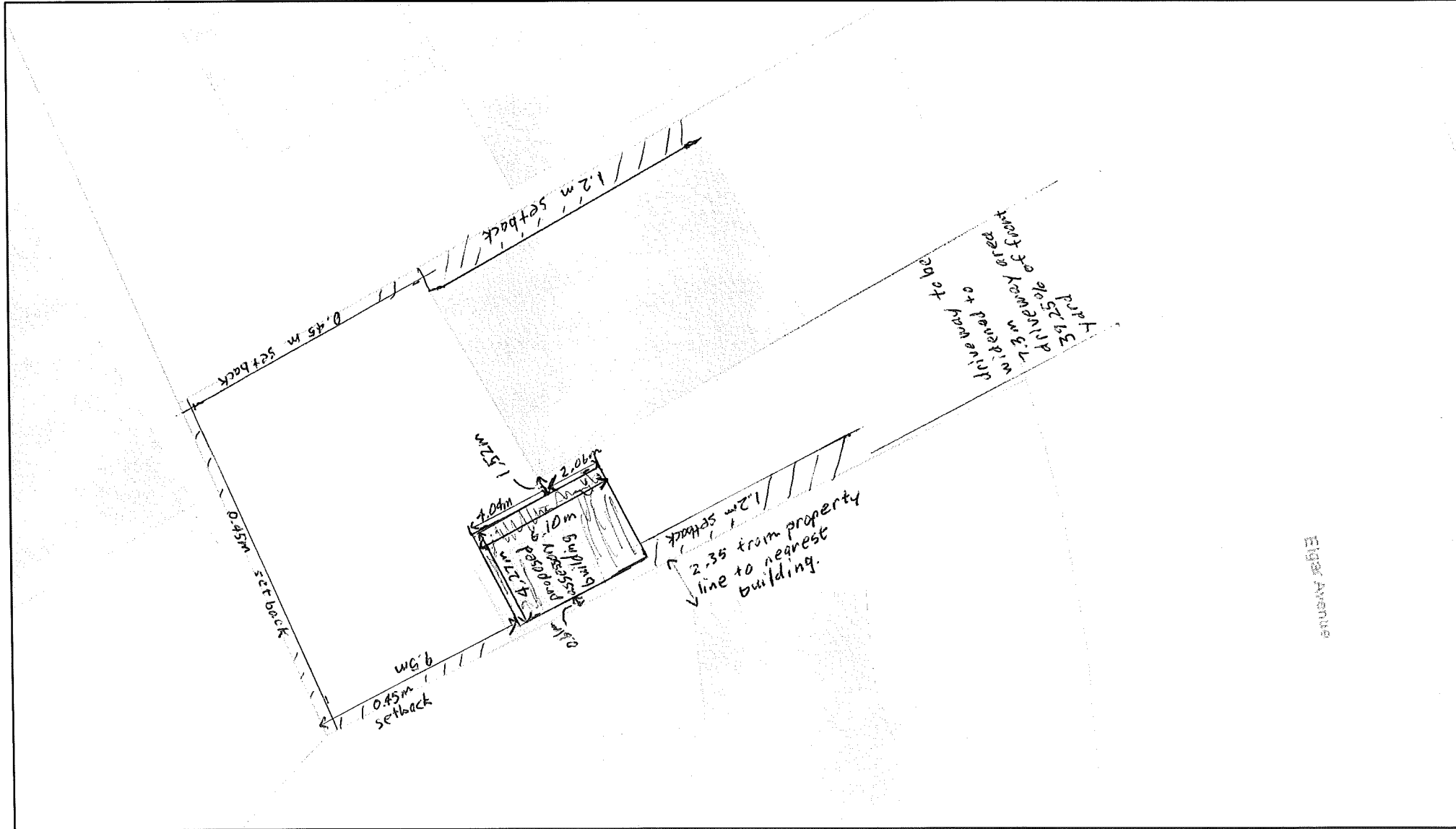
---

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.***



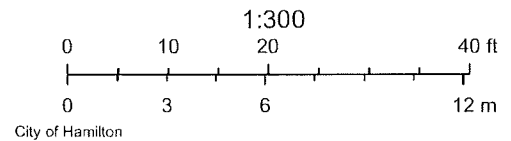
# Interactive Mapping



13/06/2020, 12:25:50

Roads

Property Parcels



## 16 Elgar Ave Hamilton



COPYRIGHT 2019 - RIJUS HOME DESIGN INC. - PLEASE READ ALL NOTES ON ALL PAGES PRIOR TO STARTING CONSTRUCTION -

THESE DRAWINGS ARE PROTECTED BY COPYRIGHT LAWS. THEY SHALL NOT BE REPRODUCED, COPIED, ALTERED, TRANSMITTED OR REPRODUCED IN WHOLE OR PART WITHOUT WRITTEN AUTHORIZATION BY THE AUTHOR. RIJUS HOME DESIGN INC. THE DRAWING, SPECIFICATIONS, A LICENSE & TRADE NAMES ARE THE PROPERTY OF THE DESIGNER, AND IS ISSUED FOR A SINGLE ONE-TIME BUILDING USE FOR THE PROJECT / CLIENT / ADDRESS WHICH THEY WERE ISSUED FOR.

**GENERAL PLAN & DESIGN NOTES:**  
 1. ALL CONSTRUCTION & MATERIALS SHALL CONFORM TO THE LATEST EDITION OF THE O.B.C. (ONTARIO BUILDING CODE).  
 2. DO NOT SCALE DWGS.  
 3. ALL DIMENSIONS ARE IMPERIAL.  
 4. ALL LUMBER TO BE NO. 2 GRADE SPF / BETTER.  
 5. ALL DIMENSIONS TO BE VERIFIED BY THE CONTRACTOR PRIOR TO COMMENCING ALL CONSTRUCTION.  
 6. CONTRACTOR OR CLIENT TO SITE VERIFY & CHECK DIMENSIONS OF ALL ROOF TRUSSES AT THE JOB SITE PRIOR TO ORDERING.  
 7. IF ANY ERRORS OR OMISSIONS ARE FOUND ON THESE DRAWINGS, THEY SHALL BE REPORTED TO THE DESIGNER PRIOR TO CONSTRUCTION. MUST CHECK DRAWINGS.  
 8. THESE PLANS FOR THE BASIS OF THE PERMIT ISSUANCE AND ANY DEVIATIONS FROM THESE PLANS AND DETAILS INCLUDING, BUT NOT LIMITED TO, VENTILATION & HEATING SYSTEM, WOOD STOVE, FIREPLACES, DECKS, BALCONIES & FINISHED BASEMENTS WILL REQUIRE REVISED DRAWINGS AND CLEARANCE BY THE BUILDING DEPT. & SIGNING BY LICENSED DESIGNER.  
 9. ALL AUTHORIZED LEGAL COPIES OF DRAWINGS HAVE INDIVIDUAL ORIGINAL STAMPS IN RED.  
 10. ONLY DRAWINGS THAT HAVE THE SIGNED RED CIRCLE STAMP AND ARE ACCOMPANIED BY A MATCHING SIGNED SCHEDULE 1 BCIN FORM ARE TO BE USED FOR PERMIT APPLICATION.

**REVISIONS:**

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 Div. C, 3.2.4 of the building code

JASON SCHILSTRA 37758  
 NAME: BCIN:

**REGISTRATION INFORMATION**  
 Required unless design is exempt under Div. C, 3.2.5 of the building code

RIJUS HOME DESIGN INC. 100572  
 FIRM NAME: BCIN:

SIGNATURE

**RIJUS HOME DESIGN INC.**  
 BCIN 100572  
 J. SCHILSTRA  
 37758 BCIN  
 QUALIFIED DESIGNER

**RIJUS**  
 Home Design Inc.  
 SERVING ALL ONTARIO WITH DESIGNS FOR CUSTOM HOMES, ADDITIONS & GARAGES SINCE 1983

310 QUEEN ST. DUNNVILLE, ON.  
 PHONE: (905) 701-1110  
 EMAIL: JASON@RIJUS.COM  
 WWW.RIJUS.COM

**PROJECT INFORMATION:**

**HORLINGS RESIDENCE**

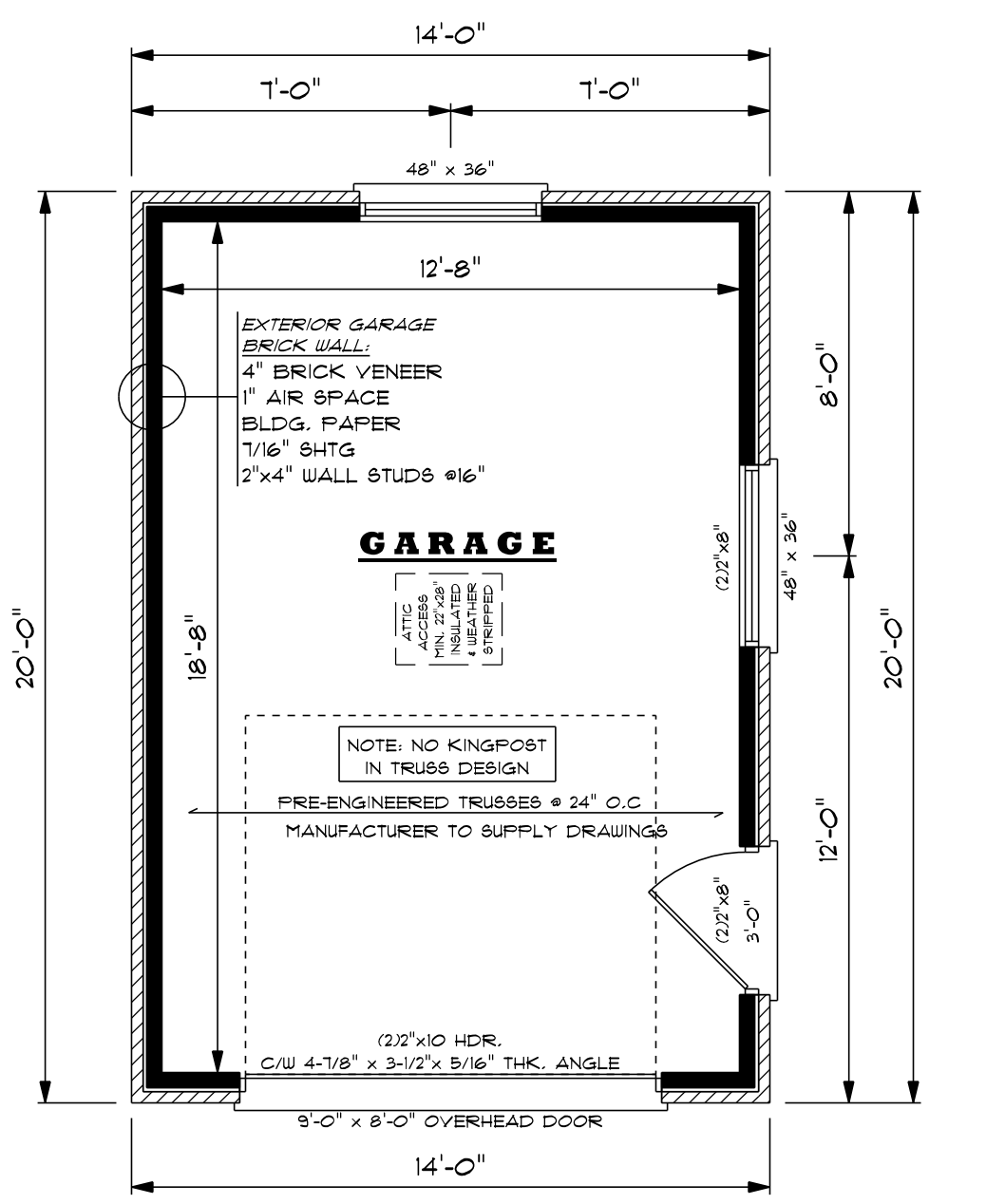
SIZE: ACCESSORY GARAGE DESIGN  
 LOCATION: HAMILTON, ON  
 ENTRY PACKAGE: ZONE 1  
 BUILDER: N/A

DATE: AUG 2019 SCALE: NOTED

PROJECT NUMBER: RIF - 2019 - 455

PAGE TITLE: AS NOTED

PAGE NUMBER: 1 OF 1



**MAIN FLOOR PLAN**  
 SCALE: 1/4" = 1'0"  
 FLOOR AREA = 280 S.Q.F.T.

**GENERAL FLOOR PLAN SPECIFICATIONS:**  
 (SEE ADDITIONAL SPECIFICATIONS ON END SHEET)

**WINDOWS & EXT. DOORS NOTE:**  
 BUILDER/HOMEOWNER TO VERIFY ALL WINDOW & EXTERIOR DOOR SIZES/IZES PRIOR TO ORDERING. FRAMING CONTRACTOR TO BE SUPPLIED WINDOW SUPPLIER R80 (ROUGH STUD OPENINGS) PRIOR TO FRAMING.  
 WHERE TRANSOMS ARE NOTED ON PLAN - THE SIZE IS IN ADDITION TO THE WINDOW SIZE ALREADY NOTED.  
 UNLESS OTHERWISE NOTED, TOP OF ALL WINDOWS TO BE FRAMED AT 6'-10" MAX. WITH TRANSOM LOCATED ABOVE. PLEASE CONFIRM THIS HEIGHT WITH TRUSS DWGS. (FASCIA DROP/HEEL HEIGHT).

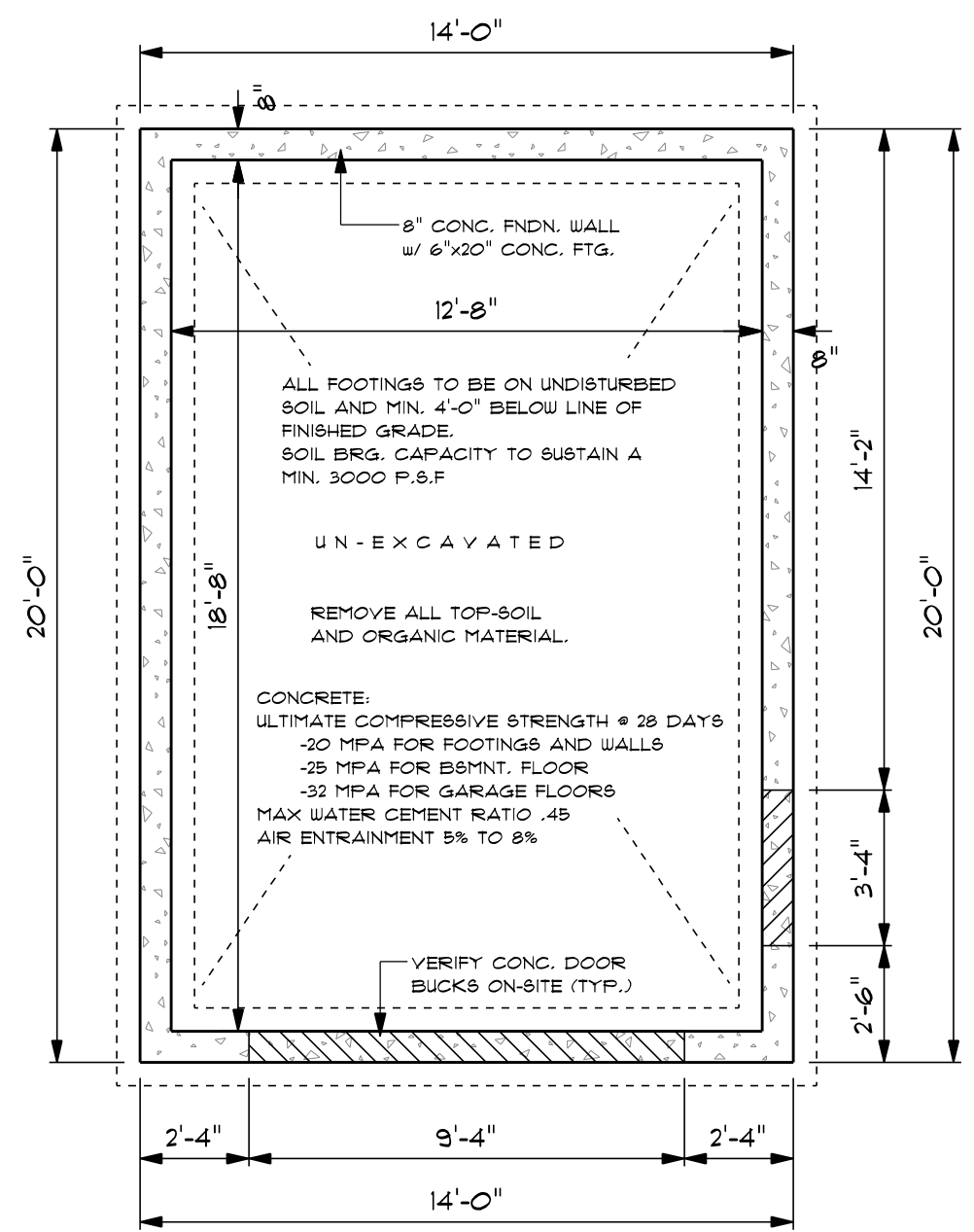
**PRE-ENGINEERED TRUSSES:**  
 TRUSS LAYOUT TO BE DESIGNED/ENGINEERED BY TRUSS MANUFACTURER. MANUFACTURER TO SUBMIT SEALED & STAMPED ENGINEERED SHOP DRAWINGS TO CONTRACTOR FOR APPROVAL BY BUILDING DEPARTMENT PRIOR TO CONSTRUCTION. IF GIRDER TRUSS LOCATIONS ARE SHOWN ON THESE DRAWINGS, THEY ARE BASE ON ANTICIPATED PLACEMENT DESIGNED BY TRUSS MANUFACTURER.

**ABBREVIATIONS:**  
 REFER TO THE LAST PHASE 'SPECIFICATIONS' FOR A LIST OF ABBREVIATIONS.

**LVL MEMBERS & TRUSS JOIST:**  
 SUPPLIERS OF ALL LVL MEMBERS AND TRUSS JOIST (WOOD I) SYSTEMS TO PROVIDE ENGINEERED SHOP DRAWINGS. RIJUS HOME DESIGN INC. IS NOT RESPONSIBLE FOR PRE-ENGINEERED PRODUCTS.

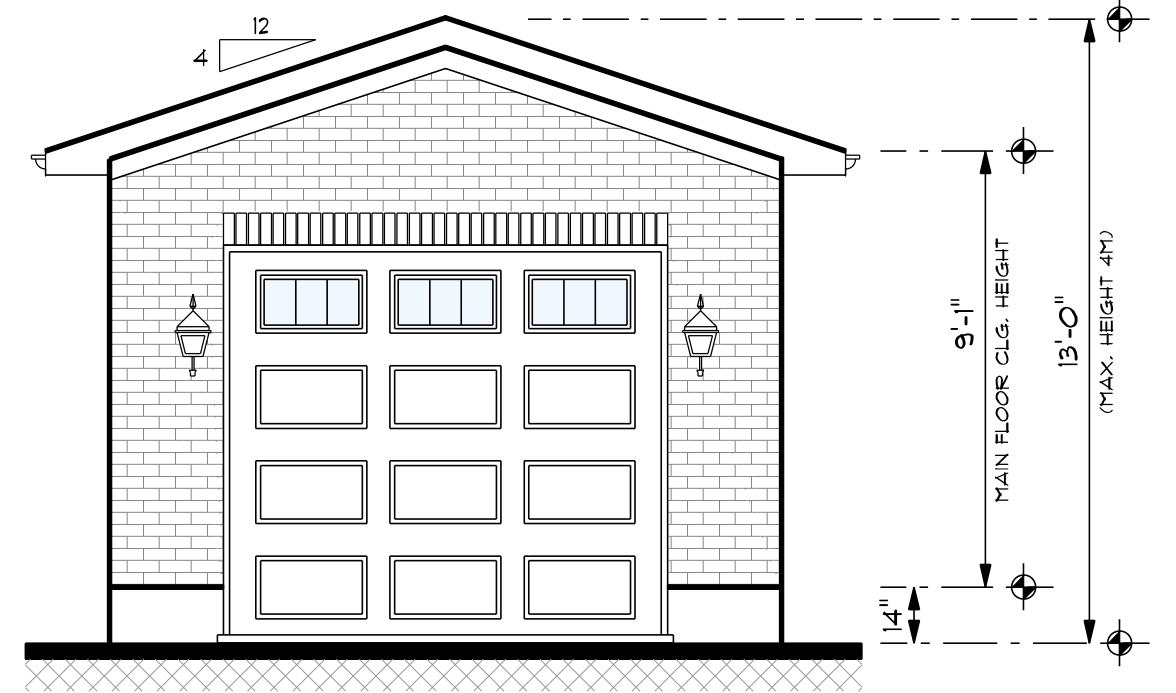
**END BEARINGS:**  
 ALL WOOD & STEEL BEAMS SHALL HAVE EVEN & LEVEL BEARING OF NOT LESS THEN 3'-1/2" OF AT END OF SUPPORTS AS PER (9.23.8.1).  
 ALL FLOOR JOISTS SHALL HAVE NO LESS THEN 1'-1/2" IN LENGTH FOR END BEARING, EXCEPT WHERE SUPPORTED ON RISERON BOARD. (9.23.8.1 (1)).  
 ALL WOOD LINTELS WITH SPANS LESS THEN 9'-6" REQUIRE MIN. 1'-1/2" BEARING AT EACH END EXCEPT WHERE SPANS ARE GREATER THEN 9'-0" MIN. BEARING SHALL BE 3" (9.23.2.3).

**POINT LOADS:**  
 POINT LOADS CREATED IN WALLS DUE TO GIRDER TRUSSES OR BEAMS ENDS ARE TO HAVE (4) STUDS WHICH ARE TO BE CARRIED DOWN TO THE FDN.

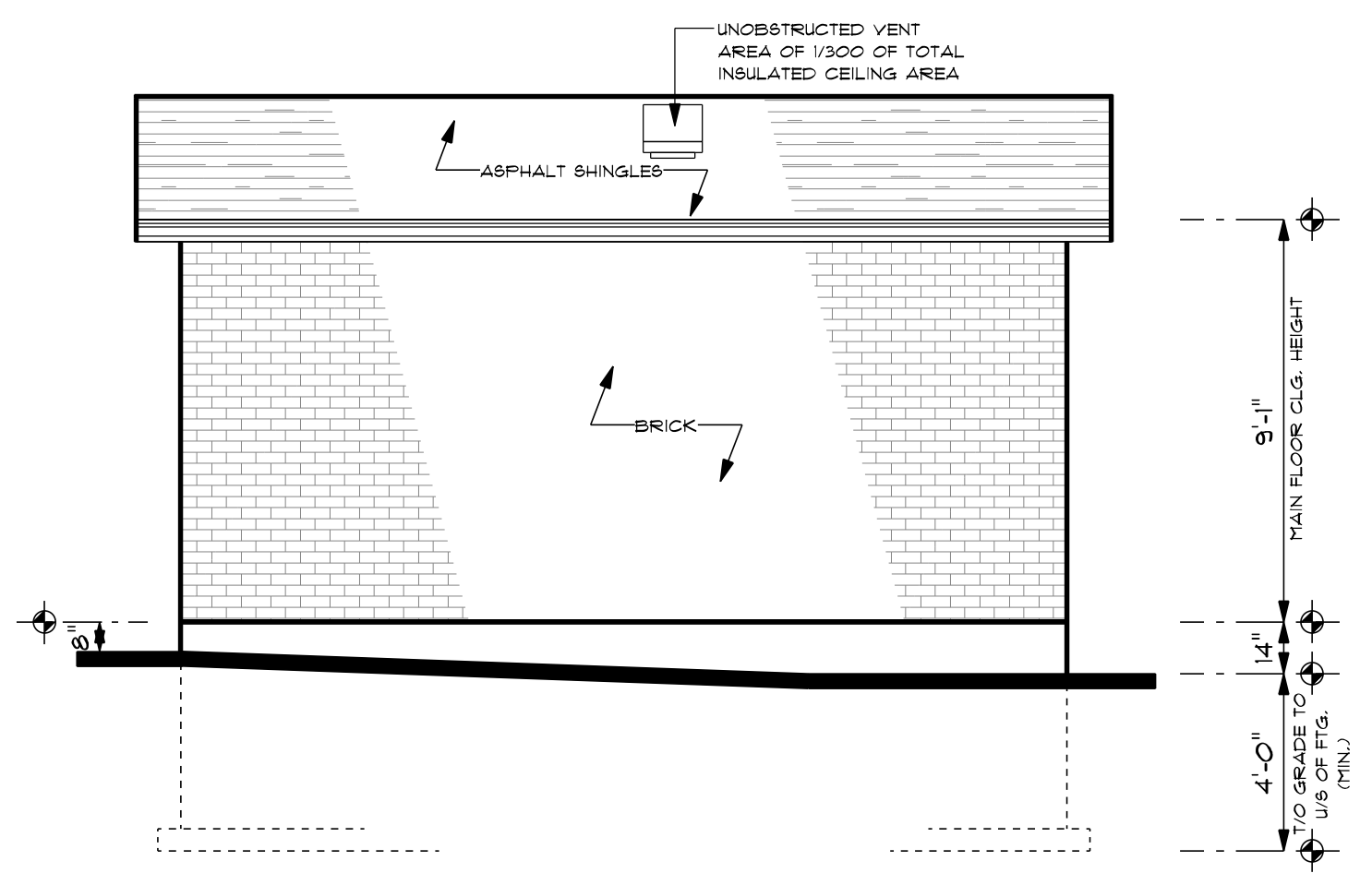


**FOUNDATION PLAN**  
 SCALE: 1/4" = 1'0"

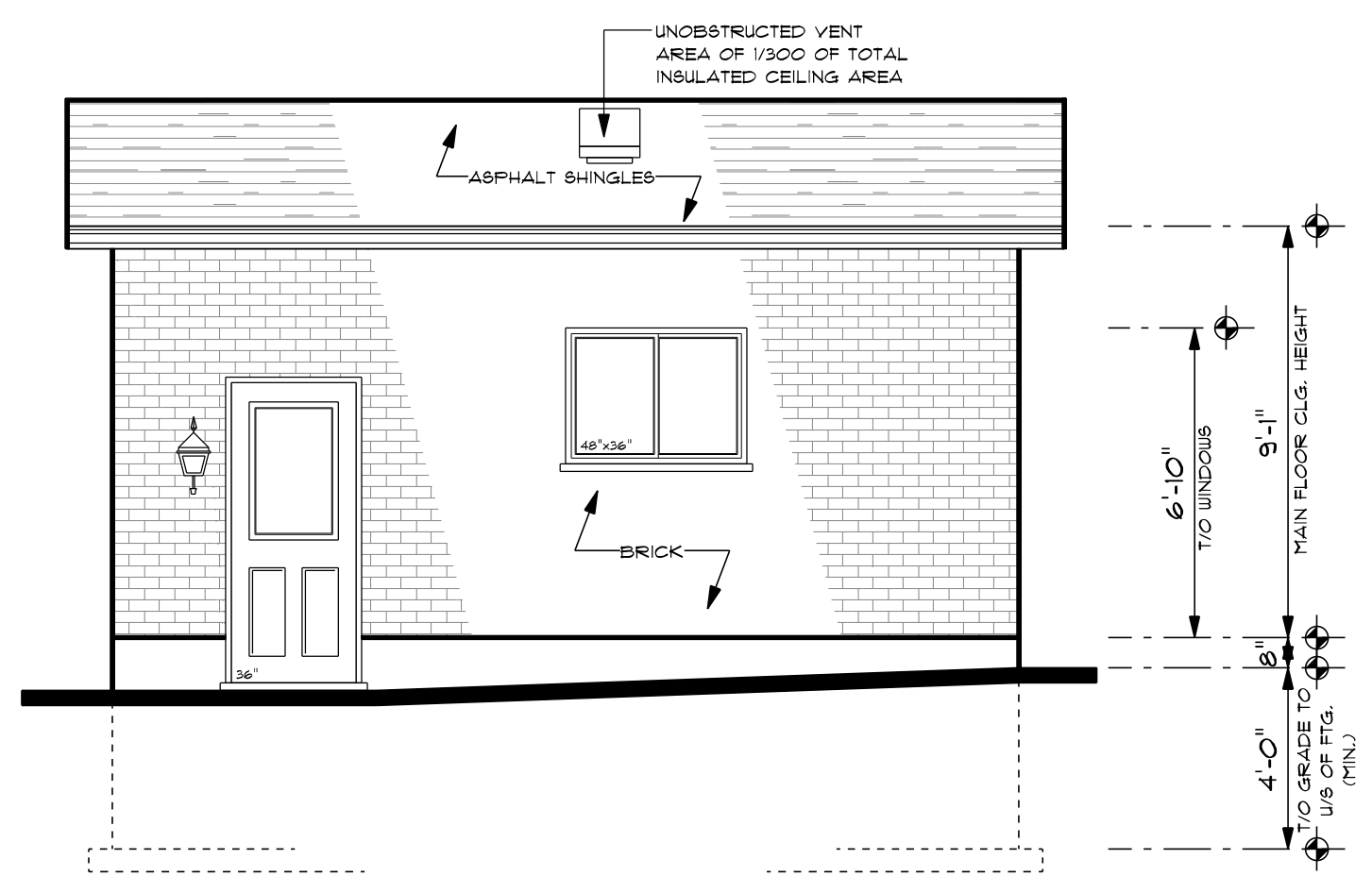
**GARAGE CONCRETE FLOOR CONSTRUCTION:**  
 4" CONC. SLAB GARAGE FLOOR  
 MIN. 32 MPa (4650 PSI) MAX. 4" SLUMP  
 3-8% AIR ENTRAINMENT  
 6"x6" 48" W/1" ON 6" MIN. 3/4" THICK CLEAR STONE WITH COMPACTED BASE  
 1" SAUCUTS @ 9'-0" O/C EA. WAY WITHIN 24 HOURS OF POUR (9.3.1.6(a) & 9.16.4.5)



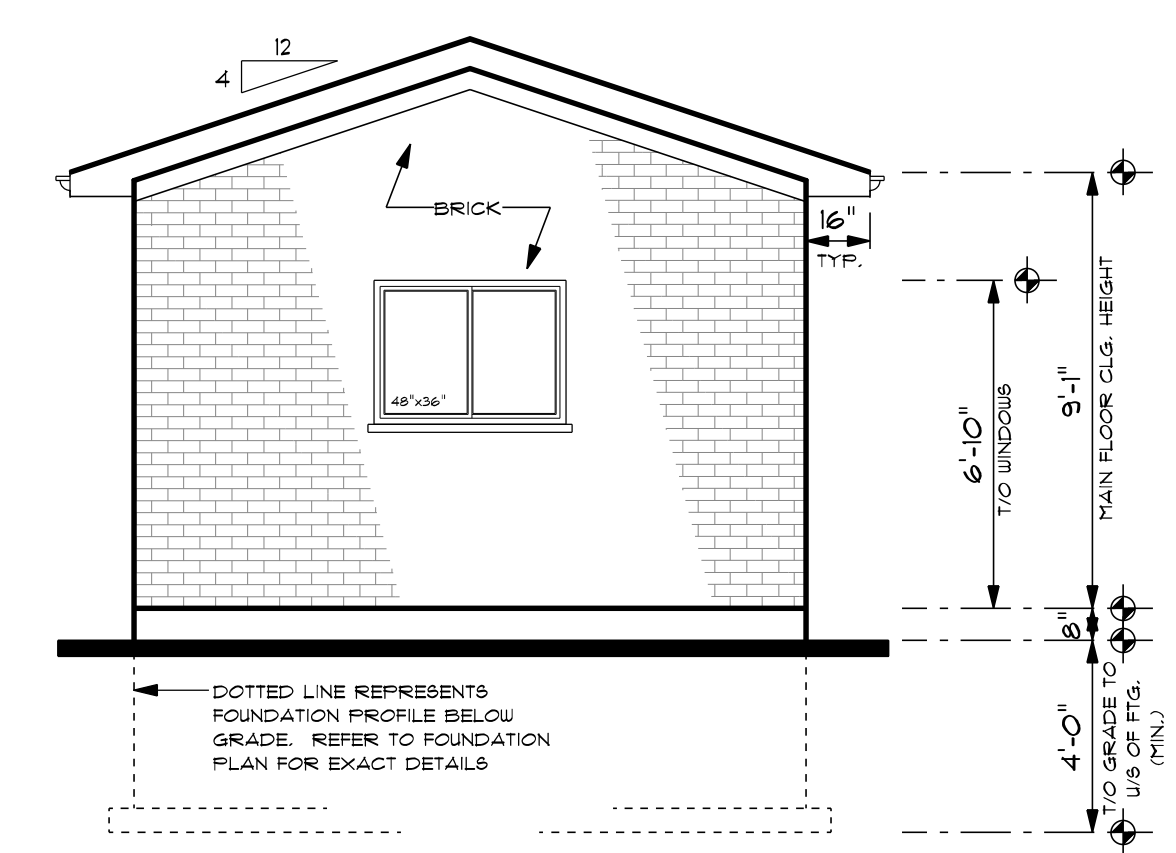
**FRONT ELEVATION (NORTH-EAST)**  
 SCALE: 1/4" = 1'0"



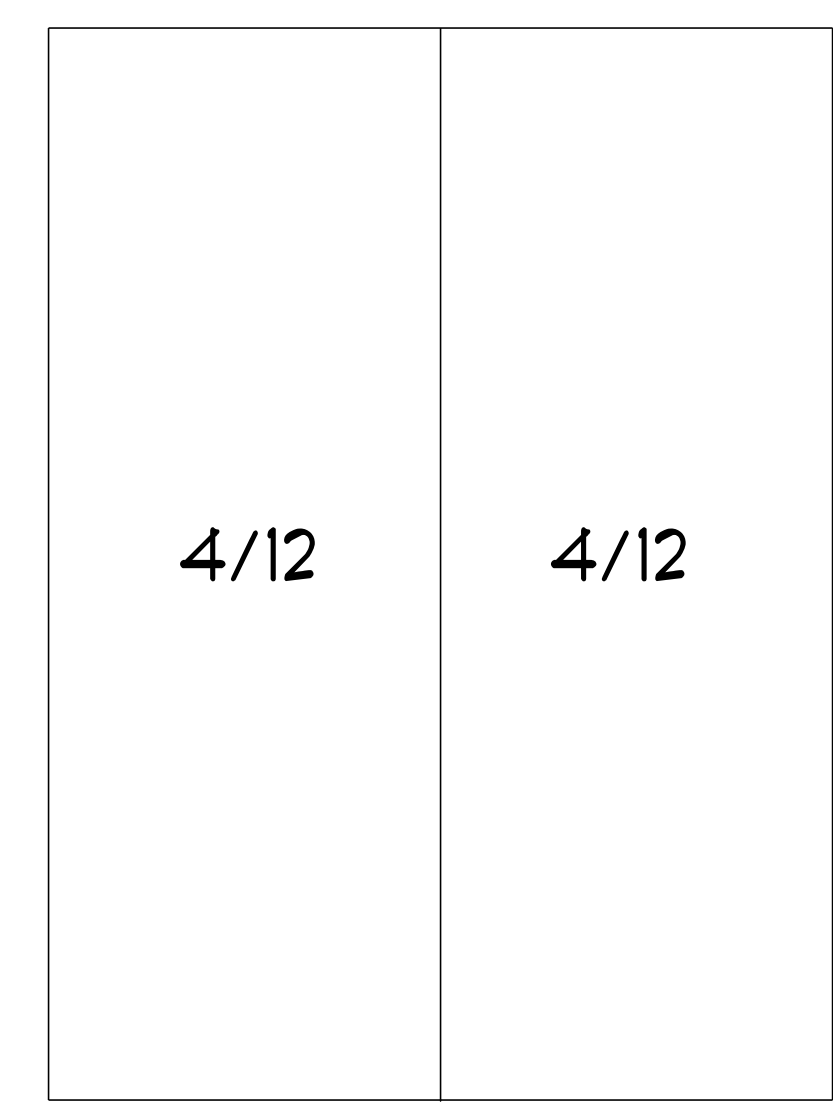
**LEFT ELEVATION (SOUTH-EAST)**  
 SCALE: 1/4" = 1'0"



**RIGHT ELEVATION (NORTH-WEST)**  
 SCALE: 1/4" = 1'0"



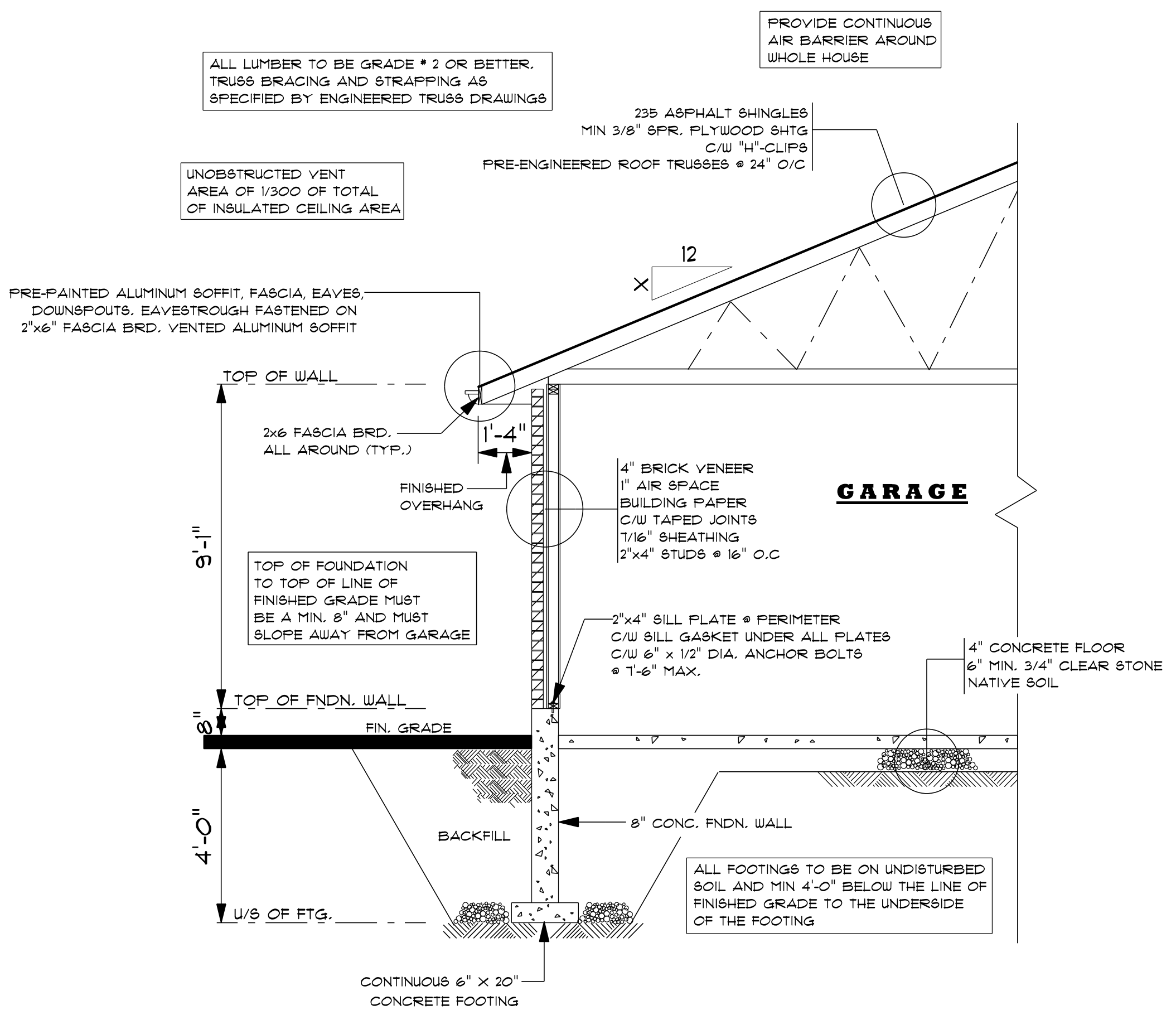
**REAR ELEVATION (SOUTH-WEST)**  
 SCALE: 1/4" = 1'0"



**ROOF PLAN**

SCALE: NTS

-ALL OVERHANGS TO BE 16" - ALL GABLE END OVERHANGS TO BE 12"  
 -ROOF RETURNS/ROOF SKIRTS ARE OMITTED ON ROOF PLAN. PLEASE REFER TO ELEVATIONS FOR LOCATIONS.  
 -UNOBSTRUCTED VENT AREA OF 1/300 FOR ALL ROOF OR ATTICS ABOVE INSULATED AREAS. UNOBSTRUCTED VENT AREA OF 1/150 FOR ALL ROOF PITCHES LESS THEN 2/12 OR ROOF WITHOUT ATTIC SPACE  
 -TRUSS MANUFACTURER AND CONTRACTOR SHALL REPORT ANY DISCREPANCIES FOUND ON THESE DRAWINGS TO THE DESIGNER PRIOR TO FABRICATION. TRUSSES INSTALLATION TO COMPLY WITH MANUFACTURER SPECS.  
 -SOLID BEARING SUPPORTING GIRDER TRUSSES TO EXTEND DWN. TO FNDN. WALL



**CROSS SECTION**  
 SCALE: 3/8" = 1'0"

ALL LUMBER TO BE GRADE # 2 OR BETTER. TRUSS BRACING AND STRAPPING AS SPECIFIED BY ENGINEERED TRUSS DRAWINGS

PROVIDE CONTINUOUS AIR BARRIER AROUND WHOLE HOUSE

UNOBSTRUCTED VENT AREA OF 1/300 OF TOTAL OF INSULATED CEILING AREA

235 ASPHALT SHINGLES  
 MIN 3/8" SFR. FLYWOOD SHTG  
 C/W 1" CLIPS  
 PRE-ENGINEERED ROOF TRUSSES @ 24" O/C

PRE-PAINTED ALUMINUM SOFFIT, FASCIA, EAVES, DOWNSPOUTS. EAVESTROUGH FASTENED ON 2"x6" FASCIA BRD. VENTED ALUMINUM SOFFIT

4" BRICK VENEER  
 1" AIR SPACE  
 BUILDING PAPER  
 C/W TAPED JOINTS  
 7/16" SHEATHING  
 2"x4" STUDS @ 16" O.C

TOP OF FOUNDN. WALL  
 FIN. GRADE

2"x4" SILL PLATE @ PERIMETER  
 C/W SILL GASKET UNDER ALL PLATES  
 6" MIN. 3/4" CLEAR ANCHOR BOLTS @ T-6" MAX.

4" CONCRETE FLOOR  
 6" MIN. 3/4" CLEAR STONE  
 NATIVE SOIL

TOP OF WALL  
 2"x6" FASCIA BRD. ALL AROUND (TYP.)

ALL FOOTINGS TO BE ON UNDISTURBED SOIL AND MIN 4'-0" BELOW THE LINE OF FINISHED GRADE TO THE UNDERSIDE OF THE FOOTING

CONTINUOUS 6" x 20" CONCRETE FOOTING

BACKFILL

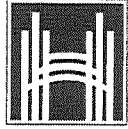
U/S OF FTG.

4'-0"

9'-1"

1'-4"

12



Hamilton

Planning and Economic Development Department  
Planning Division

**Committee of Adjustment**  
City Hall  
5<sup>th</sup> 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.**

|                             |  |
|-----------------------------|--|
| <b>FOR OFFICE USE ONLY.</b> |  |
| APPLICATION NO. _____       | DATE APPLICATION RECEIVED _____        |
| PAID _____                  | DATE APPLICATION DEEMED COMPLETE _____ |
| SECRETARY'S SIGNATURE _____ |  |

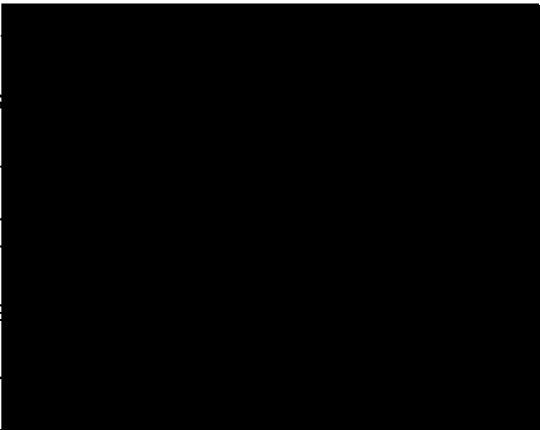
**CITY OF HAMILTON  
COMMITTEE OF ADJUSTMENT  
HAMILTON, ONTARIO**

*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 Semula Horlings  
Richard Horlings  
FAX NO. \_\_\_\_\_ E-mail address \_\_\_\_\_
- Address 16 Elgar Ave Hamilton
- Name of Agent Richard Horlings  
FAX NO. \_\_\_\_\_ E-mail address \_\_\_\_\_
- Address 16 Elgar Ave Hamilton



**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, 700-100 University Ave North  
Tower, Toronto ON Postal Code M5J 1V6  
\_\_\_\_\_  
Postal Code \_\_\_\_\_

6. Nature and extent of relief applied for:  
Please see following page.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

7. Why it is not possible to comply with the provisions of the By-law?  
Please see following page.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):  
16 Elgar Ave. Hamilton, ON  
Lot 128  
 \_\_\_\_\_  
 \_\_\_\_\_

9. PREVIOUS USE OF PROPERTY

Residential \_\_\_\_\_ Industrial \_\_\_\_\_ Commercial \_\_\_\_\_

Agricultural X Vacant \_\_\_\_\_

Other \_\_\_\_\_

9.1 If Industrial or Commercial, specify use  
 \_\_\_\_\_

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?  
 Yes \_\_\_\_\_ No X Unknown \_\_\_\_\_

9.3 Has a gas station been located on the subject land or adjacent lands at any time?  
 Yes \_\_\_\_\_ No X Unknown \_\_\_\_\_

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?  
 Yes \_\_\_\_\_ No X Unknown \_\_\_\_\_

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?  
 Yes \_\_\_\_\_ No X Unknown \_\_\_\_\_

9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?  
 Yes \_\_\_\_\_ No X Unknown \_\_\_\_\_

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?  
 Yes \_\_\_\_\_ No X Unknown \_\_\_\_\_

9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?  
 Yes \_\_\_\_\_ No X Unknown \_\_\_\_\_

6.

City of Hamilton bylaw 6593 requires:

9 (3) *The following yards shall be provided within the district, and maintained, as appurtenant to every building or structure in a "C" District: (8927/60)*

*(ii) a side yard along each side lot line, of a width of at least 1.2 metres (3.94 feet); (6902/52) (79-288) (80-049)*

18. (3) (vi)

*(b) A canopy, cornice, eave or gutter may project, (8544/59) (8909/60) (81-308)*

*(iii) into a required side yard not more than one-half of its width, or 1.0 metre (3.28 feet), whichever is the lesser; (8544/59) (8909/60) (9820/62) (79-288) (80-049)*

Please note that the requirements for the for backyards do not mention one-half of of the projection's width:

*(ii) into a required rear yard not more than 1.5 metre (4.92 feet); (8544/59) (8909/60) (79-288) (80-049)*

I am seeking relief from these two clauses in Hamilton bylaw 6593. I request that the setback for my side yard be reduced from 1.2 metres to 0.6 m. I also request that my overhang and eaves be allowed to project to within 0.1m of the lot line.

7.

I would like my accessory building 4.27 m wide (which I believe is relatively narrow for a garage), which leaves only 0.61 m between the accessory building and the property line. I request that the setback be altered to 0.6m, which is still more than the setback regulations for a backyard accessory building (0.45m).

Having this structure placed further back in the backyard is not ideal for the following reasons:

1. It would reduce our limited green space and require more driveway length, and I already have more driveway length than I need.
2. There would not be enough room for my daughter's trampoline.
3. It would interfere with my neighbour's fruit trees.
4. It would interfere with my neighbour's grape vines.
5. It would make our backyard over the fence chats with our neighbours more difficult. :-)

In order for the accessory building to look appropriate, I would like to have an overhang of 0.41m plus eaves trough (0.13m) for a total of 0.54m. This is the ideal proportion from an aesthetic point of view. This would require more than half of the distance from the wall to the lot line, so I request relief from this requirement.

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

Yes \_\_\_ No X Unknown \_\_\_

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

Yes \_\_\_ No X Unknown \_\_\_

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

I talked to some original home owners in my neighbourhood. This land was farmland until it was developed as a residential area in 1969.

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.

October 24, 2020  
Date

  
Signature Property Owner

Richard Horlings Semula Horlings  
Print Name of Owner

10. Dimensions of lands affected:

Frontage 16.764 m  
Depth 33.528 m  
Area 517 m<sup>2</sup>  
Width of street 8.547m

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

Existing: single family residence 8.04 x 12.20m (98.088m<sup>2</sup>)  
single story

Proposed: assessory building (single car garage)  
4.27m x 6.10m (26.047m<sup>2</sup>), 3.98m high

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

Existing: Residence is located 12m from rear lot  
line, 1.52m from side lot line, 8.43m from front  
lot line.

Proposed: Assessory building to be located 9.5m from rear lot line, 0.61m from northeast side lot line, 17.01m from front lot line.

13. Date of acquisition of subject lands:  
December 2011
14. Date of construction of all buildings and structures on subject lands:  
1969
15. Existing uses of the subject property: single family residence
16. Existing uses of abutting properties: single family residences
17. Length of time the existing uses of the subject property have continued:  
51 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:  
none
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
Former City of Hamilton "C" district - urban protected residential (bylaw #6593)
21. Has the owner previously applied for relief in respect of the subject property?  
Yes  No   
If the answer is yes, describe briefly.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?  
Yes  No
23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

**NOTE:** It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5  
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202  
 E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

# NOTICE OF PUBLIC HEARING

## Application for Consent/Land Severance

APPLICATION NUMBER: SC/B-21:18

SUBJECT PROPERTY: 583 Barton St., Stoney Creek

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 G. Gatto  
 Owner A. Mariella

**PURPOSE OF APPLICATION:** To permit the conveyance of a vacant parcel of land for industrial purposes and to retain a parcel of land containing an existing industrial building.

Re-application of SC/B-19:98.

**Severed lands (Part 2):**  
 141.5m<sup>±</sup> x 538.9m<sup>±</sup> and an area of 0.69 ha<sup>±</sup>

**Retained lands (Part 1):**  
 141.5m<sup>±</sup> x 538.9m<sup>±</sup> and an area of 0.69 ha<sup>±</sup>

The Committee of Adjustment will hear this application on:

**DATE:** Thursday, April 22<sup>nd</sup>, 2021  
**TIME:** 2:25 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)

To be streamed at  
[www.hamilton.ca/committeeofadjustment](http://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.

SC/B-21: 18  
PAGE 2

## MORE INFORMATION

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

- Visit [www.hamilton.ca/committeeofadjustment](http://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](mailto:cofa@hamilton.ca)

DATED: April 6<sup>th</sup>, 2021

---

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.***



| PLAN             | MATERIAL       |
|------------------|----------------|
| PLASTIC MATERIAL | - MYLAR        |
| GAUGE            | - 0.003"       |
| PROCESS          | - PHOTOGRAPHIC |
| INK              | - SPECIAL '50' |

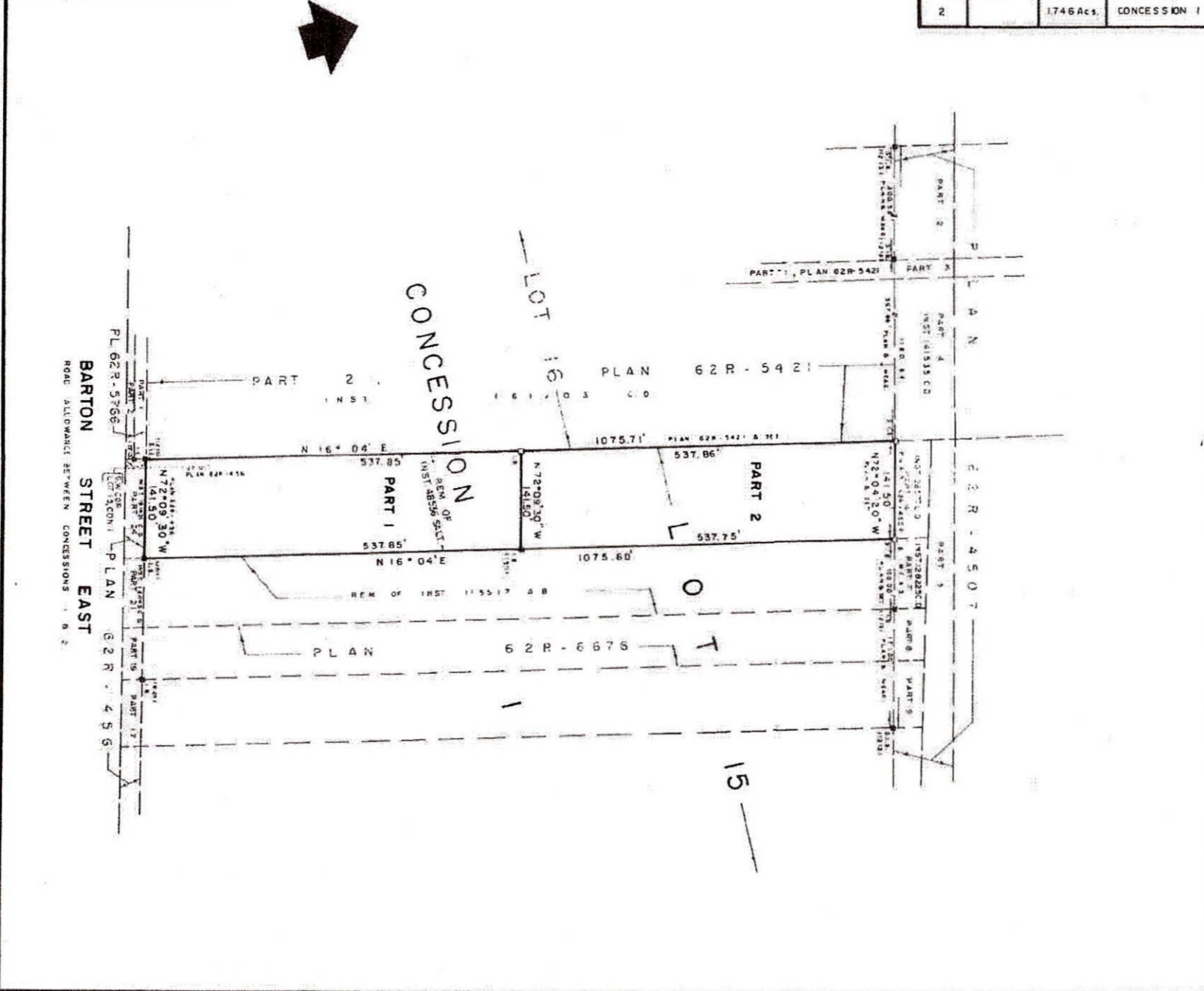
| SCHEDULE |                      |           |                 |
|----------|----------------------|-----------|-----------------|
| PART     | INST. N <sup>o</sup> | AREA      | LOCATION        |
| 1        | 48536                | 1.746 Ac. | PART OF LOT 15, |
| 2        | SALT                 | 1.746 Ac. | CONCESSION 1    |

**PLAN 62R-8560**

RECEIVED AND DEPOSITED  
 987 31 36  
 DATE 1987-11-11  
 LAND REGISTRAR FOR THE REGISTRY  
 DIVISION OF WENTWORTH (M 62)

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE REGISTRY ACT.  
 DATE 1987  
 JOHN P. NOUWENS  
 Ontario Land Surveyor

**CAUTION**  
 THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT.



PLAN OF PART OF LOT 15, CONCESSION 1 FORMERLY IN THE TOWNSHIP OF SALT FLEET NOW IN THE CITY OF STONEY CREEK REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH  
 SCALE: 1 INCH = 100 FEET  
 JOHN P. NOUWENS, O.L.S. - 1986

**LEGEND**

- 1" SQR. DENOTES A 1" SQUARE, STANDARD IRON BAR
- 5/8" SQR. DENOTES A 5/8" SQUARE, 2' LONG IRON BAR
- C.C. DENOTES CUT CROSS
- WIT DENOTES WITNESS
- U.O. DENOTES UNKNOWN ORIGIN
- - FOUNDED □ - PLANTED

ALL BEARINGS USED HEREIN ARE ASTRONOMIC AND ARE REFERRED TO THE NORTHERLY LIMIT OF BARTON STREET EAST (AS WIDENED), AS SHOWN ON PLAN 62R-456, AS BEING N 72° 09' 30" W.

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE THEREUNDER.
- THIS SURVEY WAS COMPLETED ON THE 8th DAY OF DEC. 1986.

1987  
 DATE  
 JOHN P. NOUWENS  
 Ontario Land Surveyor

**ASHENHURST NOUWENS LIMITED**  
 Professional Engineers & Ontario Land Surveyors

180 JAMES STREET SOUTH HAMILTON, ONTARIO L8P 4V1 (416) 529-6316 (416) 529-4314

CONSULTATION OFFICE: 17TH STREET, BOX 315 JORDAN STATION, ONTARIO L0R 1S0 (416) 582-5923

DRAWN BY: J.G. CALC'D BY: J.G. CHK'D BY: J.N.  
 DATE: DEC. 16, 1986. FILE N<sup>o</sup>: 86543



Hamilton

## Committee of Adjustment

City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**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    |   |
|-----------------------------|---------------------|------------|---|
| <b>Registered Owners(s)</b> | Antonietta Mariella | [REDACTED] | Phone: [REDACTED]<br>E-mail:            |
| <b>Applicant(s)*</b>        | Antonietta Mariella | [REDACTED] | Phone: [REDACTED]<br>E-mail:            |
| <b>Agent or Solicitor</b>   | Gerry G. Gatto      | [REDACTED] | Phone: [REDACTED]<br>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<br>Hamilton                                   | Lot<br>PT LOT 15 | Concession<br>1                  | Former Township<br>Satfleet        |
| Registered Plan N°.<br>N/A  | Lot(s)           | Reference Plan N°.<br>62R - 8560 | Part(s)<br>Part 1 & Part 2         |
| Municipal Address<br>583 Barton Street, Hamilton (Stoney Creek), ON |                  |                                  | Assessment Roll N°.<br>00313008600 |

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 lotOther:  a charge

- addition to a lot
- an easement
- 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:

---

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)<br>141.50 | Depth (m)<br>537.86' / 537.75' | Area (m <sup>2</sup> or ha)<br>1.746 Ac S. |
|------------------------|--------------------------------|--|

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: N/A

Proposed: \_\_\_\_\_

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)<br>141.50 | Depth (m)<br>537.85' / 537.85' | Area (m <sup>2</sup> or ha)<br>1.746 Ac S. |
|------------------------|--------------------------------|--|

Existing Use of Property to be retained:

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

Proposed Use of Property to be retained:

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

Building(s) or Structure(s):

Existing: A Building "Plaza"

Proposed: N/A

Type of access: (check appropriate box)

- provincial highway
  right of way  
 municipal road, seasonally maintained
  other public road  
 municipal road, maintained all year

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
  lake or other water body  
 privately owned and operated individual well
  other means (specify) \_\_\_\_\_

Type of sewage disposal proposed: (check appropriate box)

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

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

- electricity
  telephone
  school bussing
  garbage collection

**5 CURRENT LAND USE**

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

Rural Hamilton Official Plan designation (if applicable): \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable): \_\_\_\_\_

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

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"/> | N/A   |
| A land fill  | <input type="checkbox"/> | N/A   |
| A sewage treatment plant or waste stabilization plant                | <input type="checkbox"/> | N/A   |
| A provincially significant wetland                                   | <input type="checkbox"/> | N/A   |

|   |                          |                                 |
|---|--------------------------|---------------------------------|
| A provincially significant wetland within 120 metres    | <input type="checkbox"/> | N/A                             |
| A flood plain   | <input type="checkbox"/> | N/A                             |
| An industrial or commercial use, and specify the use(s) | <input type="checkbox"/> | Commercial Buildings are around |
| An active railway line                                  | <input type="checkbox"/> | N/A                             |
| A municipal or federal airport                          | <input type="checkbox"/> | N/A                             |

## 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?  
Client owned property since 1987 & is very familiar with the area
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.  
 Is the previous use inventory attached?  
 Yes       No

## 7 PROVINCIAL POLICY

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

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

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

Use of Vacant Land for Commercial purpose

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.

N/A

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

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

the transferee and the land use.

---

**8.4 How long has the applicant owned the subject land?**

Since April 30th 1987

---

**8.5 Does the applicant own any other land in the City?**  Yes  No  
 If YES, describe the lands in "11 - Other Information" or attach a separate page.

**9 OTHER APPLICATIONS**

**9.1 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval?**  Yes  No  Unknown

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

---

**9.2 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?**  Yes  No  Unknown

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

File number \_\_\_\_\_ Status \_\_\_\_\_

**10 RURAL APPLICATIONS**

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

- |  |                                     |   |
|--|-------------------------------------|---|
| <input type="checkbox"/> Agricultural                          | <input type="checkbox"/> Rural      | <input type="checkbox"/> Specialty Crop |
| <input type="checkbox"/> Mineral Aggregate Resource Extraction | <input type="checkbox"/> Open Space | <input type="checkbox"/> Utilities      |
| <input type="checkbox"/> Rural Settlement Area (specify) _____ | _____                               | _____                                   |
|  | Settlement Area                     | Designation                             |

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm operation.

---

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

- |   |   |                         |
|---|---|-------------------------|
| <input type="checkbox"/> Agricultural Severance or Lot Addition                                 | } | (Complete Section 10.3) |
| <input type="checkbox"/> Agricultural Related Severance or Lot Addition                         |   |                         |
| <input type="checkbox"/> Rural Resource-based Commercial Severance or Lot Addition              |   |                         |
| <input type="checkbox"/> Rural Institutional Severance or Lot Addition                          |   |                         |
| <input type="checkbox"/> Rural Settlement Area Severance or Lot Addition                        |   |                         |
| <input type="checkbox"/> Surplus Farm Dwelling Severance from an Abutting Farm Consolidation    |   | (Complete Section 10.4) |
| <input type="checkbox"/> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 (m <sup>2</sup> 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 (m <sup>2</sup> 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 (m <sup>2</sup> 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.

The Applicant owns her family residence municipally known as 50 Fairington Crescent, Hamilton, ON, L8E 3N4 and legally described as LT 72, PL M163; City of Hamilton.

The Applicant wants to retain Part 1 and wants to Sever Part 2 of the Reference Plan 62R 8560 (Survey) included with this application.

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

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

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

## 13 ACKNOWLEDGEMENT CLAUSE

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

March 5, 2021

Date



Gennaro (Gerry) Gatto  
Hons B.A., LL. B



Ancaster: 905-304-5535  
Toronto: 1-888-428-8601  
Facsimile: 905-304-4363  
Email: ggatto@gattolaw.ca  
www.gattolaw.ca

Reply To:  Head Office: 71 Wilson St. East Ancaster, ON L9G 2B3  
 Satellite Office: 108-5397 Eglinton Avenue West, Toronto, ON M9C 5K6

March 8, 2021

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

Attention: Committee of Adjustment

Dear Sir/Madam:

Re: Mariella Application for Consent to Sever Land  
583 Barton Street, Hamilton (Stoney Creek), ON

---

Please be advised that we act on behalf of Mrs. Mariella in respect to 583 Barton Street, Hamilton (Stoney Creek), ON.

Attached you will find the enclosed documents including two (2) copies of the Application for Consent to Sever Land, three (3) copies of the Survey of this property and, a cheque with the balance of two thousand, eight hundred and sixty dollars (\$2,860.00) made payable to the City of Hamilton.

**Gerry G. Gatto Professional Corporation**

**Julia Perrelli**  
Student  
jperrelli@gattolaw.ca



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5  
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202  
 E-mail: [cofa@hamilton.ca](mailto: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

---

|                          |   |
|--------------------------|---|
| <b>APPLICATION NO.:</b>  | <b>HM/A-21:87</b>   |
| <b>APPLICANTS:</b>       | Owner G. Palmer<br>Agent S. Piper   |
| <b>SUBJECT PROPERTY:</b> | Municipal address <b>58 East 24<sup>th</sup> St., Hamilton</b>  |
| <b>ZONING BY-LAW:</b>    | Zoning By-law 6593, as Amended  |
| <b>ZONING:</b>           | D district (Urban Protected Residential - One and Two Family Dwellings and Etc.)  |
| <b>PROPOSAL:</b>         | To to permit a full addition within the rear yard for an existing 2.5 storey single family dwelling comprising a footprint of 3.75 metres (width) x 8.9 metres (depth) in order to facilitate the creation of a second dwelling unit, and to construct a 1.51 square metre deck with stairs as an entrance on the northerly side of the dwelling and to relocate the existing unenclosed porch to the rear addition, notwithstanding that: <ol style="list-style-type: none"> <li>1. The southerly side yard shall be 0.5 metres instead of the minimum required 1.2 metres;</li> <li>2. Eaves and gutters may project into the required southerly side yard for the entire yard width instead of a maximum projection of not more than ½ of its required width or 0.25 metres</li> </ol> |

**NOTES:**

1. The variance is written as requested by the applicant. However, an additional variance requested for the lot width to be 7.5m is not required because it does not apply to conversions under Section 19 of the Zoning By-law.
2. The proposed addition would provide an expanded crawlspace, and first floor and second floor additions for the existing 2.5 storey dwelling. The applicant has advised that the upper floor attic is not utilized for habitable floorspace.
3. The applicant has updated the site plan to show the existing dwelling and proposed addition. The updated site plan also proposes the parking spaces within the existing garage in the rear yard to utilize the laneway for manoeuvring instead of having on-site manoeuvring. The modified parking and manoeuvring arrangement would be in compliance with the Zoning By-law.

HM/A-21: 87  
Page 2

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

---

**DATE:** Thursday, April 22nd, 2021  
**TIME:** 2:30 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)  
To be streamed at  
[www.hamilton.ca/committeeofadjustment](http://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](http://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](mailto:cofa@hamilton.ca)

DATED: April 6th, 2021.

---

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.***

| PROPERTY INFORMATION<br>Variance #: |                    |                    |
|-------------------------------------|--------------------|--------------------|
| BY-LAW SECTION                      | ALLOWED            | PROPOSED           |
| ZONE                                | R3.2               | same               |
| PROPERTY SIZE                       | 425 m <sup>2</sup> | 577 m <sup>2</sup> |
| LOT WIDTH                           | 15 m               | 15.24 m            |
| LOT COVERAGE                        | 25%                | 25%                |
|                                     | 144 m <sup>2</sup> | 145 m <sup>2</sup> |
| MAXIMUM HEIGHT                      | 10 m               | 9.0 m              |
| FRONT SETBACK                       | 6 m                | 6.2 m              |
| LEFT SETBACK                        | 1.8 m              | 1.3 m              |
| RIGHT SETBACK                       | 1.8 m              | 1.83 m             |
| REAR SETBACK                        | 9 m                | 16.16 m            |
| AREA OF WORK                        |                    |                    |

| LINE LEGEND |                   |
|-------------|-------------------|
| LINE TYPE   | SYMBOL            |
| PROPERTY    | ---               |
| SETBACK     | - - -             |
| BUILDING    | ▬                 |
| ROOF LINE   | - · - · -         |
| ADDITION    | ▨                 |
| SILT FENCE  | - · - · - · - · - |
| HOARDING    | - - - -           |

| AREA SCHEDULE |                                   |
|---------------|-----------------------------------|
| NAME          | AREA                              |
| Unit 1        | 100.2m <sup>2</sup> (1079 sq ft.) |
| Unit 2        | 69.3m <sup>2</sup> (746 sq ft.)   |

| GENERAL NOTES |   |
|---------------|---|
| TYPE          | DESCRIPTION   |
| DIMENSIONS    | SITE PLAN IS METRIC.<br>ALL OTHER DRAWINGS ARE IMPERIAL.<br>ALL DIMENSIONS ARE TO THE WOOD STUD, UNLESS TO BRICK. |
| AREAS         | GROSS FLOOR AREA IS TO THE EXTERIOR OF WALLS.<br>ALL OTHER AREAS ARE TO THE INTERIOR OF WALLS.                    |

BCIN Stamp: **Page 197 of 305**

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 under Div. C, Part 3 of the 2012 OBC

Daniel J. Ott 35686  
Name Signature BCIN

White Willow Designs, Inc. 46597  
Company BCIN



**WhiteWillow**  
DESIGN

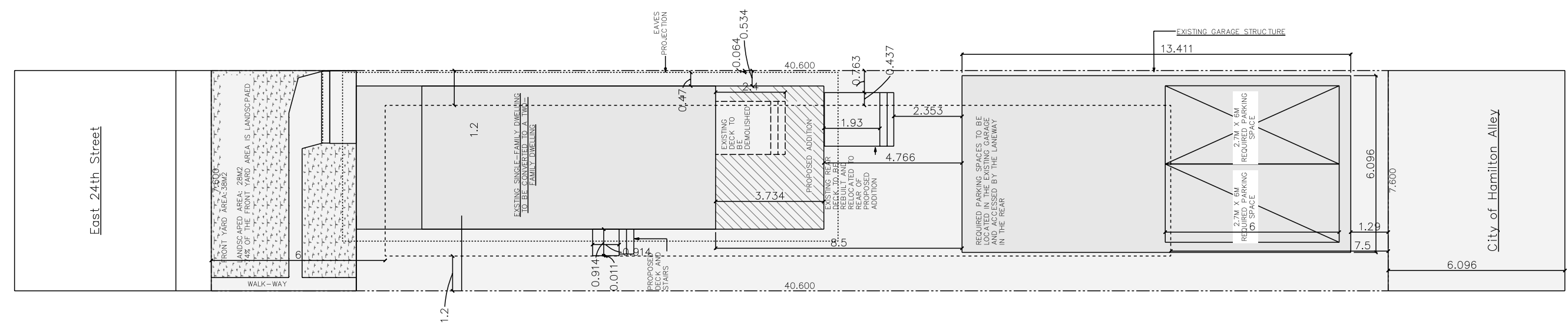
439 Bay St N  
Hamilton, ON | L8L 1N2  
C: 905-220-9419

E: daniel@whitewillowdesign.ca

| NO. | DATE:       | ISSUE / REVISION |
|-----|-------------|------------------|
| 1   | 16-FEB-2016 | BUILDING PERMIT  |

## PROPERTY INFORMATION

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



**SITE**  
SCALE: 1:154

|            |           |              |           |          |
|------------|-----------|--------------|-----------|----------|
| design by: | drawn by: | approved by: | date:     | scale:   |
|            | G.T.      | D.O.         | 3/24/2021 | As Noted |

Project: **0913 Palmer**  
58 east 24th Street  
Hamilton ON

Sheet Title: **SP0.1 Site Plan**  
page 1 of 6

BCIN Stamp:

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 under Div. C, Part 3 of the 2012 OBC

Daniel J. Ott 35686  
 Name Signature BCIN  
 White Willow Designs, Inc. 46597  
 Company BCIN



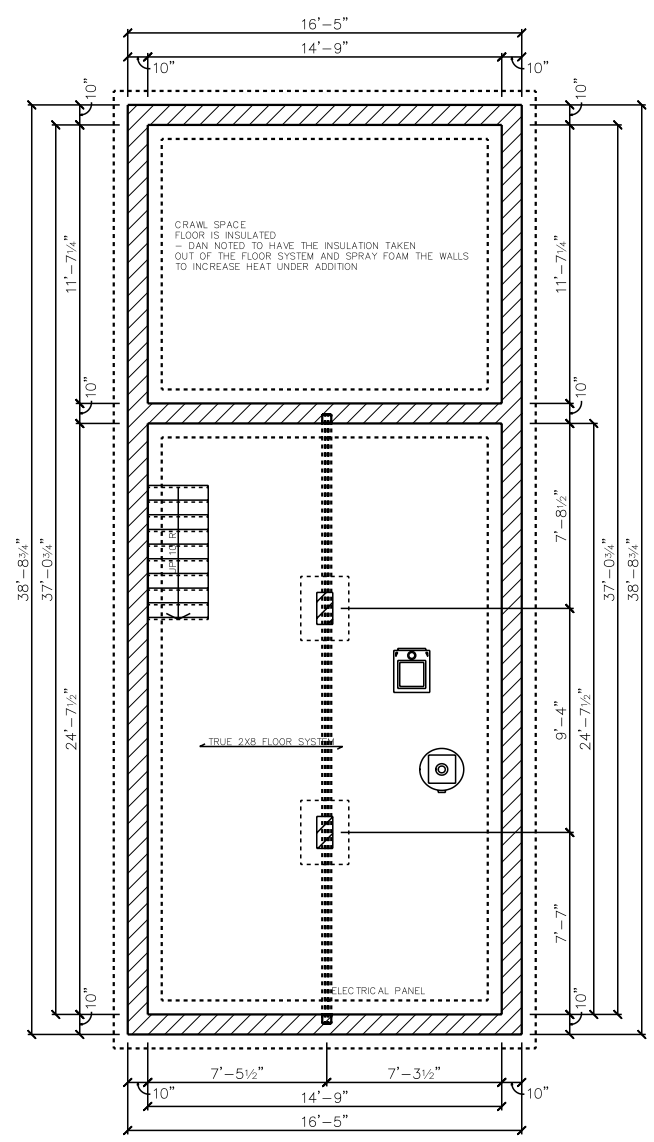
**White Willow**  
DESIGN

439 Bay St N  
 Hamilton, ON | L8L 1N2  
 C: 905-220-9419

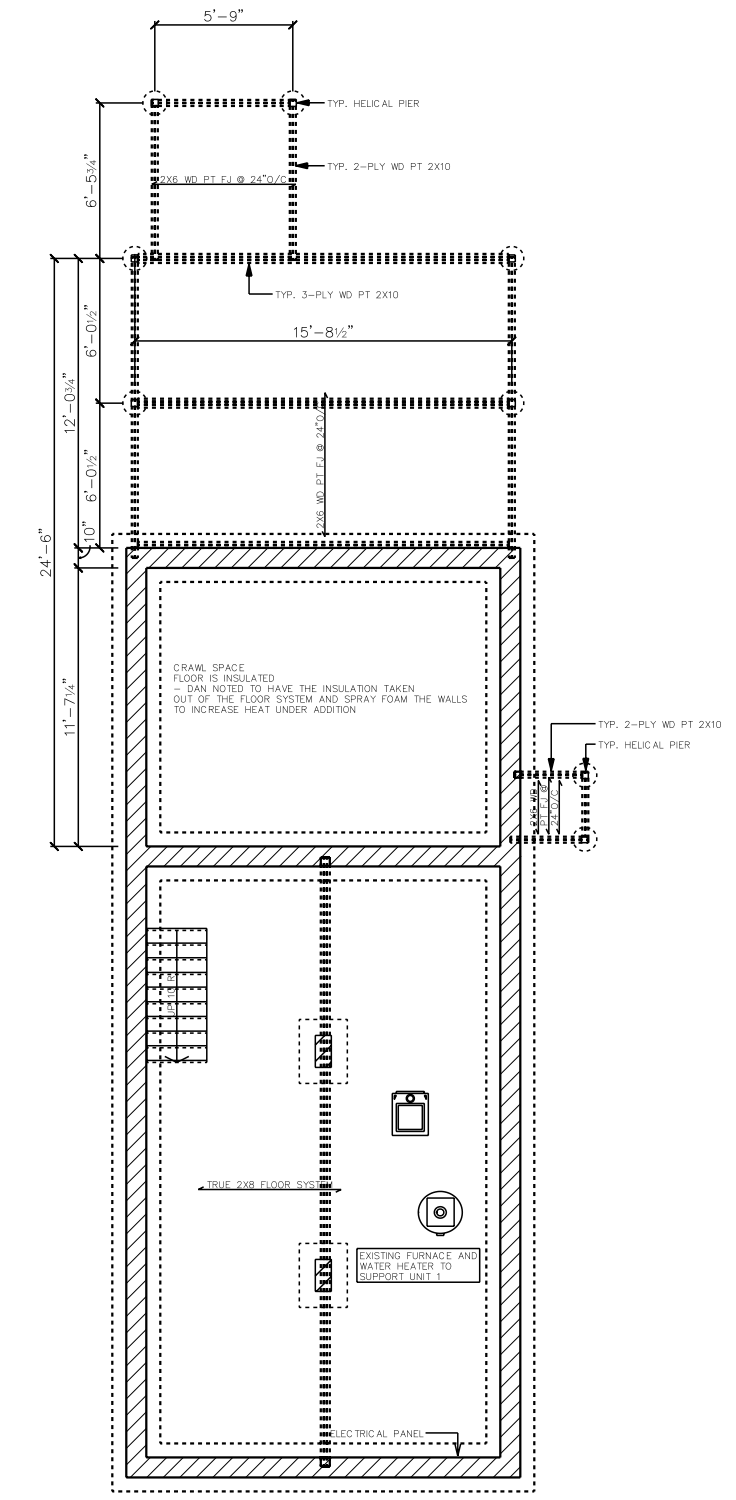
E: daniel@whitewillowdesign.ca

| NO. | DATE:       | ISSUE / REVISION |
|-----|-------------|------------------|
| 1   | 16-FEB-2016 | BUILDING PERMIT  |

|              |              |                     |          |
|--------------|--------------|---------------------|----------|
| design by:   | approved by: | date:               | scale:   |
| G.T.         | D.O.         | 3/24/2021           | As Noted |
| Project:     |              | Hamilton            | ON       |
| 0913 Palmer  |              | 58 east 24th Street |          |
| Sheet Title: |              | A1.0 Level 0        |          |
|              |              | page 2 of 6         |          |



Existing  
 SCALE: 1/8" = 1'-0"



Proposed  
 SCALE: 1/8" = 1'-0"

BCIN Stamp:

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Qualification Information required under Div. C, Part 3 of the 2012 OBC

Daniel J. Ott 35686  
Name Signature BCIN

White Willow Designs, Inc. 46597  
Company BCIN



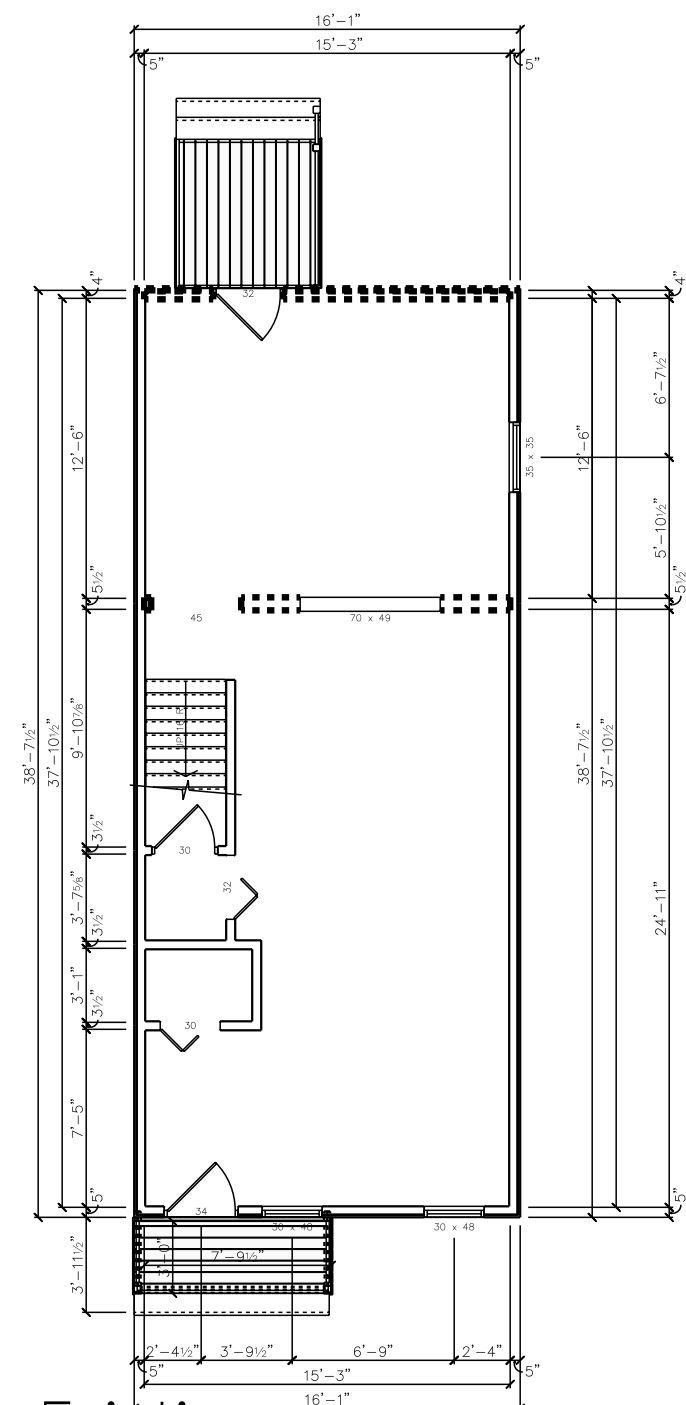
**White Willow**  
DESIGN

439 Bay St N  
Hamilton, ON | L8L 1N2  
C: 905-220-9419

E: daniel@whitewillowdesign.ca

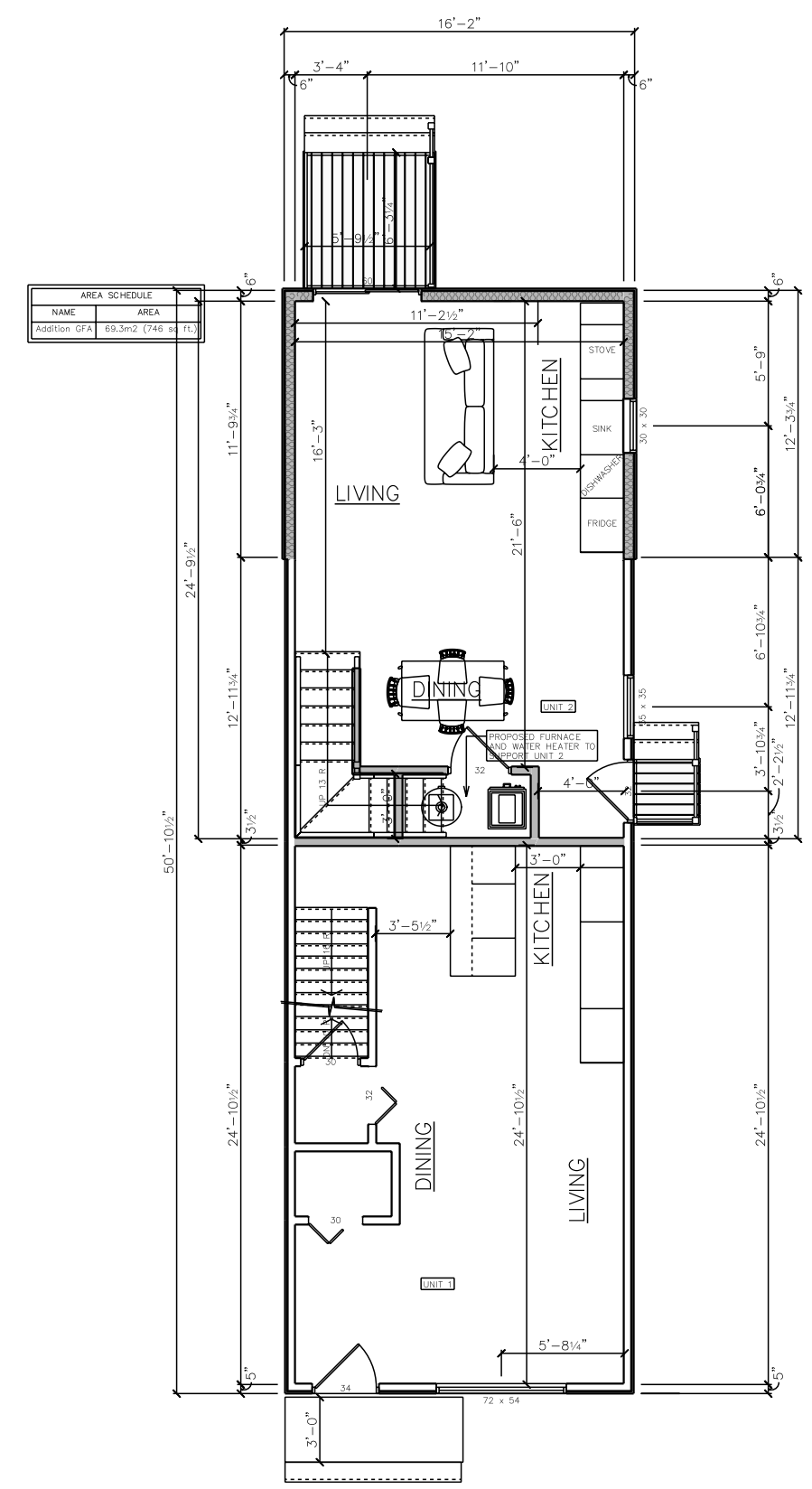
| NO. | DATE:       | ISSUE / REVISION |
|-----|-------------|------------------|
| 1   | 16-FEB-2016 | BUILDING PERMIT  |

|              |                     |              |           |          |
|--------------|---------------------|--------------|-----------|----------|
| design by:   | drawn by:           | approved by: | date:     | scale:   |
|              | G.T.                | D.O.         | 3/24/2021 | As Noted |
| Project:     | 0913 Palmer         |              |           |          |
|              | 58 east 24th Street |              |           |          |
|              | Hamilton ON         |              |           |          |
| Sheet Title: | A1.1 Level 1        |              |           |          |
|              | page 3 of 6         |              |           |          |



**Existing**

SCALE: 1/8" = 1'-0"



**Proposed**

SCALE: 1/8" = 1'-0"

| AREA SCHEDULE | NAME                 | AREA |
|---------------|----------------------|------|
| Addition CFA  | 69.3m2 (746 sq. ft.) |      |

BCIN Stamp:

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 under Div. C, Part 3 of the 2012 OBC

Daniel J. Ott 35686  
 Name Signature BCIN  
 White Willow Designs, Inc. 46597  
 Company BCIN



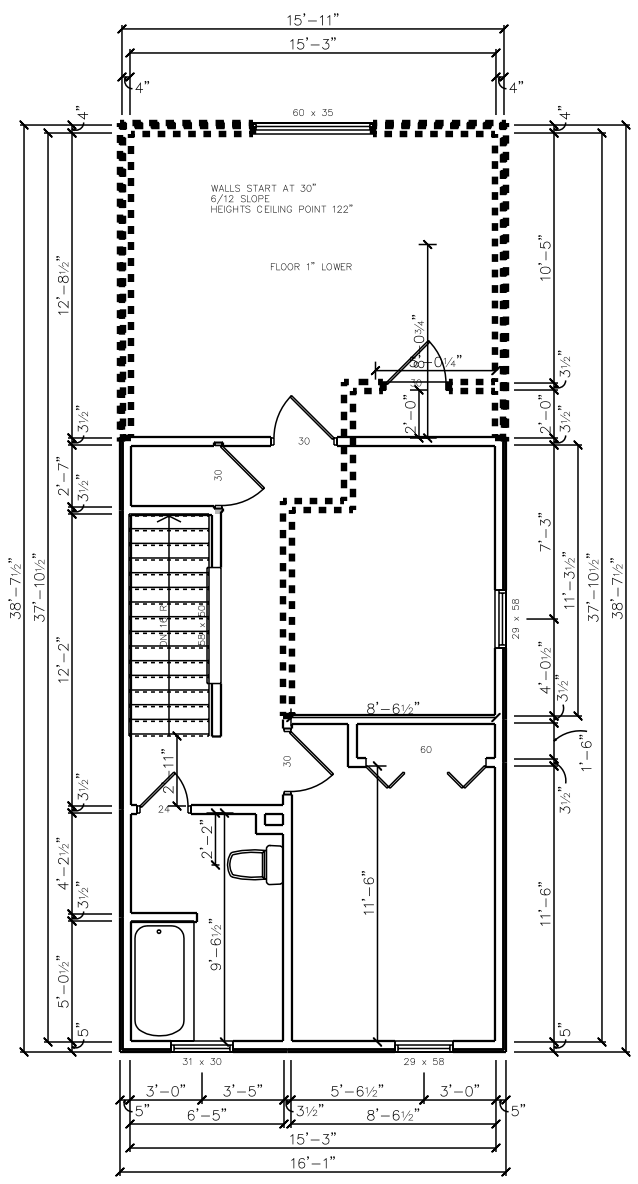
**White Willow**  
DESIGN

439 Bay St N  
 Hamilton, ON | L8L 1N2  
 C: 905-220-9419

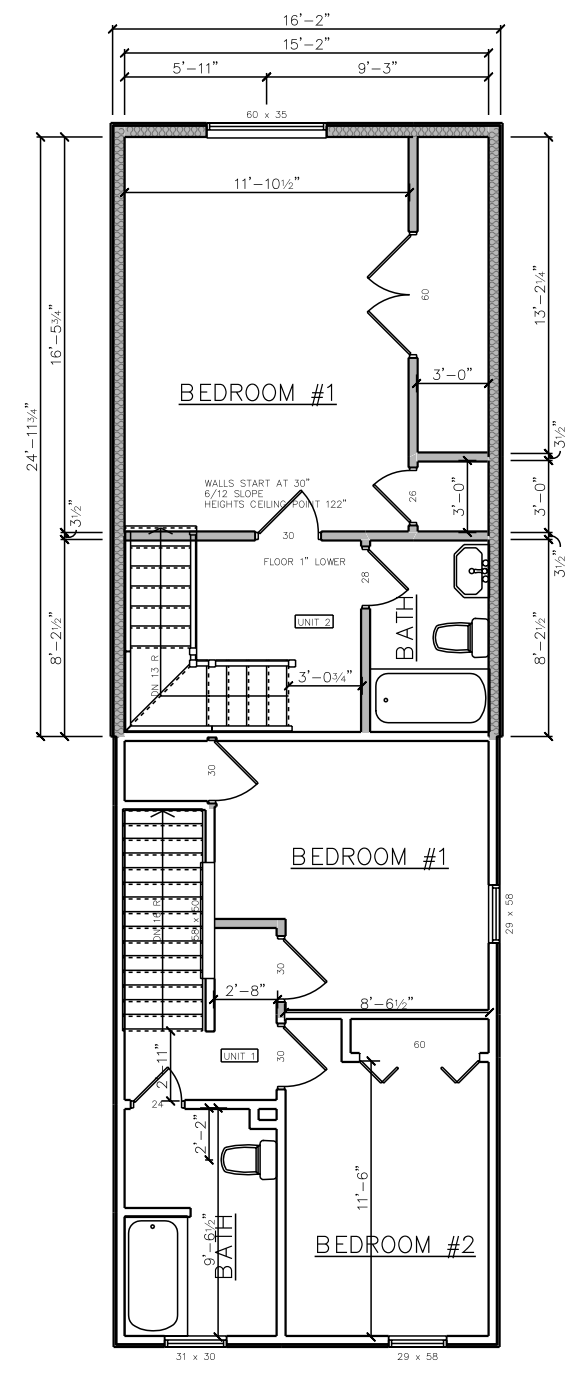
E: daniel@whitewillowdesign.ca

| NO. | DATE:       | ISSUE / REVISION |
|-----|-------------|------------------|
| 1   | 16-FEB-2016 | BUILDING PERMIT  |

|                     |           |              |           |          |
|---------------------|-----------|--------------|-----------|----------|
| design by:          | drawn by: | approved by: | date:     | scale:   |
|                     | G.T.      | D.O.         | 3/24/2021 | As Noted |
| Project:            |           |              |           |          |
| 0913 Palmer         |           |              |           |          |
| 58 east 24th Street |           |              |           |          |
| Hamilton ON         |           |              |           |          |
| Sheet Title:        |           |              |           |          |
| A1.02 Level 2       |           |              |           |          |
| page 4 of 6         |           |              |           |          |



Existing  
 SCALE: 1/8" = 1'-0"



Proposed  
 SCALE: 1/8" = 1'-0"



BCIN Stamp:

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Qualification Information required under Div. C, Part 3 of the 2012 OBC

Daniel J. Ott 35686  
Name Signature BCIN

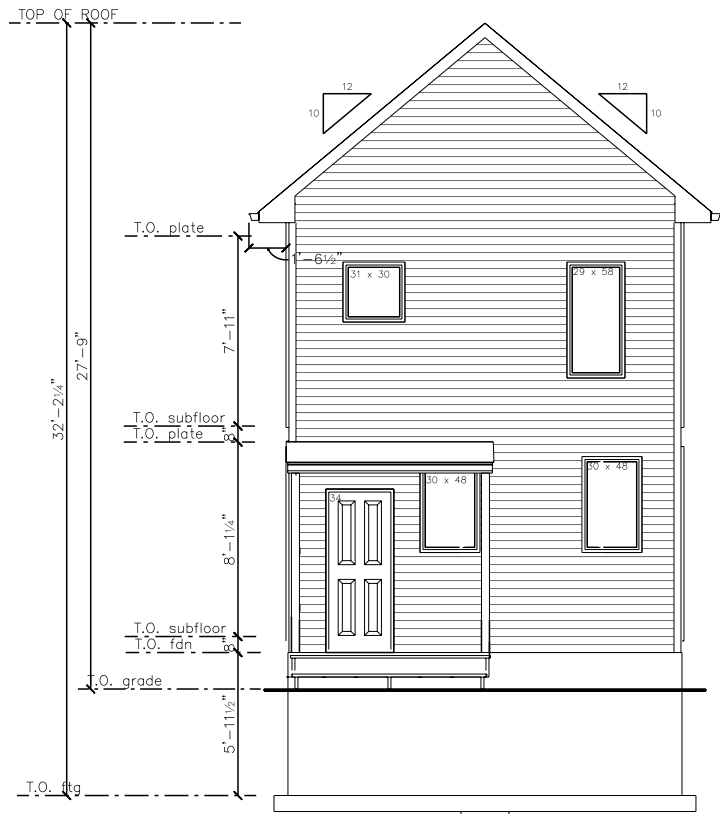
White Willow Designs, Inc. 46597  
Company BCIN



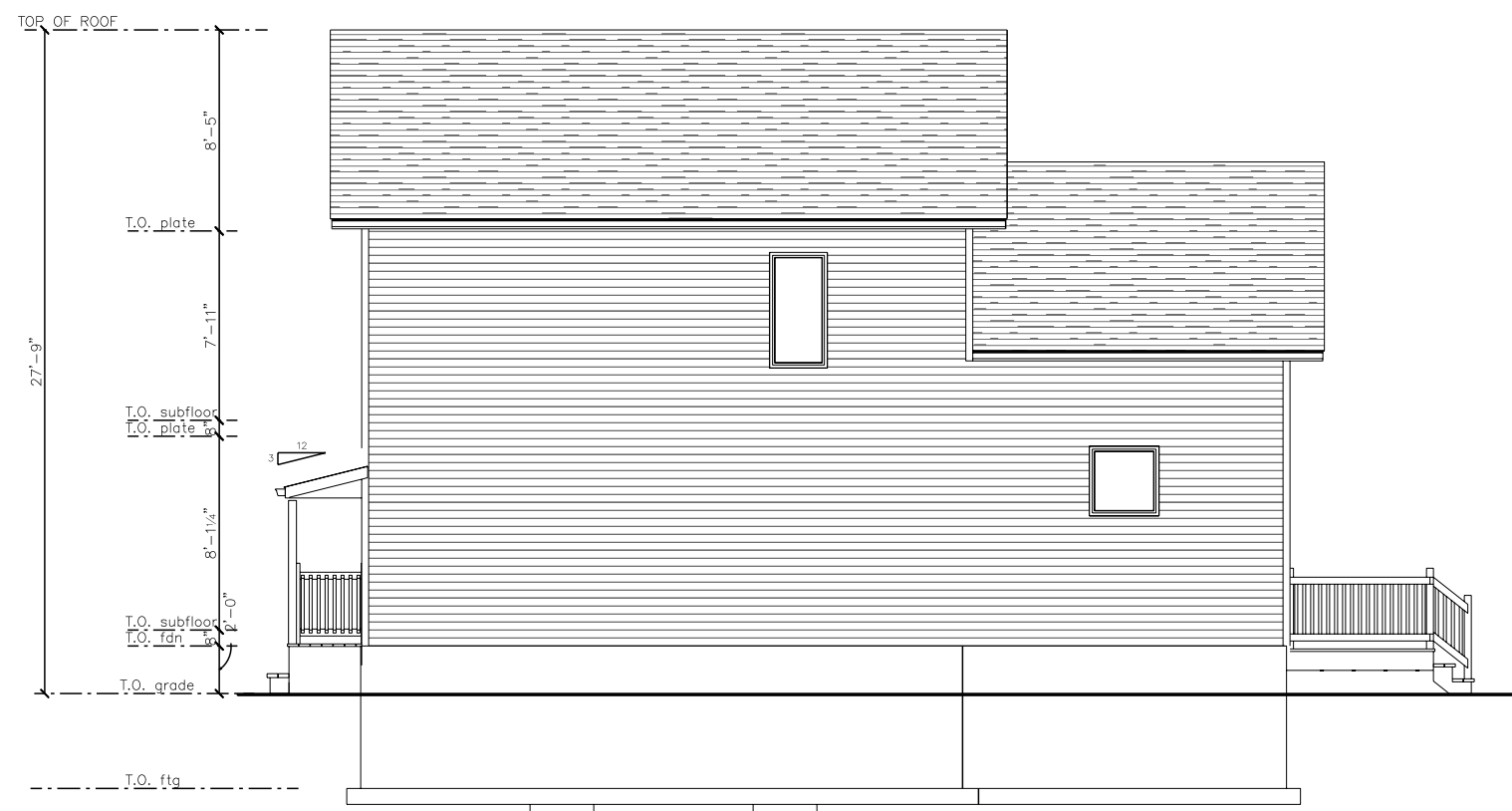
**White Willow**  
DESIGN

439 Bay St N  
Hamilton, ON | L8L 1N2  
C: 905-220-9419

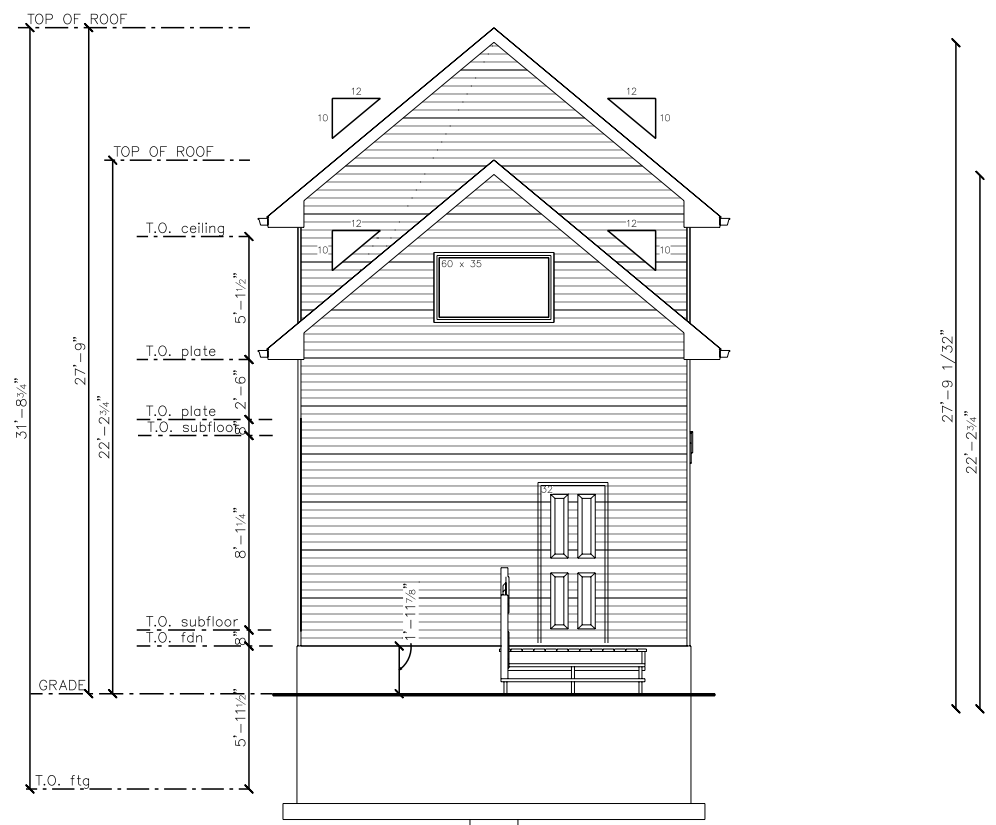
E: daniel@whitewillowdesign.ca



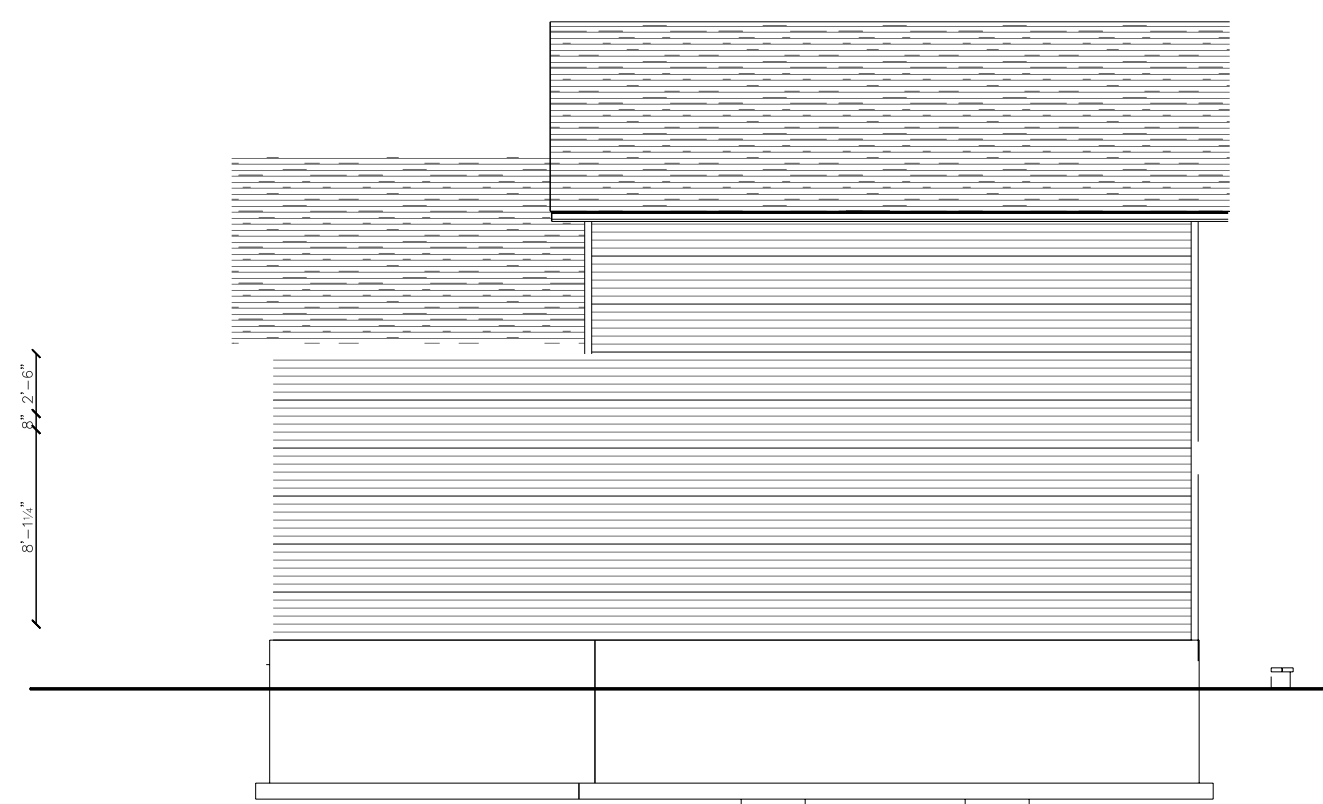
**EXISTING FRONT ELEVATION**  
SCALE: 1/8" = 1'-0"



**EXISTING RIGHT ELEVATION**  
SCALE: 1/8" = 1'-0"



**EXISTING REAR ELEVATION**  
SCALE: 1/8" = 1'-0"



**EXISTING LEFT ELEVATION**  
SCALE: 1/8" = 1'-0"

| NO. | DATE:       | ISSUE / REVISION |
|-----|-------------|------------------|
| 1   | 16-FEB-2016 | BUILDING PERMIT  |

|                          |           |              |           |          |
|--------------------------|-----------|--------------|-----------|----------|
| design by:               | drawn by: | approved by: | date:     | scale:   |
|                          | G.T.      | D.O.         | 3/24/2021 | As Noted |
| Project:                 |           |              |           |          |
| 0913 Palmer              |           |              |           |          |
| 58 east 24th Street      |           |              |           |          |
| Hamilton ON              |           |              |           |          |
| Sheet Title:             |           |              |           |          |
| A2.0 Existing Elevations |           |              |           |          |
| page 5 of 6              |           |              |           |          |

BCIN Stamp:

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 under Div. C, Part 3 of the 2012 OBC

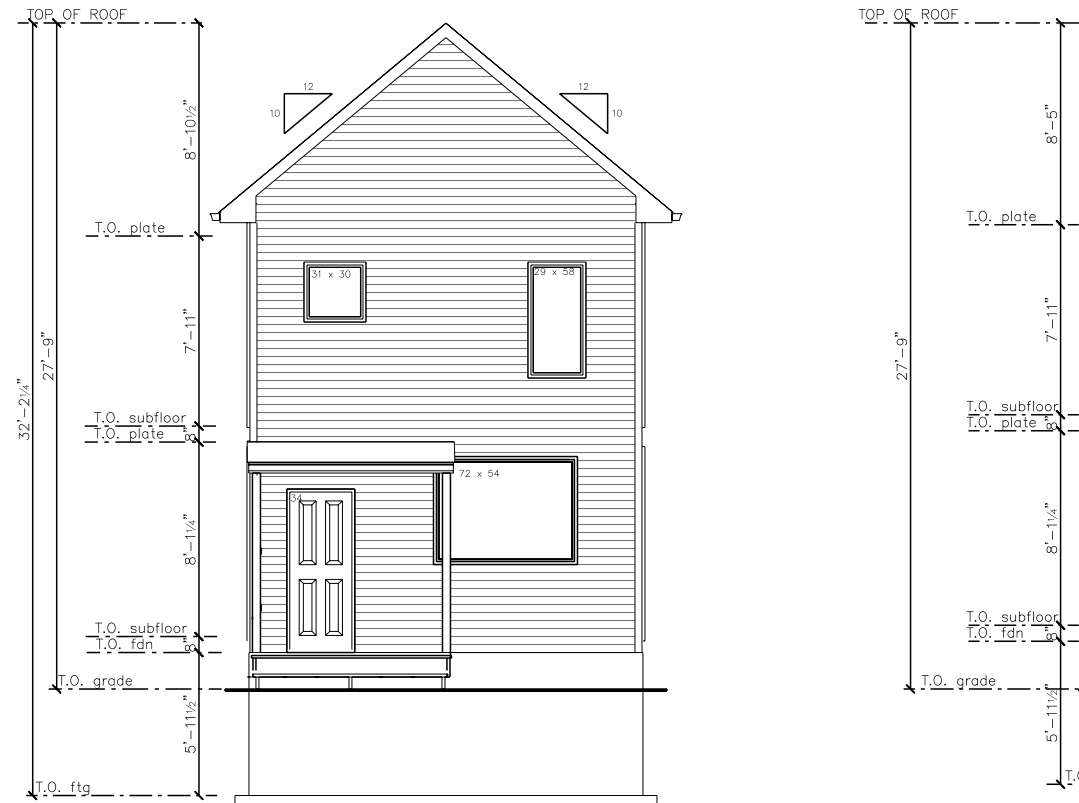
Daniel J. Ott 35686  
 Name Signature BCIN  
 White Willow Designs, Inc. 46597  
 Company BCIN



**White Willow**  
DESIGN

439 Bay St N  
 Hamilton, ON | L8L 1N2  
 C: 905-220-9419

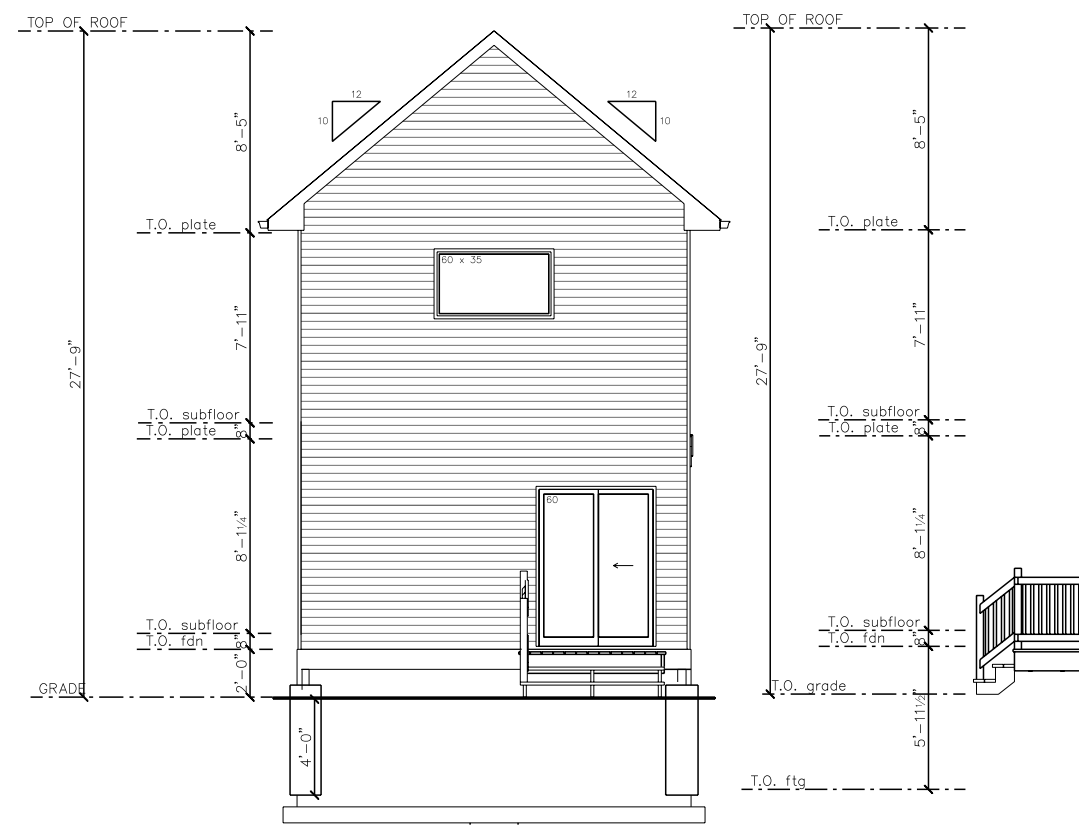
E: daniel@whitewillowdesign.ca



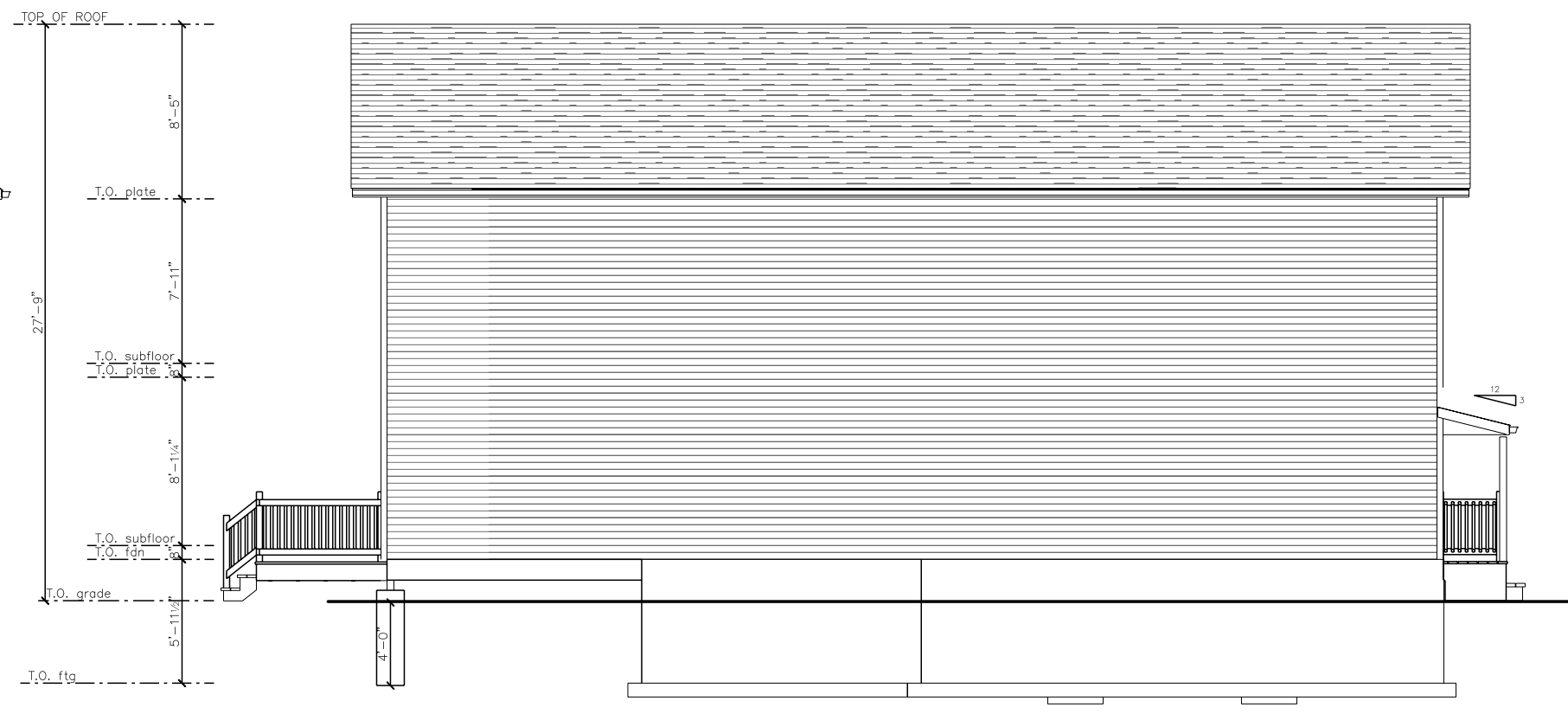
**PROPOSED FRONT ELEVATION**  
 SCALE: 1/8" = 1'-0"



**PROPOSED RIGHT ELEVATION**  
 SCALE: 1/8" = 1'-0"



**PROPOSED REAR ELEVATION**  
 SCALE: 1/8" = 1'-0"



**PROPOSED LEFT ELEVATION**  
 SCALE: 1/8" = 1'-0"

| NO. | DATE:       | ISSUE / REVISION |
|-----|-------------|------------------|
| 1   | 16-FEB-2016 | BUILDING PERMIT  |

|              |                         |              |           |          |
|--------------|-------------------------|--------------|-----------|----------|
| design by:   | drawn by:               | approved by: | date:     | scale:   |
|              | G.T.                    | D.O.         | 3/24/2021 | As Noted |
| Project:     | 0913 Palmer             |              |           |          |
|              | 58 east 24th Street     |              |           |          |
|              | Hamilton ON             |              |           |          |
| Sheet Title: | A2.1 Proposed Elevation |              |           |          |
|              | page 6 of 6             |              |           |          |



Hamilton

Planning and Economic Development Department  
Planning Division

Committee of Adjustment  
City Hall  
5<sup>th</sup> 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 Geoff Palmer Telephone No. \_\_\_\_\_  
FAX NO. \_\_\_\_\_ E-mail address. \_\_\_\_\_
- Address \_\_\_\_\_ Postal Code \_\_\_\_\_
- Name of Agent Sadee Piper 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:  
-Reduction for the required lot width to be 7.5m instead of the required 18m  
- reduction of the left side set back to 0m from the required 1.2 m
7. Why it is not possible to comply with the provisions of the By-law?  
The existing lot does not allow for the required lot width to be met.
8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):  
58 East 24th St Hamilton, ON, L8V 2X7
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 X Unknown \_\_\_

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

Yes \_\_\_ No X Unknown \_\_\_

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?  
Info from homeowner and online resources.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Is the previous use inventory attached? Yes \_\_\_ No \_\_\_

**\* ACKNOWLEDGEMENT CLAUSE**

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

Feb 4<sup>th</sup> 2021

Date

Signature Property Owner

GEOFF PALMER

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: Please see attached site plan.

\_\_\_\_\_  
\_\_\_\_\_

Proposed: Please see attached site plan.

\_\_\_\_\_  
\_\_\_\_\_

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

Existing: Please see attached site plan.

\_\_\_\_\_  
\_\_\_\_\_

- Proposed: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
13. Date of acquisition of subject lands:  
 2012
14. Date of construction of all buildings and structures on subject lands:  
 \_\_\_\_\_
15. Existing uses of the subject property: single family dwelling
16. Existing uses of abutting properties: residential detached dwellings
17. Length of time the existing uses of the subject property have continued:  
 n/a
18. Municipal services available: (check the appropriate space or spaces)  
 Water   X   Connected \_\_\_\_\_  
 Sanitary Sewer   X   Connected \_\_\_\_\_  
 Storm Sewers   X
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, 5<sup>th</sup> 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](mailto: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-21:88

**APPLICANTS:** E. Agranov on behalf of the owner M. Carlo & M. Dora

**SUBJECT PROPERTY:** Municipal address **146 East 34<sup>th</sup> St., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended

**ZONING:** "C" (Urban Protected Residential) district

**PROPOSAL:** To legally establish the parking area of the converted two-family dwelling notwithstanding that:

1. A manoeuvring space being 2.7m wide shall be provided for the parking space in the front yard instead of the minimum required 6.0m wide manoeuvring space.
2. An access driveway having a minimum width of 2.7m shall be provided instead of the minimum required 2.8m wide access driveway.

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

---

**DATE:** Thursday, April 22nd, 2021  
**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](http://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](http://www.hamilton.ca/committeeofadjustment)

HM/A-21:88

Page 2

- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: April 6th, 2021.

---

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.***



SCOPE OF WORK:

# RENOVATION & SECONDARY UNIT BASEMENT APARTMENT

ADDRESS:

**146 EAST, 34TH STREET, HAMILTON, ON L8V 3W6**



CONSTRUCTION NOTES FOR BASEMENT APARTMENT:

1. MINIMUM 30 MINUTE FIRE SEPARATION UNLESS INTERCONNECTED SMOKE ALARMS ARE PROVIDED IN BOTH UNITS AND ALL COMMON AREAS IN WHICH CASE, A 15 MINUTE FIRE SEPARATION WOULD ONLY BE REQUIRED. INSTALL SPRINKLERS IN THE BUILDING WOULD HAVE ALL FIRE SEPARATION REQUIREMENTS.
2. MINIMUM 30 MINUTES FIRE SEPARATION AROUND SHARED EXIT
3. REQUIRE SMOKE ALARMS WITHIN EACH DWELLING UNIT MAY BE BATTERY OPERATED AND IT SHOULD BE LOCATED ON OR NEAR CEILING WITHIN 5 M OF BEDROOM AND CARBON MONOXIDE DETECTORS ADJACENT TO SLEEPING AREA AND IT SHOULD CONFORM TO AN/CSA-6.19 OR UL 2034. CO DETECTORS MAY BE BATTERY OPERATED OR PLUGGED INTO ELECTRICAL OUTPUT. SEE SHEET A-0.1
4. EXISTING FURNACE MAY SERVE BOTH UNITS PROVIDED A SMOKE DETECTOR IS INSTALLED IN THE SUPPLY OR RETURN AIR DUCT SYSTEM WHICH WOULD TURN OFF THE FUEL SUPPLY AND ELECTRICAL POWER TO THE HEATING SYSTEM UPON ACTIVATION OF SUCH DETECTOR.
5. MINIMUM 5% OF LIVING/ DINING FLOOR AREA OF NATURAL LIGHT(GLASS AREA) TO BE PROVIDED.
6. MINIMUM 2 1/2% OF BEDROOM AND OTHER FINISHED ROOMS FLOOR AREA OF NATURAL LIGHT(GLASS AREA) TO BE PROVIDED.
7. 3 SQ.FT. CLEAR OPENING OF NATURAL VENTILATION REQUIRED FOR LIVING/ DINING, BEDROOMS & KITCHENS.
8. 1 SQ.FT. CLEAR OPENING OF NATURAL VENTILATION REQUIRED FOR BATHROOMS, MECHANICAL VENT PROVIDING 1 AIR CHANGE PER HOUR IS ACCEPTABLE.
9. FOR WINDOWS USED AS MEANS OF ESCAPE, WITHIN WINDOW WELLS SHOULD BE PROVIDED, IF THE WINDOW OPENS INTO A WINDOW WELL, A CLEAR DISTANCE OF NOT LESS THAN 550 MM SHALL BE PROVIDED IN FRONT OF THE OPERATING SASH.
10. INTERIOR STAIRS  
RISE-4 7/8"(124mm)MINIMUM 7 7/8"(200mm) MAXIMUM  
RUN-8 1/4"(210mm)MINIMUM 14"(356mm)MAXIMUM  
TREAD- 9 1/4" (235mm)MINIMUM 14"(356mm)MAXIMUM  
NOSING-1"(25mm)MINIMUM  
HEADROOM-80"(2032mm)MINIMUM
11. AN EGRESS WINDOW OR CASEMENT WINDOW MUST BE PROVIDED IN THE ACCESSORY APARTMENT OR THE ENTIRE BUILDING IS TO BE SPRINKLERED AND SMOKE ALARMS INSTALLED IN BOTH UNITS.SEE SHEET A-0.1
12. STAIRWELL TO BE ENCLOSED AT TOP MOST LEVEL OR BOTTOM MOST LEVEL
13. FOR WINDOWS USED AS MEANS OF ESCAPE,WITHIN WINDOW WELLS, SEE SHEET A-0.1

KEY PLAN/ SITE PLAN:



"DO NOT SCALE"  
CONTRACTOR MUST VERIFY ALL INFORMATION PRIOR TO COMMENCEMENT OF THE WORK. ALL DRAWINGS & SPECIFICATIONS ARE PROPERTY OF ORANA INC. AND MUST BE RETURNED UPON COMPLETION OF THE WORK. DRAWINGS ARE NOT TO BE USED FOR OTHER PROJECTS WITHOUT THE WRITTEN CONSENT OF THE DESIGNER.

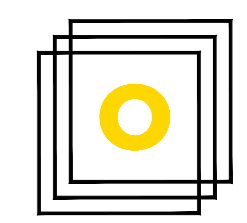
INDEX:

- A0 - COVER SHEET
- A0.1 - NOTES
- SP1.01 - SITE PLAN
- SP1.02 - PROPOSED WALKOUT
- A1 - PROPOSED BASEMENT PLAN
- A2 - EXISTING FIRST FLOOR PLAN
- A3 - EXISTING SECOND FLOOR PLAN
- A4 - SECTION-A
- A5 - WALKOUT CALLOUT
- A6 - SECTION-1
- A7 - SECTION-2
- D1 - DETAILS
- D2 - DETAILS

AREA CALCULATIONS:

1. FLOOR SPACE OF BASEMENT IS=687 ft<sup>2</sup> ( 63.8 m<sup>2</sup>)  
  
 PROPOSED AREAS :  
  - BEDROOM-1 : 202ft<sup>2</sup>
  - LIVING/DINING : 226 ft<sup>2</sup>
  - MECHANICAL AREA :19ft<sup>2</sup>
  - WASHROOM :25 ft<sup>2</sup>
  - KITCHEN : 73 ft<sup>2</sup>
2. 1ST FLOOR AREA=659 ft<sup>2</sup> (61.29m<sup>2</sup>)
3. 2ND FLOOR AREA= 753 ft<sup>2</sup> (69.9m<sup>2</sup>)

|                              |                      |    |            |
|------------------------------|----------------------|----|------------|
| B                            | SUBMITTED FOR PERMIT | AC | 23.02.2021 |
| A                            | SUBMITTED FOR PERMIT | AC | 20.01.2021 |
| REV                          | DESCRIPTION          | BY | DATE       |
| STATUS: SUBMITTED FOR PERMIT |                      |    |            |



**ORANA**  
DRAFTING  
A DIVISION OF ORANA INC.

CLIENT: CARLO

SITE: 146 E.,34th STREET  
HAMILTON,ON,L8V3W6  
TITLE: COVER SHEET

|                   |                  |             |             |
|-------------------|------------------|-------------|-------------|
| SCALE: AS SHOWN   | DATE: 27.02.2021 | DRAWN: AC   | CHECKED: DS |
| PROJECT NO: 20-31 | DRAWING NO: A0   | REVISION: B |             |

SCOPE OF WORK:

# RENOVATION & SECONDARY UNIT BASEMENT APARTMENT

ADDRESS:

146 EAST, 34TH STREET, HAMILTON, ON L8V 3W6



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**MINIMUM ROOM AREAS**

| APARTMENTS FOR ONE OR TWO PERSONS WHERE SPACE IS NOT PARTITIONED |                             |
|--|-----------------------------|
| REQUIRED SPACE   | MINIMUM AREA                |
| LIVING, DINING, KITCHEN & SLEEPING SPACE                         | 13.5m <sup>2</sup> IN TOTAL |

**OTHER PARTITIONED APARTMENTS:**

| APARTMENTS FOR ONE OR TWO PERSONS WHERE SPACE IS NOT PARTITIONED |   |
|--|---|
| REQUIRED SPACE   | MINIMUM AREA  |
| LIVING AREA  | 13.5m <sup>2</sup><br>11.0m <sup>2</sup> IF LIVING AREA IS COMBINED W/ DINING & KITCHEN SPACE   |
| KITCHEN  | 3.7m <sup>2</sup>   |
| AT LEAST ONE BEDROOM   | 9.8m <sup>2</sup><br>8.8m <sup>2</sup> IF A BUILT IN CLOSET IS PROVIDED<br>4.2m <sup>2</sup> IF THE BEDROOM AREA IS COMBINED W/ ANOTHER SPACE |
| OTHER BEDROOMS   | 7.0m <sup>2</sup><br>6.0m <sup>2</sup> IF A BUILT IN CLOSET IS PROVIDED<br>4.2m <sup>2</sup> IF THE BEDROOM AREA IS COMBINED W/ ANOTHER SPACE |

- MINIMUM CEILING HEIGHT SHALL NOT BE LESS THAN 1950mm

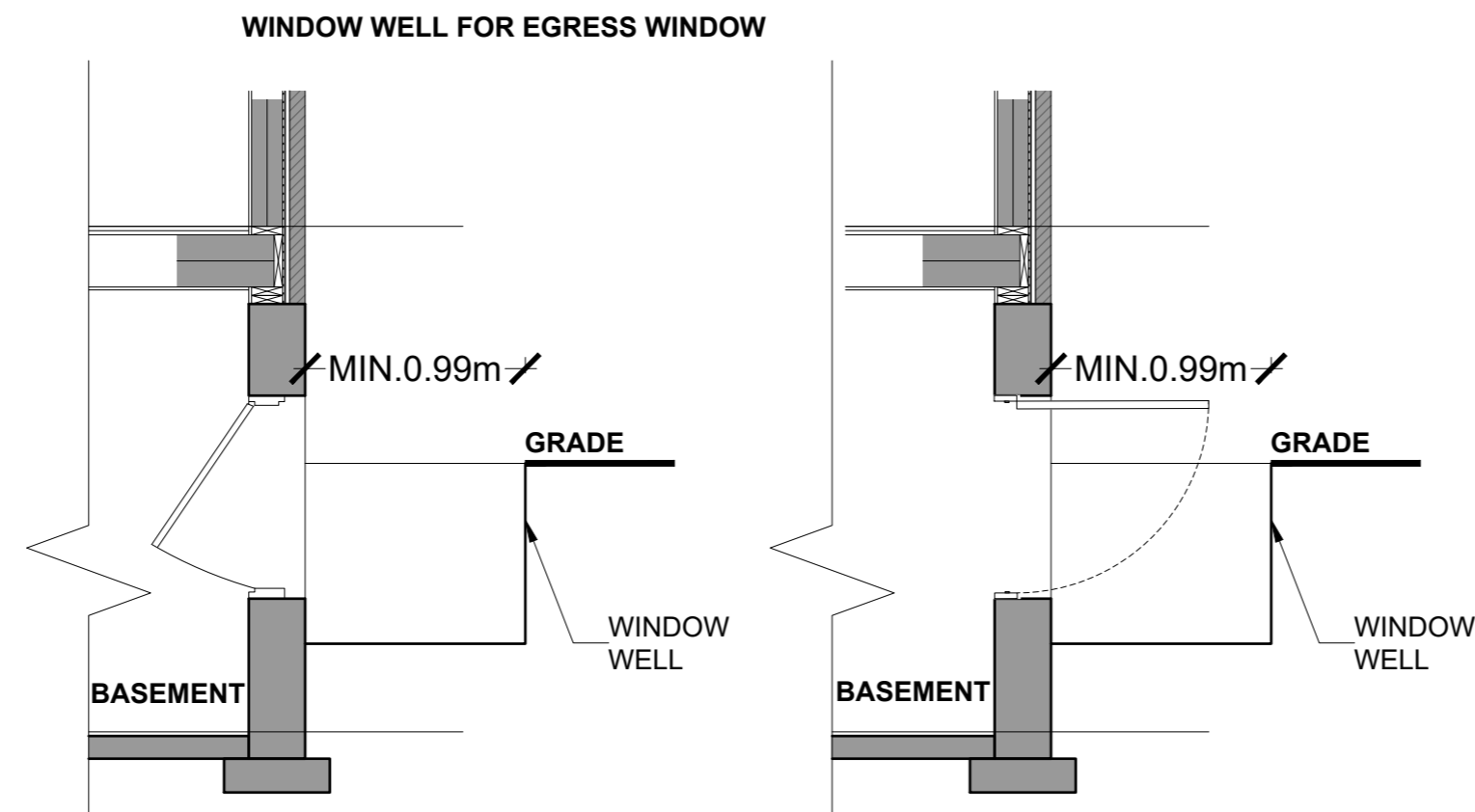
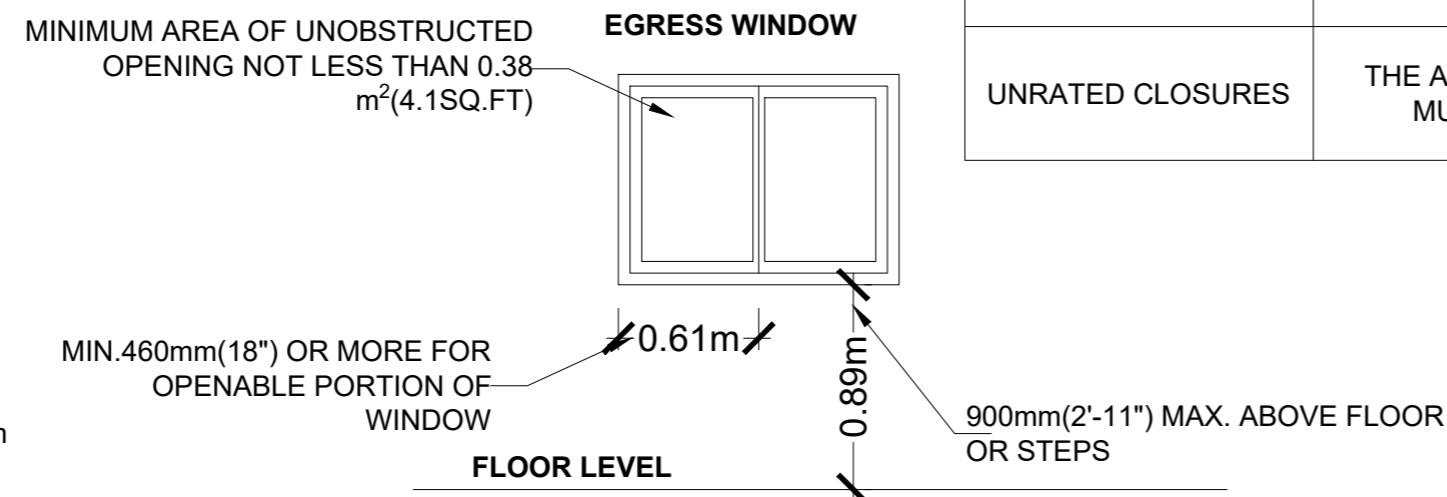
**MINIMUM WINDOW AREAS FOR LIGHT:**

| LOCATION                                 | MINIMUM UNOBSTRUCTED GLASS AREA |
|--|---------------------------------|
| LAUNDRY ROOM, KITCHEN, WATER CLOSET ROOM | WINDOWS NOT REQUIRED            |
| LIVING/DINING ROOMS                      | 5% OF FLOOR AREA                |
| BEDROOMS AND OTHER FINISHED ROOMS        | 2 ½% OF FLOOR AREA              |

- WHERE A DOOR ON THE SAME LEVEL AS A BEDROOM IS NOT PROVIDED, A WINDOW THAT IS ABLE TO BE OPENED FROM THE INSIDE WITHOUT THE USE OF TOOLS PROVIDING AN INDIVIDUAL UNOBSTRUCTED OPEN PORTION HAVING A MINIMUM AREA OF 0.55m<sup>2</sup> WITH NO DIMENSION LESS THAN 380mm SHALL BE PROVIDED. IF THIS WINDOW OPENS INTO A WINDOW WELL, A CLEARANCE OF NOT LESS THAN 550mm SHALL BE PROVIDED IN FRONT OF THE OPERATING SASH.
- NEW OPENING IN EXTERIOR WALLS ARE NOT PERMITTED IF THE DISTANCE FROM THE WALL TO AN ADJACENT LOT LINE IS LESS THAN 1200mm.

**EGRESS REQUIREMENTS:**

| EGRESS PROVIDED FROM APARTMENT  | CONDITIONS  |
|---|---|
| A SEPARATE DOOR LEADING DIRECTLY TO THE EXTERIOR FROM THE ACCESSORY APARTMENT | SMOKE ALARMS IN EACH DWELLING   |
| A 'SHARED EXIT', SUCH AS A STAIRWAY USED BY BOTH UNITS                        | 1/2 HOUR FIRE SEPARATION AROUND EXIT, AND INTERCONNECTED SMOKE ALARMS IN BOTH UNITS AND ALL COMMON AREAS  |
| EGRESS AVAILABLE ONLY THROUGH ANOTHER DWELLING                                | AN EGRESS WINDOW MUST BE PROVIDED. INTERCONNECTED SMOKE ALARMS MUST BE INSTALLED IN BOTH UNITS, AND ALL COMMON AREAS OR THE ENTIRE BUILDING MUST BE SPRINKLERED, AND SMOKE ALARMS INSTALLED IN BOTH UNITS |



**SEPARATION BETWEEN UNITS:**

| REQUIRED FIRE SEPARATIONS/CLOSURES   | CONDITIONS  |
|--|---|
| 30 MINUTE FIRE SEPARATION (12.7mm TYPE 'X' GYPSUM BD. CEILING)                           | SMOKE ALARMS IN BOTH UNITS  |
| 15 MINUTE HORIZONTAL FIRE SEPARATION   | INTERCONNECTED SMOKE ALARMS IN BOTH UNITS AND IN ALL COMMON AREAS |
| NO FIRE SEPARATION   | THE ENTIRE BUILDING MUST BE SPRINKLERED                           |
| 20 MINUTE LABELED DOORS, UNLABELED MINIMUM 45mm THICK SOLID CORE WOOD DOOR OR METAL CLAD | EQUIPPED WITH SELF CLOSURES                                       |
| UNRATED CLOSURES   | THE APARTMENT FLOOR AREA MUST BE SPRINKLERED                      |

**SMOKE ALARMS AND CARBON MONOXIDE DETECTORS:**

|  |   |
|--|---|
| <b>REQUIRED SMOKE ALARMS</b> WITHIN EACH DWELLING UNIT   | MAY BE BATTERY OPERATED EXCEPT WHERE SMOKE ALARMS ARE REQUIRED TO BE INTERCONNECTED DUE TO SEPARATION BETWEEN UNITS AND EGRESS REQUIREMENTS, ALARMS MUST BE LOCATED ON OR NEAR THE CEILING WITHIN 5m OF BEDROOM DOORS |
| <b>REQUIRED CARBON MONOXIDE DETECTORS</b> WITHIN EACH DWELLING UNIT ADJACENT TO EACH SLEEPING AREA | MUST CONFORM TO CAN/CSA-6.19 OR UL 2054. CO DETECTORS MAY BE BATTERY OPERATED OR PLUGGED INTO AN ELECTRICAL OUTLET  |

**PLUMBING, HEATING AND VENTILATION**

|  |  |
|--|--|
| <b>CENTRAL HEATING SYSTEM</b>  | EXISTING SYSTEM MAY SERVE BOTH UNITS PROVIDED<br>1) BOTH UNITS ARE EQUIPPED WITH SMOKE ALARMS, AND<br>2) A SMOKE DETECTOR IS INSTALLED IN THE SUPPLY OR RETURN AIR DUCT SYSTEM WHICH WOULD TURN OFF THE FUEL SUPPLY AND ELECTRICAL POWER TO THE HEATING SYSTEM UPON ACTIVATION |
| <b>NATURAL VENTILATION (OPENABLE WINDOWS/DOORS) FOR LIVING/DINING ROOMS, BEDROOMS, KITCHEN</b> | MINIMUM 0.28m <sup>2</sup> (3SQ.FT) PER ROOM OR COMBINATION OF ROOMS   |
| <b>NATURAL VENTILATION (OPENABLE WINDOWS) FOR BATHROOMS OR WATER CLOSET ROOMS</b>              | MINIMUM 0.09m <sup>2</sup> (0.97SQ.FT)   |
| <b>MECHANICAL VENTILATION, IF NATURAL VENTILATION IS NOT PROVIDED</b>                          | ONE-HALF AIR CHANGE PER HOUR IF THE ROOM IS MECHANICALLY COOLED IN SUMMER, AND ONE AIR CHANGE PER HOUR IF IT IS NOT  |

- BATHROOM WITH LAVATORY, TOILET AND BATHTUB OR SHOWER STALL

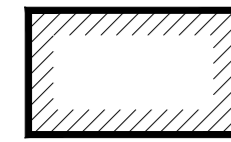
| REQUIRED PLUMBING FACILITIES |                      |
|------------------------------|----------------------|
| • KITCHEN SINK               | • LAUNDRY FACILITIES |

|                              |                      |    |            |
|------------------------------|----------------------|----|------------|
| B                            | SUBMITTED FOR PERMIT | AC | 23.02.2021 |
| A                            | SUBMITTED FOR PERMIT | AC | 20.01.2021 |
| REV                          | DESCRIPTION          | BY | DATE       |
| STATUS: SUBMITTED FOR PERMIT |                      |    |            |



|                 |   |           |             |
|-----------------|---|-----------|-------------|
| CLIENT:         | CARLO                                       |           |             |
| SITE:           | 146 E., 34th STREET<br>HAMILTON, ON, L8V3W6 |           |             |
| TITLE:          | NOTES                                       |           |             |
| SCALE: AS SHOWN | DATE: 27.02.2021                            | DRAWN: AC | CHECKED: DS |
| PROJECT NO:     | DRAWING NO:                                 | REVISION: |             |
| 20-31           | A0.1  | B         |             |

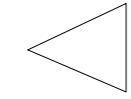
LEGEND :



EXISTING BUILDING



PROPERTY LINE



LOCATION OF ENTRANCE

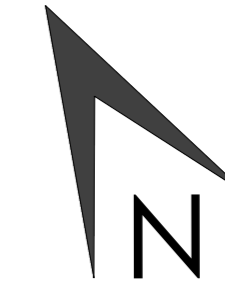


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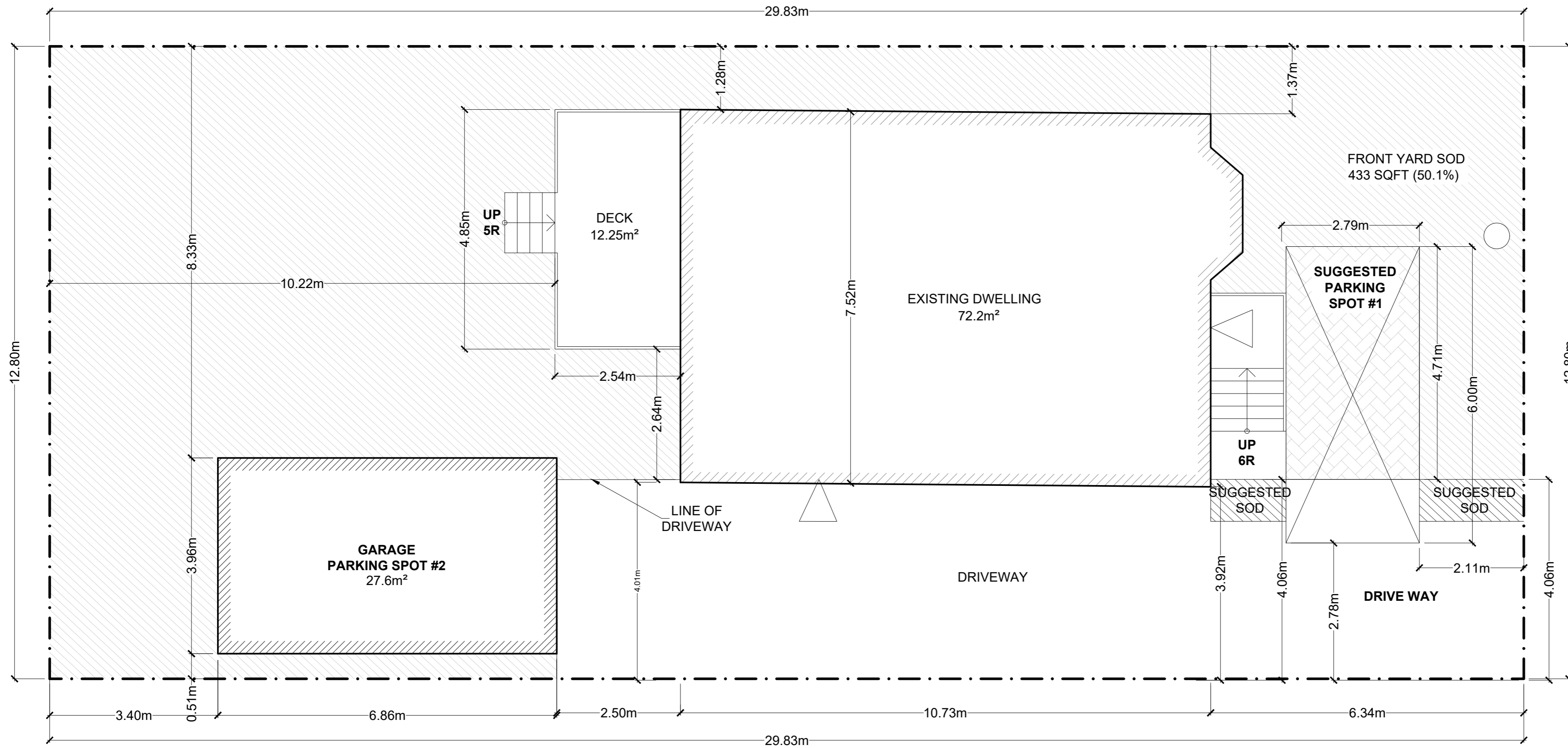


PERMEABLE TILES

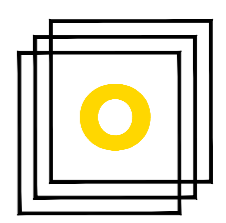
| DESCRIPTION    | AREAS    |        |       | SETBACKS    |       |
|----------------|----------|--------|-------|-------------|-------|
|                | IMPERIAL | METRIC | %     | DESCRIPTION | DIST. |
| LOT AREA       | 4120     | 382.76 |       | FRONT       | 12.4m |
| LOT COVERAGE   | 1173     | 108.98 | 28.47 | REAR        | 6.7m  |
| NO. OF STORIES | 1        |        |       | SOUTH SIDE  | 4.1m  |
| FRONT YARD     | 868      | 80.64  | 21.07 | NORTH SIDE  | 1.3m  |



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|                              |                      |    |            |
|------------------------------|----------------------|----|------------|
| B                            | SUBMITTED FOR PERMIT | AC | 23.02.2021 |
| A                            | SUBMITTED FOR PERMIT | AC | 20.01.2021 |
| REV.                         | DESCRIPTION          | BY | DATE       |
| STATUS: SUBMITTED FOR PERMIT |                      |    |            |



**ORANA**  
DRAFTING  
A DIVISION OF ORANA INC.

CLIENT: CARLO

SITE: 146 E., 34th STREET  
HAMILTON, ON, L8V3W6  
TITLE: SITE PLAN

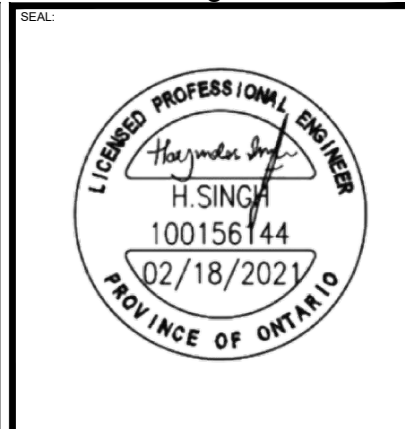
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| SCALE AT 1:100    | DATE: 23.02.2021   | DRAWN: EA   | CHECKED: DS |
| PROJECT NO: 20-31 | DRAWING NO: SP1.01 | REVISION: B |             |

1 | SITE PLAN  
SP1.01 | 1:100

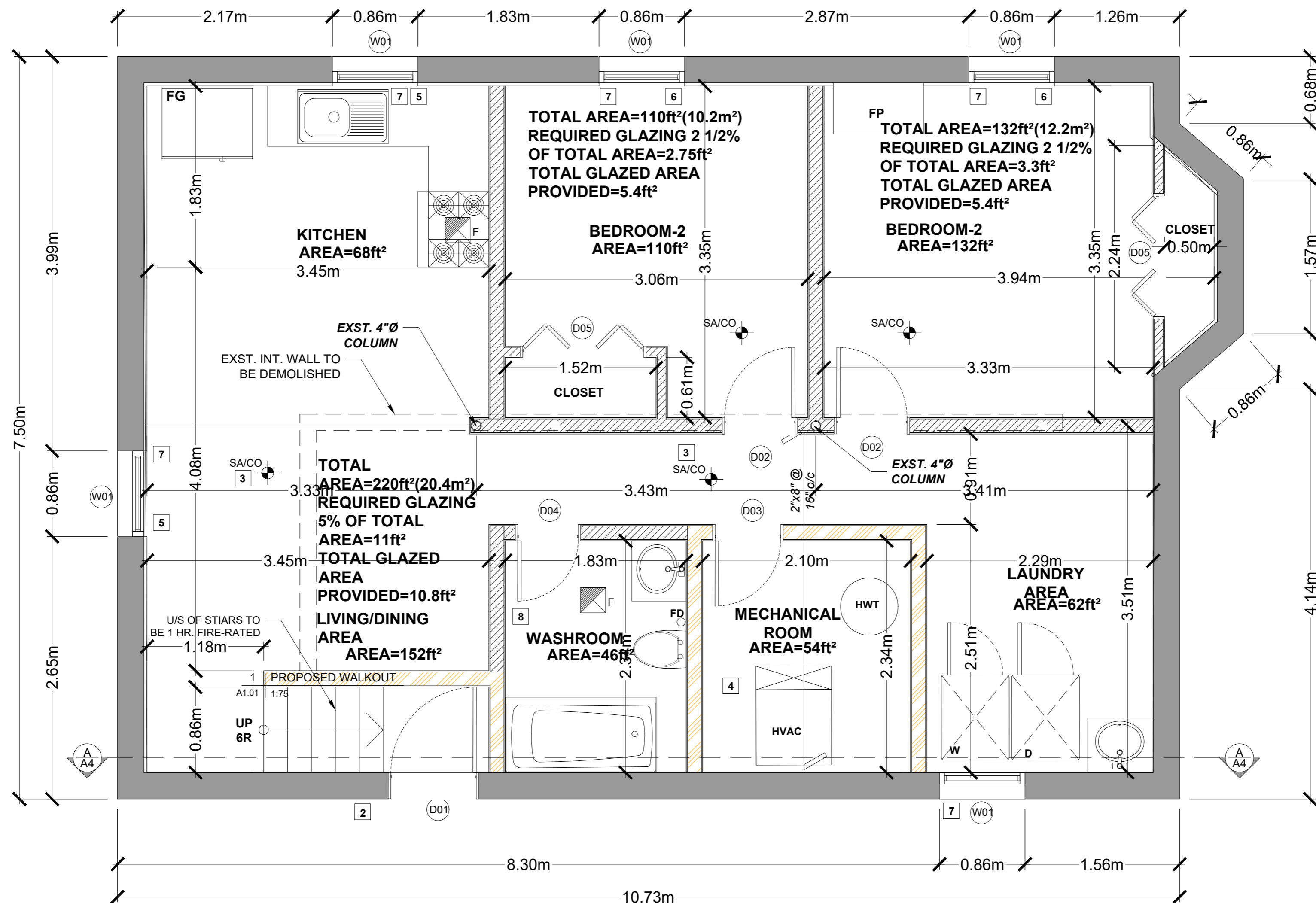
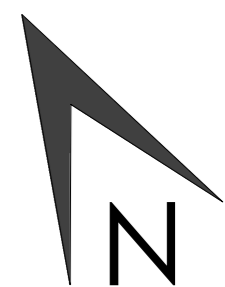
| LEGEND: |   |
|---------|---|
|         | EXISTING WALLS  |
|         | PROPOSED INTERIOR WALL:<br>2"x4",2"x6" STUDS @16"O.C. WITH BLOCKING AT MID POINT, 1/2" GYPSUM BOARD ON BOTH SIDES,TAPED AND SANDED C/W PAINT FINISH, AROUND FOUNDATION WALL R22 RIGID XPS INSULATION CAUKED AND TAPED |
|         | 2"x4",2"x6" STUDS @16"O.C. WITH BLOCKING AT MID POINT, 5/8" TYPE X DRY WALL ON BOTH SIDES,TAPED AND SANDED C/W PAINT FINISH, AROUND FOUNDATION WALL R22 RIGID XPS INSULATION CAUKED AND TAPED. 1HR FRR                |
|         | EXHAUST FAN   |
|         | SMOKE DETECTOR/CO DETECTOR  |
|         | FLOOR DRAIN   |

| DOOR SCHEDULE |              |  |          |             |
|---------------|--------------|--|----------|-------------|
| TAG           | SIZE         | REMARKS  | QUANTITY | LINTEL SIZE |
| D01           | 36' x 6'-10" | EXTERIOR 45 MINUTE FIRE RATED DOOR W/SELF CLOSING DEVICE EGRESS DOOR | 1        |             |
| D02           | 30" x 6'-10" | BEDROOM-1/2  | 2        |             |
| D03           | 28" x 6'-10" | FURNACE 20 MINUTE FIRE RATED DOOR W/SELF CLOSING DEVICE              | 1        |             |
| D04           | 26" x 6'-10" | WASHROOM   | 1        |             |
| D05           | 50" x 6'-10" | CLOSET   | 2        |             |

| WINDOW SCHEDULE |             |                                       |          |             |
|-----------------|-------------|---------------------------------------|----------|-------------|
| TAG             | SIZE        | REMARKS                               | QUANTITY | LINTEL SIZE |
| W01             | 34" x 1'-8" | BEDROOM-1,LAUNDRY AREA,LIVING,KITCHEN | 4        |             |



"DO NOT SCALE"  
CONTRACTOR MUST VERIFY ALL INFORMATION PRIOR TO COMMENCEMENT OF THE WORK. ALL DRAWINGS & SPECIFICATIONS ARE PROPERTY OF ORANA INC. AND MUST BE RETURNED UPON COMPLETION OF THE WORK. DRAWINGS ARE NOT TO BE USED FOR OTHER PROJECTS WITHOUT THE WRITTEN CONSENT OF THE DESIGNER.



|                              |                      |    |            |
|------------------------------|----------------------|----|------------|
| B                            | SUBMITTED FOR PERMIT | AC | 23.02.2021 |
| A                            | SUBMITTED FOR PERMIT | AC | 20.01.2021 |
| REV.                         | DESCRIPTION          | BY | DATE       |
| STATUS: SUBMITTED FOR PERMIT |                      |    |            |



|                   |             |  |          |
|-------------------|-------------|--|----------|
| CLIENT:           |             | CARLO                                    |          |
| SITE:             |             | 146 E.,34th STREET<br>HAMILTON,ON,L8V3W6 |          |
| TITLE:            |             | PROPOSED WALKOUT                         |          |
| SCALE: 1/8"=1'-0" | DATE:       | DRAWN:                                   | CHECKED: |
| 1:75              | 23.02.2021  | EA                                       | DS       |
| PROJECT NO:       | DRAWING NO: | REVISION:                                |          |
| 20-31             | SP1.02      | B  |          |

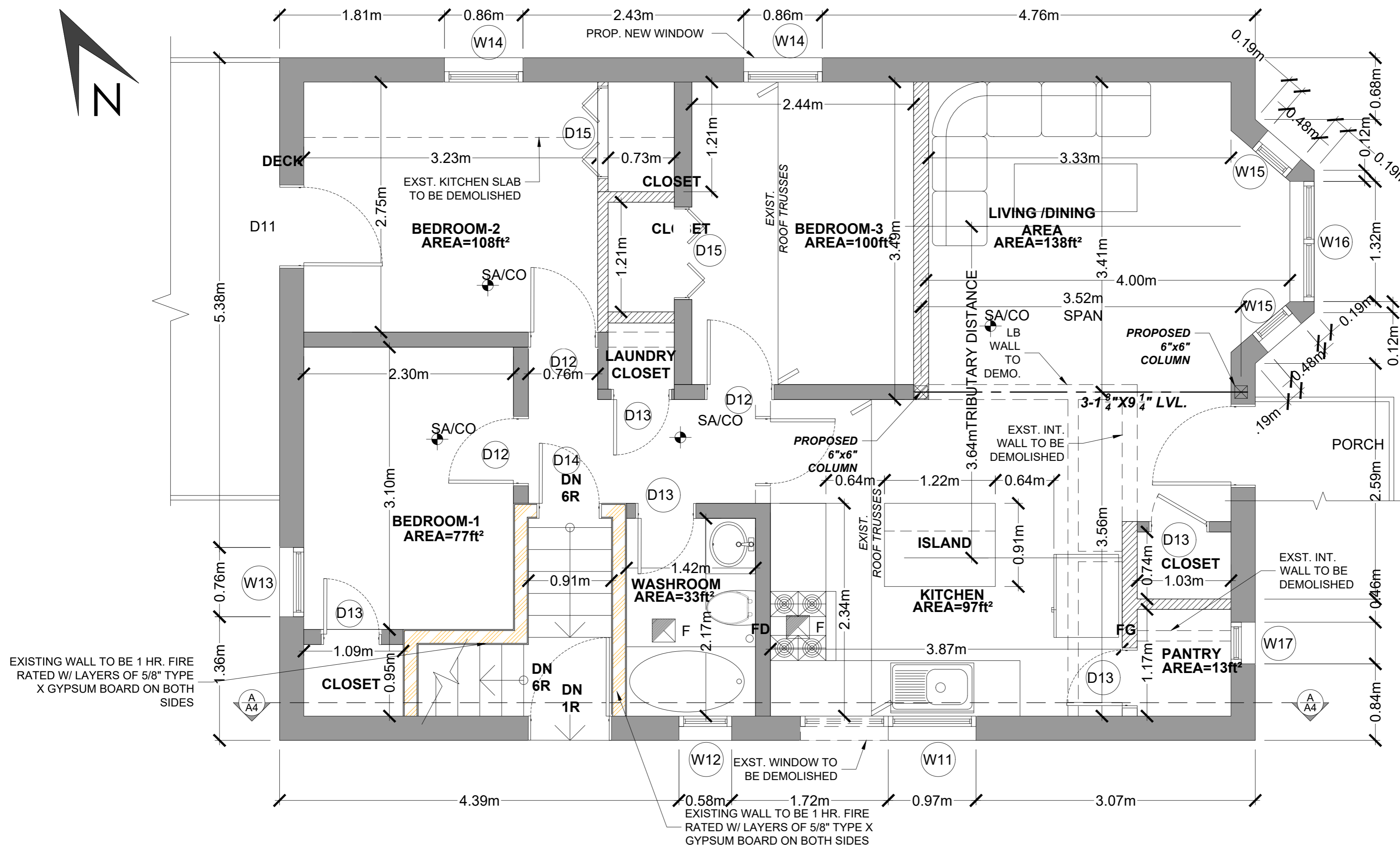
| LEGEND: |   |
|---------|---|
|         | EXISTING WALLS  |
|         | PROPOSED INTERIOR WALL:<br>2"x4",2"x6" STUDS @16"O.C. WITH BLOCKING AT MID POINT, 1/2" GYPSUM BOARD ON BOTH SIDES,TAPED AND SANDED C/W PAINT FINISH, AROUND FOUNDATION WALL R22 RIGID XPS INSULATION CAUKED AND TAPED |
|         | 2"x4",2"x6" STUDS @16"O.C. WITH BLOCKING AT MID POINT, 5/8" TYPE X DRY WALL ON BOTH SIDES,TAPED AND SANDED C/W PAINT FINISH, AROUND FOUNDATION WALL R22 RIGID XPS INSULATION CAUKED AND TAPED. 1HR FRR                |
|         | EXHAUST FAN   |
|         | SMOKE DETECTOR/CO DETECTOR  |
|         | FLOOR DRAIN   |

| DOOR SCHEDULE |              |   |          |
|---------------|--------------|---|----------|
| TAG           | SIZE         | REMARKS   | QUANTITY |
| D11           | 36' x 6'-10" | EXTERIOR DOORS  | 2        |
| D12           | 30" x 6'-10" | BEDROOM-1/2   | 2        |
| D13           | 26" x 6'-10" | WASHROOM,CLOSETS,PANTRY   | 5        |
| D14           | 30" x 6'-10" | STAIRCASE 20 MINUTE FIRE RATED DOOR W/SELF CLOSING DEVICE EGRESS DOOR | 1        |
| D14           | 50" x 6'-10" | CLOSETS   | 1        |

| WINDOW SCHEDULE |               |                                  |          |             |
|-----------------|---------------|----------------------------------|----------|-------------|
| TAG             | SIZE          | REMARKS                          | QUANTITY | LINTEL SIZE |
| W11             | 38" x 4'-4"   | PROP. WINDOW KITCHEN             | 1        |             |
| W12             | 22.8" x 3'-0" | WASHROOM                         | 1        |             |
| W13             | 30" x 4'-5"   | BEDROOM-1                        | 1        |             |
| W14             | 34" x 3'-4"   | BEDROOM-2,PROP. WINDOW BEDROOM-3 | 2        |             |
| W15             | 19" x 4'-4"   | LIVING ROOM                      | 2        |             |
| W16             | 52" x 4'-4"   | LIVING ROOM                      | 1        |             |
| W17             | 18" x         | PANTRY                           | 1        |             |

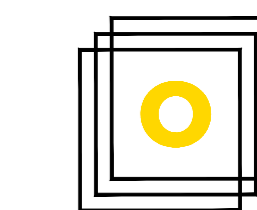


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|     |                      |    |            |
|-----|----------------------|----|------------|
| B   | SUBMITTED FOR PERMIT | AC | 23.02.2021 |
| A   | SUBMITTED FOR PERMIT | AC | 20.01.2021 |
| REV | DESCRIPTION          | BY | DATE       |

STATUS: SUBMITTED FOR PERMIT







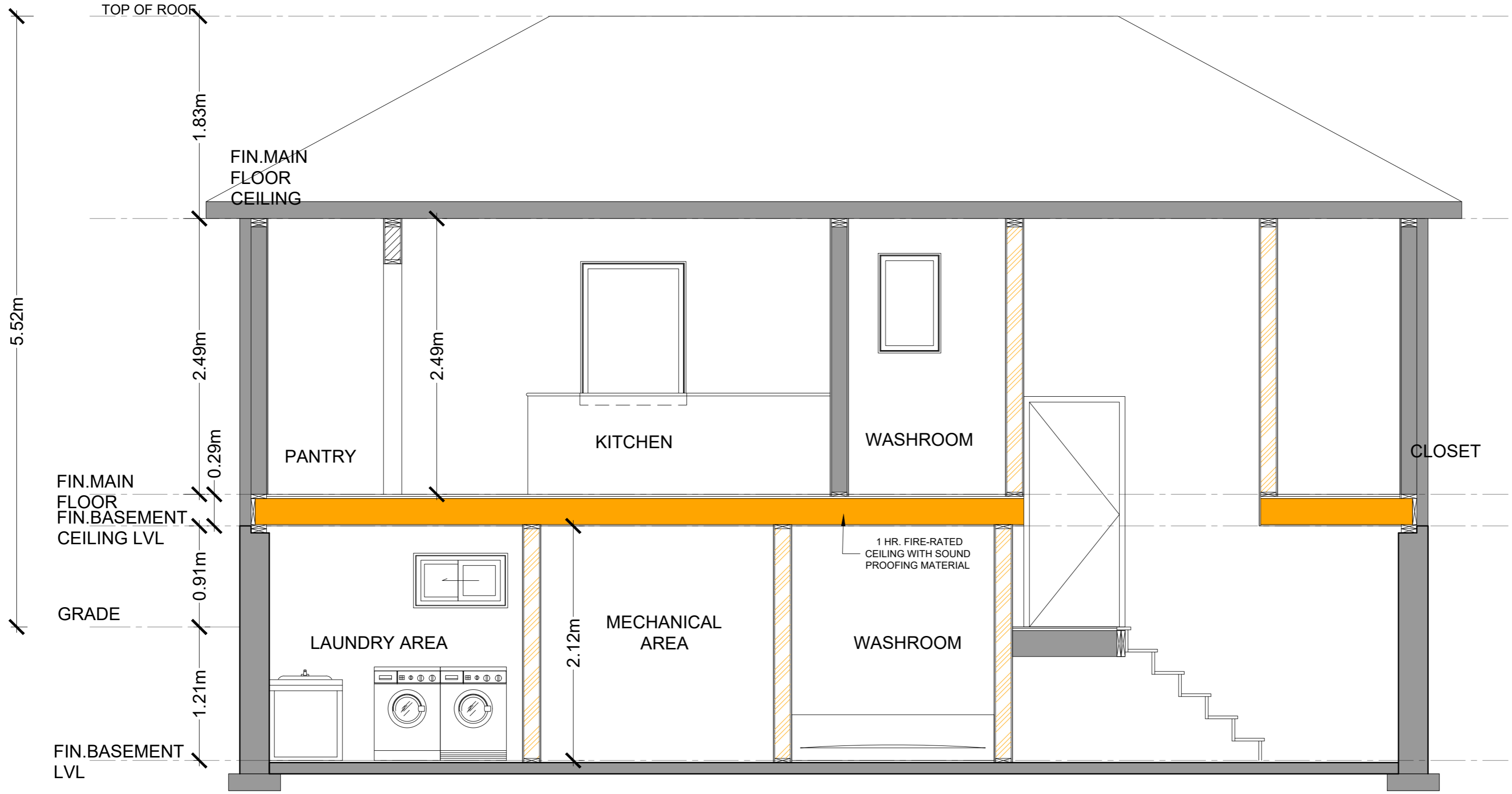
**ORANA**  
DRAFTING  
A DIVISION OF ORANA INC.

CLIENT: CARLO

SITE: 146 E.,34th STREET  
HAMILTON,ON,L8V3W6  
TITLE: PROPOSED BASEMENT PLAN

|                           |                   |             |             |
|---------------------------|-------------------|-------------|-------------|
| SCALE AT SHOWN DIMENSIONS | DATE: 27.2.21     | DRAWN: AC   | CHECKED: DS |
| PROJECT NO: 20-31         | DRAWING NO: A1.02 | REVISION: B |             |

| LEGEND:   |   |
|---|---|
|  | EXISTING WALLS  |
|  | PROPOSED INTERIOR WALL:<br>2"x4", 2"x6" STUDS @16"O.C. WITH BLOCKING AT MID POINT, 1/2" GYPSUM BOARD ON BOTH SIDES, TAPED AND SANDED C/W PAINT FINISH, AROUND FOUNDATION WALL R22 RIGID XPS INSULATION CAUKED AND TAPED |
|  | 2"x4", 2"x6" STUDS @16"O.C. WITH BLOCKING AT MID POINT, 5/8" TYPE X DRY WALL ON BOTH SIDES, TAPED AND SANDED C/W PAINT FINISH, AROUND FOUNDATION WALL R22 RIGID XPS INSULATION CAUKED AND TAPED. 1HR FRR                |
|  | 1 HR. FIRE RATED CEILING WITH RESILIENT CHANNEL 16"O.C. TYPE X 15 mm DRY WALL, INSULATION TO ACHIEVE STC 50 RATING, EXISTING JOIST TO REMAIN, EXISTING SHEATING AND FLOOR FINISH TO REMAIN                              |



"DO NOT SCALE"  
CONTRACTOR MUST VERIFY ALL INFORMATION PRIOR TO COMMENCEMENT OF THE WORK. ALL DRAWINGS & SPECIFICATIONS ARE PROPERTY OF ORANA INC. AND MUST BE RETURNED UPON COMPLETION OF THE WORK. DRAWINGS ARE NOT TO BE USED FOR OTHER PROJECTS WITHOUT THE WRITTEN CONSENT OF THE DESIGNER.

|                              |                      |    |            |
|------------------------------|----------------------|----|------------|
| B                            | SUBMITTED FOR PERMIT | AC | 23.02.2021 |
| A                            | SUBMITTED FOR PERMIT | AC | 20.01.2021 |
| REV                          | DESCRIPTION          | BY | DATE       |
| STATUS: SUBMITTED FOR PERMIT |                      |    |            |



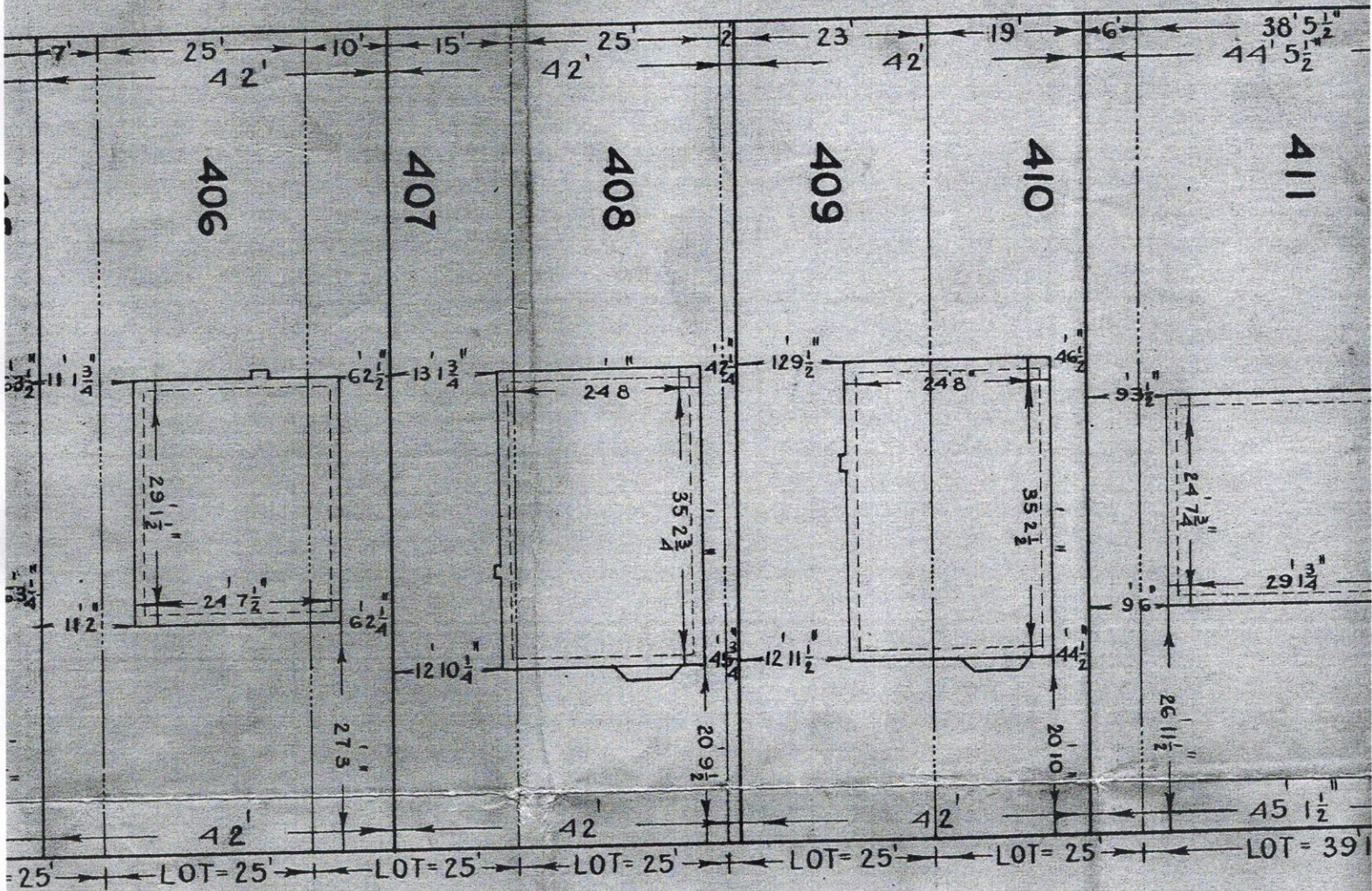
CLIENT: CARLO

SITE: 146 E., 34th STREET  
HAMILTON, ON, L8V3W6

|                     |             |          |         |
|---------------------|-------------|----------|---------|
| TITLE: SECTION      |             |          |         |
| SCALE AT SHOWN SIZE | DATE        | DRAWN    | CHECKED |
| 1:50                | 27.02.2021  | AC       | DS      |
| PROJECT NO.         | DRAWING NO. | REVISION |         |
| 20-98               | A4.01       | B        |         |

1 | SECTION  
A4.01 1:50

146 EAST 34TH HAMILTON.





**Committee of Adjustment**  
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
 Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**APPLICATION FOR A MINOR VARIANCE**

|                             |  |
|-----------------------------|--|
| <b>FOR OFFICE USE ONLY.</b> |  |
| APPLICATION NO. _____       | DATE APPLICATION RECEIVED _____        |
| PAID _____                  | DATE APPLICATION DEEMED COMPLETE _____ |
| SECRETARY'S SIGNATURE _____ |  |

**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, 2                        | NAME  | ADDRESS    |                       |
|-----------------------------|---|------------|-----------------------|
| <b>Registered Owners(s)</b> | Magno Carlo<br>Magno Dora<br>Principals of the company<br>2450154 ONTARIO INC | [REDACTED] | Phone:<br>[REDACTED]  |
|                             |   |            | E-mail:<br>[REDACTED] |
| <b>Applicant(s)*</b>        | Ella Agranov OBO<br>Orana Inc.  | [REDACTED] | Phone:<br>[REDACTED]  |
|                             |   |            | E-mail:<br>[REDACTED] |
| <b>Agent or Solicitor</b>   |   |            | Phone:<br>[REDACTED]  |
|                             |   |            | E-mail:<br>[REDACTED] |

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

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



**Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled**

4. Nature and extent of relief applied for:

Suggested parking at the front yard. Please see the examiners comment:  
 "The Parking space shown in the front yard issued under the original permit does not comply with the Zoning By-law. Please be advised a successful application from the Committee of Adjustment will be required prior to this revision application being issued." david.bain@hamilton.ca (905) 546-2424 x2594

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

The suggested parking spot will serve the basement unit. There is not enough space in the both side yards.

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

146E 34th St. Hamilton L8V 3W6.

7. PREVIOUS USE OF PROPERTY

Residential  Industrial  Commercial   
 Agricultural  Vacant

Other \_\_\_\_\_

8.1 If Industrial or Commercial, specify use \_\_\_\_\_

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

Yes  No  Unknown

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

Yes  No  Unknown

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

Yes  No  Unknown

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

Yes  No  Unknown

8.6 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

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

Yes  No  Unknown

8.8 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

8.9 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

8.10 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

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

8.1-8.10 Above As per owner

8.12 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

**9. 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

2021-02-24  
Date



Signature Property Owner

CARLO AND DORA MAGNO- 2450154 ONTARIO INC.

Print Name of Owner

10. Dimensions of lands affected:

|                 |                     |
|-----------------|---------------------|
| Frontage        | <u>Not affected</u> |
| Depth           | <u>Not affected</u> |
| Area            | <u>Not affected</u> |
| Width of street | <u>Not affected</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: \_

|                         |                                 |
|-------------------------|---------------------------------|
| Basement floor= 72.2 m2 | Width= 7.5 m                    |
| Ground floor= 72.2 m2   | Length= 10.7m                   |
| GFA= 144.4 m2           | Height = 5.5m                   |
| 2 Stories               | Existing Deck= 12.25m2          |
|                         | Existing Detached garage=27.6m2 |



Proposed

Parking spot on front yard - Permeable tiles

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

Front setback= 6.3m  
Rear setback= 10.2m (Garage 3.4m)  
Side setback=0.9m (Garage 0.5m)  
Side setback= 1.3m



Proposed:  
No change

13. Date of acquisition of subject lands:  
July 23rd, 2020
- 
14. Date of construction of all buildings and structures on subject lands:  
August 2020
- 
15. Existing uses of the subject property:  
Single residential dwelling - received the permit for changing from single dwelling into 2 residential dwellings, examiner asked to approve parking pad with committee of adjustment.
16. Existing uses of abutting properties:  
Residential
17. Length of time the existing uses of the subject property have continued:  
7 months
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:  
6593 Former Hamilton
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. Additional Information
24. 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.





Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5  
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202  
 E-mail: [cofa@hamilton.ca](mailto: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-21:90

**APPLICANTS:** J. Kedzierski on behalf of the owner Valor Properties

**SUBJECT PROPERTY:** Municipal address **500 Mohawk Rd. E., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended

**ZONING:** "DE" (Low Density Multiple Dwellings) district

**PROPOSAL:** To permit alterations to the existing Multiple Dwelling to establish an additional dwelling unit, for a total of 14 dwelling units and alter the existing surface parking area to add three (3) new parking spaces and one (1) loading space, for a total of 22 parking spaces and one (1) loading space, notwithstanding,

1. A minimum manoeuvring space width of 5.9 metres shall be provided instead of providing a minimum manoeuvring space width of 6.0 metres required to be abutting upon and accessory to each required parking space;
2. The boundary of the parking area and loading space on the lot containing more than five (5) parking spaces shall be permitted to be located 0.0 metres from the residential district to the east and 0.0 metres from the residential district to the south instead of providing a minimum distance of 1.5 metres between the boundary of a parking area and loading space on a lot containing five (5) or more parking spaces and a residential district;
3. The boundary of the parking area and loading space on the lot containing more than five (5) parking spaces shall be permitted to be located 0.0 metres from the street line for that portion of the parking area within 3.0 metres of the adjoining residential district to the east instead of providing the minimum depth of the front yard required to be provided in the adjoining residential district for that portion of the parking area within 3.0 metres of a residential district;
4. A landscaped area with a with a planting strip shall not be provided between the boundary of the parking area and loading space on the lot containing more than five (5) parking spaces and the adjacent residential districts to the east and south whereas a landscaped area with a planting strip is required to be provided between the boundary of a parking area and loading space containing five (5) or more parking spaces located on the surface of a lot adjoining a residential district;
5. A visual barrier shall not be provided between the boundary of the parking area and loading space on the lot containing more than five (5) parking spaces and the adjacent residential districts to the east and south whereas a visual barrier not less than 1.2 metres in height and not greater than 2.0 metres in height is required to be provided between the

HM/A-21:90

Page 2

boundary of a parking area and loading space containing five (5) or more parking spaces located on the surface of a lot adjoining a residential district; and,

6. Sufficient space additional to the required loading space shall not be provided on site to enable the loading space to be freely and readily accessible from within the lot whereas sufficient space additional to a required loading space is required to be provided in such a manner as to enable each loading space to be unobstructed and freely and readily accessible from within the lot without moving any vehicle on the lot or encroaching on any designated parking or loading space.

#### NOTES:

1. As the existing building does not meet the definition of Dwelling as defined within the Zonign By-law, the existing building cannot be converted under Section 19 (Residential Conversion Requirements) of the Zoning By-law, as requested by the applicant.

2. As an expansion to the existing parking area is proposed, compliance with the current zoning provisions is required.

3. A further variance will be required if a minimum of at least one-quarter of the lot area is not provided and Landscaped Area, as defined within the Zoning By-law.

4. A further variance will be required if a minimum loading space size measuring 3.7 metres in width by 9.0 metres in length by 4.3 metres in height is not provided.

5. A further variance will be required if a minimum parking space size measuring 2.7 metres in width by 6.0 metres in length is not provided.

6. A further variance will be required if any illumination provided for the parking area and loading space is not directed towards or on the lot on which the parking area is located.

7. A further variance will be required if a minimum of four (4) parking spaces are not designated as visitor parking spaces, which are maintained for the exclusive use of visitors providing a sign appurtenant thereto legibly marking such spaces for the exclusive use of visitors.

8. A further variance will be required if bumpers or wheel barriers are not provided to prevent the physical encroachment of vehicles beyond the parking area.

9. A further variance will be required if a permanent, durable and dustless surface that is graded, drained, and paved with concrete or asphalt or a combination of concrete and asphalt is not provided for the parking area, manoeuvring space, loading space and access driveway.

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

---

**DATE:** Thursday, April 22nd, 2021  
**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](http://www.hamilton.ca/committeeofadjustment)  
 for viewing purposes only

---

#### PUBLIC INPUT

**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

HM/A-21:90

Page 3

**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](http://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](mailto:cofa@hamilton.ca)

DATED: April 6th, 2021.

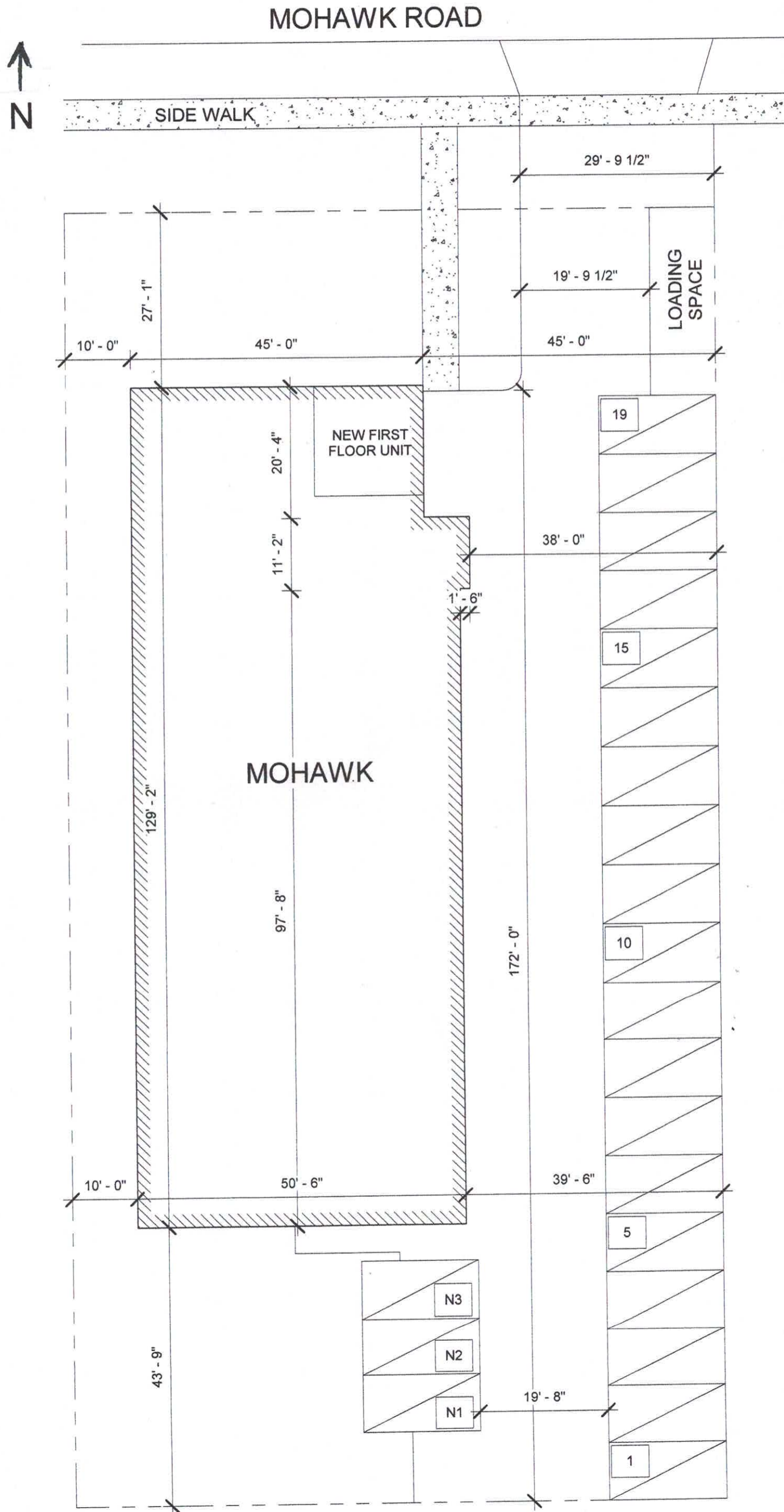
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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

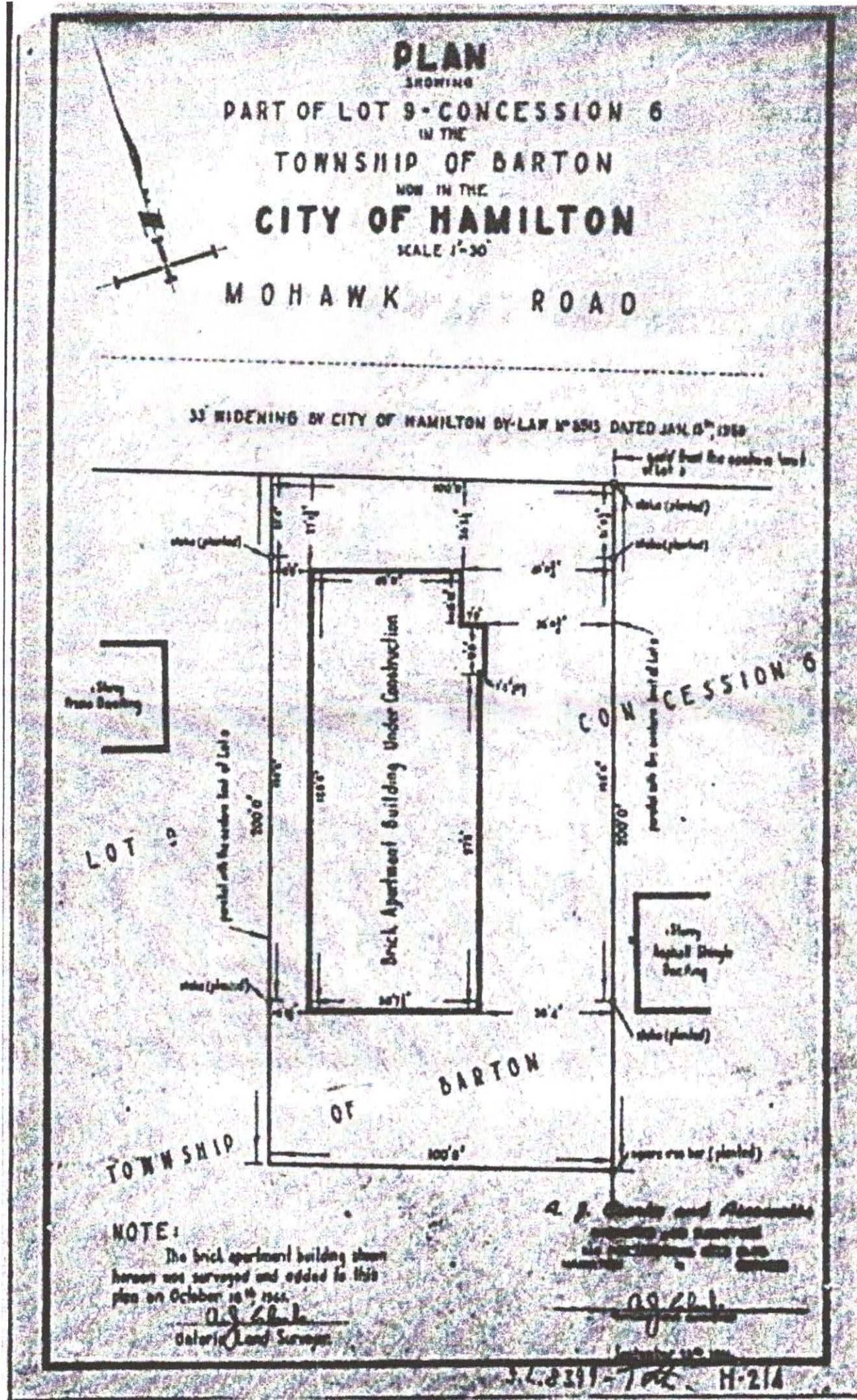
***Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions,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

# PLOT PLAN

SCALE 1/16" = 1'-0"







The CITY OF HAMILTON disclaims any liability as to the current accuracy of the contents of this document and advises that no reliance can be placed upon the current accuracy of the contents herein.

# 500 MOHAWK ROAD EAST - NEW BACHELOR APARTMENT IN VACANT LOCKER STORAGE

CHANGE OF USE BUILDING PERMIT APPLICATION

500 MOHAWK ROAD E., HAMILTON, ON L8V 2J1

CONTRACTOR MUST VERIFY AND ACCEPT RESPONSIBILITY FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH WORK. ALL CHANGES MUST BE AUTHORIZED & APPROVED BY THE DESIGNER.

**J.K. Home & Commercial Inspection Services**  
 www.jkinspectionsservices.ca  
 2276a Equipment Rd City Building Inspector  
 BCIN # 21234 (Building Code Identification Number)  
**John Kedzierski (Owner)**  
 113 Woodward St. St. Catharines ON L2M 4K4  
 Call: 905-325-1NRP(4677)  
 jkhomeinspection@gmail.com

(MMAH) BCIN #21234  
 (Building Code Identification Number)

**COMMERCIAL INSPECTIONS**  
**BCIN DESIGN SERVICES**

**JK HOME**

500 Mohawk Road E., Hamilton, ON L8V 2J1

Revision Schedule

| No. | Description | Date |
|-----|-------------|------|
|     |             |      |
|     |             |      |
|     |             |      |
|     |             |      |
|     |             |      |

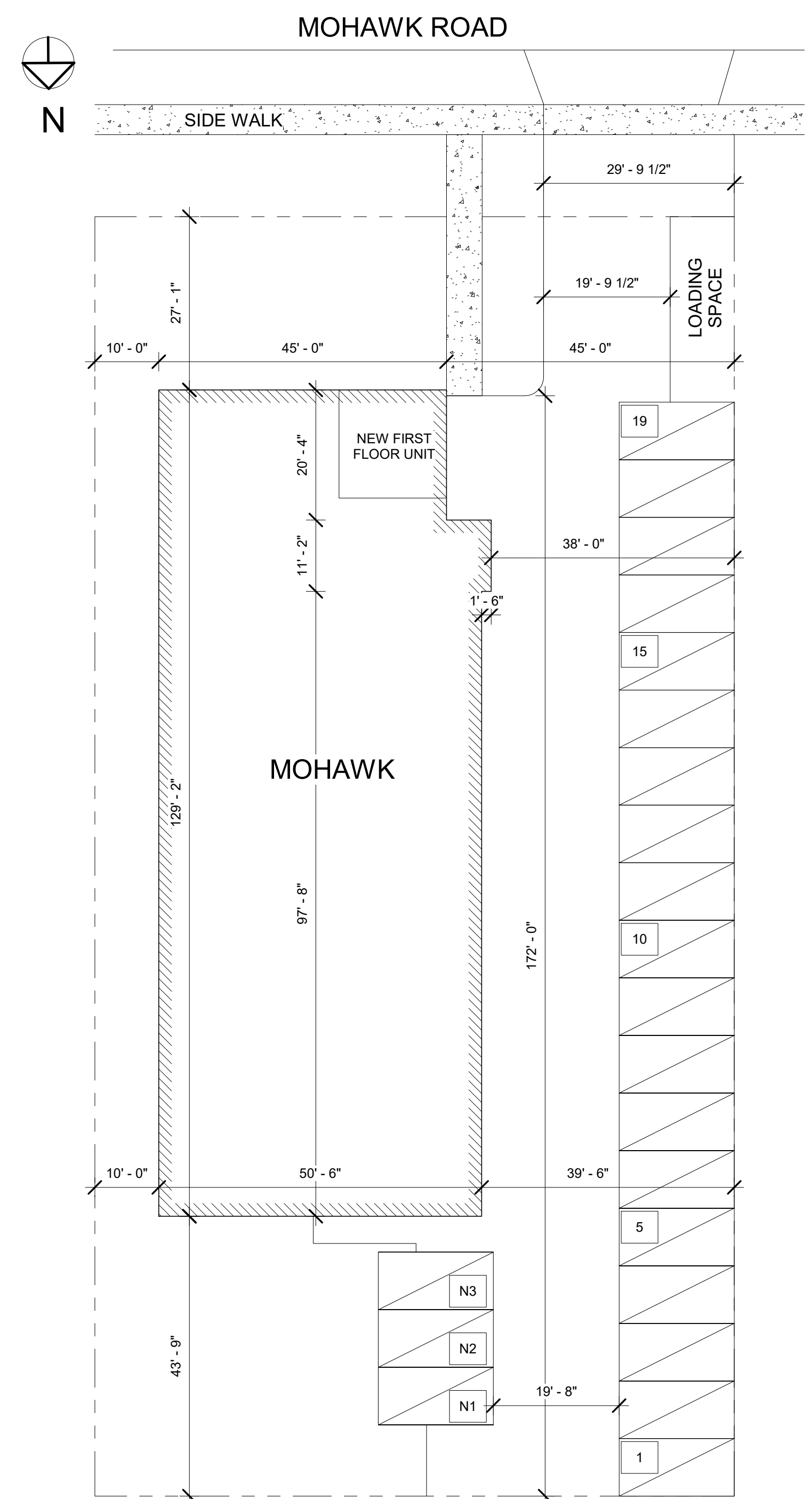
DATE AND STAMP TIME  
 01-Mar-21 4:03:00 PM

PROJECT NAME:  
 NEW BACHELOR APARTMENT IN VACANT LOCKER STORAGE ROOM

SHEET TITLE:  
**MATRIX / PLOT PLAN / EXIST. FLOOR PLANS**

DRAWN BY: D.C / J.K.  
 REVISED BY: Checker  
 SCALE: As indicated  
 SHEET: of  
 DWG No. **A101**

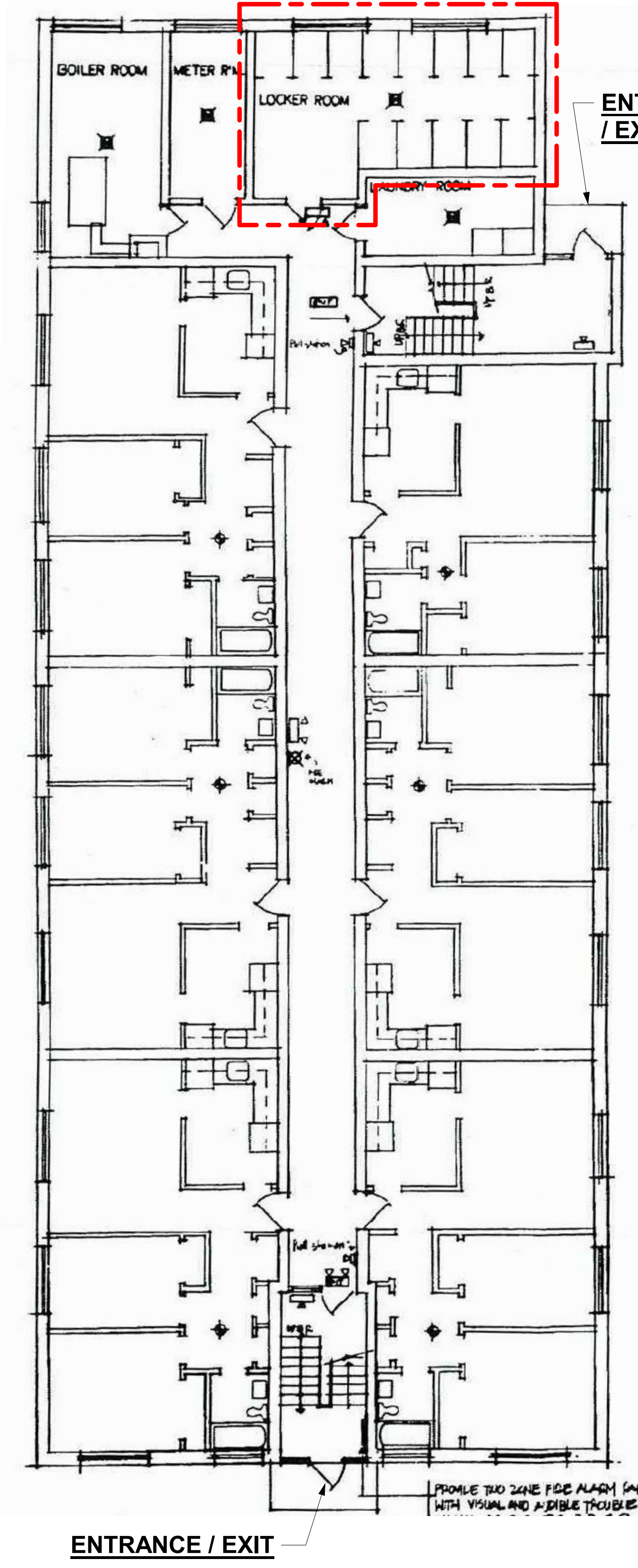
| Ontario Building Code Data Matrix                           |  | Building Code Reference 1   |
|---|--|---|
| Part 11 – Renovation of Existing Building (Part 9 Building) |  |   |
| 11.00   | Building Code Version: <u>Reg. 332/12</u> Last Amendment: <u>Reg. 209/20</u>   |   |
| 11.01   | Project Type: <input type="checkbox"/> Addition <input checked="" type="checkbox"/> Renovation <input type="checkbox"/> Addition and renovation <input type="checkbox"/> Change of use<br>Description: MINOR RENOVATION - VACANT LOCKER STORAGE ROOM TO BE CONVERTED TO A NEW BACHELOR APARTMENT UNIT  | [A] 1.1.2.  |
| 11.02   | Major Occupancy Classification: <u>GROUP C RESIDENTIAL (PART 9 BUILDING - COMBUSTIBLE/ NON-COMBUSTIBLE CONSTRUCTION PERMITTED)</u>   | 3.1.2.1.(1)   |
| 11.03   | Superimposed Major Occupancies: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes<br>Description:  | 3.2.2.7.  |
| 11.04   | Building Area (m <sup>2</sup> ):<br>Description: Existing New Total<br><u>APART. BLDG. (GROUP C)</u> 597.10 0 597.10<br><u>TOTAL</u> 597.10 0 597.10<br><u># OF UNITS</u> 13 1 14  | [A] 1.4.1.2. (PART 9)   |
| 11.05   | Building Height: <u>2</u> Storeys above grade <u>6.4</u> (m) Above grade<br><u>0</u> Storeys below grade   | [A] 1.4.1.2. & 3.2.1.1.   |
| 11.06   | Number of Streets/ Firefighter access: <u>1 Street (Mohawk Road - Principal entrance is within 15 metres) Under Section 3.2.5.4 no Access Route is req'd - bldg. is not over 3 storey in height, nor is the bldg. greater than 600m<sup>2</sup> in Bldg. Area</u>  | 3.2.2.10. & 3.2.5.  |
| 11.07   | Building Size: <input checked="" type="checkbox"/> Small <input type="checkbox"/> Medium <input type="checkbox"/> Large <input type="checkbox"/> > Large   | T.11.2.1.1.B-N  |
| 11.08   | Existing Building Classification: Change in Major Occupancy: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not Applicable (no change of major occupancy)<br>Construction Index: <u>4</u><br>Hazard Index: <u>3</u><br>Importance Category: <input type="checkbox"/> Low <input checked="" type="checkbox"/> Normal <input type="checkbox"/> High <input type="checkbox"/> Post-disaster   | 11.2.1.1.<br>T.11.2.1.1A<br>T.11.2.1.1B to N<br>4.2.1.(3),<br>5.2.2.1.(2)               |
| 11.09   | Renovation type: <input checked="" type="checkbox"/> Basic Renovation <input type="checkbox"/> Extensive Renovation  | 11.3.3.1,<br>11.3.3.2.  |
| 11.10   | Occupant Load:<br>Floor Level/Area Occupancy Type Based On Occupant Load (Persons)<br><u>Main Floor Existing</u> <u>Group C</u> <u>Bedrooms</u> <u>22</u><br><u>Main Floor New</u> <u>Group C</u> <u>Bedrooms</u> <u>2</u><br><u>2nd Floor Existing</u> <u>Group C</u> <u>Bedrooms</u> <u>28</u><br><u>Total</u> <u>52</u>   | 3.1.17.<br>(2 persons per bedroom)  |
| 11.12   | Barrier-free Design: <u>NO</u> <u>EXISTING BUILDING - MINOR RENOVATION</u>   | 11.3.3.2.(2)  |
| 11.13   | Reduction in Performance Level:<br>Structural: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes<br>By Increase in occupant load: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes<br>By change of major occupancy: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes<br>Plumbing: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes<br>Sewage systems: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes<br>Extension of combustible construction: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes   | 11.4.2.1.<br>11.4.2.2.<br>11.4.2.3.<br>11.4.2.4.<br>11.4.2.5.<br>11.4.2.6.              |
| 11.14   | Compensating Construction: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes<br>Structural: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <u>No change in occupancy/fire load</u><br>Increase in occupant load: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <u>Occupant load not increased more than 15%</u><br>Change of major occupancy: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes<br>Plumbing: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes<br>Sewage systems: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <u>N/A</u><br>Extension of combustible construction: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <u>Combustible/ Non-combustible construction permitted</u> | 11.4.3.1.<br>11.4.3.2.<br>11.4.3.3.<br>11.4.3.4.<br>11.4.3.5.<br>11.4.3.6.<br>11.4.3.7. |
| 11.15   | Compliance Alternatives Proposed: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <u>9.10.8.1.(1) Fire Resistance Rating of Floors 45 minutes C147 - 30 minute FRR acceptable</u>  | 11.5.1.   |
| 11.16   | Notes: <u>Existing 13 unit - 2 storey - non combustible Apartment Building - Converting Vacant Storage Locker Room into a new bachelor apartment unit to create a Total of 14 units</u>  | 11.5.1.   |



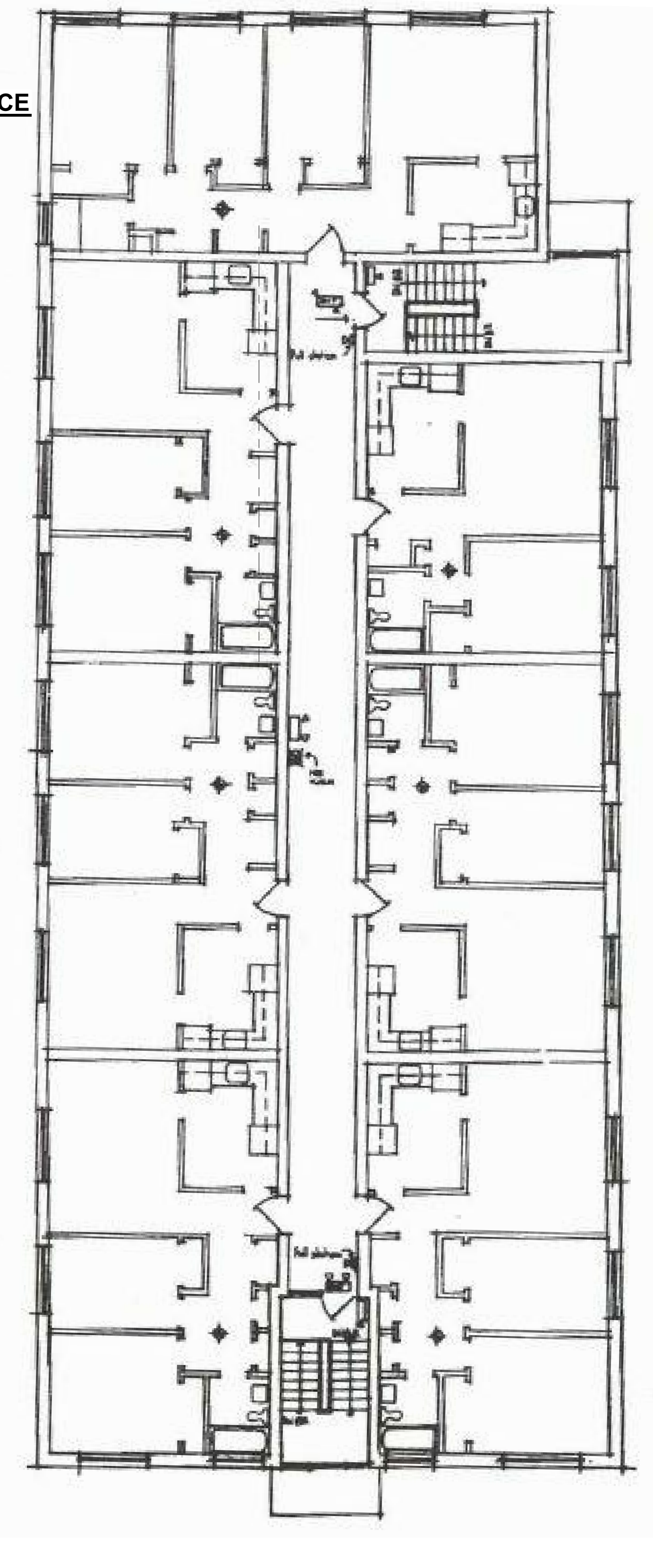
**PARKING COMPLIANCE SCHEDULE - 14 UNITS**

| Description         | Rate       | Required | Provided |
|---------------------|------------|----------|----------|
| Residential Parking | 1.25/unit  | 17.5     | 13       |
| Visitor Parking     | 1.25/unit  | 3.5      | 4        |
| Combined            | 1.50/unit  | 21       | 19       |
| With New Spaces     | 1.50/unit  | 21       | 22       |
|                     |            |          |          |
| Loading Spaces      | 1/30 units | 1        | 1        |

3 Plot Plan  
 1/16" = 1'-0"

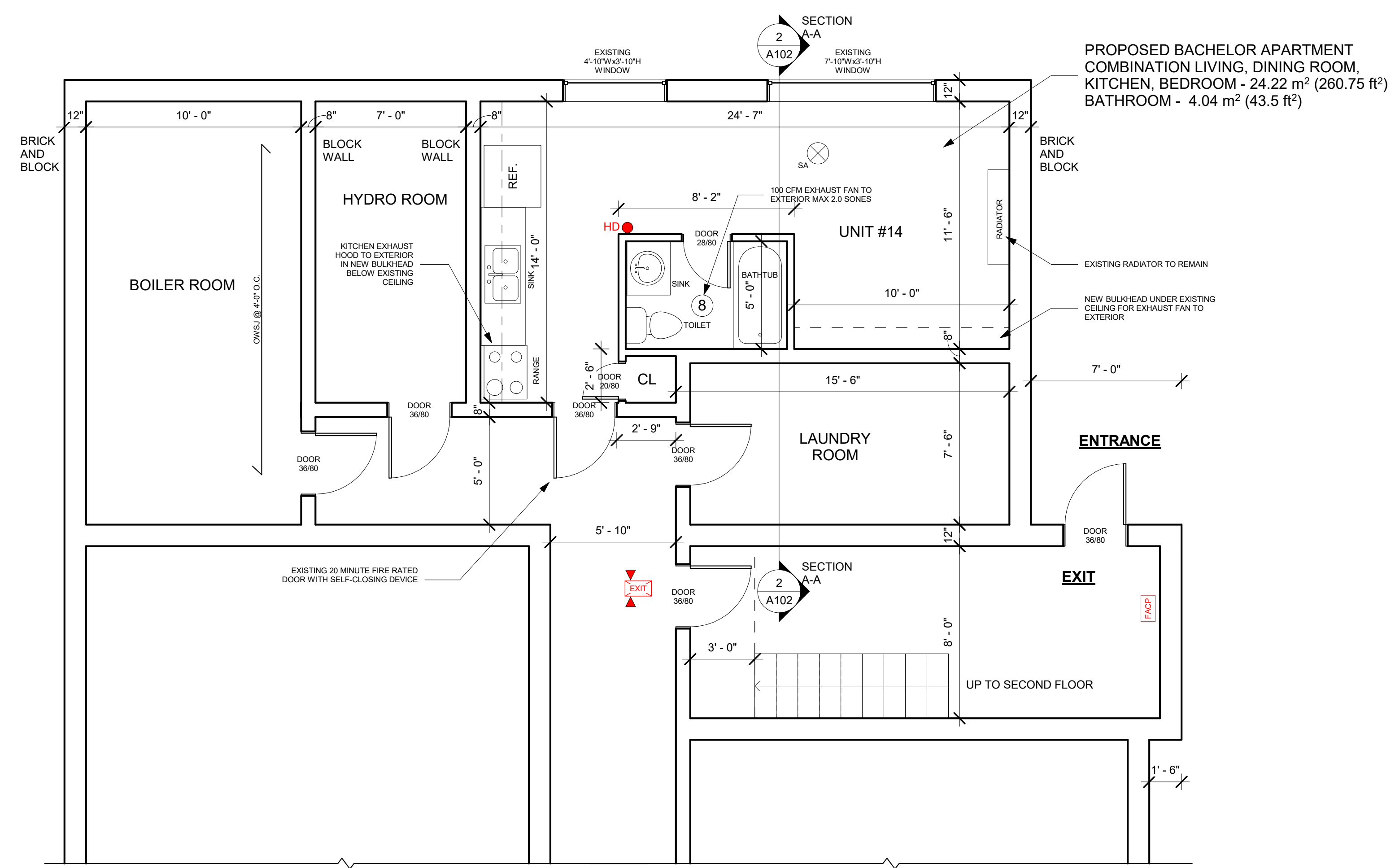


1 Existing First Floor (GROUND LEVEL)  
 1/8" = 1'-0"



2 Existing Second Floor  
 1/8" = 1'-0"

MOHAWK

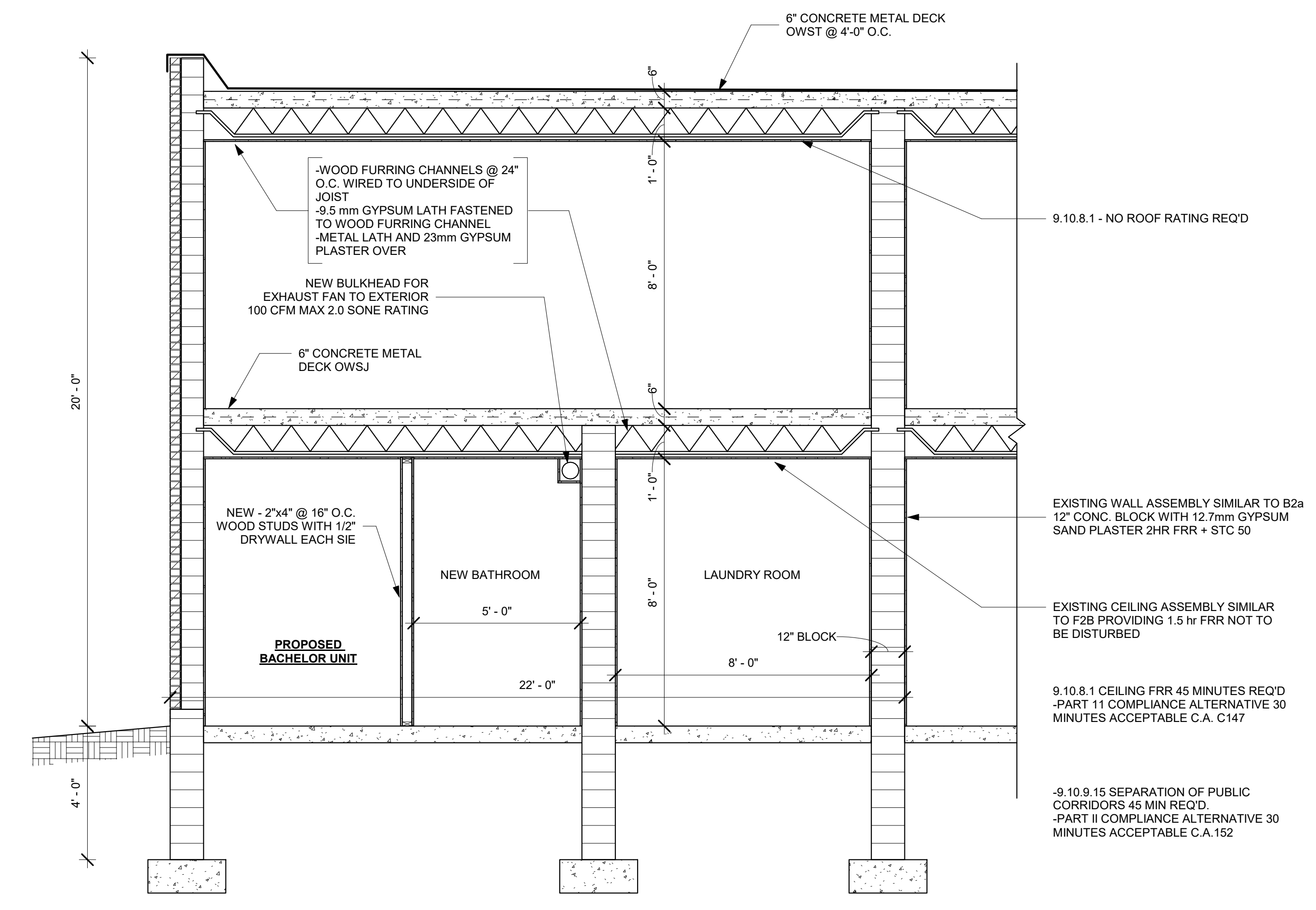


**LEGEND**

● HD -EXISTING HEAT DETECTOR

⊗ SA -NEW HARDWIRED SMOKE/STROBE ALARM

1 BACHELOR APARTMENT UNIT #14 - 304.25 ft<sup>2</sup>  
1/4" = 1'-0"



2 Section A-A  
3/8" = 1'-0"

**NOTES**

- SUITE(UNIT #14) IS 28.26M2 (304.25ft2) – IN AREA
- HEIGHT TO UNDERSIDE OF EXISTING CEILING IS 2.43M (8'-0")
- EXISTING VERTICAL AND HORIZONTAL FIRE SEPARATIONS TO REMAIN
- EXISTING 20 MINUTE FIRE RATED ENTRANCE DOOR WITH SELF-CLOSING/SELF-LATCHING DEVICE
- EXISTING WINDOWS PROVIDE MINIMUM NATURAL LIGHTING AND VENTILATION REQUIREMENTS
- NEW BATHROOM PARTITION WALLS AND FIXTURES
- NEW 100 CFM (MAX.2.0 SONE RATING) BATHROOM EXHAUST FAN VENTED DIRECTLY TO EXTERIOR IN NEW BULKHEAD UNDER EXISTING CEILING MEMBRANE
- NEW KITCHEN CUPBOARDS / SINK/ FRIDGE/ STOVE
- NEW KITCHEN EXHAUST HOOD VENTED DIRECTLY TO EXTERIOR IN NEW BULKHEAD UNDER EXISTING CEILING MEMBRANE
- EXISTING RADIATOR HEATING
- EXISTING HEAT DETECTOR CONNECTED TO FIRE ALARM PANEL
- NEW SMOKE/STROBE ALARM HARD WIRED INSIDE PROPOSED UNIT
- EXISTING LAUNDRY FACILITIES
- MINOR PART 11 RENOVATION



3 PHOTOGRAPH  
6" = 1'-0"

CONTRACTOR MUST VERIFY AND ACCEPT RESPONSIBILITY FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH WORK. ALL CHANGES MUST BE AUTHORIZED & APPROVED BY THE DESIGNER.

J.K. Home & Commercial Inspection Services  
www.jkinspectionsservices.ca  
2376a Equipment Rd City Building Inspector  
BCIN # 2124 (Building Code Identification Number)  
John Kedziarski (Owner)  
113 Woodward St. St. Catharines ON L2M 4K4  
Call: 905-325-1847 (4477)  
jkhomeinspection@gmail.com

(MMAH) BCIN #21254  
(Building Code Identification Number)  
JK HOME

COMMERCIAL INSPECTIONS  
BCIN DESIGN SERVICES

JK HOME

500 Mohawk Road  
E., Hamilton, ON  
L8V 2J1

Revision Schedule

| No. | Description | Date |
|-----|-------------|------|
|     |             |      |
|     |             |      |
|     |             |      |
|     |             |      |
|     |             |      |
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|     |             |      |

DATE AND STAMP TIME  
01-Mar-21 4:03:02 PM

PROJECT NAME:  
NEW BACHELOR APARTMENT IN VACANT LOCKER STORAGE ROOM

SHEET TITLE:  
NEW UNIT #14 FLOOR PLAN /SECTION/ NOTES

DRAWN BY: Author  
REVISED BY: Checker  
SCALE: As indicated  
SHEET: of  
DWG No. A102



**Committee of Adjustment**  
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
 Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**APPLICATION FOR A MINOR VARIANCE**

**FOR OFFICE USE ONLY.**

APPLICATION NO. \_\_\_\_\_ DATE APPLICATION RECEIVED \_\_\_\_\_

PAID \_\_\_\_\_ DATE APPLICATION DEEMED COMPLETE \_\_\_\_\_

SECRETARY'S SIGNATURE \_\_\_\_\_

**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, 2                 | NAME  | ADDRESS    |                   |
|----------------------|---|------------|-------------------|
| Registered Owners(s) | Valor Properties Inc.   | [Redacted] | [Redacted]        |
| Applicant(s)*        | John Kedzierski<br>JK Home + Commercial<br>Inspection/BCIN<br>Design Services | [Redacted] | [Redacted]        |
| Agent or Solicitor   | Same As Applicant   |            | Phone:<br>E-mail: |

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

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

Equitable Bank - 30 St. Clair Avenue W, Suite 700, Toronto, ON, M4V-3A1

CL Puhacz Inc. - 62 Sylvan Ave, Scarborough, ON, M1M1K1

**Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled**

4. Nature and extent of relief applied for:

Zoning By-Law 6593 Section 19(2)(i) - requires a dwelling unit to be a minimum of 65.0m<sup>2</sup> whereas a Bachelor Apartment having a size of 28.26m<sup>2</sup> is proposed.

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

It is not possible to comply since this is a former storage area in the building that is not being used, this is an existing area of 28.26m<sup>2</sup> in size.

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

500 Mohawk Road East  
Part of Lot 9

7. PREVIOUS USE OF PROPERTY

Residential  Industrial  Commercial

Agricultural  Vacant

Other \_\_\_\_\_

Apartment  
Constructed in 1961

- 8.1 If Industrial or Commercial, specify use \_\_\_\_\_

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

Yes  No  Unknown

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

Yes  No  Unknown

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

Yes  No  Unknown

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

Yes  No  Unknown

- 8.6 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

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

Yes  No  Unknown

- 8.8 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

- 8.9 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

8.10 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

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

*This building has been in existence since 1961*

8.12 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

**9. ACKNOWLEDGEMENT CLAUSE**

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

*March 3, 2021*  
Date

  
Signature Property Owner

*Jose Jafferji*  
Print Name of Owner

10. Dimensions of lands affected:

Frontage 100 feet  
Depth 200 feet  
Area 20,000 ft<sup>2</sup>  
Width of street \_\_\_\_\_

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

Existing: *Ground floor area - 597.10m<sup>2</sup> Existing .  
Gross floor area - 1194.20m<sup>2</sup> Existing .  
2 Stories above grade - no basement .  
(Width Front 13.71m, Rear 15.24m)  
Length - 39.37m  
Height - 6.4m above grade .*

Proposed  
*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 - 8.25m  
Rear - 14.25m  
East Sideyard - 12.03m  
West Sideyard - 3.05m*

Proposed:  
*No Change*

*Propose to use existing vacant area in building to construct a bachelor apartment. No additions proposed.*

13. Date of acquisition of subject lands:  
July 17, 2020

14. Date of construction of all buildings and structures on subject lands:  
1961

15. Existing uses of the subject property:  
13 unit Apartment Bldg.

16. Existing uses of abutting properties:  
Apartment Buildings

17. Length of time the existing uses of the subject property have continued:  
Since 1961

18. Municipal services available: (check the appropriate space or spaces)

|                |                                     |           |                                     |
|----------------|-------------------------------------|-----------|-------------------------------------|
| Water          | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Sanitary Sewer | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Storm Sewers   | <input checked="" type="checkbox"/> |           |                                     |

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

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
By-Law 6593 19(2)(i) Minimum square footage for a dwelling unit is 65.0m<sup>2</sup>

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. Additional Information

24. 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.







Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5  
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202  
 E-mail: [cofa@hamilton.ca](mailto: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-21:96

**APPLICANTS:** D. Tyrrell on behalf of the owner T. & H. Wyatt

**SUBJECT PROPERTY:** Municipal address **178 East 45<sup>th</sup> St., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended

**ZONING:** "C" (Urban Protected Residential, etc.) district

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

1. A minimum southerly side yard width of 0.9 metres shall be provided instead of the minimum required side yard width of 1.2 metres.

NOTES:

1. Details regarding the proposed height of the building have not been provided. A further variance will be required if the proposed building height exceeds two and a half storeys or 11.0 metres, provided in accordance with the definition of Height, Grade and Storey as defined within the Zoning By-law.

2. A further variance will be required if the eaves and gutter project greater than 0.45 metres into the required northerly side yard.

3. A further variance may be required if alterations to the existing front porch, including steps, are proposed.

4. A further variance may be required if alterations to the existing front yard conditions are proposed (i.e. reduction of landscaped area or increase of driveway area).

5. Details regarding the number of habitable rooms have not been provided. Further variances may be required if the proposed addition results in greater than eight (8) habitable rooms being contained within the dwelling.

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

---

**DATE:** Thursday, April 22nd, 2021  
**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](http://www.hamilton.ca/committeeofadjustment)  
 for viewing purposes only

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HM/A-21:96  
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](http://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](mailto:cofa@hamilton.ca)

DATED: April 6th, 2021.

---

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.***





**Committee of Adjustment**  
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
 Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**APPLICATION FOR A MINOR VARIANCE**

|                             |  |
|-----------------------------|--|
| <b>FOR OFFICE USE ONLY.</b> |  |
| APPLICATION NO. _____       | DATE APPLICATION RECEIVED _____        |
| PAID _____                  | DATE APPLICATION DEEMED COMPLETE _____ |
| SECRETARY'S SIGNATURE _____ |  |

**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, 2                        | NAME                          | ADDRESS    |                    |
|-----------------------------|-------------------------------|------------|--------------------|
| <b>Registered Owners(s)</b> | Timothy Wyatt<br>Hannah Wyatt | [REDACTED] | Phone: [REDACTED]  |
|                             |                               |            | E-mail: [REDACTED] |
| <b>Applicant(s)*</b>        | Timothy Wyatt<br>Hannah Wyatt | [REDACTED] | Phone: [REDACTED]  |
|                             |                               |            | E-mail: [REDACTED] |
| <b>Agent or Solicitor</b>   | David Tyrrell                 | [REDACTED] | Phone: [REDACTED]  |
|                             |                               |            | E-mail: [REDACTED] |

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

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:  
 Timothy and Hannah Wyatt  
 178 East 45th Street  
 Hamilton ON L8T 3K3

**Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled**

4. Nature and extent of relief applied for:

proposed second floor addition overhang does not comply with minimum side lot allowances

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

size of existing house does not allow us to build rooms that are feasible so we need to overhang the addition to add square footage

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

Plan 582  
Lot 141, 142, 143  
178 E 45th St  
Hamilton ON L8T 3K3

7. PREVIOUS USE OF PROPERTY

Residential  Industrial  Commercial

Agricultural  Vacant

Other \_\_\_\_\_

8.1 If Industrial or Commercial, specify use \_\_\_\_\_

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

Yes  No  Unknown

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

Yes  No  Unknown

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

Yes  No  Unknown

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

Yes  No  Unknown

8.6 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

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

Yes  No  Unknown

8.8 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

8.9 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

8.10 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

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

neighbours who have been living here since the original construction

8.12 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

### 9. ACKNOWLEDGEMENT CLAUSE

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

March 10, 2021

Date

  
Hannah Wyatt

Print Name of Owner

10. Dimensions of lands affected:

|                 |                  |
|-----------------|------------------|
| Frontage        | 40.00 FR         |
| Depth           | 101.00 D         |
| Area            | 0.09 AC          |
| Width of street | approx 10 meters |

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

Existing: \_

*Single family dwelling, 1 storey*

see attached site plan

Proposed

*Single family dwelling, 2 storey.*

see attached site plan

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

Existing:

see attached site plan

Proposed:

see attached site plan

13. Date of acquisition of subject lands:  
September 23, 2016
- 
14. Date of construction of all buildings and structures on subject lands:  
as soon as possible
- 
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:  
*Since it has been built - approximately 1950s.*  
since it has been built approximately 1950s
18. Municipal services available: (check the appropriate space or spaces)  
Water  \_\_\_\_\_ Connected yes  
Sanitary Sewer  \_\_\_\_\_ Connected yes  
Storm Sewers \_\_\_\_\_
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Plan 582
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. Additional Information
24. 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.







Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5  
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202  
 E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

# NOTICE OF PUBLIC HEARING

## Application for Consent/Land Severance

APPLICATION NUMBER: HM/B-20:35

SUBJECT PROPERTY: 386 East 25<sup>th</sup> 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):** Owner: 2628934 Ontario Inc. c/o Igor Chouminov and Emil Joseph  
 Agent: A.J. Clarke & Associates Ltd. c/o Stephen Fraser

**PURPOSE OF APPLICATION:** To permit the conveyance of a parcel of land to create a new residential building lot. The existing dwelling and accessory structures will be demolished to facilitate this application.

To be heard in conjunction with HM/A-20:126.

**Severed lands: (B)**  
 9.85m<sup>±</sup> x 37.5m<sup>±</sup> and an area of 360.2m<sup>2±</sup>

**Retained lands: (A)**  
 9.59m<sup>±</sup> x 39.9m<sup>±</sup> and an area of 360.2m<sup>2±</sup>

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

**DATE:** Thursday, April 22<sup>nd</sup>, 2022  
**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](http://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-20:35  
Page 2

## MORE INFORMATION

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

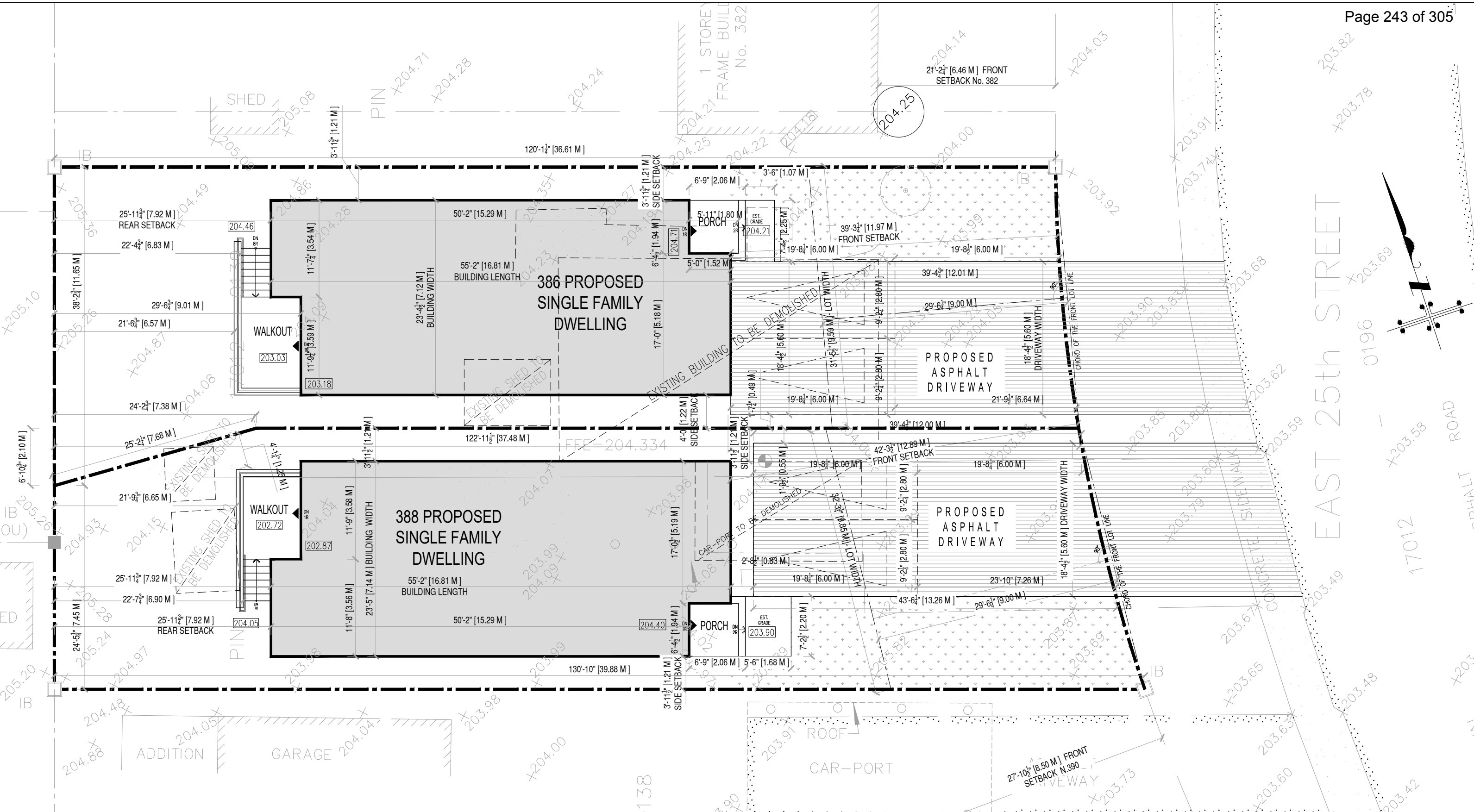
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: April 6<sup>th</sup>, 2021

---

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.***



| NO. | DATE       | REVISION DESCRIPTION                     | NOTE |
|-----|------------|--|------|
| 1   | 2021-02-01 | ISSUED FOR SEVERANCE APPLICATION         | CITY |
| 2   | 2021-03-19 | ISSUED FOR SEVERANCE APPLICATION -REV.01 | CITY |

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STAMP

NORTH

PROJ./REV. NO  
 306-20 EAST 25TH ST

SHEET TITLE  
 SITE PLAN  
 SCALE: 3/32"=1'-0"

PROJECT  
 386 EAST 25TH STREET  
 386 EAST 25TH ST, HAMILTON, ON L8V 3B1

DWG. NO.  
 S-0.1

DESIGN

236 LESMILL ROAD, TORONTO, ON, M3B 2T5  
 phone: 416.850.0021  
 info@urbanscaarchitect.com | www.urbanscaarchitect.com

TEXT (TEXT)



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5  
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202  
 E-mail: [cofa@hamilton.ca](mailto: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-20:126

**APPLICANTS:** A.J. Clarke & Associates c/o S. Fraser on behalf of the owner  
 2628934 Ontario Inc.

**SUBJECT PROPERTY:** Municipal address **386 East 25<sup>th</sup> St., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended

**ZONING:** "C" (Urban Protected Residential and etc.) district

**PROPOSAL:** To permit a lot to be retained (to be known municipally as 386/386A East 25th Street) to contain a single family dwelling and to permit a lot to be conveyed (to be known municipally as 388/386B East 25th Street) to contain a single family dwelling in order to facilitate Consent File No. HM/B-20:35 notwithstanding that:

Lot to be Retained (386/386A East 25th Street)

1. A minimum lot width of 9.5m shall be provided instead of the minimum required lot width of 12.0m.
2. Not less than 38% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials instead of the requirement that not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials.
3. The required two (2) parking spaces shall be permitted to be located within the front yard instead of the requirement that for a single family dwelling only one of the required parking spaces may be located in the front yard.

Lot to be Retained (388/386B East 25th Street)

1. A minimum lot width of 9.5m shall be provided instead of the minimum required lot width of 12.0m.
2. Not less than 43% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials instead of the requirement that not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials.
3. The required two (2) parking spaces shall be permitted to be located within the front yard instead of the requirement that for a single family dwelling only one of the required parking spaces may be located in the front yard.

HM/A-20:126

Page 2

NOTE:

- i) The front yard landscaped area in Variance # 2 for both the lands to be retained and the lands to be conveyed is based on the “area of soft landscape”.
- ii) The existing dwelling and three (3) existing sheds are intended to be demolished.

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

---

**DATE:** Thursday, April 22nd, 2021  
**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](http://www.hamilton.ca/committeeofadjustment)  
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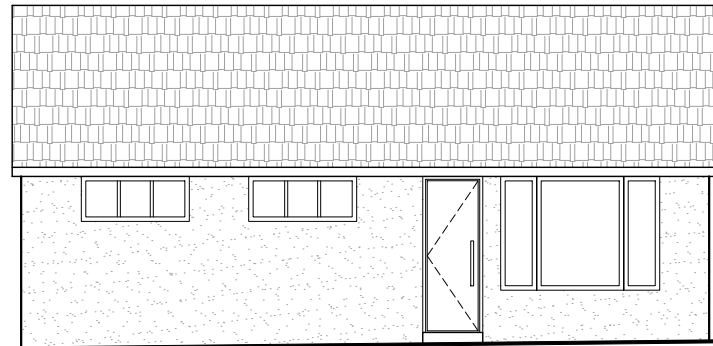
DATED: April 6th, 2021.

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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.***

390



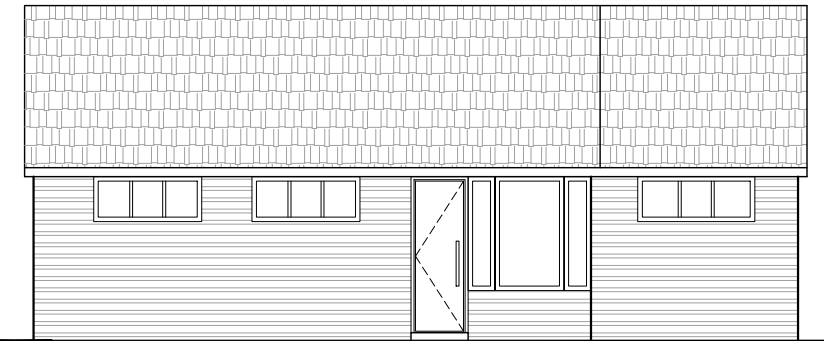
388



386



382



| NO. | DATE       | REVISION DESCRIPTION                     | NOTE |
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306-20 EAST 25TH ST

SHEET TITLE

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

PROJECT

386 EAST 25TH STREET  
 386 EAST 25TH ST, HAMILTON, ON L8V 3B1

DWG NO.

S0.2

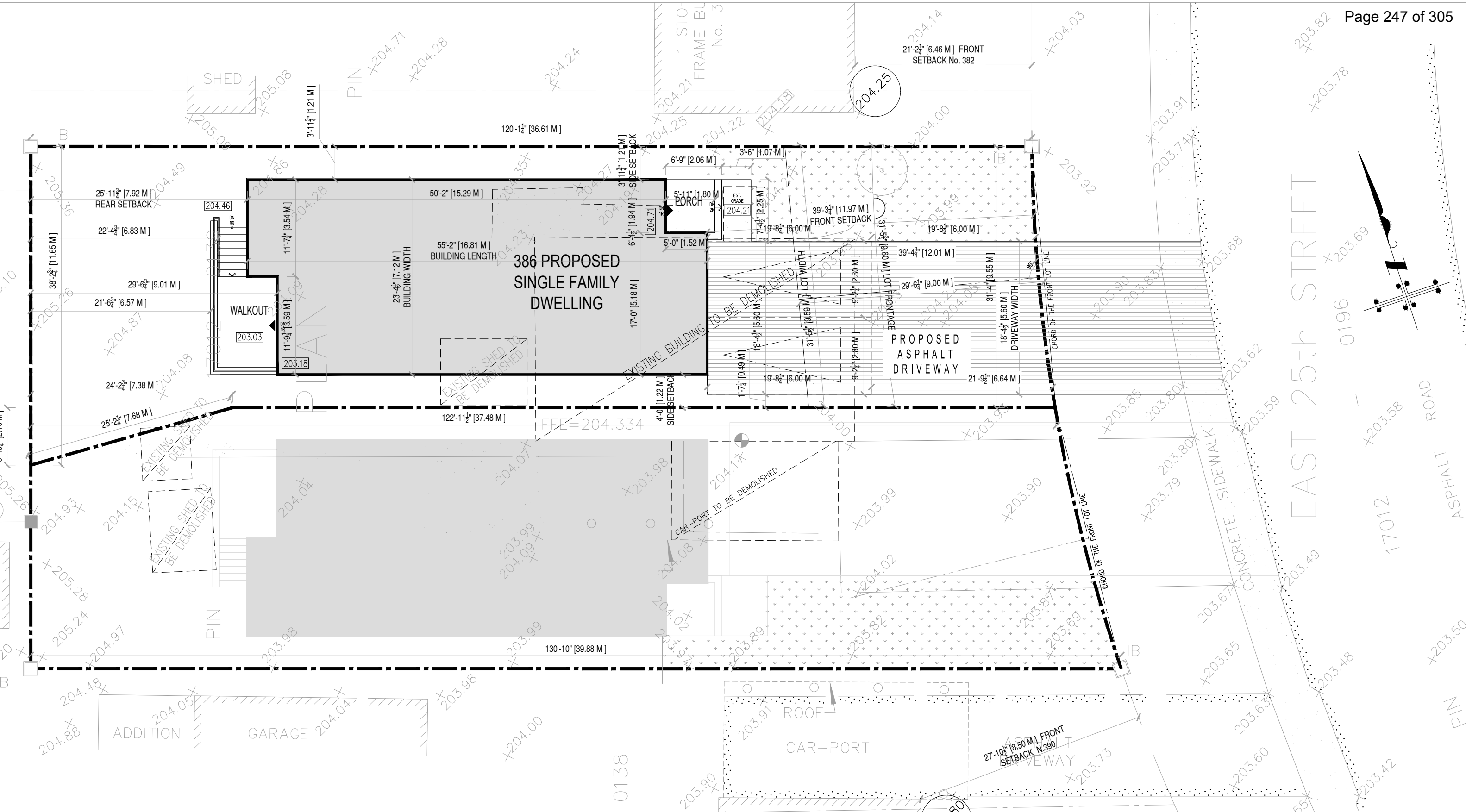
11"x17" SHEET SIZE

DESIGN



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 SITE PLAN  
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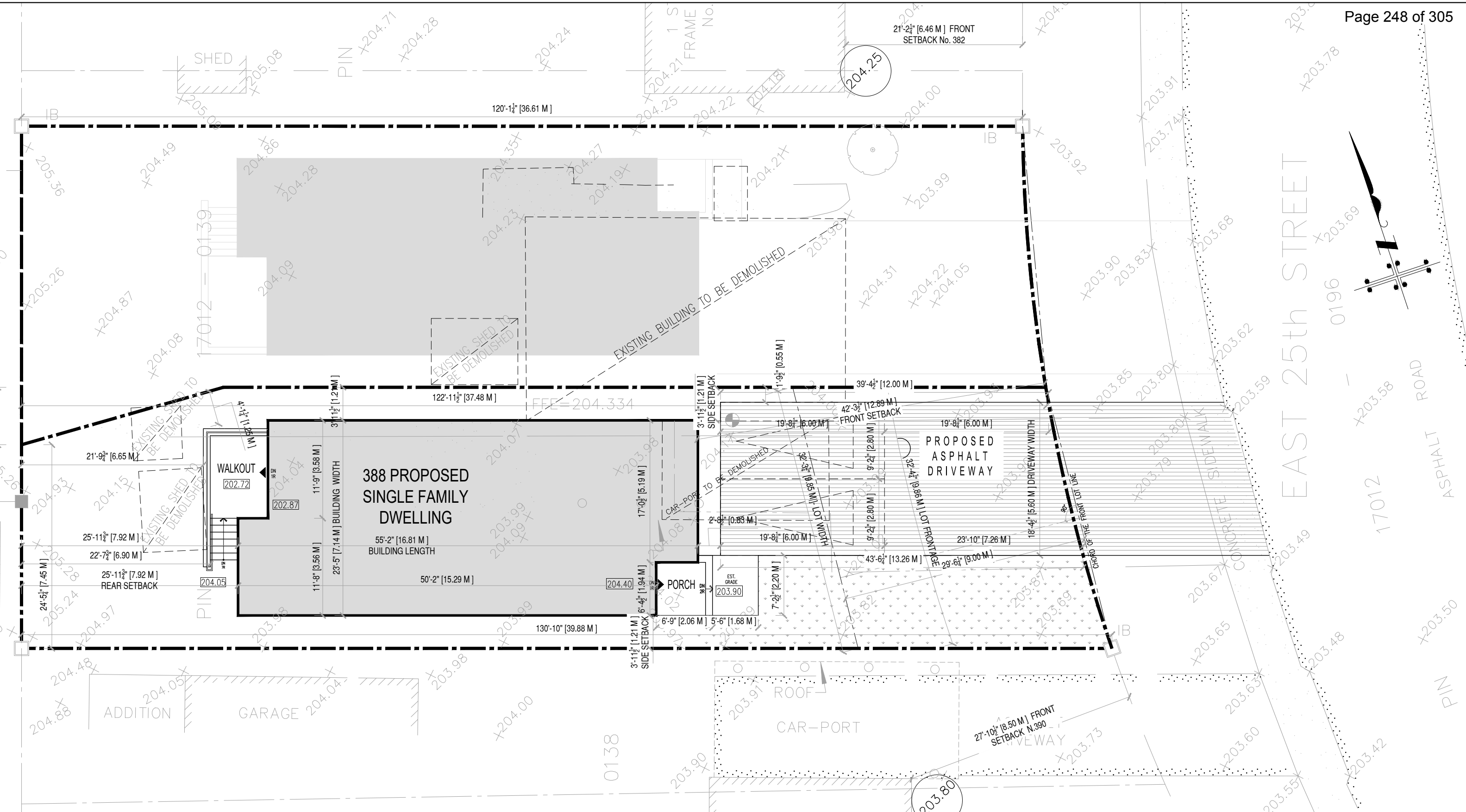
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[Text] (RTxt)



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

PROJECT  
 388 EAST 25TH STREET  
 386 EAST 25TH ST, HAMILTON, ON L8V 3B1

DWG. NO.  
 A-0.1

11"x17" SHEET SIZE

DESIGN

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*A. J. Clarke and Associates Ltd.*

SURVEYORS • PLANNERS • ENGINEERS

March 8, 2021

The City of Hamilton  
 Committee of Adjustment  
 Planning and Economic Development Department  
 71 Main Street West, 5<sup>th</sup> Floor  
 Hamilton, Ontario  
 L8P 4Y5

Attn: Ms. Jamila Sheffield - Secretary-Treasurer

---

**Re: Minor Variance Application Re-Submission for 386 East 25<sup>th</sup> Street, Hamilton**  
**Files: HM/B-20:35, HM/A-20:126**

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Dear Madam,

Please accept the enclosed and revised application for a Consent and Minor Variance on the subject lands for applications HM/B-20:35 and HM/A-20:126. The application was previously tabled at the August 9, 2020 Committee of Adjustment Hearing as staff did not support variances for side yard setbacks, minimum lot size and minimum lot width.

As a result, the proposal has been amended to reduce the number of variances being applied for. Generally, the changes are as follows:

- The proposed dwellings have been moved farther back from the street;
- The proposed dwellings have been reduced in size;
- The proposed side yard setbacks have been increased and now comply with zoning;
- The proposed lots have been slightly altered to reach minimum lot size.

As a result of these changes, three (3) variances are required to facilitate the severance:

1. That a minimum lot width of 9.55 metres be permitted; whereas a minimum lot width of 12 metres is required.

2. **Proposed 366 East 25<sup>th</sup> Lot**

That a minimum front yard landscaped area of 41% be provided; whereas 50% is required.

**Proposed 368 East 25<sup>th</sup> Lot**

That a minimum front yard landscaped area of 46% be provided; whereas 50% is required.

3. That two required parking spaces may be located in the front yard; whereas only one of the required parking spaces are permitted to be in the front yard.



As required for the above-noted application, please find attached the following:

1. A cheque in the amount of \$465.00 made payable to the City of Hamilton in payment of the recirculation fee.
2. One (1) full size copy of the revised Site Plan to scale.
3. One (1) copy of the architectural plans of the proposed single detached dwellings.

### **Analysis**

#### **Severance – HM/B-20:35**

The previous submission contained a letter which outlined the applicable policy as it relates to residential intensification within the City of Hamilton. The subject lands are designated “Neighbourhoods” and as such, the policies listed under Section 2.4.2.2 of the UHOP outline the further evaluation criteria for residential intensification with the “Neighbourhoods” designation. The proposed development is compatible with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects. The proposed single detached dwellings are also similar in terms of height and massing to the surrounding neighbourhood. Although the proposed lots are slightly narrower than what is required under the “C” District, the surrounding neighbourhood supports a variety of land uses at various densities, with diverse built forms and lot sizes. The general size and area of the proposed lots is consistent with surrounding lotting patterns, and the proposed dwellings will create a consistent street setback along the west side of East 25<sup>th</sup> Street. Further, the size of the lots and proposed building setbacks provides ample room for private amenity areas, and landscaping, including in the front yard. Accordingly, the proposed development satisfies the criteria outlined in Policy 2.4.2.2.

Further, in accordance with Policy 1.14.3.1, the proposed lots comply with the applicable policies of the UHOP, are compatible and generally reflect the scale of the neighbourhood, have frontage onto a municipal road and are fully serviced. As such the proposal conforms to the UHOP.

In our view, the proposed severance has regard for the matters under Section 51 (24) of the Planning Act, represent good planning and should be approved.

#### **Minor Variance – HM/A-20:126**

The purpose of this analysis is to demonstrate how each of the revised variances applied for satisfies the four tests established under Section 45(1) of the *Planning Act*.

#### **Are the proposed variances desirable and appropriate?**

With respect to variance 1, the general scale and character of the established development pattern varies considerably in the surrounding area. Lot widths vary significantly within the neighbourhood with frontages fluctuating between  $\pm 8.5$  m (on East 24<sup>th</sup> Street) to  $\pm 20$  m and the current property is oversized relative to a vast majority of lots within the neighbourhood. The subject neighbourhood is characterized by a significant amount of diversity in terms of built form, scale, and development patterns. Directly opposite the subject lands is a medium density block townhouse development, with units fronting onto East 25<sup>th</sup> Street. To the rear of the subject lands,



fronting onto East 24<sup>th</sup> Street, there is existing duplexes and semi-detached development along with single detached residential development on  $\pm 10.5\text{m}$  lots. The proposed development would be appropriate and compatible intensification that is in keeping with the wide variety of established development in the immediate neighbourhood. The proposed development will conform to the applicable regulations of the Zoning By-law ("C" District) with respect to building height, setbacks, and massing, and will therefore be consistent with nearby development. Furthermore, the lot is of a sufficient size to accommodate a suitable building envelope, along with ample landscaped area and space for amenity/recreation.

The proposed variances will facilitate a form of residential intensification, consistent with provincial policy direction, that is in keeping with the character of the area and that is compatible with adjacent development.

With respect to variances 2 and 3, it is common in this neighbourhood to see motor vehicles parked in front of dwellings. Further, this is required as the proposed dwellings do not have attached garages. Attached garages are not typical along this portion of East 25<sup>th</sup> Street, and the required parking is either provided in the front yard (as proposed), or through a combination of the front yard and attached carport. The existing dwelling at 386 East 25<sup>th</sup> Street provides the required parking in the front yard, along with the neighbour to the north at 382 East 25<sup>th</sup> Street and many other properties along East 25<sup>th</sup> Street. As such, the proposed front yard parking is consistent with the street scape in the neighbourhood.

Another variance is required to reflect the reduction in front yard landscaping. As the dwellings do not contain attached garages, the driveways are designed to be the minimum width required to accommodate parking. This provision is intended to ensure that the front yard of residential dwellings contain landscaping and are not dominated by hardscape. In this case, the proposed front yard landscaping is in keeping with the general streetscape of the neighbourhood and the reductions are desirable and appropriate within the context of this neighbourhood.

Accordingly, the proposed variances are considered desirable and appropriate.

### **Are the proposed variances in keeping with the intent of the Official Plan?**

The proposed development is located within the "Neighbourhoods" designation within the City's Urban Hamilton Official Plan (UHOP). Section E.3.0 provides policies for lands designated "Neighbourhoods" on Schedule E-1 (Urban Land Use Designations). The designation is broadly supportive of the development of complete communities that are made up of more than just homes, but include a variety of land uses. The proposed development conforms to the applicable policies of the "Neighbourhoods" designation, as it is a permitted use and conforms to the "Neighbourhoods" policies related to function, scale and design.

In addition to the designation specific policies of the UHOP, the proposed variances were evaluated against the lot creation policies of Section 1.14.3; and against the residential



intensification policies of Section B.2.4 of the UHOP, and the proposal conforms to the general intent of the UHOP.

Accordingly, the proposed variances are in keeping with the intent of the Official Plan.

### **Are the proposed variances in keeping with the intent of the Zoning by-law?**

The intent of the Zoning By-law is to control land use and development standards through the regulation of permitted uses and performance standards. There is no proposed change in use over what currently exists on the subject lands.

With respect to variance 1, the lot frontage regulation set forth in the "C" District regulate the intensity of a permitted use. This is to ensure overdevelopment of lands does not occur, and that development is in keeping with the character of the neighbourhood while being compatible with surrounding development. The proposed variance to lot frontage will allow for lot creation that is in keeping with the character of the area, while also being compatible with adjacent development. The resultant lots will be functional and can accommodate a single-detached dwelling on the subject lands while meeting all the setbacks within the zoning by-law and do not represent an overdevelopment of the lands.

With respect to variances 2 and 3, the intent of only permitting one parking space in the required front yard is to ensure that surface parking does not dominate the streetscape, and that an appropriate amount of landscaping can be accommodated within the front yard. Furthermore, this portion of East 25<sup>th</sup> Street is characterized by surface parking in the front yard, with very few dwellings containing an attached garage. The proposed parking arrangement is certainly not atypical for the area. As noted above, the reductions to minimum front yard landscaping are minimal, consistent with the character of the neighbourhood and are still in keeping with the intent of the By-law by ensuring that hardscape does not dominate the streetscape.

Accordingly, the requested variances are in keeping with the intent of the Zoning By-law.

### **Are the proposed variances Minor in nature?**

It is important to remember that this test deals with impact and whether the impact anticipated from the proposed variances is minor in nature. With respect to variance 1, the proposed lot widths are in keeping with the character of the area and are compatible with adjacent development. There are no anticipated impacts in terms of visual impact, shadowing, overlook, traffic, or otherwise resulting from the proposed development and it has been demonstrated that a sufficiently sized dwelling can be situated on the lots being created by the concurrent severance application. The requested reduction of 2.45 metres in minimum lot width is considered minor.

With respect to variances 2 and 3 it has been demonstrated that this portion of East 25<sup>th</sup> Street is characterized by properties with surface parking in the front yard, and that very few dwellings have an attached garage. It has also been demonstrated that the amount of front yard landscaping



is compatible with the neighbourhood and ensures that the driveway does not dominate the streetscape. The reduction in landscaping is not perceived to negatively impact the neighbourhood, its streetscape and in fact, this is a common theme in the surrounding area. Accordingly, the variances for an additional parking space and a reduction in landscaping in the front yard is considered minor in nature.

### **Conclusion**

The variances applied for to facilitate the concurrent consent application meets the four tests of established under Section 45(1) of the *Planning Act*, represent good planning and should be approved.

We would request the opportunity to discuss the items of relief required in order to facilitate the proposed severance with the appropriate Staff when a Zoning review is conducted for the subject application. This will ensure that all the appropriate variances are captured to implement the proposed development concept.

I trust this is satisfactory for your purposes and thank you for your co-operation in this matter. Should you have any questions or require additional information, please do not hesitate to contact our office.

Yours very truly,

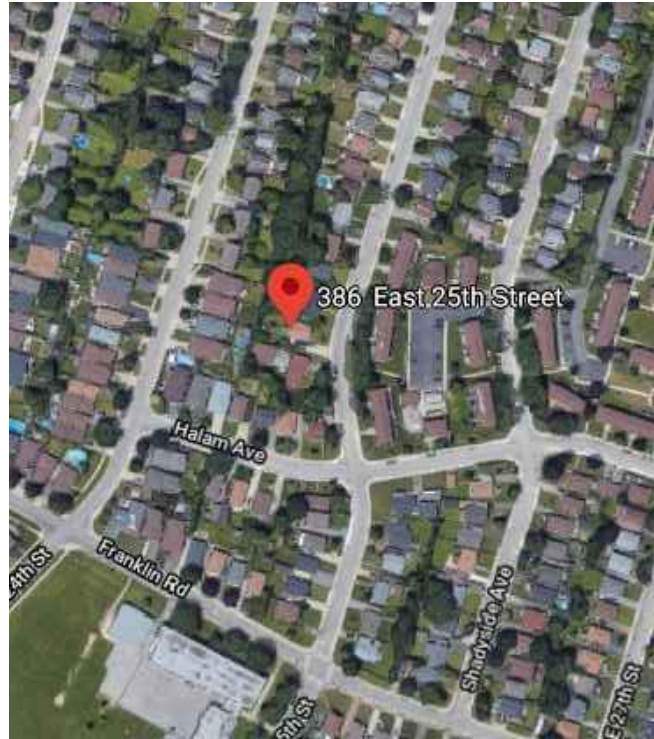
A handwritten signature in blue ink, appearing to be 'S. Fraser', written over a light blue circular scribble.

Stephen Fraser, MCIP, RPP

**A. J. Clarke and Associates Ltd.**

cc. via email: 2628934 Ontario Inc. (c/o Igor Chouminov/Emil Joseph)

LOCATION



# BYLAW 6593

**386 EAST 25th STREET**  
HAMILTON , ON

**NEW 1-STOREY SINGLE FAMILY DWELLING**

LANDSCAPING AREA CALCULATIONS

|  |            |              |                      |
|--|------------|--------------|----------------------|
| AREA OF FRONT YARD   | 115.07 SQM | [1238.6 SQF] |                      |
| AREA OF DRIVEWAY   | 68.78 SQM  | [740.3 SQF]  | 59.77%               |
| AREA OF FRONT YARD LANDSCAPE<br><small>[AREA FRONT YARD- AREA OF DRIVEWAY]</small> | 46.29 SQM  | [498.3 SQF]  | 40.23%               |
| AREA OF SOFT LANDSCAPE   | 43.89 SQM  | [472.4 SQF]  | 94.80%               |
|  |            |              | 38.14% OF FRONT YARD |

LIST OF DRAWINGS

- S-0.0 SITE STATISTIC
- S-0.1 SITE PLAN
- S-0.2 STREETScape

# BYLAW 6593

**388 EAST 25th STREET**  
HAMILTON , ON

**NEW 1-STOREY SINGLE FAMILY DWELLING**

LANDSCAPING AREA CALCULATIONS

|  |            |              |                      |
|--|------------|--------------|----------------------|
| AREA OF FRONT YARD   | 130.58 SQM | [1405.6 SQF] |                      |
| AREA OF DRIVEWAY   | 70.47 SQM  | [758.6 SQF]  | 53.97%               |
| AREA OF FRONT YARD LANDSCAPE<br><small>[AREA FRONT YARD- AREA OF DRIVEWAY]</small> | 60.10 SQM  | [647.0 SQF]  | 46.03%               |
| AREA OF SOFT LANDSCAPE   | 56.43 SQM  | [607.4 SQF]  | 93.88%               |
|  |            |              | 43.21% OF FRONT YARD |

| NO. | DATE       | REVISION DESCRIPTION                     | NOTE |
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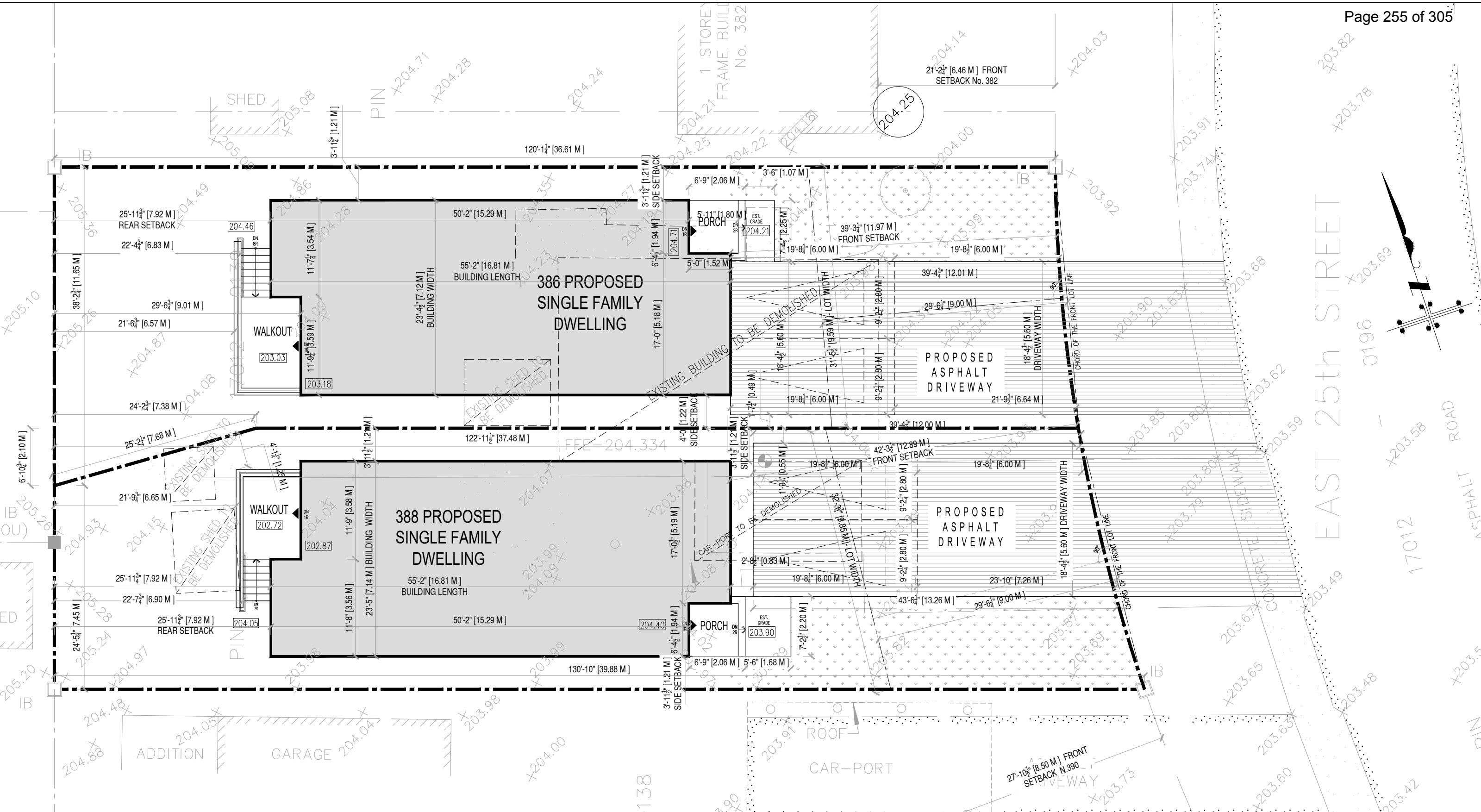
|   |                         |
|---|-------------------------|
| PROJ./REV. NO.<br><b>306-20 EAST 25TH ST</b>  | DWG NO.<br><b>S-0.0</b> |
| SHEET TITLE<br><b>SITE STATISTIC</b>  | 11"x17" SHEET SIZE      |
| PROJECT<br><b>386 EAST 25TH STREET</b><br><b>386 EAST 25TH ST, HAMILTON, ON L8V 3B1</b> |                         |

DESIGN



236 LESMILL ROAD, TORONTO ,ON, M3B 2T5  
phone: 416.850.0021  
info@urbanscaarchitect.com | www.urbanscapearchitect.com

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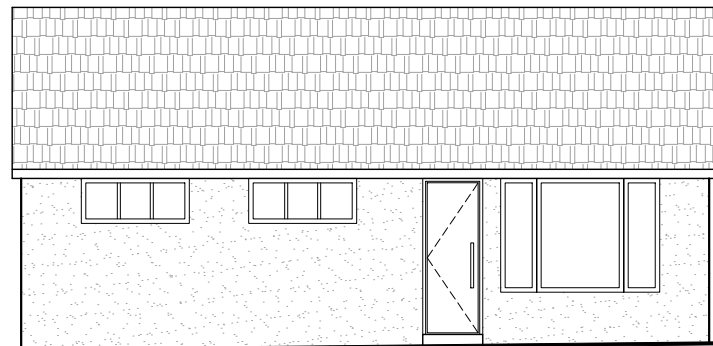
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TEXT (TEXT)

390



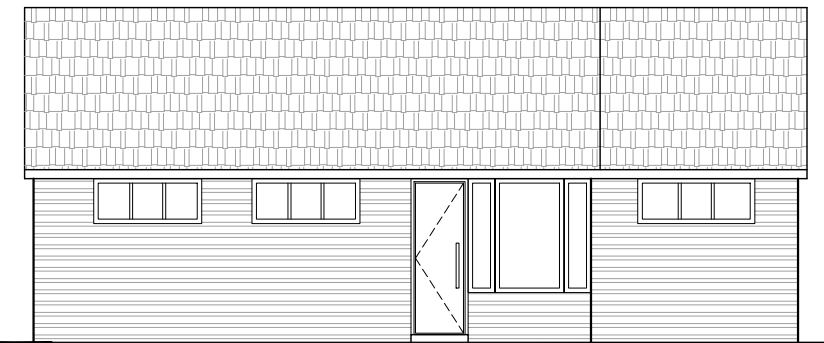
388



386



382



| NO. | DATE       | REVISION DESCRIPTION                     | NOTE |
|-----|------------|--|------|
| 1   | 2021-02-01 | ISSUED FOR SEVERANCE APPLICATION         | CITY |
| 2   | 2021-03-19 | ISSUED FOR SEVERANCE APPLICATION -REV.01 | CITY |

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STAMP

NORTH

PROJ./REV. NO  
 306-20 EAST 25TH ST

SHEET TITLE  
 STREETScape  
 SCALE: 3/32"=1'-0"

PROJECT  
 386 EAST 25TH STREET  
 386 EAST 25TH ST, HAMILTON, ON L8V 3B1

DWG NO.

S0.2

11"x17" SHEET SIZE

DESIGN

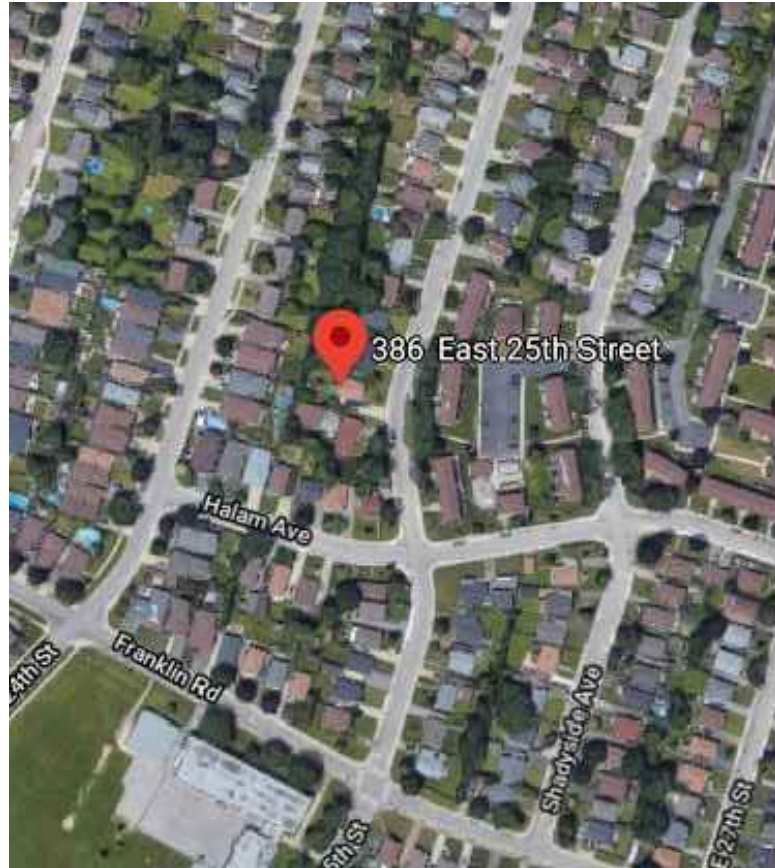


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LOCATION



LIST OF DRAWINGS

- A-0.0 SITE STATISTIC
- A-0.1 SITE PLAN
- A-1.1 BASEMENT FLOOR PLAN
- A-1.2 GROUND FLOOR PLAN
- A-1.3 ROOF PLAN
- A-2.1 FRONT ELEVATION
- A-2.2 REAR ELEVATION
- A-2.3 SIDE (NORTH) ELEVATION
- A-2.4 SIDE (SOUTH) ELEVATION

# BYLAW 6593

**386 EAST 25th STREET**  
HAMILTON , ON

**NEW 1-STOREY SINGLE FAMILY DWELLING**

SITE STATISTICS

|   |  |
|---|--|
| ZONING DESIGNATION  |  |
| MINIMUM LOT AREA  | 360 M <sup>2</sup>                               |
| PROPOSED LOT AREA   | 3877.16 FT <sup>2</sup> [360.20 M <sup>2</sup> ] |
| MINIMUM LOT WIDTH<br><small>(measured at 9.0 m from the front lot line)</small> | 12 M   |
| PROPOSED LOT WIDTH  | 9.59 M   |

| HEIGHT          | MAX. PERMITTED | PROPOSED |
|-----------------|----------------|----------|
| BUILDING HEIGHT | MAX. 11.0 M    | 7.03 M   |

| SETBACKS                 | MIN. REQUIRED | PROPOSED |
|--------------------------|---------------|----------|
| FRONT YARD SETBACK/EAST  | 6.0 M         | 11.97 M  |
| REAR YARD SETBACK /WEST  | 7.50 M        | 7.92 M   |
| SIDE YARD SETBACK /NORTH | 1.20 M        | 1.21 M   |
| SIDE YARD SETBACK /SOUTH | 1.20 M        | 1.22 M   |

GROSS FLOOR AREA CALCULATIONS

|             |                      |
|-------------|----------------------|
| FIRST FLOOR | 113.0 SQM [1217 SQF] |
|-------------|----------------------|

LANDSCAPING AREA CALCULATIONS

|  |                         |                      |
|--|-------------------------|----------------------|
| AREA OF FRONT YARD   | 115.07 SQM [1238.6 SQF] |                      |
| AREA OF DRIVEWAY   | 68.78 SQM [740.3 SQF]   | 59.77%               |
| AREA OF FRONT YARD LANDSCAPE<br><small>[AREA FRONT YARD- AREA OF DRIVEWAY]</small> | 46.29 SQM [498.3 SQF]   | 40.23%               |
| AREA OF SOFT LANDSCAPE   | 43.89 SQM [472.4 SQF]   | 94.80%               |
|  |                         | 38.14% OF FRONT YARD |
| AREA OF HARD LANDSCAPE   | 2.40 SQM [25.9 SQF]     | 5.20%                |
| TOTAL AREA OF SOFT LANDSCAPING   | 149.73 SQM [1611.7 SQF] | 41.57%               |

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STAMP

NORTH

PROJ./REV. NO.

306-20 EAST 25TH ST

SHEET TITLE

SITE STATISTIC

PROJECT

**386 EAST 25TH STREET**  
386 EAST 25TH ST, HAMILTON, ON L8V 3B1

DWG NO.

A-0.0

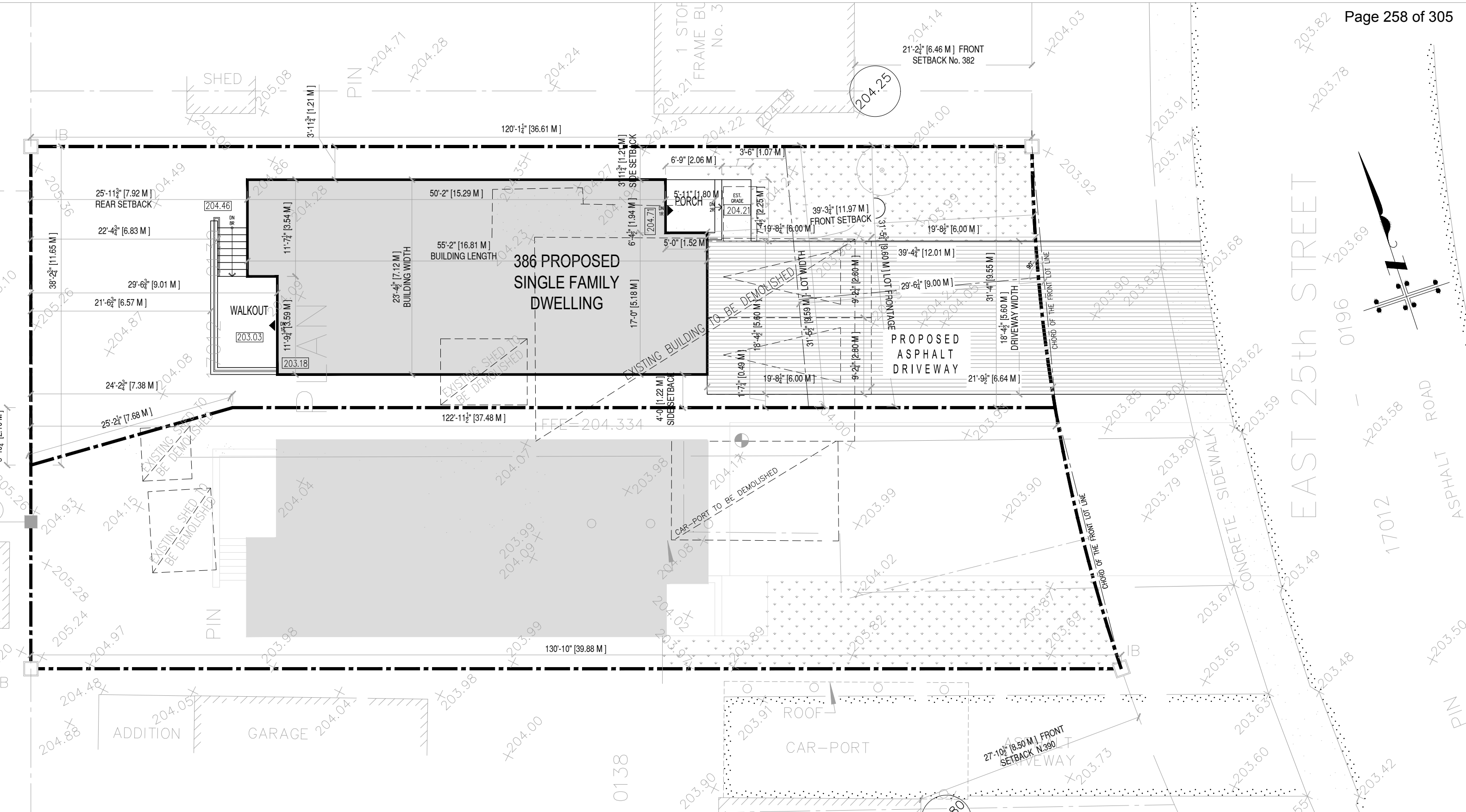
11"x17" SHEET SIZE

DESIGN



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PROJ./REV. NO.  
 306-20 EAST 25TH ST

SHEET TITLE  
 SITE PLAN  
 SCALE: 3/32"=1'-0"

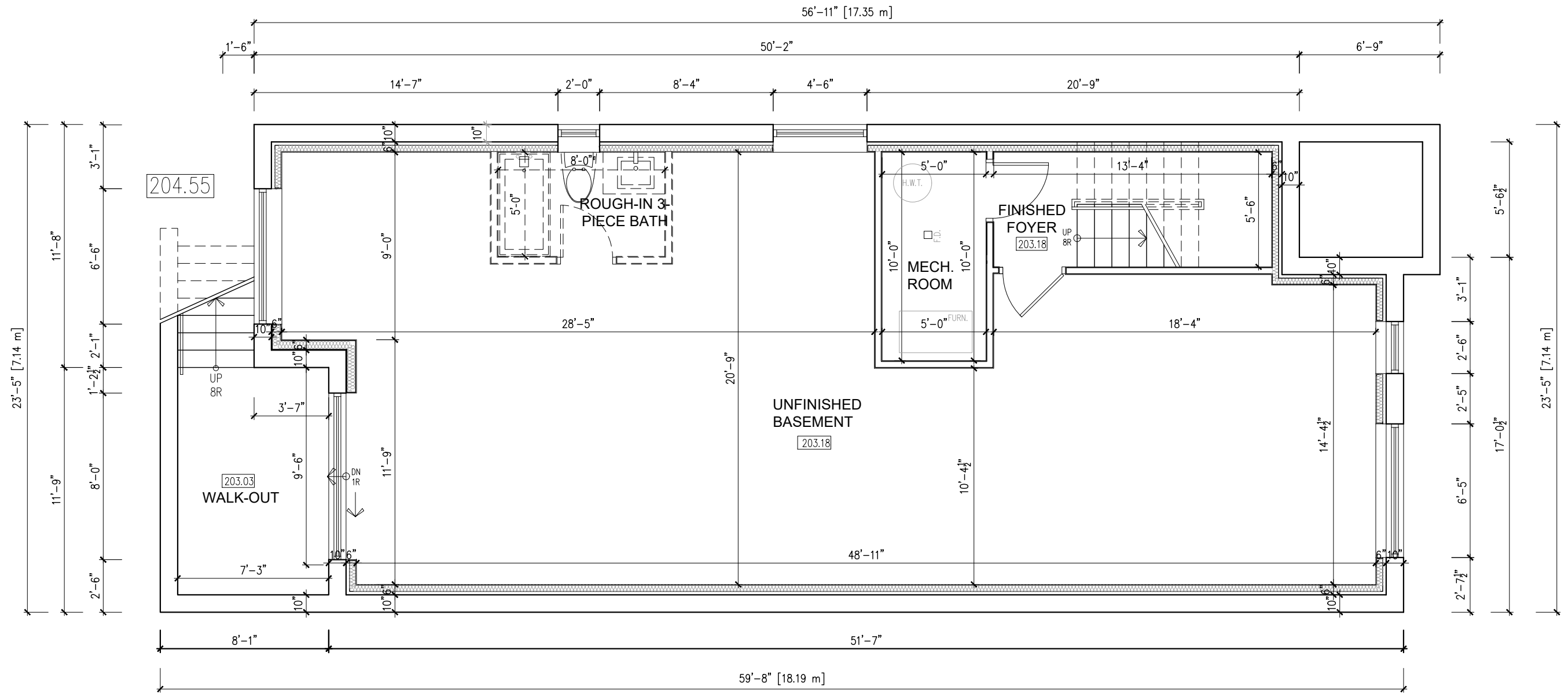
PROJECT  
 386 EAST 25TH STREET  
 386 EAST 25TH ST, HAMILTON, ON L8V 3B1

DWG. NO.  
 A-0.1

DESIGN

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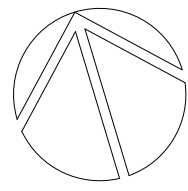


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PROJ./REV. NO.

306-20 EAST 25TH ST

SHEET TITLE

BASEMENT FLOOR PLAN  
 SCALE: 3/16"=1'-0"

PROJECT

386 EAST 25TH STREET  
 386 EAST 25TH ST, HAMILTON, ON L8V 3B1

DWG NO.

A-1.1

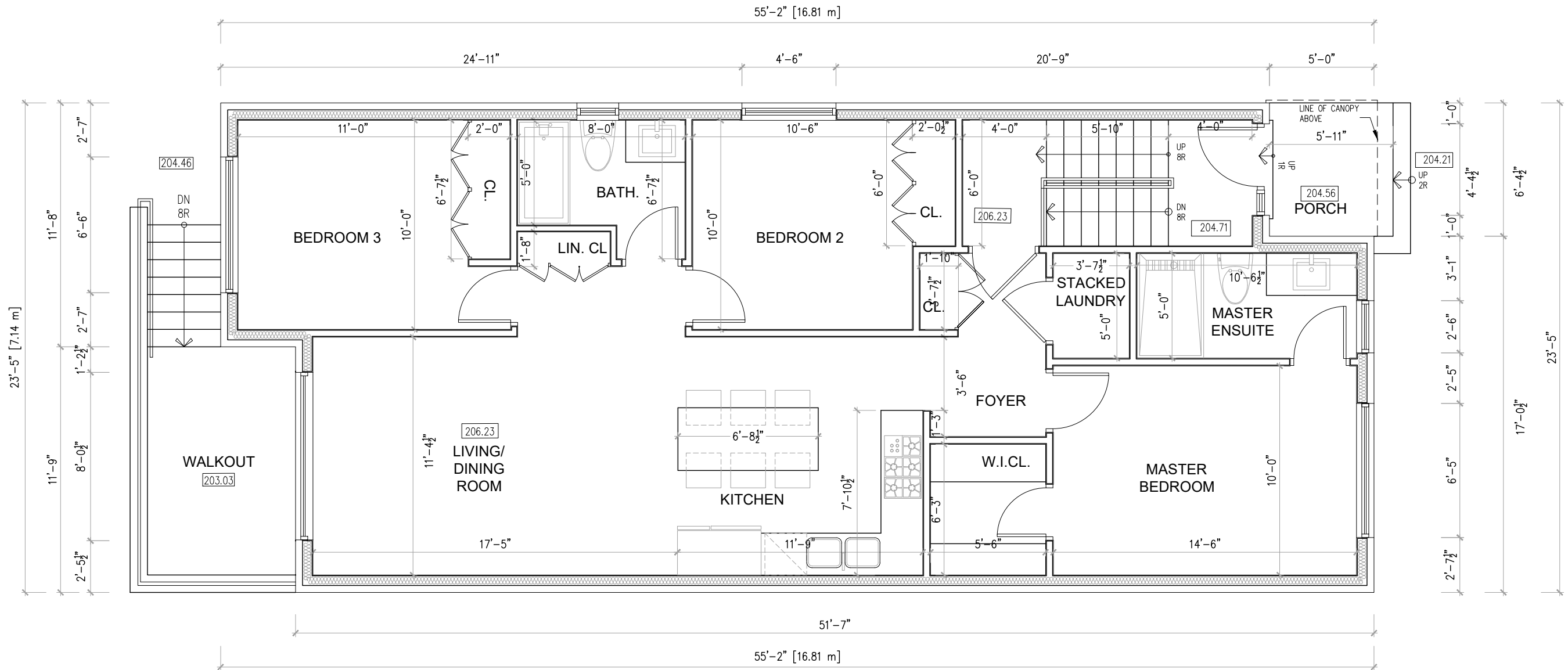
11"x17" SHEET SIZE

DESIGN



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PROJ./REV. NO.  
 306-20 EAST 25TH ST

SHEET TITLE  
 GROUND FLOOR PLAN  
 SCALE: 3/16"=1'-0"

PROJECT  
 386 EAST 25TH STREET  
 386 EAST 25TH ST, HAMILTON, ON L8V 3B1

DWG. NO.  
 A-1.2

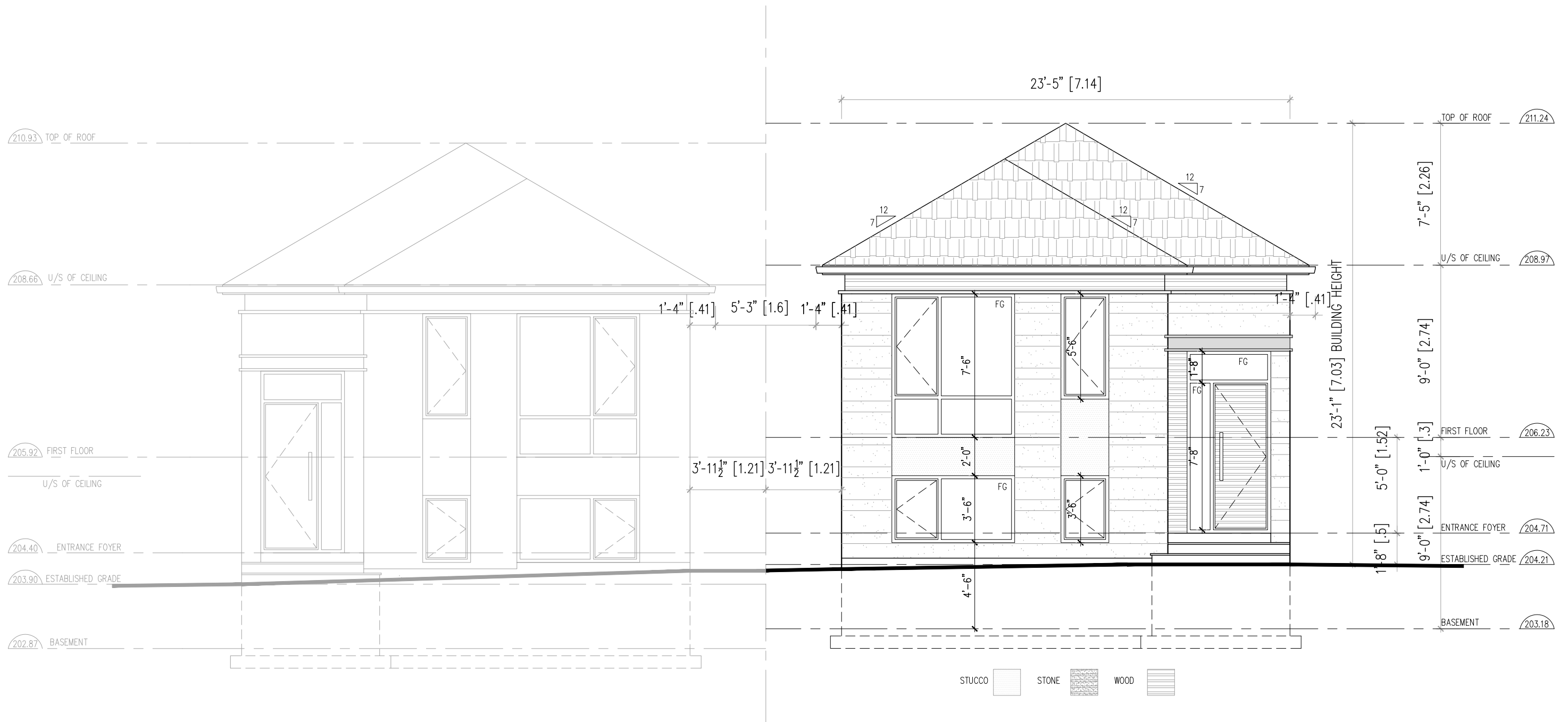
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NORTH

PROJ./REV. NO.  
 306-20 EAST 25TH ST

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

PROJECT  
 386 EAST 25TH STREET  
 386 EAST 25TH ST, HAMILTON, ON L8V 3B1

DWG NO.

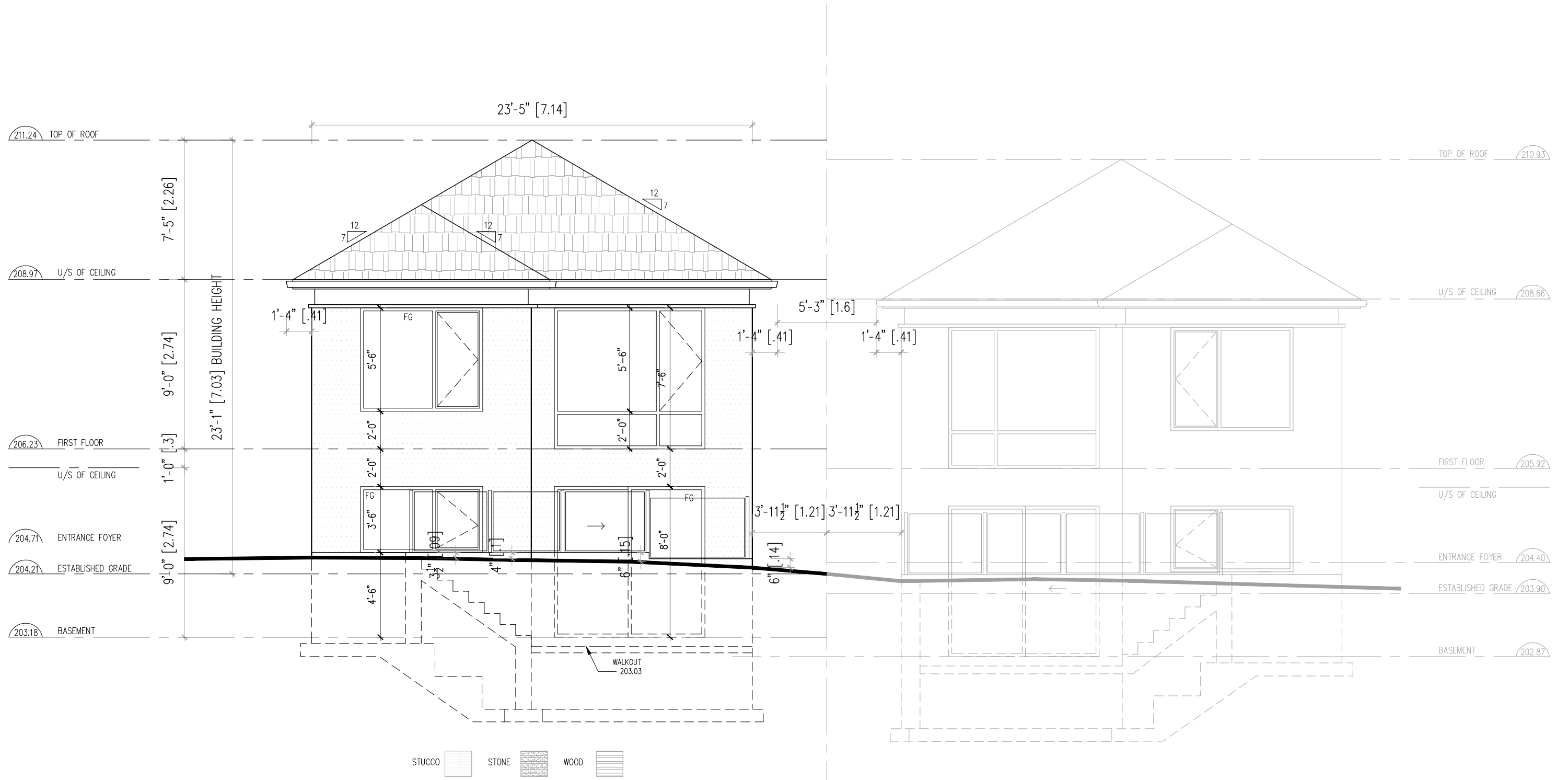
A-2.1

11"x17" SHEET SIZE

DESIGN



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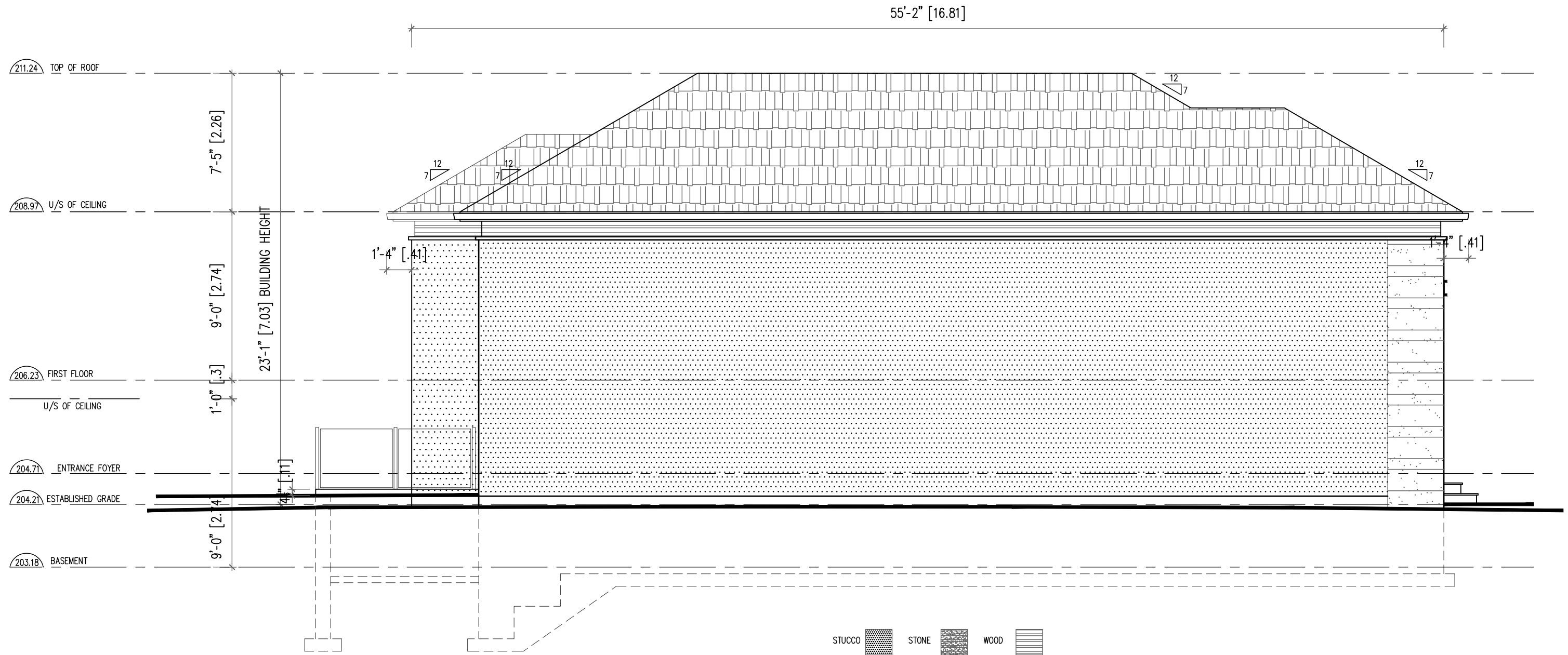
PROJ./REV. NO. 306-20 EAST 25TH ST  
 SHEET TITLE REAR ELEVATION  
 SCALE: 3/16"=1'-0"  
 PROJECT 386 EAST 25TH STREET  
 386 EAST 25TH ST, HAMILTON, ON L8V 3B1

DWG NO. A-2.2  
 11"x17" SHEET SIZE

DESIGN

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STAMP \_\_\_\_\_ NORTH \_\_\_\_\_

PROJ./REV. NO. 306-20 EAST 25TH ST  
 SHEET TITLE SIDE (SOUTH) ELEVATION  
 SCALE: 3/16"=1'-0"  
 PROJECT 386 EAST 25TH STREET  
 386 EAST 25TH ST, HAMILTON, ON L8V 3B1

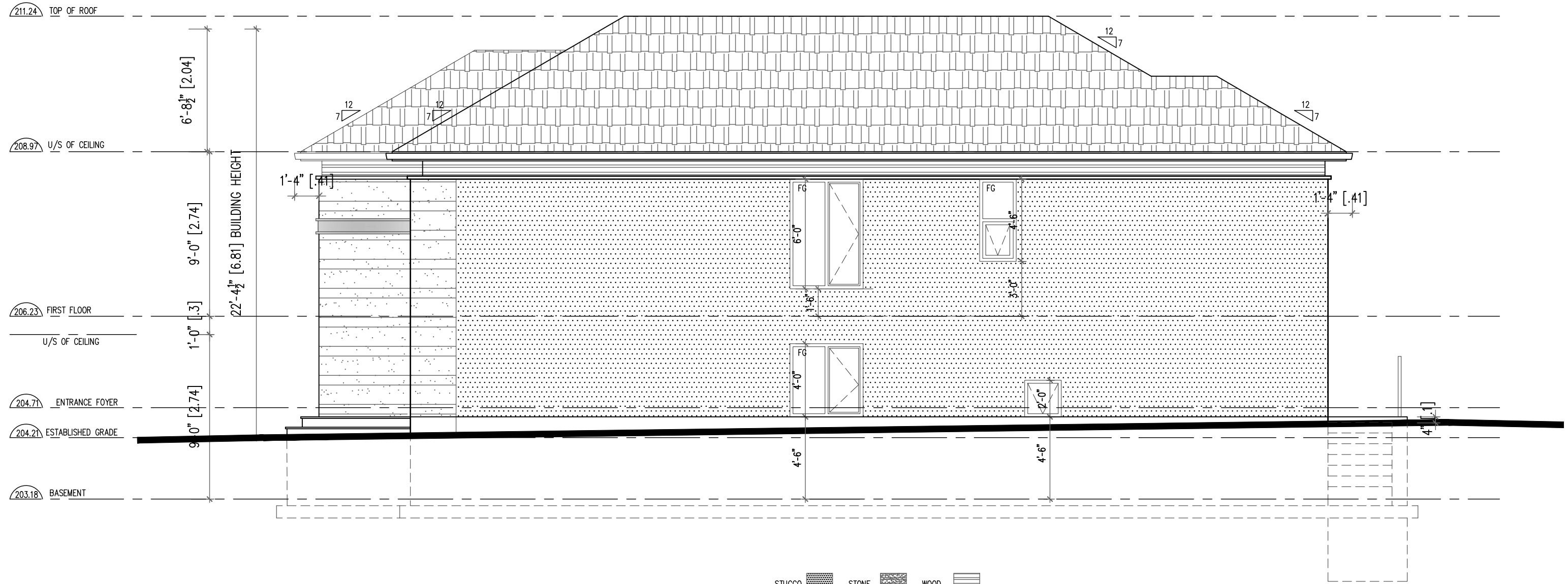
DWG NO. A-2.3  
 11"x17" SHEET SIZE

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 NORTH \_\_\_\_\_

PROJ./REV. NO. 306-20 EAST 25TH ST  
 SHEET TITLE SIDE (NORTH) ELEVATION  
 SCALE: 3/16"=1'-0"  
 PROJECT 386 EAST 25TH STREET  
 386 EAST 25TH ST, HAMILTON, ON L8V 3B1

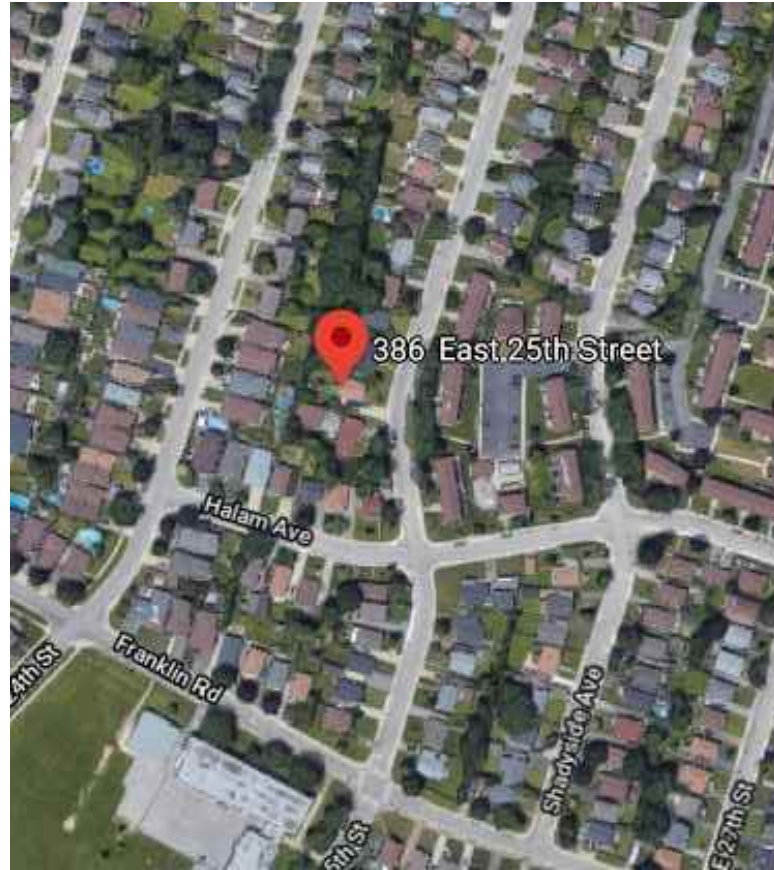
DWG NO. A-2.4  
 11"x17" SHEET SIZE

DESIGN

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TEXT (TEXT)

LOCATION



LIST OF DRAWINGS

- A-0.0 SITE STATISTIC
- A-0.1 SITE PLAN
- A-1.1 BASEMENT FLOOR PLAN
- A-1.2 GROUND FLOOR PLAN
- A-1.3 ROOF PLAN
- A-2.1 FRONT ELEVATION
- A-2.2 REAR ELEVATION
- A-2.3 SIDE (NORTH) ELEVATION
- A-2.4 SIDE (SOUTH) ELEVATION

# BYLAW 6593

**388 EAST 25th STREET  
HAMILTON , ON**

**NEW 1-STOREY SINGLE FAMILY DWELLING**

SITE STATISTICS

ZONING DESIGNATION

|                   |   |
|-------------------|---|
| MINIMUM LOT AREA  | 360 M <sup>2</sup>                              |
| PROPOSED LOT AREA | 3877.3 FT <sup>2</sup> [360.21 M <sup>2</sup> ] |

|   |      |
|---|------|
| MINIMUM LOT WIDTH<br><small>(measured at 9.0 m from the front lot line)</small> | 12 M |
|---|------|

|                    |        |
|--------------------|--------|
| PROPOSED LOT WIDTH | 9.85 M |
|--------------------|--------|

| HEIGHT          | MAX. PERMITTED | PROPOSED |
|-----------------|----------------|----------|
| BUILDING HEIGHT | MAX. 11.0 M    | 7.03 M   |

| SETBACKS                 | MIN. REQUIRED | PROPOSED |
|--------------------------|---------------|----------|
| FRONT YARD SETBACK/EAST  | 6.0 M         | 12.89 M  |
| REAR YARD SETBACK /WEST  | 7.50 M        | 7.92 M   |
| SIDE YARD SETBACK /NORTH | 1.20 M        | 1.22 M   |
| SIDE YARD SETBACK /SOUTH | 1.20 M        | 1.21 M   |

GROSS FLOOR AREA CALCULATIONS

|             |                      |
|-------------|----------------------|
| FIRST FLOOR | 113.0 SQM [1217 SQF] |
|-------------|----------------------|

LANDSCAPING AREA CALCULATIONS

|   |                         |                                |
|---|-------------------------|--------------------------------|
| AREA OF FRONT YARD  | 130.58 SQM [1405.6 SQF] |                                |
| AREA OF DRIVEWAY  | 70.47 SQM [758.6 SQF]   | 53.97%                         |
| AREA OF FRONT YARD LANDSCAPE<br><small>[AREA FRONT YARD - AREA OF DRIVEWAY]</small> | 60.10 SQM [647.0 SQF]   | 46.03%                         |
| AREA OF SOFT LANDSCAPE  | 56.43 SQM [607.4 SQF]   | 93.88%<br>43.21% OF FRONT YARD |
| AREA OF HARD LANDSCAPE  | 3.68 SQM [39.6 SQF]     | 6.12%                          |
| TOTAL AREA OF SOFT LANDSCAPING  | 154.29 SQM [1660.8 SQF] | 39.91%                         |

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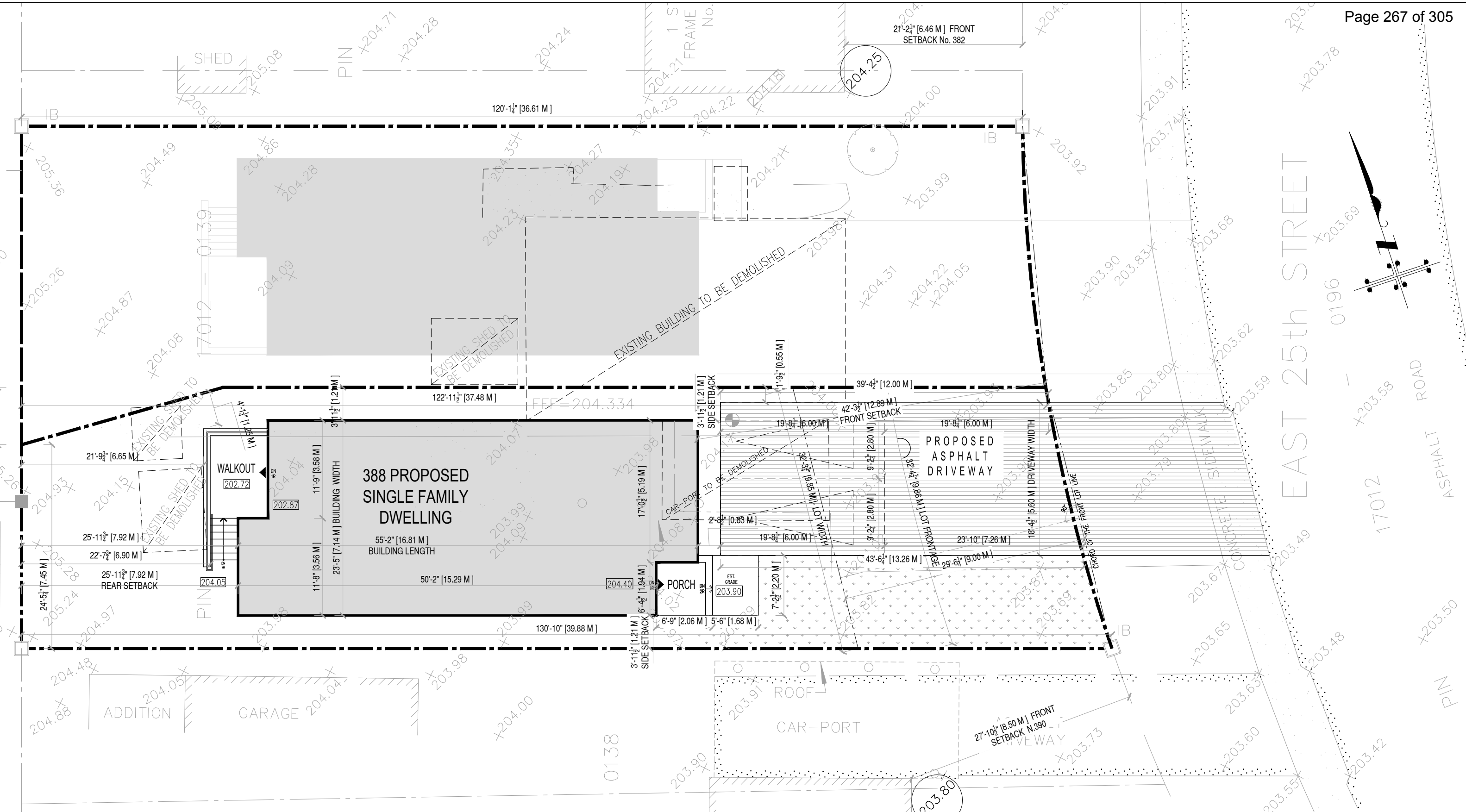
| STAMP | NORTH |
|-------|-------|
|       |       |

|   |                         |
|---|-------------------------|
| PROJ./REV. NO.<br><b>306-20 EAST 25TH ST</b>                                      | DWG NO.<br><b>A-0.0</b> |
| SHEET TITLE<br><b>SITE STATISTIC</b>  | 11"x17" SHEET SIZE      |
| PROJECT<br><b>388 EAST 25TH STREET<br/>386 EAST 25TH ST, HAMILTON, ON L8V 3B1</b> |                         |

DESIGN

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NORTH

PROJ./REV. NO.  
 306-20 EAST 25TH ST

SHEET TITLE  
 SITE PLAN  
 SCALE: 3/32"=1'-0"

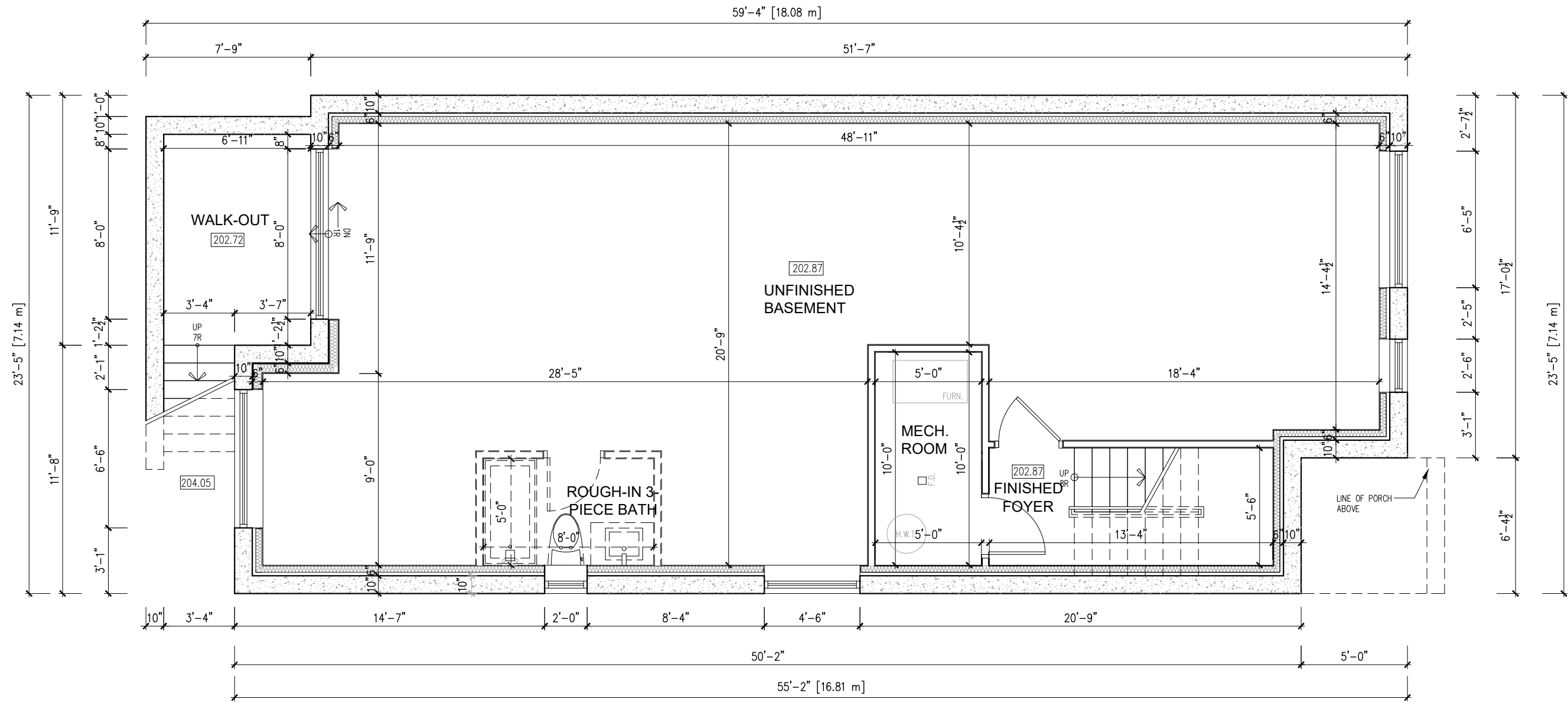
PROJECT  
 388 EAST 25TH STREET  
 386 EAST 25TH ST, HAMILTON, ON L8V 3B1

DWG. NO.  
 A-0.1

11"x17" SHEET SIZE

DESIGN

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STAMP

NORTH

PROJ./REV. NO  
 306-20 EAST 25TH ST

SHEET TITLE  
 BASEMENT FLOOR PLAN  
 SCALE: 3/16"=1'-0"

PROJECT  
 388 EAST 25TH STREET  
 386 EAST 25TH ST, HAMILTON, ON L8V 3B1

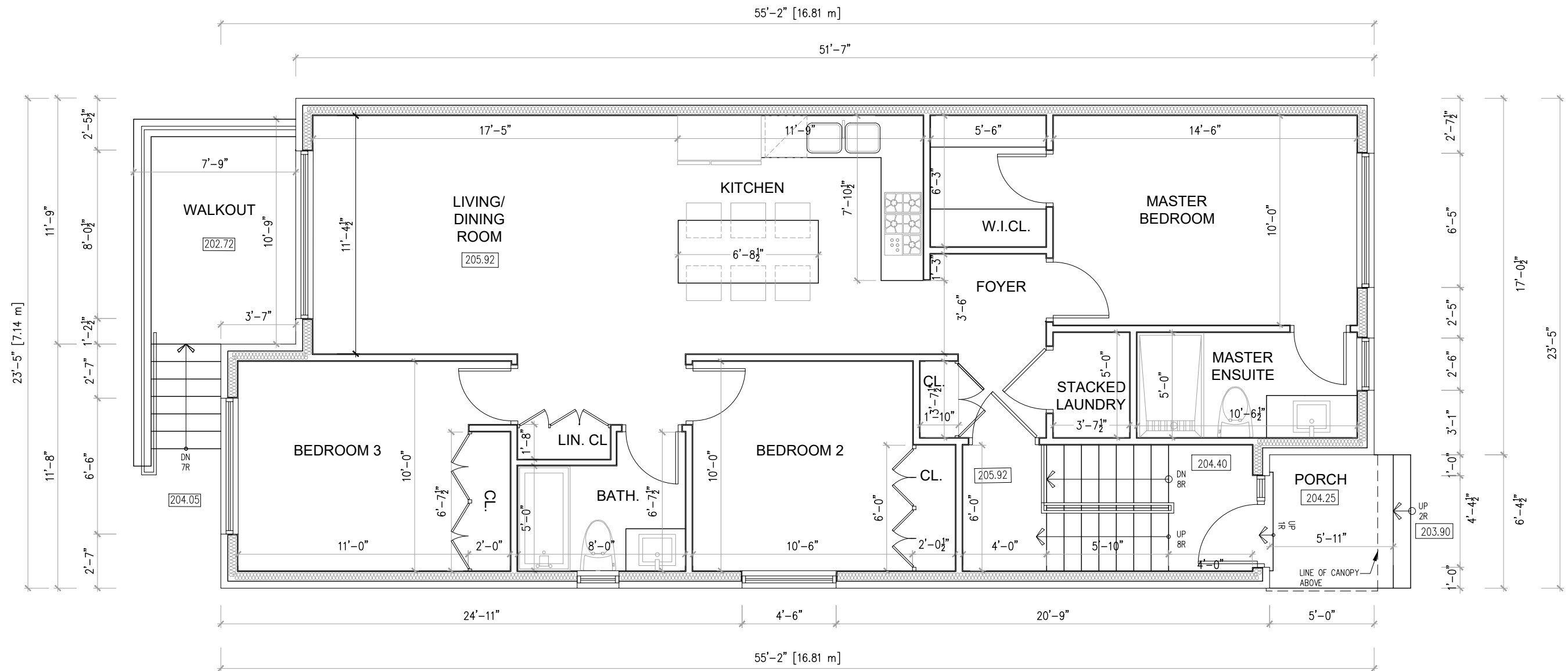
DWG. NO.  
 A-1.1

11"x17" SHEET SIZE

DESIGN

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PROJ./REV. NO  
 306-20 EAST 25TH ST

SHEET TITLE  
 GROUND FLOOR PLAN  
 SCALE: 3/16"=1'-0"

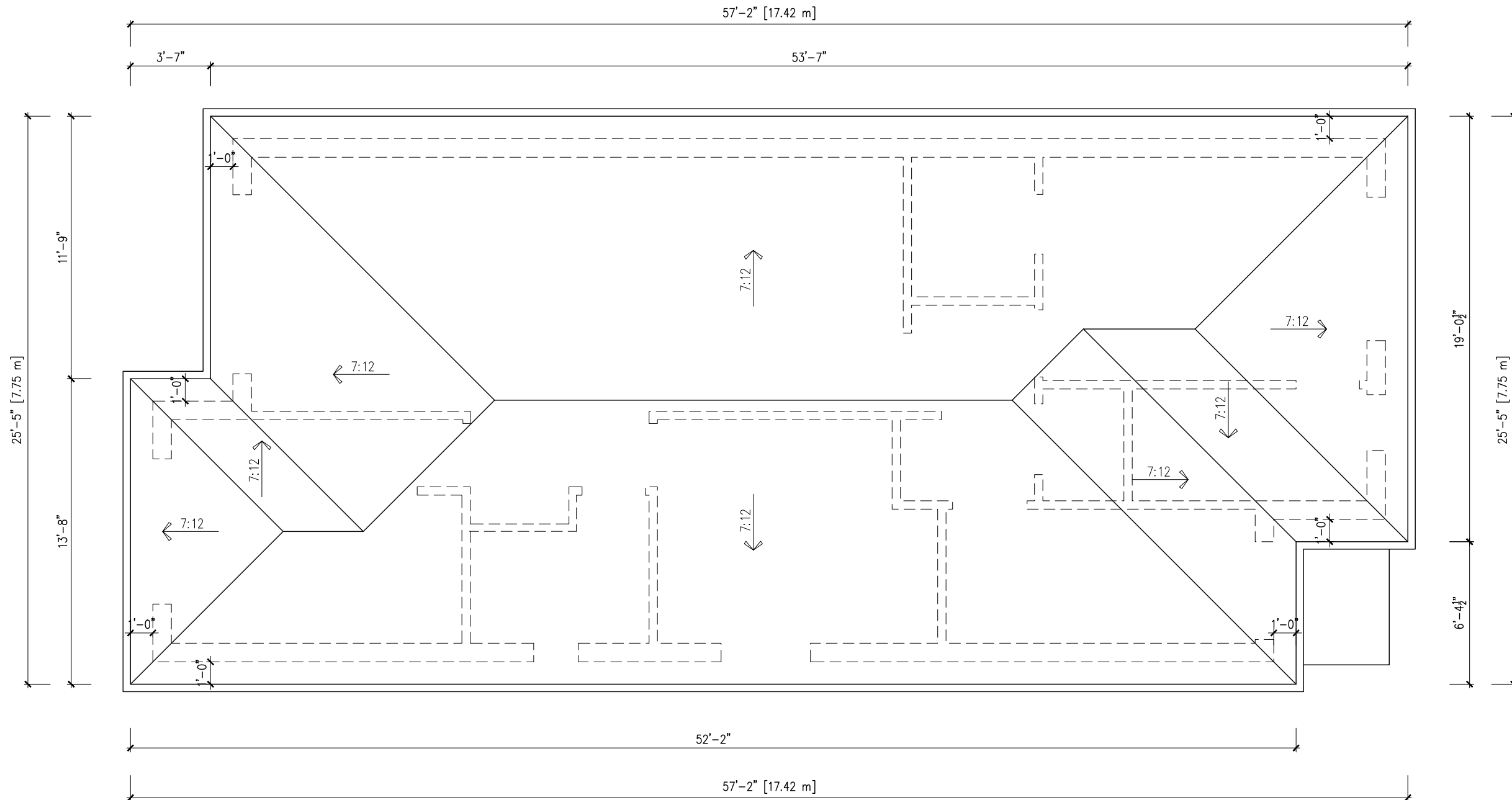
PROJECT  
 388 EAST 25TH STREET  
 386 EAST 25TH ST, HAMILTON, ON L8V 3B1

DWG. NO.  
 A-1.2  
11"x17" SHEET SIZE

DESIGN

236 LESMILL ROAD, TORONTO, ON, M3B 2T5  
 phone: 416.850.0021  
 info@urbanscaarchitect.com | www.urbanscaarchitect.com

R:\text (Rtext)

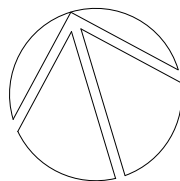


| NO. | DATE       | REVISION DESCRIPTION                     | NOTE |
|-----|------------|--|------|
| 1   | 2021-02-01 | ISSUED FOR SEVERANCE APPLICATION         | CITY |
| 2   | 2021-03-19 | ISSUED FOR SEVERANCE APPLICATION -REV.01 | CITY |

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STAMP

NORTH



PROJ./REV. NO.

306-20 EAST 25TH ST

SHEET TITLE

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

PROJECT

388 EAST 25TH STREET  
 386 EAST 25TH ST, HAMILTON, ON L8V 3B1

DWG NO.

A-1.3

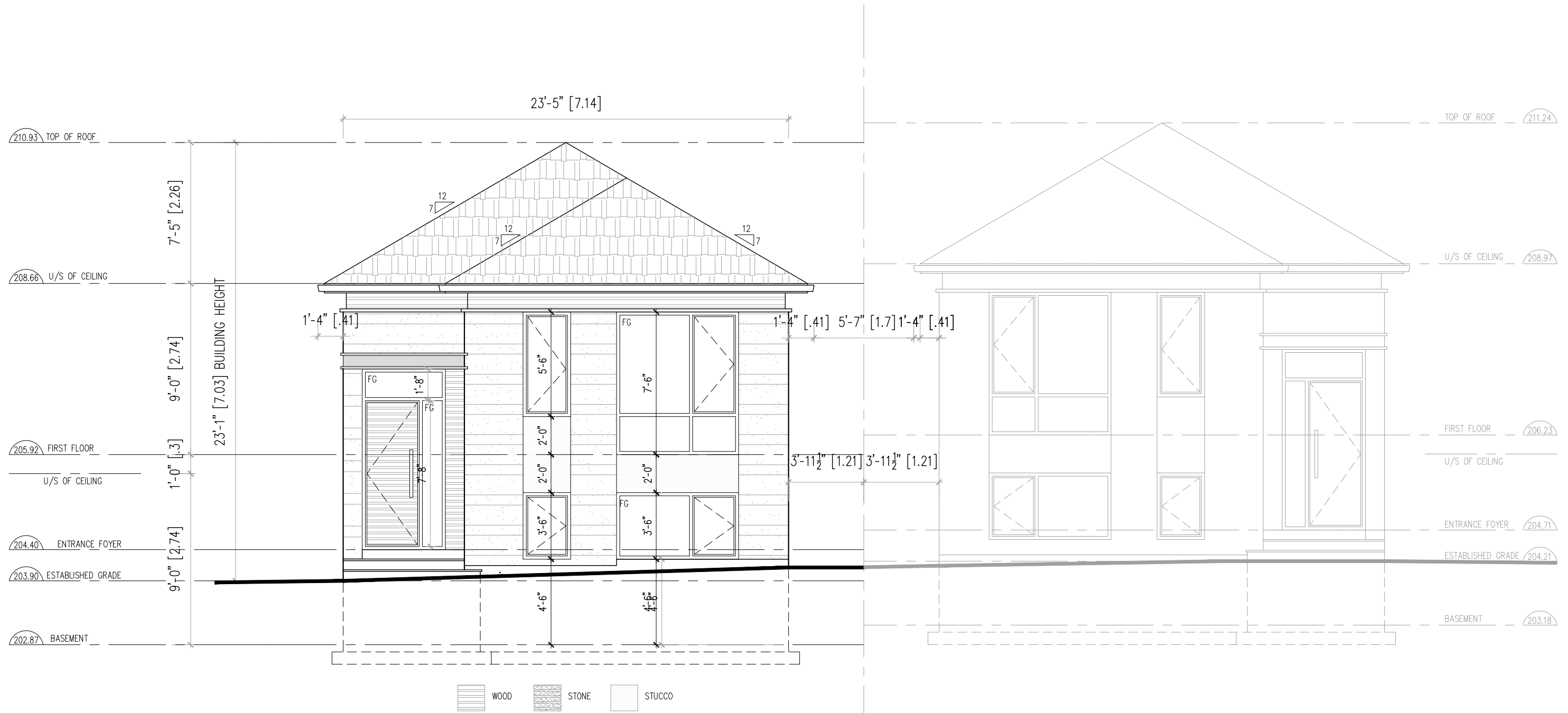
11"x17" SHEET SIZE

DESIGN



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| NO. | DATE       | REVISION DESCRIPTION                     | NOTE |
|-----|------------|--|------|
| 1   | 2021-02-01 | ISSUED FOR SEVERANCE APPLICATION         | CITY |
| 2   | 2021-03-19 | ISSUED FOR SEVERANCE APPLICATION -REV.01 | CITY |

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STAMP \_\_\_\_\_  
 NORTH \_\_\_\_\_

PROJ./REV. NO.  
 306-20 EAST 25TH ST

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

PROJECT  
 388 EAST 25TH STREET  
 386 EAST 25TH ST, HAMILTON, ON L8V 3B1

DWG. NO.  
 A-2.1

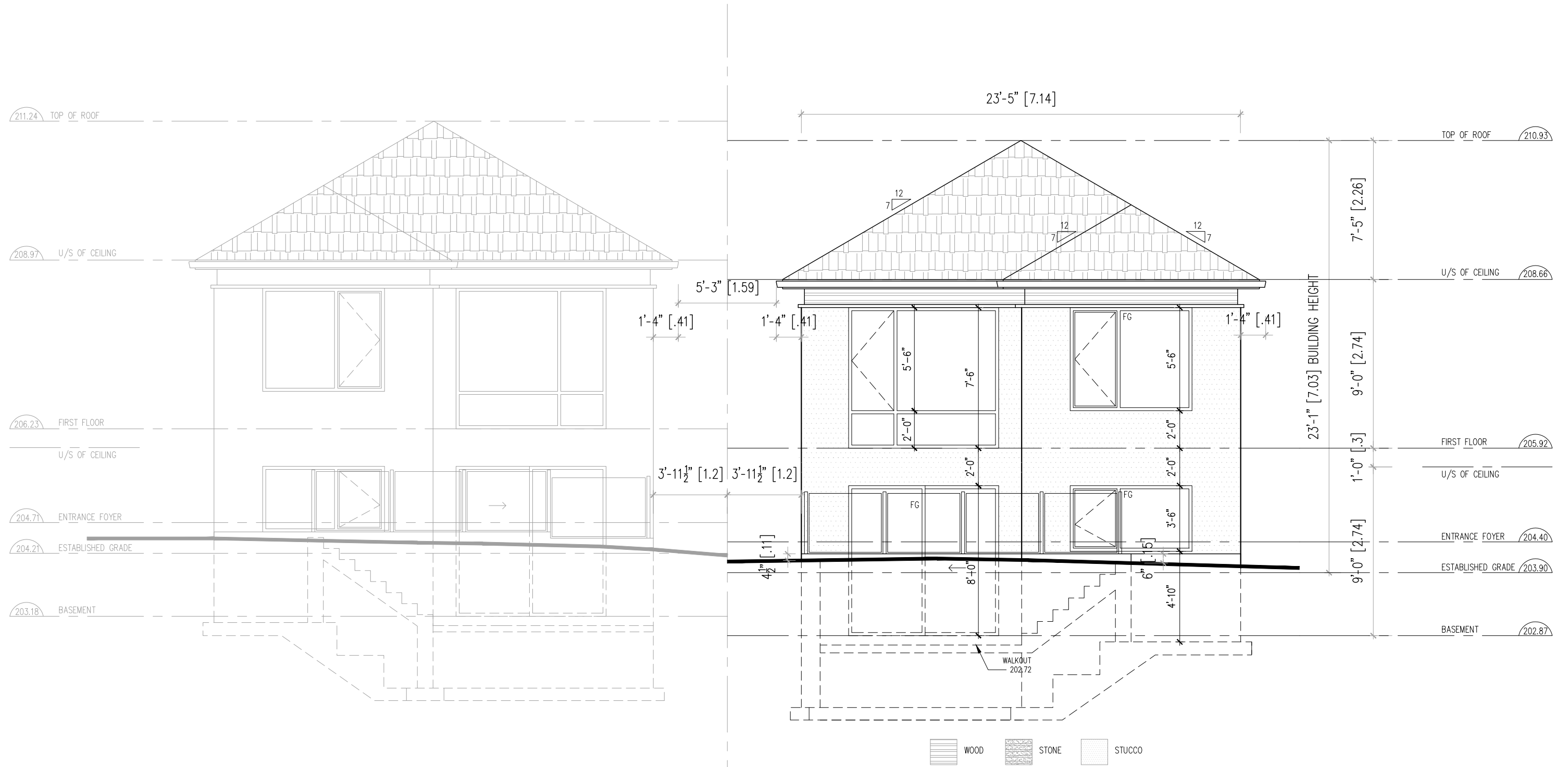
11"x17" SHEET SIZE

DESIGN

**URBANSCAPE ARCHITECTS**

236 LESMILL ROAD, TORONTO, ON, M3B 2T5  
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 info@urbanscaarchitect.com | www.urbanscapearchitect.com

[Text] [Text]



| NO. | DATE       | REVISION DESCRIPTION                     | NOTE |
|-----|------------|--|------|
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STAMP \_\_\_\_\_  
 NORTH \_\_\_\_\_

PROJ./REV. NO  
 306-20 EAST 25TH ST  
 SHEET TITLE  
 REAR ELEVATION  
 SCALE: 3/16"=1'-0"  
 PROJECT  
 388 EAST 25TH STREET  
 386 EAST 25TH ST, HAMILTON, ON L8V 3B1

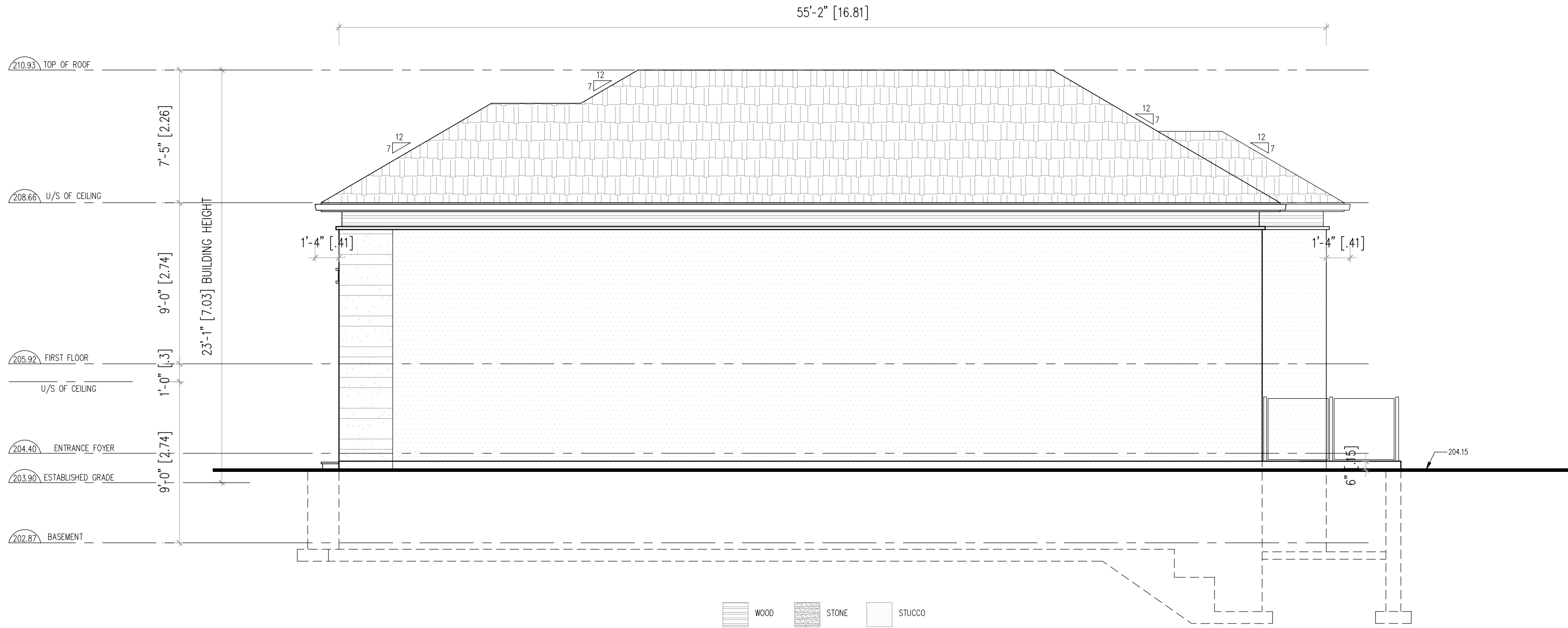
DWG NO.  
 A-2.2  
 11"x17" SHEET SIZE

DESIGN

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| NO. | DATE       | REVISION DESCRIPTION                     | NOTE |
|-----|------------|--|------|
| 1   | 2021-02-01 | ISSUED FOR SEVERANCE APPLICATION         | CITY |
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 NORTH \_\_\_\_\_

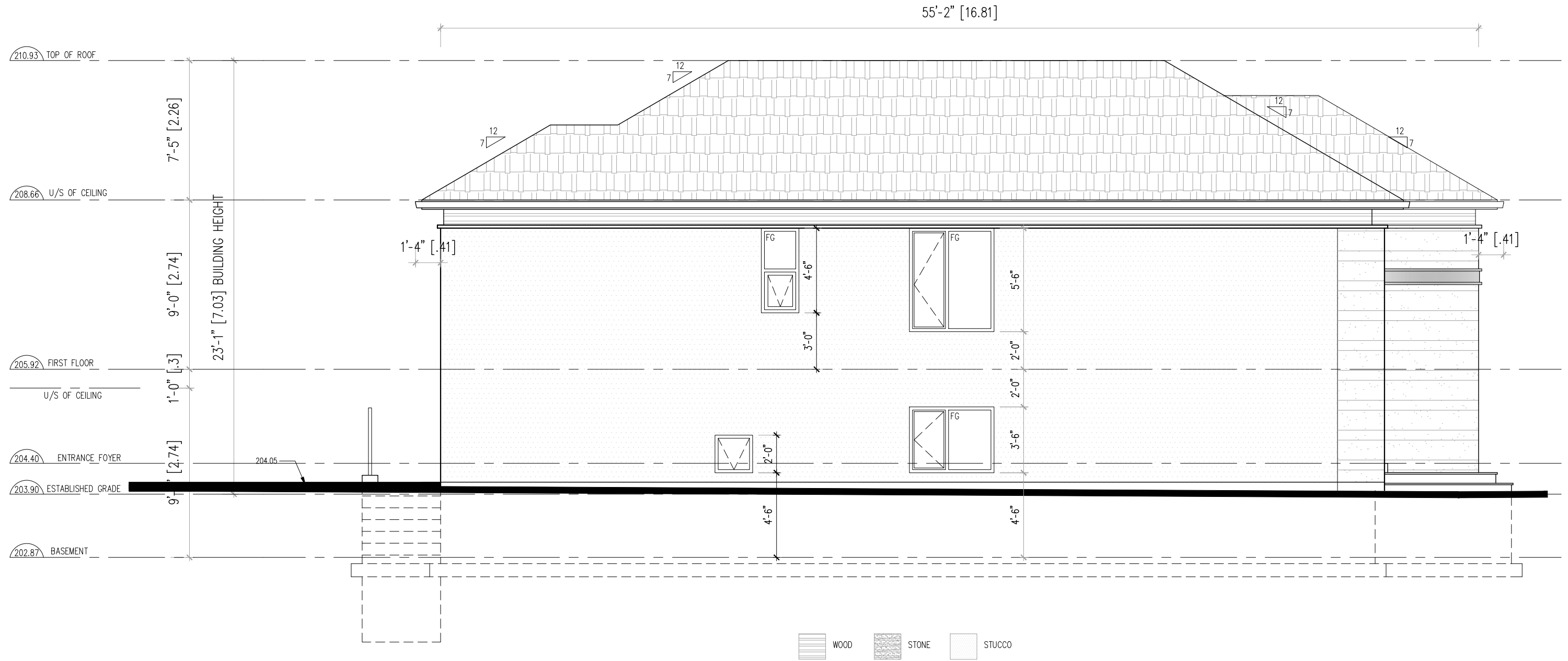
PROJ./REV. NO  
 306-20 EAST 25TH ST  
 SHEET TITLE  
 SIDE(NORTH) ELEVATION  
 SCALE: 3/16"=1'-0"  
 PROJECT  
 388 EAST 25TH STREET  
 386 EAST 25TH ST, HAMILTON, ON L8V 3B1

DWG NO.  
 A-2.3  
 11"x17" SHEET SIZE

DESIGN

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| NO. | DATE       | REVISION DESCRIPTION                     | NOTE |
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| 1   | 2021-02-01 | ISSUED FOR SEVERANCE APPLICATION         | CITY |
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STAMP \_\_\_\_\_  
 NORTH \_\_\_\_\_

PROJ./REV. NO  
 306-20 EAST 25TH ST  
 SHEET TITLE  
 SIDE(SOUTH) ELEVATION  
 SCALE: 3/16"=1'-0"  
 PROJECT  
 388 EAST 25TH STREET  
 386 EAST 25TH ST, HAMILTON, ON L8V 3B1

DWG NO.  
 A-2.4  
 11"x17" SHEET SIZE

DESIGN



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 phone: 416.850.0021  
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Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5  
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202  
 E-mail: [cofa@hamilton.ca](mailto: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-21:98

**APPLICANTS:** M. Auduong on behalf of the owner Empire Communities

**SUBJECT PROPERTY:** Municipal address **22 Hargrove Way, Stoney Creek**

**ZONING BY-LAW:** Zoning By-law 3692-92, as Amended 10-327

**ZONING:** "R4-26" (Single Residential) district

**PROPOSAL:** To permit the construction of a single detached dwelling on a vacant lot notwithstanding that;

1. The lot line measuring 19.903m being the longer lot line shall be deemed the front lot line and the lot line measuring 16.663m being the shorter lot line shall be deemed the side lot where as the zoning By-law states that in the case of a corner lot, the shorter lot line that abuts the street shall be deemed to be the front lot line and the longer lot line that abuts the street shall be deemed to be the side lot line.

Notes: No elevation plans provided from which to determine compliance. The applicant shall ensure that the maximum permitted 11.0m is not exceeded; otherwise, further variances will be required.

The applicant shall ensure that the side yard abutting the flankage street conforms. The site plan shows a setback of 1.86m to the closest part of the building from the flankage side lot line. The zoning By-law permits bay windows either with or without foundations may project into any required front, rear, or flankage yards a distance of not more than 0.9 metres. However, insufficient details are provided to confirm compliance; as such, further variances may be required.

Eaves or gutters, for other than an accessory building, may project into any required yard a distance of not more than 0.5 metres. Insufficient details were provided from which to determine compliance; as such, further variances may be required.

The parking space size located within a garage shall have a minimum width of 2.75 metres and have a minimum length of 6.0 metres. Insufficient details were provided from which to determine compliance; as such, further variances may be required.

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

SC/A-21:98  
Page 2

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**DATE:** Thursday, April 22nd, 2021  
**TIME:** 2:55 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)  
To be streamed at  
[www.hamilton.ca/committeeofadjustment](http://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:

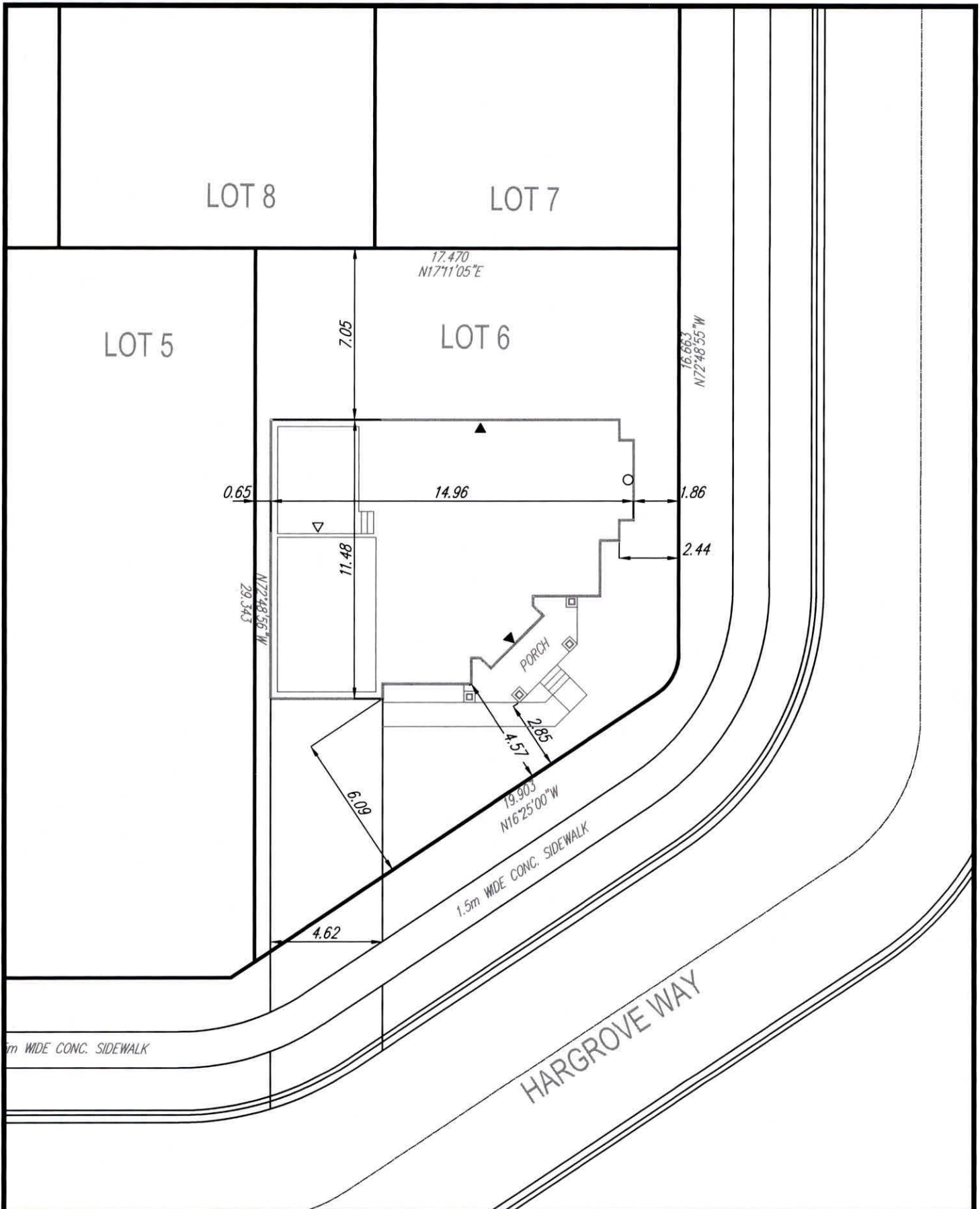
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: April 6th, 2021.

---

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.***



**Lot 6 - Site Plan**  
 Victory Phase 5, Hamilton ON

SCALE:  
 1:200



DATE:  
 Mar 2021



March 9, 2021

City of Hamilton  
71 Main Street West, 5th Floor  
Hamilton, Ontario, L8P 4Y5  
Attention: Jamila Sheffield, Committee of Adjustment Secretary-Treasurer

Re: Empire Communities – Victory Residential Subdivision - Nash Neighbourhood  
22 Hargrove Way. Minor Variance Application – Phase 5 – Lot 6, 62M-1244

---

Mrs. Sheffield,

On behalf of our client Empire Communities, we are pleased to submit for your consideration, an Application for a Minor Variance in order to facilitate developing lot 6 within Phase 1 of the Victory Subdivision.

In support of the Minor Variance application, enclosed are the following items:

- 2 copies of the Signed Application Form and Cost Acknowledgement Agreement;
- Fee of \$3,320;
- 2 copies of the Lot Site Plan, including dimensions, for Lot 6;
- Comments dated February 22, 2021 from the Building Division;

#### Site History

The Victory Subdivision was approved through a settlement at the Ontario Municipal Board in 2010. Through the settlement, the entire 23-hectare subdivision was draft-approved (see **Figure 1**). To-date, Phases 1, 2 and 3 have been constructed and occupied. House Construction on Phase 5 is ongoing.

The OMB approval zoned the subject lands to facilitate the residential development. The following zones, with exceptions, were approved in the subdivision:

- Multiple Residential "RM2-20(H)"
- Multiple Residential "RM3-38(H)"
- Multiple Residential "RM2-20"
- Single Residential "R4-26"
- Single Residential "R4-27"
- Single Residential "R4-28(H)"
- Multiple Residential "RM2-26"

Phase 5 has been registered in December 2017. This phase designated as "Medium Density Residential 2" and zoned as "R4-26" through By-law 10-327 (Amendment to Zoning By-law No. 3692-92 of the former City of Stoney Creek). (see **Figure 1**)









**Request for Minor Variance**

During the review of the proposed building for lot 6 (Permit Application Number 21-105522-00 R9), the Building Division provided some preliminary comments dated February 22, 2021. The comments identified certain provision with regard to lot frontage for which a minor variance would be required to seek relief from the "R4-26" Zone. This application is being made pursuant to this comment.

Lot 6 on plan number 62M-1244 is a corner lot and located on Hargrove Way. This lot, has 2 lot lines fronting Hargrove Way per below:

- North lot line with length of 16.63 m
- East lot line with length of 19.90 m

Per the City of Stoney Creek Zoning By-Law No. 3692-92 (consolidated October 2020), In the case of a corner lot, the shorter lot line that abuts the street shall be deemed to be the front lot line and the longer lot line that abuts the street shall be deemed to be the side lot line.

*Variance #1 – For Lot 6, to permit the longer lot line with a length of 19.90 m as the Front Lot Line; whereas the shorter lot line with a length of 16.63 is defined as the Front Lot Line under the zoning By-law.*

By defining the eastern (longer) lot line as Front Lot Line, the proposed building orientation at Lot 6 will be same as other lots in the block, and also will support the consistency of block's streetscape.

Should the application be approved, all setbacks requirements will be met.







**Rationale**

We believe the requested variances meet the four tests under the Planning Act:

**1. The application meets the intent and purpose of the Official Plan;**

- The proposed development represents a low-density form of housing, as envisioned in City policies to provide opportunities for a full range and mix of low, medium and high-density housing are provided within the Neighbourhood. The proposed use is permitted under the Official Plan policies.

**2. The application meets the intent and purpose of the Zoning By-law;**

- This variance asks for identifying the longer lot line as front lot line in this corner lot case. All zoning provisions/requirements such as minimum required setbacks at front, rear and side yards will be met should the application be approved.

**3. The application is considered to be desirable for the appropriate development of the property;**

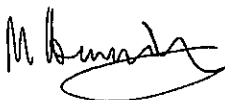
- The proposed building foot print represent an efficient use of land. The massing and orientation of building, provide sufficient/efficient GFA and functional space as front and rear yard area.
- In addition, proposed orientation of the building will be consistent with block streetscape.

**4. The application is considered to be minor in nature.**

- The variance is required as a result of the Zoning By-law definition of a "Front Lot Line". However, with the approval of the Minor Variance, the orientation of the dwelling will be consistent with the streetscape and adjacent dwellings.

Thank you for your consideration. Should you have any questions or comments, please feel free to contact me at 416-444-3300 ext. 3002 or michael@armstrongplan.ca.

Yours Truly,



---

Michael Auduong, RPP  
Senior Planner



**Committee of Adjustment**

City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**APPLICATION FOR A MINOR VARIANCE**

|                             |  |
|-----------------------------|--|
| <b>FOR OFFICE USE ONLY.</b> |  |
| APPLICATION NO. _____       | DATE APPLICATION RECEIVED _____        |
| PAID _____                  | DATE APPLICATION DEEMED COMPLETE _____ |
| SECRETARY'S SIGNATURE _____ |  |

**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, 2                        | NAME  | ADDRESS    |                    |
|-----------------------------|---|------------|--------------------|
| <b>Registered Owners(s)</b> | EMPIRE COMMUNITIES (STONE CREEK) LTD.                         | [REDACTED] | Phone: [REDACTED]  |
|                             |   |            | E-mail: [REDACTED] |
| <b>Applicant(s)*</b>        | ARMSTRONG PLANNING AND PROJECT MANAGEMENT C/O MICHAEL AUDUONG | [REDACTED] | Phone: [REDACTED]  |
|                             |   |            | E-mail: [REDACTED] |
| <b>Agent or Solicitor</b>   |   |            | Phone: [REDACTED]  |
|                             |   |            | E-mail: [REDACTED] |

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

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

N/A



**Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled**

4. Nature and extent of relief applied for:  
IDENTIFYING LONGER LOT LINE AS A FRONT LOT LINE ON A CORNER LOT, AS IT RELATES TO LOT 6 ON PLAN 62M-1244.
5. Why it is not possible to comply with the provisions of the By-law?  
PLEASE SEE APPLICATION LETTER
6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):  
SUBJECT SITE LOCATED ON PLAN NUMBER 62M-1244, LOT 6  
MUNICIPAL ADDRESS: 22 HARGROVE WAY, HAMILTON
7. PREVIOUS USE OF PROPERTY  
Residential  Industrial  Commercial   
Agricultural  Vacant   
Other \_\_\_\_\_
- 8.1 If Industrial or Commercial, specify use N/A
- 8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?  
Yes  No  Unknown
- 8.3 Has a gas station been located on the subject land or adjacent lands at any time?  
Yes  No  Unknown
- 8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?  
Yes  No  Unknown
- 8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?  
Yes  No  Unknown
- 8.6 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
- 8.7 Have the lands or adjacent lands ever been used as a weapon firing range?  
Yes  No  Unknown
- 8.8 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
- 8.9 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

8.10 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

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

PREVIOUS ENVIRONMENTAL STUDIES

8.12 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

**9. ACKNOWLEDGEMENT CLAUSE**

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

March 9, 2021  
Date

  
Signature Property Owner

EMPIRE COMMUNITIES  
(STONE CREEK) LTD.

Print Name of Owner

10. Dimensions of lands affected:

|                 |                          |
|-----------------|--------------------------|
| Frontage        | <u>16.663 m</u>          |
| Depth           | <u>29.343 m</u>          |
| Area            | <u>400 m<sup>2</sup></u> |
| Width of street | <u>18.0 m</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: \_

N/A

Proposed

GROUND FLOOR AREA: 143.169 m<sup>2</sup>  
NUMBER OF STORY: 2  
WIDTH: PLEASE SEE ATTACHED SITE PLAN  
LENGTH: PLEASE SEE ATTACHED SITE PLAN

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

Existing:

N/A

Proposed:

FRONT - TO BUILDING: 4.57 M - TO GARAGE 6.09 M  
REAR: 7.05 M  
INTERIOR SIDE: 0.65  
EXTERIOR SIDE: 1.86

13. Date of acquisition of subject lands:  
2005
14. Date of construction of all buildings and structures on subject lands:  
N/A
15. Existing uses of the subject property:  
VACANT
16. Existing uses of abutting properties:  
VACANT/RESIDENTIAL
17. Length of time the existing uses of the subject property have continued:  
3 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:  
DESIGNATED Medium Density Residential 2 - (STONEY CREEK SECONDARY PLANS (Nash Neighbourhood))
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
ZONED: R4-26 - (By-law 10-327 (Amendment to Zoning By-law No. 3692-92 of the former City of Stoney Creek))
21. Has the owner previously applied for relief in respect of the subject property?  
 Yes  No  
If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?  
 Yes  No
23. Additional Information
24. 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.  
  
LOT SITE PLAN ATTACHED





Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5  
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202  
 E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

# NOTICE OF PUBLIC HEARING

## Application for Consent/Land Severance

APPLICATION NUMBER: SC/B-21:24

SUBJECT PROPERTY: 244 Federal St., Stoney Creek

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 A.J. Clarke & Associates c/o K. Kloibhofer  
 Owner M. Muraca

**PURPOSE OF APPLICATION:** To convey a parcel of land for residential purposes and to retain a parcel of land for residential purposes. The existing dwelling shall be removed to facilitate this application.

**Severed lands (Part 1):**  
 9.1m<sup>±</sup> x 45.7m<sup>±</sup> and an area of 512m<sup>2±</sup>

**Retained lands (Part 2):**  
 9.1m<sup>±</sup> x 45.7m<sup>±</sup> and an area of 449m<sup>2±</sup>

The Committee of Adjustment will hear this application on:

**DATE:** Thursday, April 22<sup>nd</sup>, 2021  
**TIME:** 3:00 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)

To be streamed at  
[www.hamilton.ca/committeeofadjustment](http://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.

SC/B-21: 24  
PAGE 2

## MORE INFORMATION

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

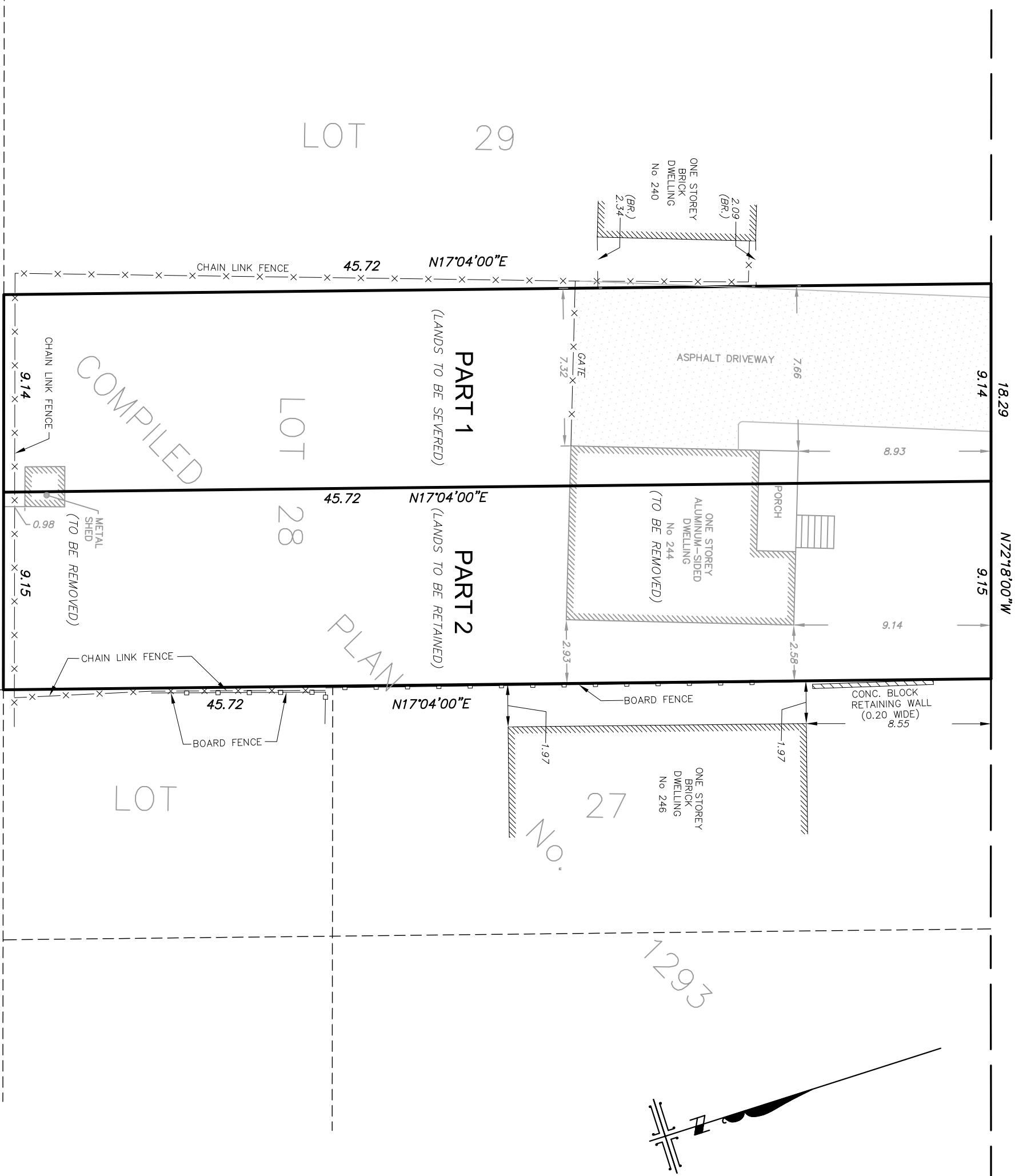
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: April 6<sup>th</sup>, 2021

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

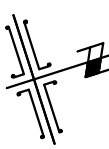
***Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions,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



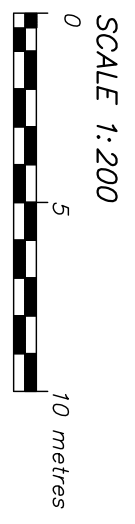
FEDERAL STREET

N72°18'00\"/>

PLAN 1293



SKETCH FOR SEVERANCE APPLICATION FOR  
244 FEDERAL STREET  
CITY OF HAMILTON



THE ABOVE NOTED LANDS ARE  
LOT 28  
REGISTRAR'S COMPILED PLAN No. 1293  
IN THE  
CITY OF HAMILTON

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

**NOTES:**  
THIS SKETCH IS PREPARED TO ACCOMPANY AN APPLICATION TO THE  
COMMITTEE OF ADJUSTMENT FOR A CONSENT TO SEVER THE LANDS  
AS SHOWN ON THE FACE OF THE PLAN.  
THIS SKETCH IS NOT INTENDED FOR REGISTRATION.  
THIS SKETCH IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL  
COPY OR CERTIFIED DIGITAL COPY ISSUED BY THE SURVEYOR.  
AREA OF PART 1 = 417.99m<sup>2</sup>  
AREA OF PART 2 = 418.09m<sup>2</sup>  
**CAUTION:**  
THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE  
USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

FEBRUARY 16, 2021  
DATE  
ATHITHAN KANAGANAYAGAM  
ONTARIO LAND SURVEYOR

**A.J. Clarke and Associates Ltd.**  
SURVEYORS • PLANNERS • ENGINEERS  
25 MAIN STREET WEST, SUITE 300  
HAMILTON, ONTARIO, L8P 1H1  
TEL. 905-528-8761 FAX 905-528-2289  
email: ajc@ajclarke.com

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PROJECT 208185R



Hamilton

**Committee of Adjustment**
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)
**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 |
|-----------------------------|---|---------|
| <b>Registered Owners(s)</b> | Miranda Muraca  |         |
| <b>Applicant(s)*</b>        | Franz Kloibhofer c/o<br>A.J Clarke &<br>Associates Ltd. |         |
| <b>Agent or Solicitor</b>   |   |         |

\* 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<br>Stoney Creek   | Lot    | Concession         | Former Township     |
| Registered Plan N°.                     | Lot(s) | Reference Plan N°. | Part(s)             |
| Municipal Address<br>244 Federal Street |        |                    | 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:

N/A

**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 lotOther:  a charge



- addition to a lot
- an easement
- 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:

N/A

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

N/A

**4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION**

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

| Frontage (m) | Depth (m) | Area (m <sup>2</sup> or ha) |
|--------------|-----------|-----------------------------|
| 9.14         | 45.72     | 512.69                      |

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: one single-family residential house

Proposed: one single-family residential house

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 <sup>2</sup> or ha) |
|--------------|-----------|-----------------------------|
| 9.15         | 45.72     | 449.80                      |

Existing Use of Property to be retained:

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

Proposed Use of Property to be retained:

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

Building(s) or Structure(s):

Existing: one single-family residential house

Proposed: one single-family residential house

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): N/A

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 proposed severance conforms to the policies within the Official Plan, as it maintains similar frontage to the neighboring lots as well as intensifies the area by providing another residential unit.

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? R6 - Residential 6

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"/> |   |

|  |                          |  |
|--|--------------------------|--|
| <b>A provincially significant wetland within 120 metres</b>    | <input type="checkbox"/> |  |
| <b>A flood plain</b>   | <input type="checkbox"/> |  |
| <b>An industrial or commercial use, and specify the use(s)</b> | <input type="checkbox"/> |  |
| <b>An active railway line</b>                                  | <input type="checkbox"/> |  |
| <b>A municipal or federal airport</b>                          | <input type="checkbox"/> |  |

## 6 PREVIOUS USE OF PROPERTY

- Residential       Industrial       Commercial  
 Agriculture       Vacant       Other (specify)

- 6.1 If Industrial or Commercial, specify use N/A
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?  
 Yes       No       Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?  
 Yes       No       Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?  
 Yes       No       Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?  
 Yes       No       Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?  
 Yes       No       Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?  
 Yes       No       Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?  
 Yes       No       Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?  
 Yes       No       Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?  
 Yes       No       Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?  
City of Hamilton Interactive Mapping
- 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 severance conforms to the policies within the Planning Act, as it maintains similar neighborhood frontage and intensifies the area with the additional of residential uses

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

The proposed severance conforms to the policies within the PPS, as it will not provide any adverse affects to the neighborhood or the surrounding area.

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

The proposed severance provides the addition of residential units, thereby intensifying the area.

- 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)

N/A

- 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)

N/A

- 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)

It will not provide any adverse affects to the surrounding neighbourhood

## 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.

N/A

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

N/A

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

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

the transferee and the land use.

N/A

8.4 How long has the applicant owned the subject land?

N/A

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.

N/A

**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.

N/A

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 N/A

Status N/A

**10 RURAL APPLICATIONS**

10.1 Rural Hamilton Official Plan Designation(s)

- |  |                                     |   |
|--|-------------------------------------|---|
| <input type="checkbox"/> Agricultural                          | <input type="checkbox"/> Rural      | <input type="checkbox"/> Specialty Crop |
| <input type="checkbox"/> Mineral Aggregate Resource Extraction | <input type="checkbox"/> Open Space | <input type="checkbox"/> Utilities      |
| <input type="checkbox"/> Rural Settlement Area (specify) _____ | _____                               | _____                                   |
|  | Settlement Area                     | Designation                             |

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm operation.

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

- |   |   |                         |
|---|---|-------------------------|
| <input type="checkbox"/> Agricultural Severance or Lot Addition                                 | } | (Complete Section 10.3) |
| <input type="checkbox"/> Agricultural Related Severance or Lot Addition                         |   |                         |
| <input type="checkbox"/> Rural Resource-based Commercial Severance or Lot Addition              |   |                         |
| <input type="checkbox"/> Rural Institutional Severance or Lot Addition                          |   |                         |
| <input type="checkbox"/> Rural Settlement Area Severance or Lot Addition                        |   |                         |
| <input type="checkbox"/> Surplus Farm Dwelling Severance from an Abutting Farm Consolidation    |   | (Complete Section 10.4) |
| <input type="checkbox"/> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 (m <sup>2</sup> 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 (m <sup>2</sup> 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 (m <sup>2</sup> 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.

N/A

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

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

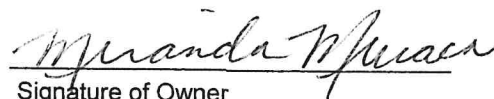
- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of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

## 13 ACKNOWLEDGEMENT CLAUSE

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

February 18, 2021

Date

  
Signature of Owner



*A. J. Clarke and Associates Ltd.*  
SURVEYORS • PLANNERS • ENGINEERS

March 12, 2021

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

Attn: Ms. Jamila Sheffield  
Secretary Treasurer, Committee of Adjustment

**Re: Severance Application**  
**244 Federal Street, Town of Stoney Creek**

---

Dear Sir,

On behalf of our client, Miranda Muraca, we are pleased to provide you with the enclosed submission in support of an application for consent to sever for the subject lands. Please find the following enclosed materials:

1. A cheque in the amount of \$2,860.00 made payable to the City of Hamilton, in payment of the requisite application fee;
2. Two (2) copies of the completed application form, including an original;
3. Three (3) copies of the severance sketch – one (1) full size and two (2) ledger size;

The proposed development consists of a severance application to sever one parcel of land from the existing lot at 244 Federal Street, in the Town of Stoney Creek. The proposed severed and retained parcels are identified as Parts 1 & 2, respectively, on the enclosed severance sketch. The existing single-detached dwelling on the subject lands will be demolished in order to accommodate the development of a new single-detached dwelling on each of the future severed and retained parcels.

The severed and retained lots as proposed in the attached severance sketch result in a minor zoning deficiency. A Minor Variance will therefore be required to permit a minimum lot frontage of 9.14m; whereas, 10m is required. It is anticipated that a Minor Variance Application will be required through a condition of the future Provisional Consent Approval. This Minor Variance Application will be submitted upon completion of the final architectural house plans to provide any necessary relief resulting from the future built form through a single application.

I trust this is satisfactory for your purposes and thank you for your co-operation in this matter. Should you have any questions or require additional information, please do not hesitate to contact our office.





Yours very truly,

A handwritten signature in blue ink, appearing to read 'F. Kloibhofer'.

Franz Kloibhofer, B.E.S (Hons), MCIP, RPP  
**A. J. Clarke and Associates Ltd.**

Encl.

Copy: Miranda Muraca